Annual Security Report

Includes NY State Requirements Article 129-A & Article 129-B

October 1, 2018
Crime Prevention/Safety Tips

Personal Safety

- Always be aware of your surroundings.
- Try to stay in well-lit areas.
- Walk confidently at a steady pace on the side of the street facing traffic.
- Walk close to the curb. Avoid doorways, bushes, and alleys.
- Wear clothes and shoes that give you freedom to move.
- Don’t walk alone at night and always avoid areas where there are few people.
- Be careful when people stop and ask you for directions; always reply from a distance.
- If you are in trouble, attract help in any way that you can. Scream, yell for help, or yell, “fire!”
- Keep your head. Stay as calm as possible, think rationally, and evaluate your options.
- If ever attacked, go to a safe place and call the police. The sooner you make the report, the greater the chances the attacker will be caught.

Home Safety

- Check the identification of any sales or service people before letting them in.
- Don’t let any stranger in your home when you are alone.
- Never give the impression that you are alone if strangers telephone or come to the door.
- If you come home and find a door open or signs of a forced entry, don’t go in. Call the police from the nearest phone.
- Keep written records of all furniture, jewelry, and electronic products. If possible, keep these records in a safe deposit box or fireproof safe.
- Secure sliding glass door locks.
- Don’t hide spare keys in mailboxes, planters, or under doormats.

Vehicle Safety

- Close all windows, lock all doors, and take the keys with you.
- Never leave your car’s engine running, even if you will only be gone for a minute.
- Park in well-lighted areas.
- Activate any antitheft devices you have.
- Push or recline your passenger seat forward; if you return to your car and the passenger seat has been returned to its normal position, chances are someone has entered your vehicle.
- When approaching your vehicle, have your keys in hand.
- Before you invest in any alarms; check with several established companies and decide what level of security fits your needs.

Travel Safety

- If you do travel alone, leave your route and destination times with family or friends.
- Keep your car locked at all times.
- Keep the windows rolled up so that a person cannot reach inside. If confronted by someone on foot, drive away immediately, if safe to do so.
- Make sure your car is in good working order and has plenty of gas before you drive.
- Don’t leave packages or valuables in plain sight in your car; keep them in your trunk.
- If you are being followed by another car, honk your horn and drive to the closest public place such as a police or fire station, restaurant, or gas station. Never go home if you think you are being followed.
- If you are involved in a minor accident, do not get out of the car until fire, police, or medical assistance arrives.
Introduction
The school campus is an important part of the local community that it serves. As in any neighborhood, it is important that all students and faculty and staff members realize that they should take every possible precaution to prevent assault and crime against themselves and others.

The administration of Jamestown Business College recognizes that its campus and additional classroom locations are part of communities and experience the risks and threats of society as a whole. Jamestown Business College has established programs and systems involving personnel, procedural methods, and physical means in order to provide as safe and secure an environment as possible on its main campus and classroom locations.

For the sole purpose of the Annual Security Report, all locations are considered On-Campus Geography. The Jamestown Business College main campus is located at 7 Fairmount Avenue, Jamestown, New York. The main campus consists of three (3) interconnected buildings, four student parking lots, one faculty parking lot, and one staff parking lot. Public property consists of areas that immediately borders and is accessible from the campus (roadway, sidewalks).

The College has an additional classroom location on the Seneca Nation of Indians Territory, 25 Center Street, Salamanca, NY, with classes housed in the Seneca Arts & Learning Center. The college also has an extension site in Dunkirk, NY, at 324 Central Avenue, Dunkirk, NY.

Jamestown Business College does not have On-Campus housing facilities.

Student Safety & Security Web Page
For more information on safety and security, check out the JAMESTOWN BUSINESS COLLEGE Student Safety & Security page at https://www.jbc.edu/about/student-safety-and-security/

The Jamestown Business College student services provide information and assistance on self-protection to students. However, each individual also must take action to utilize these crime prevention techniques.

Lack of vulnerability is the key. A criminal looks for and exploits perceived weaknesses. The less vulnerable the person, residence, or vehicle appears, the less chance of assault, loss, theft, or robbery. The information provided in this booklet is designed to inform, advise, and alert campus occupants about Jamestown Business College’s policies and procedures on crime awareness and reporting. Also, crime methodology and crime prevention techniques are provided to assist in self-protection.

General Campus Safety and Security Policies
There are two important elements in creating and maintaining protective programs and systems: an understanding by students and employees of campus crime and safety hazards, as well as methods of communication and action to reduce or eliminate security and safety threats and hazards.

Therefore, it is the policy of Jamestown Business College that all students and employees of Jamestown Business College are to report criminal acts and safety hazards or occurrences known to them. The proper reporting procedure for everyone, in the event of any concern, is to contact Jamestown Business College’s administrative staff at 716.664.5100 during normal operating hours.

In the event of an immediate threat, danger, injury, or criminal occurrence, you are advised to call the local police/fire/emergency medical service in your jurisdiction first.

Usually, these emergency services can be contacted from any telephone by dialing 9-1-1 or the local police/fire emergency numbers.

Campus Security Authorities (CSA)
In order to insure accurate and prompt reporting of crimes Jamestown Business College has designated the following positions as CSAs:

President/ Title IX Coordinator
Dean/ Deputy Title IX Coordinator
Compliance Officer/Deputy Title IX Coordinator
Student Activities Advisors
In all instances of criminal occurrence, loss of property, assault, threat, injury, or attempted crime, the Jamestown Business College Campus Security Authorities (at least one) must be contacted as soon as possible to facilitate proper reporting and resource utilization and to record the occurrence for further study and preventive action.

Reports made to the college are not public record. For criminal incidents and accident reports, Jamestown Business College will work with the local police jurisdiction to investigate when appropriate. Jamestown Business College does not have a campus police department or security officers.

Jamestown Business College encourages anyone who has knowledge of a crime to make a report of the incident to at least one of the Campus Security Authorities and the law enforcement authority with jurisdiction. All incidents related to a loss of Jamestown Business College property require a mandatory police report.

While Jamestown Business College reports are not public record, there is a voluntary confidential reporting policy and a procedure for sexual assault including dating violence, domestic violence, and stalking.

CAMPUS PERSONAL SAFETY AND SECURITY
Jamestown Business College personnel provide security information, assistance, and service to aid campus occupants in the protection process, but no person or location is 100 percent safe.

Jamestown Business College’s personnel function when it comes to crime is primarily informational and advisory. Jamestown Business College personnel are not police officers and are not empowered as such. Jamestown Business College cooperates with law enforcement agencies that have jurisdiction at its main campus and additional classroom locations.

The primary protective means used involves restricting campus access and use to only those authorized students, staff members, and employees, or their guests, for reasonable and safe purposes.

Crime Prevention
A key element of campus crime prevention is student and faculty and staff member awareness and participation to actively help ensure that our campus remain safe for all. Crime prevention utilizes the eyes and ears of the entire community to immediately report all suspicious activity to the police.

Awareness Programs for Students and Employees
Jamestown Business College prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking.

The college uses awareness programs to promote the prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. The school has established the following awareness programs:

1. All employees must complete mandated reporter training (an online pre-test, seminar and post-test), domestic/dating violence and stalking training (an interactive program with Project Crossroads), and workplace harassment training (a PowerPoint/Video and presentation).
2. All students receive a letter prior to enrollment about the Annual Security Report and the college’s compliance with the Jeanne Clery Act and VAWA.
3. All students and employees must participate in the (a) orientation/registration discussion on Bystander Intervention and (b) Domestic/Dating Violence and Stalking Awareness program (Salvation Army Anew Center and Project Crossroads).
4. The School supports the Silent Witness Program each fall and spring including domestic violence screening with the Project Crossroads team.
5. A poster and ongoing News-to-Use campaign is utilized throughout the year including a special edition News-to-Use on campus safety.

Security and Access to Campus Facilities
Each student receives a photo identification card. The card is used for a variety of purposes and the student should have it on his or her person and visible at all times when on campus.
At the Jamestown campus, this card will be used to unlock the main entrance and the courtyard door during regular school hours. If a student does not have his or her card, access will be provided by authorized JBC personnel.

At the Dunkirk site, students have keyfobs to unlock the doors.

As part of the campus’s regular maintenance program, maintenance personnel routinely inspect exterior doors and windows.

Timely Warning Policy
In the event that a situation arises, either on or off campus, that, in the judgment of the administration, constitutes a serious and/or continuing threat, a campus-wide “timely warning” will be issued. This warning may be transmitted via email, text, or by telephone to students, faculty and staff members and can also be posted on the School’s website at https://www.jbc.edu.

In the event of a major incident, the school’s emergency notification system will be used to send direct text and voice messages to the school’s community. Anyone with information that they believe may necessitate the issuance of a timely warning should report the circumstances to the President, any Campus Security Authority or any member of administration.

In order to protect a victim’s identity, a victim’s name will be withheld from timely warnings and disclosure in public records.

College Closing
If the college is closed, the President, the Dean, and the Directors will relay the appropriate directives to their areas of responsibility.

Campus Safety and Security Programs and Information Systems
Jamestown Business College uses several programs and systems to inform students and employees about campus security.

Jamestown Business College conducts tests of the emergency notification system each term. Notification prior to the test are posted in the News to Use and/or emailed to students and staff members when possible. Tests can be either announced or unannounced.

Emergency Notification System
Jamestown Business College has implemented a multi-tiered, mass notification system designed to alert the entire Jamestown Business College community in the event of an emergency.

An immediate emergency notification will be sent without delay to notify the Jamestown Business College community for any confirmed immediate threat to the health or safety of Jamestown Business College students or employees on campus. The decision to notify the community will be based on a case-by-case basis.

Warnings may only be delayed or withheld if they would compromise efforts to contain the emergency. The President will initiate the message based on the original threat assessment and confirmation.

A key element of the notification system is the ability to send voice and/or text messages to the Jamestown Business College community’s cell/mobile and home/landline phones.

All emergency notification system components are tested at the start of each term.

Jamestown Business College does not have on-campus housing facilities, so no missing student notification policies and procedures exist or are required.

Reminder for students and staff and faculty members:
It is important that you update your emergency contact information whenever your contact numbers change.

Emergency Evacuation Procedures
In the event of an emergency, the School’s notification system may be deployed to alert the campus community of the necessary actions needed to remain safe. Some basic guidelines are:

- Stay calm.
- Follow the instructions of Jamestown Business College staff and the police.
If you believe Jamestown Business College Staff and/or the police are not aware of the situation, call 9-1-1.

The President is authorized to initiate and approve all emergency notifications. The individuals responsible for sending the official notification to the campus community include, but are not limited to: the President, the Dean, and the Directors. In the event of an incident that would require the larger community to be notified, information may be sent through the Internet, local media, and local cable channels, if appropriate.

Voice, email and Text Messaging Alert System
It is important that you provide your phone number (cell or other) on the Emergency Contact Form. In the event of a campus based emergency, one of the several ways Jamestown Business College officials will contact you will be via a text message, email, or phone call to the number/email address you register with us.

For Medical Help
Call 9-1-1 and give emergency personnel:
- Your EXACT location—what building, floor, etc.
- The type of injury (bleeding, fracture, etc.)
- Your name
- Stay on the line—Police or fire personnel will request that you wait. Help will be sent, and then you will be asked for additional information.
- Once emergency medical services (EMS/fire rescue) have arrived and treated the victim, it will be the victim’s choice whether or not they want to be transported.

If You Are Rendering Help to the Injured
- Do not move the victim (unless he or she is in a dangerous area).
- If someone else is available and competent enough to use a phone, direct them, in no uncertain terms, to dial 9-1-1 and to come back and advise once they have done so. If no one else is available, dial 9-1-1 yourself before initiating any first aid.
- Restore breathing and/or heartbeat—(CPR, if trained).
- Keep others away from the victim.

Use direct pressure to control a bleeding wound.
- Know your own limitations on the type of aid you can render.
- Do not overreact.

In the Event of a Fire
- Pull the nearest fire alarm.
- Evacuate, with all other building occupants, to a safe, secure distance from the building.
- Coordinate with emergency responders in assuring that all building occupants are accounted for.
- Call 9-1-1 for the fire department, and give them your location and the following information:
  - Exact location of the fire
  - Type of fire (trash can, smoke, flames, etc.)
  - Your name

When a Police Officer is Needed
Call 9-1-1 (if emergency) and be prepared to give the following:
- Exact location
- Type of problem (disturbance, vandalism, etc.)
- Your name
- Keep other people away from the scene.
- Ensure your own personal safety and the safety of those around you. Do not approach any area where there is any suspicion of a risk or danger.
- Do not touch or disturb anything.
- If possible, get a description of the suspect, vehicle, and the license plate number.
- Attempt to keep others safe and calm.

Suspicious Package/Mail Protocol
The FBI and U.S. Postal Service authorities have issued tips for handling and reporting suspicious mail.

Characteristics of a suspicious package include:
- No return address
- Possibly mailed from a foreign country
- Excessive postage
- Restrictive markings like “Personal” or “Special Delivery”
- Misspellings in the address
- Addressed to a title rather than a person
- Badly typed or written
- Uneven in shape
- Rigid or bulky packaging
- Strange odor
- Oily stains, discoloration, or crystallization on the packaging
- Excessive tape or string
- Arrives from someone unfamiliar to you
- Protruding wires
- The city or state in the postmark does not match the return address

**If you receive a suspicious package or envelope, here's what you should do:**
- Do not move it.
- Do not open, smell, or taste it.
- Don't shake or bump the item.
- Isolate the package.
- Stay away and keep others away from the suspicious package.
- Wash your hands vigorously for five minutes with soap and water. Call 9-1-1.

**Chemical Emergency**
- Call 9-1-1
- Notify your supervisor.

**Spill and Leak Response**
- Evacuate the area.
- Remove potential sources of ignition.
- Stay away until given the “all clear.”
- MSDS provides specific instructions.

**If Exposure Occurs**
If you are exposed through:
- Inhalation—move to fresh air
- Eyes—flush with water for 15 minutes
- Skin—wash with soap and water
- Swallowing—seek immediate medical help

If a co-worker is exposed
- Identify hazardous chemicals in use
- Refer to labels and MSDS for specifics
Identity Theft

Don’t be a Victim
Protect your good name from bad people.
If your wallet or purse is ever stolen, call the police.

Call to cancel your credit cards

- **MasterCard** .................. 800-627-8372
- **Visa** .................. 800-847-2911
- **American Express** .................. 800-528-4800
- **Discover** .................. 800-347-2683
- **Diners Club** .................. 800-234-6377
- **Federal Trade Commission** ........ 877-ID-THEFT (877-438-4338) and/or 877-FTC-HELP (877-382-4357) (to report ID theft)

Other important numbers
- **Social Security Administration** ........ 800-772-1213 (to replace your card)

Important Web sites for safety tips and other information
- [https://www.troopers.ny.gov/](https://www.troopers.ny.gov/)

A Security Fraud Alert may be added to alert potential creditors to confirm your identification before granting credit in your name. Security alerts are generally added when you suspect that your identification information is being, or could be, used in a fraudulent manner. Send a written statement to all three credit organizations detailing the fraud.

Here are the three national credit reporting organizations

- **Experian Information Solutions, Inc.**
  - [https://www.experian.com](https://www.experian.com)
  - P.O. Box 2002, Allen, TX 75013
  - 888-397-3742
  - Security Fraud Alert 800-311-4769

- **Transunion (formerly TRW)**
  - [https://www.transunion.com](https://www.transunion.com)
  - P.O. Box 2000, Chester, PA 19022
  - 800-916-8800
  - Security Fraud Alert 800-680-7289

- **Equifax Credit Information Services, Inc.**
  - [https://www.equifax.com](https://www.equifax.com)
  - P.O. Box 740241, Atlanta, GA 30374
  - 800-685-1111
  - Security Fraud Alert 866-349-5191
General Security
- Lock doors at all times (residence and vehicle).
- Do not prop doors open.
- Exercise, travel, or jog with a friend or partner.
- Be aware of unusual or suspicious people or conditions.
- Stay in well-lit areas of the campus.
- Call the local police (9-1-1) if danger is suspected or if you are threatened.
- Good locks on windows and doors make it difficult for assailants and burglars to get in. Make sure you always use the security measures available.
- When you are at home, pull down your shades or curtains when it is dark out. If you let someone in and then have second thoughts, be assertive and demand that the person leave—or you leave. Call a friend or neighbor to come over. Pretend you are not alone; mention a friend or family member asleep in the next room. Anyone who refuses to leave is a trespasser, and you should call the local police (9-1-1) to have him or her removed.
- Make sure hallways, entrances, garages, and grounds are well lit.
- Leave porch lights on all night.
- When away from home for the night, or when you expect to return after dark, leave an interior light on in a room or two, with shades drawn. Leave a television or radio on to give the impression that someone is at home.
- Install a peephole in your door, if your landlord approves.
- When someone is at your door, never open it until you know who is there.
- Repair and sales people, police, and survey takers carry identification.
- Ask to see it, and if you have any doubt or question, call the company to verify the person’s identity before you permit entry.
- No solicitation is allowed on any Jamestown Business College campus or facility without the permission of the Jamestown Business College administration.

The following are more general security tips:
- If someone wants to use the phone, make the call for him or her without opening the door.
- Get to know your neighbors so you can get help if necessary. Be familiar with who is coming and going in the neighborhood.
- List initials and last name only on your mailbox or door. Consider not listing your address in the phone book.

Safety Tips
All students and employees of the Jamestown Business College campus are to report criminal acts and safety hazards or occurrences known to them as soon as possible. All students and employees may report safety concerns to the Jamestown Business College Campus Security Authorities.

It is also advised that, if a student or employee is off campus and a safety issue arises, he or she should call the police, fire, or emergency medical service in that jurisdiction.

These resources may be contacted by dialing 9-1-1.

The following list has safety tips that students and employees should use while traveling to and from campus.
- Lock all doors in your vehicle at all times.
- While on-site, do not prop any doors open.
- Travel in pairs, particularly to and from your vehicle or transit mode.
- Do not leave valuables in vehicles.
- Park in areas where there is adequate lighting.
- Use the buddy system while traveling to and from your car and/or to other site facilities, if at all possible.
- Report all unusual or suspicious people or conditions to site coordinators, risk management, and security personnel.
- Read all safety bulletins in order to be alerted to potential safety hazards, risks, or concerns.
- Be alert to individuals loitering or hanging around.
- Have your keys out and ready to open your vehicle door when exiting any building.
- Minimize carrying packages, wearing expensive jewelry, and/or carrying large amounts of cash while working and/or commuting.
- Report any areas, such as hallways, entrances, garages, or grounds that are
not well lit to the site manager, or campus director.

- Always ask for identification before admitting individuals to secured work areas.
- Avoid giving out personal data over the phone.
- If you feel uncomfortable, trust your intuition, do not enter an area with a stranger.
- If your vehicle is disabled (e.g., a flat tire) when you leave work/school, seek help by phone or at the nearest business. Attackers will often disable victims’ cars in order to make the drivers more vulnerable.
- Check the back seat and underneath your vehicle before unlocking and entering the vehicle.
- If you are traveling by bus, use care when getting off the bus in an isolated area. Make yourself aware of the area and any individuals who may be following you when you exit or enter the bus.

If you are a victim of a crime, immediately report the crime to the local police department.

This is not an all-inclusive list; however, Jamestown Business College’s primary concern is the safety of its students, faculty, and staff members.

These tips are designed to alert students, faculty, and staff members to safety concerns and issues. Students are encouraged to use common sense at all times. If something does not appear to look right, it is probably not right—trust your intuition. Students should report unusual or suspicious situations immediately and proceed with caution.

Survival Is the Goal
Prevention measures can reduce the risk of attack, but they are not 100 percent effective. What can you do if you are attacked? There is no ready answer because each situation is different. Recent studies show that an immediate aggressive response will be twice as likely to increase the possibility of escape but can aggravate the situation. Submitting does not guarantee that violence will not occur, however.

Evaluate the situation for possible ways of escape. If one method does not work, try another. Often, victims have tried several different escape ideas before one worked.

Annual Disclosure of Crime Statistics
Jamestown Business College provides annual crime statistics in compliance with the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act. These statistics include reports from the school, other school officials, and the law enforcement agency in the city or locations where the Jamestown Business College campus or classrooms are located, if the police agency supplies the data.

Jamestown Business College’s President is responsible for obtaining crime statistics. The Compliance Officer is responsible for the compiling and distribution of the Annual Security Report. Crime statistics are requested on a yearly basis from local law enforcement agencies.

Each year, an email notification will be sent to all enrolled/active students and faculty and staff members that provide the Web link to access this report. Printed copies are available in the Compliance office.

Crime Statistics
The statistics in the ASR are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law (the Clery Act).

The FBI’s UCR program is a nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal and Federal law enforcement agencies voluntarily report data on crimes brought to their attention.

The “Hierarchy Rule” will be used for reporting crime statistics. Under this rule, when more than one offense is committed during a single incident, only the more serious offense will be recorded. Sex offenses are an exception to the Hierarchy Rule.

School Sexual Assault Policy
The purpose and scope of the Sexual Assault Policy is to establish a policy and definitions concerning sexual assault. This policy applies to all members of the college community.
This copy of the Annual Security Report provides important information on sexual assaults and is considered an integral part of the institution’s campus sexual program to prevent sexual assault. Additional information on the prevention of sexual assault is available in the Compliance or Dean’s offices.

Completing a report with Jamestown Business College Administrative Personnel does not commit the student to any subsequent course of action.

Confidentiality is a critical concern for victims of sexual assault. Student victims frequently express fear that family, friends, professors, police, and/or press will learn of their experience. Insofar as it does not interfere with the School’s legal or ethical obligations, the School will honor the victim’s choices regarding additional reporting and follow-up.

While options and alternatives will be presented and discussed, final decisions are left to victims unless they are too seriously injured to make their own decisions. Jamestown Business College does not have trained sexual counselors to assist students with sexual assault incidents but will direct students to the proper authorities.

**POLICY:** It is the policy of Jamestown Business College that no person, including a student or employee, may threaten the health and safety of a member of the School community, or any person on School property or at a School sponsored or supervised activity, through the commission of sexual assault, including rape, acquaintance rape, dating violence, domestic violence and stalking.

1. **DEFINITIONS:** The School recognizes the New York state statute and any state statute or regulation as appropriate for the particular location. Additionally, Jamestown Business College acknowledges rape and acquaintance rape, dating violence, domestic violence, and stalking in its definition of sexual assault.

**Affirmative Consent** is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.

**Sexual Assault** is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.

**Rape** is defined as penetration, no matter how slight, of the vagina or anus with body part or object, or oral penetration by a sex organ or another person, without consent of the victim.

**Acquaintance Rape** is defined as forced, manipulated, or coerced sexual intercourse by a friend or acquaintance. It is an act of violence, aggression, and power, in which the victim, under protest or without consent, is forced to experience a sexual act through verbal coercion, threats, physical restraint, and/or physical violence.

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

**Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting parties statement and with consideration of the following factors: (1) length of relationship, (2) the type of relationship, (3) the frequency of interaction between the persons involved in the relationship.

**Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

**Domestic Violence** is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in
common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of NYS, or any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or to suffer substantial emotional distress. (Course of Conduct: “two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property.)

Reasonable Person is a person under similar circumstances and with similar identities to the victim.

Substantial Emotional Distress is significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

3. CONSIDERATION AND RIGHTS TO BE AFFORDED TO ALL CAMPUS COMMUNITY MEMBERS REGARDING THE SEXUAL ASSAULT:
A. The right to have all sexual assaults against them treated with seriousness; and the right, as victims, to be treated with dignity.
B. The right to have any sexual assault committed against them investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crimes occurred; and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities.
C. The right to be free from pressure that would suggest that victims (1) not report crimes committed against them to civil and criminal authorities or to the campus safety and disciplinary officials; or (2) report crimes as lesser offenses than the victim perceives them to be.
D. The right to be free from suggestions that sexual assault victims not report, or under-report, crimes because (1) victims are somehow "responsible" for the commission of crimes against them; (2) victims were contributorily negligent or assumed the risk of being assaulted; or (3) by reporting crimes, they would incur unwanted personal publicity.
E. The right to the full, prompt, and reasonable cooperation from campus personnel in responding to the incident.
F. The right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent unwanted contact with, or proximity to, alleged assailants after an assault is reported, if requested and reasonably available. This includes the change of the academic schedule and living arrangements if possible.
G. The entitlement of both accuser and accused to the same opportunities to have others present during a disciplinary proceeding.
H. The right of both accuser and accused to be informed of the outcome of any School disciplinary proceedings.

4. DISCIPLINARY ACTION: In addition to any criminal or civil actions that may be pending or in progress the School reserves the right to pursue separate disciplinary action. People found responsible for sexual assault may expect disciplinary actions that could include suspension or dismissal from the School. Disciplinary proceedings will follow the College’s grievance procedures. Students can expect that the investigation will be prompt, fair, and impartial. A preponderance of evidence will be used in the decision making. Students will be afforded all provisions outlined in the College Student Handbook.

5. EDUCATION AND INFORMATION: The School, through the student orientation process, the classroom, and Project Crossroads, provides primary and prevention educational and informational programs and materials regarding awareness of rape, acquaintance rape, dating violence, domestic violence, stalking, and other sexual offenses. This information
is provided through scheduled and on-demand programs.

6. BYSTANDER INTERVENTION AND RISK REDUCTION:
Bystanders are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. They are individuals who are present and thus potentially in position to discourage, prevent, or interrupt an incident. Students are encouraged to utilize the following bystander intervention and risk reduction strategies:
- Treat others with respect.
- Educate yourself and friends.
- Voice your disapproval of violent behaviors.
- Speak up when you hear others blaming a victim.
- Don’t laugh at sexist comments and jokes.
- Look out for your friends at parties.
- Attend awareness trainings or events.
- Do try to help a friend, but do not put yourself in harm’s way.
- Call for help.
- Use the campus resources.
- Tell someone else.
- Be a good listener.
- Ask a friend if he/she wants to leave a situation.
- Make sure victim gets home safely.

7. ANTI-REPTALIATION
No officer, employee, or agent of Jamestown Business College shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under the Clery Act.

8. JAMESTOWN BUSINESS COLLEGE AND THE LOCAL POLICE:
Report all crimes to both Jamestown Business College Administrative Personnel and to the local police.

Completing a report with Jamestown Business College Administrative Personnel does not commit the student to any subsequent course of action.

Confidentiality is a critical concern for victims of sexual assault. Student victims frequently express fear that family, friends, professors, police, will learn of their experience. Insofar as it does not interfere with the School’s legal or ethical obligations, the School will honor the victim’s choices regarding additional reporting and follow-up.

While options and alternatives will be presented and discussed, final decisions are left to victims unless they are too seriously injured to make their own decisions.

If any crime happens on campus call the local police and then report the crime to Administrative personnel. The primary concern is the safety and well-being of the person who has been assaulted. Second and third concerns are the apprehension of the assailant and preservation of evidence of the crime.

When police officers arrive, they can assist the victim in obtaining medical assistance, if necessary. At this time, the only information needed is a brief account of what happened, a physical description of the assailant, and the assailant’s direction of travel.

Later, a more detailed interview will take place. The sooner the crime is reported, the better the chance that the assailant will be caught. Preserving physical evidence will increase the chance of prosecuting the assailant. The police may ask for clothing and other items to check for evidence.

If the victim does not want to file an official police report of the incident, he or she can still provide the police with information about the assault. This information may help the police arrest the assailant and prevent another assault. Information may be provided directly or through a friend or advocate.

Help is available from the state attorney’s office for victims with questions or doubts about prosecution.
Sex Offender Registry and Access to Related Information
Incarceration may temporarily remove a sex offender from the streets, but it does nothing to prevent the offender from committing another crime when released.

The federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where to obtain law enforcement agency information concerning registered sex offenders.

It also necessitates that sex offenders, already required under state law to register in a state, provide notice to each institution of higher education in that state where he or she is employed, carries on a vocation, volunteers services, or is a student.

New York State maintains a system for making certain registry information on violent sex offenders publicly available by means of the Internet. The information made available includes the offender’s name; all aliases that he/she has used or under which he/she may have been known; his/her vital statistics including date of birth, race, sex, hair color, eye color, height, and weight; last reported address; type of crime and a photograph.

The pertinent website address for securing related information is: http://www.criminaljustice.ny.gov/nsor/

Procedures to Follow After an Assault
Victims of sexual assault or rape are strongly encouraged to report the incident in order to deter these assaults and to ensure that victims receive the services they need. Steps should be taken to help deal with the physical and emotional trauma:

1. Get to a place where you feel safe. Call 911.
2. Preserve all physical evidence. Do not shower, bathe or douche and save all articles of clothing worn.
3. Report a sexual assault on campus to the Dean or local leadership.
4. Under police supervision attend to injuries at hospital. Victim should be treated and an examination completed to document and collect physical evidence of the assault.
5. Seek professional counseling. This can help in the recovery from the psychological effects of the assault.

Please refer to the Resources for Victims of Sexual Offenses section of this document for a list of local resources that will provide immediate advice and assistance to victims of sexual assault or rape.

Resources for Victims of Sexual Offenses
Jamestown Business College does not have sexual assault counseling resources on campus. The following local resources will provide immediate advice and assistance for victims of sex offenses:

Project Crossroads
(716) 483-7718

Rape & Abuse Hotline
(800) 252-8748

Mental Health Crisis Intervention
(800) 724-0461

UPMC Chautauqua W.C.A. Hospital
(716) 487-0141

The New York State Police
Jamestown: (716) 665-3113
Fredonia: (716) 679-1521

The Salvation Army Anew Center / Domestic Violence Programs
(716) 661-3894
Hotline: 1-800-252-8748

Cattaraugus County 24 Hour Crisis Hotline
(716) 339-5209

New York State Domestic Violence Hotline
(800) 942-6906
Bi-Lingual (800) 942-6908

National Domestic Violence Hotline
(800)799-SAFE (7233)
Firearms or Other Weapons Strictly Prohibited on Campus

Weapons Policy Applies To:
all students, faculty, and staff members of Jamestown Business College as well as individuals visiting or conducting business on the property.

For purposes of this policy, School property includes any facility that is owned, leased, or operated by the school. Examples of School property include, but are not limited to, any Jamestown Business College campus or classroom location, Field Trip Venue, parking areas, and School-owned vehicles. This policy also applies to School sponsored or supervised events, whether conducted on or off campus. Examples of such events include graduation ceremonies, receptions, meetings, conferences, and seminars.

Purpose
Jamestown Business College prohibits the possession and control of weapons, firearms, and dangerous devices except as provided in the following paragraphs.

Weapons are potential safety hazards, threaten to interfere with the teaching and learning process, and are incompatible with the objective of preventing violence. Accordingly, the purpose of this policy is to ensure a safe and secure School environment.

Jamestown Business College is committed to providing an environment that is violence free.

Definitions
Weapons: For the purpose of this policy, the term “weapon” or “weapons” means any object, device, or instrument that is designed as a weapon; or through its use, is capable of threatening or producing bodily harm; or which may be used to inflict self-injury including, but not limited to: nun

1. Any firearm as that term is defined below
2. Ammunition for any firearm.
3. Any object or device which propels or shoots, or that is capable of propelling or shooting, a projectile that could cause bodily harm including, but not limited to: BB guns, pellet guns, air rifles, paintball guns, tear gas launchers, sling shots, dart guns, flare guns, blow guns, spear guns, slings, bows and/or arrows, and/or crossbows.
4. Any throwing device that could cause bodily harm and is normally intended for such purpose, including, but not limited to, spears, throwing sticks, clubs, maces, throwing knives, and throwing stars.
5. Destructive or incendiary devices and their accelerants, fuses, igniters, blasting caps and/or timing devices, including, but not limited to, gun powder, explosives, bombs, improvised explosive devices, pipe bombs, letter bombs, gas bombs, plastic explosives, chemical explosives, detonators, fireworks, flash-bang devices, grenades, mines, rockets and/or missiles (and any plans or diagrams for the construction of any of the above devices).
6. Poisons, chemicals, acids, and toxins—except those that are marketed for nonviolent and nonthreatening purposes and are being used for nonviolent and nonthreatening purposes, or those that are being used in laboratory or coursework (mace and tear gas are prohibited under this section; chemical sprays such as pepper spray, of not more than two ounces, may be used for personal self-defense to the extent permissible by law).
7. Edged or piercing blades such as knives; swords; axes; sword canes; dirks; daggers; switchblades; or any other piercing, slashing, cutting, or bladed instrument greater than three (3) inches in length (excluding ordinary pocket knives or plastic knives, blunt-bladed table knives, or kitchen knives in designated food-preparation areas)
8. Blunt or striking instruments such as nightsticks, batons, clubs, fighting sticks, staves, and brass knuckles, as well as all traditional martial arts weapons (such as, but not limited to, sais, kamas, nunchaku, swords, and tonfa).
9. Stunning or immobilizing devices such as Tasers, electronic conducive devices (whether contact or dart firing), tear gas, nerve gas, and biological or chemical agents.
10. Slashing or lashing instruments such as, but not limited to, whips.
11. Traps and spring guns
12. Replicas, toys, models, miniaturized, or ceremonial versions of any of the above, when exhibited or used for the purpose of
Firearm: For the purpose of this policy, the term “firearm” means any weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; and any firearm muffler or firearm silencer. Examples of firearms include, but are not limited to, handguns, machine guns, pistols, revolvers, rifles, shotguns, or other firearms of any nature.

Law Enforcement Officials: For the purpose of this policy, the term “law enforcement officials” means:

1. All officers or employees of the United States or the state of New York, or any agency, commission, department, board, division, county, city, town, municipality or subdivision thereof who have authority to make arrests.

2. Officers or employees of the United States or the state of New York, or any agency, commission, department, board, division, county, city, town, municipality or subdivision thereof, special district, or other governmental authorities licensed and authorized as a condition of employment to carry a concealed weapon.

3. Members of the Armed Forces of the United States, the organized reserves, state militia, state defense force, or New York National Guard when on duty; preparing themselves for, going to, or coming from military duty; or under orders.

4. An employee of the state prisons or correctional systems who has been so designated by the Department of Corrections.

5. All state attorneys and United States attorneys and their respective assistants and investigators licensed and authorized as a condition of employment to carry a concealed weapon.

New York State Statutes-Firearms

Article §265.01, New York Law categorizes possession of a firearm in school as a class E felony.

Policy

1. Except as expressly provided herein, it is strictly prohibited for any Jamestown Business College student, staff member, faculty member, or any individual visiting or conducting business on School property or at a School sponsored or supervised event to knowingly, intentionally, deliberately, or inadvertently introduce, possess, store, use, purchase, sell, or exchange any weapon, as defined herein, while on any School Property or at any School sponsored or supervised event. This prohibition includes weapons stored on one’s person; in a motor vehicle; or in an office, or any building on School property.

2. This policy does not prohibit

   a. Weapons carried by law enforcement officials or other state or federal agents authorized by their governmental agency to carry weapons.

   b. Legitimate work tools required to complete work on campus.

3. The President may grant exceptions to this policy to allow an individual to possess a weapon for the conducting of School-approved academic programs or training exercises or other School-approved activities or practices and in other special circumstances. An exception may only be granted with the express written permission of the President.

   Any request for an exception to this policy must have sufficient detail to fully describe the purpose or objective of having a weapon on School property or at a School sponsored or supervised event, the time period during which the weapon will be on School property or at a School sponsored or supervised event, what use will be made of the weapon while on School property or at a School sponsored or supervised event, and where and for how long the weapon will be stored. Any exception granted by the President must be in writing, shall specify any limitations on use and possession of the weapon, and must address the issue of storage of the weapon.

4. Any violation of this policy is a serious offense. Any violation of this policy by any individual is considered serious misconduct and may subject the violator to penalties including, but not limited to, discipline up to and including termination under this and any other applicable Jamestown Business College policy. This may result in discipline up to and including dismissal from the
School; notification of local law enforcement officials for police response and action; or issuance of a written directive from the President barring future access to or entry upon School property or at a School sponsored or supervised event.

Any person who becomes aware of a violation of this policy must notify the President immediately. Failure to notify the President of a violation of this policy constitutes misconduct and may result in disciplinary action up to and including expulsion in the case of a student, termination in the case of an employee, and eviction from School property or at a School sponsored or supervised event in the case of a person visiting or conducting business on School property or at a School sponsored or supervised event, as well as notification of local law enforcement for police response and action. Additionally, in the case of an individual visiting or conducting business on School property or at a School sponsored or supervised event that individual may be issued a written directive from the President barring future access to or entry upon School property or at a School sponsored or supervised event.

Alcohol and Drug Use Policies
Jamestown Business College has established rules and regulations on the use and abuse of drugs and alcohol on the College’s campus and at School events. Violation of the Alcohol and/or Drug Use Policies can lead to suspension for students and termination for employees of JBC.

The unlawful manufacture, distribution, dispensation, possession, or use of drugs and the abuse of alcohol are prohibited in and on Jamestown Business College owned or controlled property and as a part of any activities. No Jamestown Business College employee or student is to report to work or school while under the influence of drugs or alcohol.

The enforcement of federal, state, and local laws pertaining to underage drinking; possession, use, and sale of drugs; and any other criminal occurrences is referred to the law enforcement agency having jurisdiction.

Jamestown Business College has adopted the Drug-Free Schools and Campuses Policy. This policy complies with the Drug-Free Schools and Communities Act (Pub.L.No.101-226, title 34 C.F.R., part 86) and includes a description of drug and alcohol abuse education and resource programs and agency locations.

New York Underage Drinking Laws
The Alcohol Beverage Control Law also weighs in on possession with intent to consume alcohol by minors. Unlawful possession of alcohol by a minor is prohibited under §65-c. (1)

1. Except as hereinafter provided, no person under the age of twenty-one years shall possess any alcoholic beverage, as defined in this chapter, with the intent to consume such beverage.

2. A person under the age of twenty-one years may possess any alcoholic beverage with intent to consume if the alcoholic beverage is given:
   a. to a person who is a student in a curriculum licensed or registered by the state education department and the student is required to taste or imbibe alcoholic beverages in courses which are a part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during class conducted pursuant to such curriculum; or
   b. to the person under twenty-one years of age by that person’s parent or guardian.

3. Any person who unlawfully possesses an alcoholic beverage with intent to consume may be summoned before and examined by a court having jurisdiction of that charge; provided, however, that nothing contained herein shall authorize, or be construed to authorize, a peace officer as defined in subdivision 33 of §1.20 of the criminal procedure law or a police officer as defined in subdivision 33 of §1.20 of such law to arrest a person who unlawfully possesses an alcoholic beverage with intent to consume. If a determination is made sustaining such charge the court may impose a fine not exceeding fifty dollars and/or completion of an alcohol awareness program established pursuant to §19.25 of the mental hygiene law and/or an appropriate amount of community service not to exceed thirty hours.
4. No such determination shall operate as a disqualification of any such person subsequently to hold public office, public employment, or as a forfeiture of any right or privilege or to receive any license granted by public authority; and no such person shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction.

5. Whenever a peace officer as defined in subdivision 33 of §1.20 of the criminal procedure law or police officer as defined in subdivision 33 of §1.20 of the criminal procedure law shall observe a person under twenty-one years of age openly in possession of an alcoholic beverage as defined in this chapter, with the intent to consume such beverage in violation of this section, said officer may seize the beverage, and shall deliver it to the custody of his or her department.

6. Any alcoholic beverage seized in violation of this section is hereby declared a nuisance. The official to whom the beverage has been delivered shall, no earlier than three days following the return date for initial appearance on the summons, dispose of or destroy the alcoholic beverage seized or cause it to be disposed of or destroyed.

Any person claiming ownership of an alcoholic beverage seized under this section may, on the initial return date of the summons or earlier on five days’ notice to the official or department in possession of the beverage, apply to the court for an order preventing the destruction or disposal of the alcoholic beverage seized and ordering the return of that beverage. The court may order the beverage returned if it is determined that return of the beverage would be in the interest of justice or that the beverage was improperly seized.
<table>
<thead>
<tr>
<th>SUBSTANCE</th>
<th>POSSIBLE LONG-TERM EFFECTS</th>
<th>DEPENDENCE POTENTIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>Toxic psychosis, addiction, neurological and liver damage, fetal alcohol syndrome</td>
<td>Yes</td>
</tr>
<tr>
<td>Amphetamines <em>Uppers, Speed</em></td>
<td>Loss of appetite, delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis</td>
<td>Yes</td>
</tr>
<tr>
<td>Barbiturates <em>Barbs, Bluebirds, Blues</em></td>
<td>Severe withdrawal symptoms, possible convulsions, toxic psychosis, depression</td>
<td>Yes</td>
</tr>
<tr>
<td>Cocaine and Cocaine Freebase <em>Coke, Crack</em></td>
<td>Loss of appetite, depression, weight loss, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury</td>
<td>Yes</td>
</tr>
<tr>
<td>Codeine</td>
<td>Addiction, constipation, loss of appetite, lethargy</td>
<td>Yes</td>
</tr>
<tr>
<td>Heroin <em>H, Junk, Smack</em></td>
<td>Addiction, constipation, loss of appetite, lethargy</td>
<td>Yes</td>
</tr>
<tr>
<td>LSD <em>Acid</em></td>
<td>May intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, hallucinations</td>
<td>Possible</td>
</tr>
<tr>
<td>MDA, MDMA, MOMA, MDE <em>Ecstasy, xtc</em></td>
<td>Same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating</td>
<td>Possible</td>
</tr>
<tr>
<td>Marijuana Cannabis <em>Pot, Grass, Dope, Weed, Joint</em></td>
<td>Bronchitis, conjunctivitis, possible birth defects</td>
<td>Yes</td>
</tr>
<tr>
<td>Mescaline/Peyote <em>Cactus Mesc, Peyote</em></td>
<td>May intensify existing psychosis, anxiety, lack of coordination, sweating, chills, and shivering</td>
<td>Possible</td>
</tr>
<tr>
<td>Methaqualone <em>Ludes</em></td>
<td>Coma, convulsions</td>
<td>Yes</td>
</tr>
<tr>
<td>Morphine <em>M, Morph</em></td>
<td>Addiction, constipation, loss of appetite</td>
<td>Yes</td>
</tr>
<tr>
<td>PCP <em>Crystal, Tea, Angel dust</em></td>
<td>Psychotic behavior, violent acts, psychosis</td>
<td>Yes</td>
</tr>
<tr>
<td>Psilocybin <em>Magic mushrooms, Shrooms</em></td>
<td>May intensify existing psychosis</td>
<td>Possible</td>
</tr>
<tr>
<td>Steroids <em>Roids, Juice</em></td>
<td>Cholesterol imbalance, acne, baldness, anger management problems, masculinization of women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced sterility, stroke, hypertension, congestive heart failure, liver damage</td>
<td>Yes</td>
</tr>
</tbody>
</table>
# NEW YORK FINES AND PENALTIES FOR POSSESSION OF CONTROLLED SUBSTANCES

<table>
<thead>
<tr>
<th>NYS Penal Law Controlled Substances Offenses</th>
<th>Specifics</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>§220.03  Criminal possession of a controlled substance (7th degree).</td>
<td>Knowing and unlawfully possessing a controlled substance (any substance listed in §3306 of the NYS Public Health Law other than marihuana, but including concentrated cannabis as defined in §3302 of NYS Penal Law Article 220).</td>
<td>Class A misdemeanor: imprisonment up to one year.</td>
</tr>
<tr>
<td>§220.06  Criminal possession of a controlled substance (5th degree).</td>
<td>Knowing and unlawfully possessing: 1. a controlled substance with intent to sell it; or 2. one or more preparations, compounds, mixtures or substances containing a narcotic preparation (aggregate weight of ½ oz or more); or 3. phencyclidine (50 mg or more); or 4. one or more preparations, compounds, mixtures or substances containing concentrated cannabis (aggregate weight of ¼ oz ounce or more); or 5. cocaine (500 mg or more); or 6. ketamine (more than 1,000 mg); or 7. ketamine, and has previously been convicted of possession or the attempt to commit possession of ketamine in any amount; or 8. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (aggregate weight of 28 g or more).</td>
<td>Class D felony: imprisonment for 1 to 2½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1½ to 4 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 2½ to 4½ years.</td>
</tr>
<tr>
<td>§220.09  Criminal possession of a controlled substance (4th degree).</td>
<td>Knowing and unlawfully possessing: 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (an aggregate weight of 1/8 oz or more); or 2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (an aggregate weight of ½ oz or more); or 3. one or more preparations, compounds, mixtures or substances containing a narcotic preparation (an aggregate weight of 2 oz or more); or 4. a stimulant (1 g or more); or 5. lysergic acid diethylamide (1 mg or more); or 6. a hallucinogen (25 mg or more); or 7. a hallucinogenic substance (1 g or more); or 8. a dangerous depressant (10 oz or more); or 9. a depressant (2 lbs or more); or 10. one or more preparations, compounds, mixtures or substances containing concentrated cannabis (an aggregate weight of 1 oz or more); or 11. phencyclidine (250 mg or more); or 12. methadone 360 mg or more); or 13. phencyclidine (50 mg or more) with intent to sell it</td>
<td>Class C felony: imprisonment for 1 to 5½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony imprisonment for 3½ to 9 years.</td>
</tr>
</tbody>
</table>
and has previously been convicted of an offense defined in §220 or the attempt or conspiracy to commit any such offense; or
14. ketamine (4,000 mg or more); or
15. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (aggregate weight of 200 g or more).

<table>
<thead>
<tr>
<th>§220.16</th>
<th>Criminal possession of a controlled substance (3rd degree).</th>
<th>Knowingly and unlawfully possessing:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>a narcotic drug with intent to sell it; or</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide, with intent to sell it and has previously been convicted of an offense defined in §220 or the attempt or conspiracy to commit any such offense; or</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>a stimulant (1 g or more) with intent to sell it; or</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>lysergic acid diethylamide (1 mg or more) with intent to sell it; or</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>a hallucinogen (25 mg or more) with intent to sell it; or</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>a hallucinogenic substance (1 g or more) with intent to sell it; or</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (1/8 oz or more) with intent to sell it; or</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>a stimulant (5 g or more); or</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>lysergic acid diethylamide (5 mg or more); or</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>a hallucinogen (125 mg or more); or</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>a hallucinogenic substance (5 g or more); or</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of ½ oz or more); or</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Phencyclidine (1250 mg or more).</td>
<td></td>
</tr>
</tbody>
</table>

**Class B felony:** imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.

<table>
<thead>
<tr>
<th>§220.18</th>
<th>Criminal possession of a controlled substance (2nd degree).</th>
<th>Knowingly and unlawfully possessing:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 4 oz or more); or</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of 2 oz or more); or</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>a stimulant (10 g or more); or</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>lysergic acid diethylamide (25 mg or more); or</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>a hallucinogen (625 mg or more); or</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>a hallucinogenic substance (25 g or more); or</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Methadone (2850mg or more).</td>
<td></td>
</tr>
</tbody>
</table>

**Class A-II felony:** imprisonment 3 to 10 years. For a 2nd time offender: imprisonment for 6 to 14 years (may be sentenced to lifetime probation). For a 2nd time offender previously convicted of a violent felony: imprisonment for 8 to 17 years.

<table>
<thead>
<tr>
<th>§220.21</th>
<th>Criminal possession of a controlled substance (1st degree).</th>
<th>Knowingly and unlawfully possessing:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 8 oz or more); or</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Methadone (5760 mg or more).</td>
<td></td>
</tr>
</tbody>
</table>

**Class A-I felony:** imprisonment for 8 to 20 years. For a 2nd time offender: imprisonment for 12 to 24 years. For a 2nd time offender previously convicted of a violent felony, imprisonment for 15 to 30 years.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Violation Details</th>
<th>Punishment Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>§220.25</td>
<td>Criminal possession of a controlled substance (presumption).</td>
<td>1. The presence of a controlled substance in an automobile, other than a public omnibus, is presumptive evidence of knowing possession by each and every person in the automobile at the time the substance was found (see §220.25 for exceptions). 2. The presence of a narcotic drug, narcotic preparation, marihuana or phencyclidine in open view in a room, other than a public place, under circumstances evincing an intent to unlawfully mix, compound, package or otherwise prepare for sale such substance is presumptive evidence of knowing possession thereof by each and every person in close proximity to such controlled substance at the time such controlled substance was found (see §220.25 for exceptions).</td>
<td></td>
</tr>
<tr>
<td>§220.31</td>
<td>Criminal sale of a controlled substance (5th degree).</td>
<td>Knowingly and unlawfully selling a controlled substance (any substance listed in schedule I, II, III, IV or V of §3306 of the NYS Public Health Law other than marihuana, but including concentrated cannabis as defined in paragraph (a) of subdivision four of §3302 of NYS Penal Law Article 220).</td>
<td>Class D felony: imprisonment for 1 to 2½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1½ to 4 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 2½ to 4½ years.</td>
</tr>
<tr>
<td>§220.34</td>
<td>Criminal sale of a controlled substance (4th degree).</td>
<td>Knowingly and unlawfully selling: 1. a narcotic preparation; or 2. a dangerous depressant (10 oz or more) or a depressant (2 lbs or more); or 3. concentrated cannabis as defined in §3302 of the NYS Public Health Law; or 4. phencyclidine (50 mg or more); or 5. methadone; or 6. phencyclidine (any amount) and previously convicted of an offense defined in this article or the attempt or conspiracy to commit any such offense; or 7. ketamine (4,000 mg or more); or 8. a controlled substance in violation of §220.31, when such sale takes place upon school grounds; or the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds; or 9. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (28 g or more), as defined in §3306 of the NYS Public Health Law.</td>
<td>Class C felony: imprisonment for 1 to 5½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony imprisonment for 3½ to 9 years.</td>
</tr>
<tr>
<td>§220.39</td>
<td>Criminal sale of a controlled substance (3rd degree).</td>
<td>Knowingly and unlawfully selling: 1. a narcotic drug; or 2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide (and previously convicted of an offense defined in §220 or the attempt or conspiracy to commit any such offense; or 3. a stimulant (1 g or more); or 4. lysergic acid diethylamide (1 mg or more); or 5. a hallucinogen (25 mg or more); or 6. a hallucinogenic substance (1 g or more); or 7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of 1/8</td>
<td>Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</td>
</tr>
<tr>
<td>§220.41</td>
<td>Criminal sale of a controlled substance (2nd degree).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knowingly and unlawfully selling: 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of ½ oz or more); or 2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers (aggregate weight of ½ oz or more); or 3. a stimulant (5 g or more); or 4. lysergic acid diethylamide (5 mg or more); or 5. a hallucinogen (125 mg or more); or 6. a hallucinogenic substance (5 g or more); or 7. methadone (360 mg or more).</td>
<td>Class A-II felony: imprisonment 3 to 10 years. For a 2nd time offender, imprisonment for 6 to 14 years (may be sentenced to lifetime probation). For a 2nd time offender previously convicted of a violent felony: imprisonment for 8 to 17 years.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>§220.43</th>
<th>Criminal sale of a controlled substance (1st degree).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowingly and unlawfully selling: 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 2 oz or more); or 2. methadone (2880 mg or more).</td>
<td>Class A-I felony: imprisonment for 8 to 20 years. For a 2nd time offender: imprisonment for 12 to 24 years. For a 2nd time offender previously convicted of a violent felony, imprisonment for 15 to 30 years.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>§220.44</th>
<th>Criminal sale of a controlled substance in or near school grounds.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowingly and unlawfully selling: 1. a controlled substance in violation of any one of subdivisions 1–6-a of §220.34, when such sale takes place upon school grounds; or 2. a controlled substance in violation of any one of subdivisions 1–8 of §220.39, when such sale takes place upon school grounds; or 3. a controlled substance in violation of any one of subdivisions 1–6 of §220.34, when such sale takes place upon the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds; or 4. a controlled substance in violation of any one of subdivisions 1–8 of §220.39, when such sale takes place upon the grounds of an educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds.</td>
<td>Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>§220.45</th>
<th>Criminally possessing a hypodermic instrument.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowingly and unlawfully possessing or selling a hypodermic syringe or hypodermic needle.</td>
<td>Class A misdemeanor: imprisonment up to one year.</td>
</tr>
<tr>
<td>§220.46</td>
<td>Criminal injection of a narcotic drug.</td>
</tr>
<tr>
<td>§220.50</td>
<td>Criminally using drug paraphernalia (2nd degree).</td>
</tr>
<tr>
<td>§220.55</td>
<td>Criminally using drug paraphernalia (1st degree).</td>
</tr>
</tbody>
</table>
| §220.60 | Criminal possession of precursors of controlled substances. | Possessing and at the same time intending to unlawfully manufacture:  
1. a controlled substance; or  
2. carbamide (urea) and propanedioc and malonic acid or its derivatives; or  
3. ergot or an ergot derivative and diethylamine or dimethyl-formamide or diethylamide; or  
4. phenylacetone (1-phenyl-2 propanone) and hydroxylamine or ammonia or formamide or benzaldehyde or nitroethane or methylamine; or  
5. pentazocine and methyl iodide; or  
6. phenylacetanitriile and dichlorodiethyl methylamine or dichlorodiethyl benzylamine; or  
7. diephenylacetanitriile and dimethylaminoisopropyl chloride; or  
8. piperidine and cyclohexanone and bromobenzene and lithium or magnesium; or  
9. 2, 5-dimethoxy benzaldehyde and nitroethane and a reducing agent. | **Class E felony:** imprisonment 1 to 1½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1½ and 2 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment 2 to 2½ years. |
<p>| §220.65 | Criminal sale of a prescription for a controlled substance. | When, being a practitioner, as that term is defined in §3302 of the NYS Public Health Law, knowingly and unlawfully selling a prescription for a controlled substance. | <strong>Class C felony:</strong> imprisonment for 1 to 5½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony imprisonment for 3½ to 9 years. |
| §220.70 | Criminal possession of methamphetamine manufacturing material (2nd degree). | Possessing a precursor, a chemical reagent or a solvent with the intent to use or knowing another intends to use such precursor, chemical reagent, or solvent to unlawfully produce, prepare or manufacture methamphetamine. | <strong>Class A misdemeanor:</strong> imprisonment up to one year. |
| §220.71 | Criminal possession of methamphetamine manufacturing material (1st degree). | Committing the offense of criminal possession of methamphetamine manufacturing material in the second degree, as defined in §220.70, and has previously been convicted within the preceding 5 years of criminal possession of methamphetamine manufacturing material in the 2nd degree or a violation of this section. | <strong>Class E felony:</strong> imprisonment 1 to 1½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1½ and 2 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment 2 to 2½ years. |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>§220.72</td>
<td>Criminal possession of precursors of methamphetamine. Possessing at the same time a precursor and a solvent or chemical reagent, with intent to use or knowing that another intends to use each such precursor, solvent or chemical reagent to unlawfully manufacture methamphetamine.</td>
<td>Class E felony: imprisonment 1 to 1½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1½ and 2 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment 2 to 2½ years.</td>
</tr>
<tr>
<td>§220.73</td>
<td>Unlawful manufacture of methamphetamine (3rd degree). Possessing, with intent to use, or knowing that another intends to use each such product to unlawfully manufacture, prepare or produce methamphetamine two or more items of laboratory equipment and two or more precursors, chemical reagents or solvents in any combination; or one item of laboratory equipment and three or more precursors, chemical reagents or solvents in any combination; or a precursor: (a) mixed together with a chemical reagent or solvent; or (b) with two or more chemical reagents and/or solvents mixed together.</td>
<td>Class D felony: imprisonment for 1 to 2½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1½ to 4 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 2½ to 4½ years.</td>
</tr>
<tr>
<td>§220.74</td>
<td>Unlawful manufacture of methamphetamine (2nd degree). 1. Commits violation of §220.73 in the presence of another person under the age of 16, provided, however, that the actor is at least 5 years older than such other person under the age of 16; or 2. Commits violation of §220.73 and has previously been convicted within the preceding 5 years of the offense of criminal possession of precursors of methamphetamine, criminal possession of methamphetamine manufacturing material in the 1st degree, unlawful disposal of methamphetamine laboratory material, unlawful manufacture of methamphetamine in the 3rd degree, the 2nd degree, or the 1st degree.</td>
<td>Class C felony: imprisonment for 1 to 5½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony imprisonment for 3½ to 9 years.</td>
</tr>
<tr>
<td>§220.75</td>
<td>Unlawful manufacture of methamphetamine (1st degree). Commits the crime of unlawful manufacture of methamphetamine in the 2nd degree after having previously been convicted within the preceding 5 years of unlawful manufacture of methamphetamine in the 3rd degree unlawful manufacture of methamphetamine in the 2nd degree or unlawful manufacture of methamphetamine in the 1st degree.</td>
<td>Class B felony: imprisonment for 1 to 9 years (may be sentenced to probation) [in or near school grounds, 2 to 9 years]. For a 2nd time offender: imprisonment for 3½ to 12 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 6 to 15 years.</td>
</tr>
<tr>
<td>§220.76 Unlawful disposal of methamphetamine laboratory material.</td>
<td>Knowingly disposing of, or possessing with intent to dispose of, hazardous or dangerous material under circumstances that create a substantial risk to human health or safety or a substantial danger to the environment.</td>
<td><strong>Class E felony:</strong> imprisonment 1 to 1½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1½ and 2 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment 2 to 2½ years.</td>
</tr>
</tbody>
</table>
## Crime Statistics

### JAMESTOWN BUSINESS COLLEGE – ALL LOCATIONS

<table>
<thead>
<tr>
<th>CRIMINAL OFFENSE</th>
<th>Year</th>
<th>ON CAMPUS</th>
<th>PUBLIC PROPERTY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Jamestown</td>
<td>Dunkirk</td>
</tr>
<tr>
<td>Murder/ Non-negligent manslaughter</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent manslaughter</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sex offenses</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Forcible</td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rape</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fondling</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sex offenses</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Non-forcible</td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Incest</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Statutory rape</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated assault</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Motor vehicle theft (not theft from a vehicle)</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Criminal Offenses</td>
<td>Race</td>
<td>Religion</td>
<td>Sexual Orientation</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------</td>
<td>----------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Murder/Non-Negligent manslaughter</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rape</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fondling</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Incest</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated assault</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Motor vehicle theft (not theft from a vehicle)</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Simple Assault</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Larceny-theft</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Intimidation</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Destruction/damage/vandalism of property</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Criminal Offenses</td>
<td>Year</td>
<td>Race</td>
<td>Religion</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>------</td>
<td>------</td>
<td>----------</td>
</tr>
<tr>
<td>Murder/Non-Negligent manslaughter</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rape</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fondling</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Incest</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated assault</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Motor vehicle theft (not theft from a vehicle)</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Simple Assault</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Larceny-theft</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Intimidation</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Destruction/ damage/ vandalism of property</td>
<td>2015</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is "unfounded". Only sworn or commissioned law enforcement personnel may unfound a crime.
New York State Law Requirements
Addendum to the Annual Security Report

ARTICLE 129-A
REGULATION BY COLLEGES OF CONDUCT ON CAMPUSES AND OTHER COLLEGE PROPERTY USED FOR EDUCATIONAL PURPOSES

Section 6430. General provisions.

6431. Advisory committee on campus security.

6432. Sexual assault, domestic violence and stalking prevention information.

6433. Campus crime reporting and statistics.

6434. Investigation of violent felony offenses.

6435. Appointment of private college security officers.

6436. Bias related crime prevention information.

6437. Prohibition on the marketing of credit cards.

Included as an addendum to existing Annual Security Report

Article 129-A Law
New York State Article 129-A and Related Provisions

CAMPUS CRIME REPORT AND STATISTICS (NYS 129-A §6433)

Definition of Reportable Crimes
Criminal Homicide: Murder and non-negligent manslaughter – The willful (non-negligent) killing of one human being by another.

Negligent manslaughter: The killing of another person through gross negligence.

Forcible Sex Offenses
Forcible rape: The carnal knowledge of a person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity (or because of his/her youth).

Forcible sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his or her temporary or permanent mental or physical incapacity.

Sexual assault with an object: The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against the person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his or her temporary or permanent mental or physical incapacity.

Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his or her temporary or permanent mental or physical incapacity.

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

Statutory rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.
**Robbery**: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

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

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

**Motor Vehicle Theft**: The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.)

**Arson**: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another.

**Hate Crimes**: The law requires the release of statistics by category of prejudice concerning the occurrence of hate crimes in the crime classifications listed in the preceding section and for other crimes involving bodily injury to any person in which the victim is selected because of the actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability of the victim.

In August 2008 the Clery Act was amended to include the following additional crimes under the hate crimes category:

**Larceny/Theft**: The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another.

**Simple Assault**: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation**: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property (Except “Arson”)**: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Other Offenses**
Liquor Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intertemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)

Drug Law Violations: The violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivative (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
SEXUAL ASSAULT, DOMESTIC VIOLENCE AND STALKING PREVENTION POLICY (§6432)
Jamestown Business College informs incoming students of SEXUAL ASSAULT, DOMESTIC VIOLENCE AND STALKING PREVENTION measures through programs which may include the distribution and availability of the Annual Security Report, pamphlets, workshops, seminars, discussion groups and film presentations. The Annual Security Report contains important information on Sexual Assault. This addendum with the information contained in the Annual Security Report meets the requirements of §6432.

FOR SEXUAL ASSAULT POLICY PLEASE REFER TO THE SEXUAL ASSAULT SECTION IN THE ANNUAL SECURITY REPORT

APPLICABLE LAWS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>130.00</td>
<td>Sex offenses; definitions of terms.</td>
</tr>
<tr>
<td>130.05</td>
<td>Sex offenses; lack of consent.</td>
</tr>
<tr>
<td>130.10</td>
<td>Sex offenses; limitations; defenses.</td>
</tr>
<tr>
<td>130.16</td>
<td>Sex offenses; corroboration.</td>
</tr>
<tr>
<td>130.20</td>
<td>Sexual misconduct.</td>
</tr>
<tr>
<td>130.25</td>
<td>Rape in the third degree.</td>
</tr>
<tr>
<td>130.30</td>
<td>Rape in the second degree.</td>
</tr>
<tr>
<td>130.35</td>
<td>Rape in the first degree.</td>
</tr>
<tr>
<td>130.40</td>
<td>Criminal sexual act in the third degree.</td>
</tr>
<tr>
<td>130.45</td>
<td>Criminal sexual act in the second degree.</td>
</tr>
<tr>
<td>130.50</td>
<td>Criminal sexual act in the first degree.</td>
</tr>
<tr>
<td>130.52</td>
<td>Forcible touching.</td>
</tr>
<tr>
<td>130.53</td>
<td>Persistent sexual abuse.</td>
</tr>
<tr>
<td>130.55</td>
<td>Sexual abuse in the third degree.</td>
</tr>
<tr>
<td>130.60</td>
<td>Sexual abuse in the second degree.</td>
</tr>
<tr>
<td>130.65</td>
<td>Sexual abuse in the first degree.</td>
</tr>
<tr>
<td>130.65-a</td>
<td>Aggravated sexual abuse in the fourth degree.</td>
</tr>
<tr>
<td>130.66</td>
<td>Aggravated sexual abuse in the third degree.</td>
</tr>
<tr>
<td>130.67</td>
<td>Aggravated sexual abuse in the second degree.</td>
</tr>
<tr>
<td>130.70</td>
<td>Aggravated sexual abuse in the first degree.</td>
</tr>
<tr>
<td>130.75</td>
<td>Course of sexual conduct against a child in the first degree.</td>
</tr>
<tr>
<td>130.80</td>
<td>Course of sexual conduct against a child in the second degree.</td>
</tr>
<tr>
<td>130.85</td>
<td>Female genital mutilation.</td>
</tr>
<tr>
<td>130.90</td>
<td>Facilitating a sex offense with a controlled substance.</td>
</tr>
</tbody>
</table>

PENALTIES

<table>
<thead>
<tr>
<th>Offense</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Misconduct (Class A Misdemeanor)</td>
<td>Up to 1 Year in Prison</td>
</tr>
<tr>
<td>Rape in the Third Degree (Class E Felony)</td>
<td>Up to 4 years in Prison</td>
</tr>
<tr>
<td>Rape in the Second Degree (Class D Felony)</td>
<td>Up to 7 Years in Prison</td>
</tr>
<tr>
<td>Rape in the First Degree (Class B Violent Felony)</td>
<td>Up to 25 Years in Prison</td>
</tr>
<tr>
<td>Consensual Sodomy (Class B Misdemeanor)</td>
<td>Up to 3 Months in Prison</td>
</tr>
<tr>
<td>Sodomy in the Third Degree (Class E Felony)</td>
<td>Up to 4 Years in Prison</td>
</tr>
<tr>
<td>Sodomy in the Second Degree (Class D Felony)</td>
<td>Up to 7 Years in Prison</td>
</tr>
<tr>
<td>Sodomy in the First Degree (Class B Violent Crime)</td>
<td>Up to 25 years in Prison</td>
</tr>
<tr>
<td>Sexual Abuse in the Third Degree (Class B Misdemeanor)</td>
<td>Up to 3 months in Prison</td>
</tr>
</tbody>
</table>
This policy applies to all students, faculty, and staff, as well as to visitors, guests, vendors, contractors, and other third parties. Violators of this policy are subject to criminal prosecution as well as discipline by the College, including, but not limited to, termination of employment, expulsion from the College, and/or other appropriate sanctions that may be imposed by the College.

**DEFINITION OF STALKING**
In simplest terms, stalking is the unwanted pursuit of another person. By its nature, stalking is not a one-time event. The individual's actions must be considered in connection with other actions to determine if someone is being stalked. It includes repeated harassing or threatening behavior toward another person, whether that person is a total stranger, slight acquaintance, current or former intimate partner, or anyone else.

**STALKING CLASSIFICATION**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>120.45</td>
<td>Stalking in the fourth degree (Class B misdemeanor)</td>
</tr>
<tr>
<td>120.50</td>
<td>Stalking in the third degree (Class A misdemeanor)</td>
</tr>
<tr>
<td>120.55</td>
<td>Stalking in the second degree (Class E felony)</td>
</tr>
<tr>
<td>120.60</td>
<td>Stalking in the first degree (Class D felony)</td>
</tr>
</tbody>
</table>

**DEFINITION OF DOMESTIC/INTIMATE PARTNER VIOLENCE**
Domestic/Intimate Partner violence is abusive behavior - emotional, psychological, physical, or sexual - that one person in an intimate relationship uses in order to control the other. It takes many different forms and includes behaviors such as threats, name-calling, preventing contact with family or friends, withholding money, actual or threatened physical harm, and sexual assault. Stalking can also be a form of domestic/intimate partner violence.

Most domestic/intimate partner violence is committed against women by their male partners or ex-partners. It also occurs in lesbian and gay relationships and occurs too often in teenage dating relationships. In a small number of cases, men are abused by female partners. Every victim of domestic/intimate partner violence, whether female or male, gay or heterosexual, has the right to legal relief.

**WHAT TO DO IF YOU HAVE BEEN THE VICTIM OF STALKING OR DOMESTIC/INTIMATE PARTNER VIOLENCE**

**Safety.** If you have been the victim of sexual assault, stalking or domestic/intimate partner violence you may be fearful for your safety. If so, it is important to get to a place that is safe and secure as soon as you can. It may be helpful to contact someone you can trust and who will stay with you until the crisis has subsided and you feel safe again. This person may be a friend or a counselor or another person of your choosing.

**Medical Attention.** If you have been injured or believe you may have been injured as a result of stalking or domestic/intimate partner violence, seek immediate medical attention. Injuries and medical treatment can be identified during a medical examination.

**Reporting a Crime.** Stalking and domestic/intimate partner violence are crimes and the College urges victims to report crimes. Reporting a crime is not the same as pressing criminal charges; the decision to press criminal charges can be made at a later time. Sexual assault, stalking and domestic/intimate partner violence may be reported to the College’s administration and/or to the local police department.

**Counseling.** Immediate crisis intervention referral services are available to victims of stalking or domestic/intimate partner violence.

**INVESTIGATIONS OF VIOLENT FELONY OFFENSES (§6434)**
Jamestown Business College does not have a campus police department to investigate Violent Felony Offenses. When a violent felony offense is reported to administration, an administrator will contact the
Jamestown Police Department and report the offense. “Violent felony offense” means a violent felony offense as defined in subdivision one of section 70.02 of the penal law.

Jamestown Business College does not have on-campus housing and thus there is no missing student policy needed or required.
**BIAS RELATED CRIME POLICY** *(§6436)*

Jamestown Business College informs incoming students about Bias Related Crime prevention measures through programs which may include the distribution and availability of the Annual Security Report, workshops, seminars, discussion groups, and film presentations.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bias Related Crime</td>
<td>When a person commits a Specified Offense and either:</td>
</tr>
<tr>
<td></td>
<td>intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct; or intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct.</td>
</tr>
<tr>
<td>Specified Offense</td>
<td>An offense defined by any of the following sections of the New York State Penal Law, or any attempt or conspiracy to commit any such offense: §120.00 (assault in the third degree); §120.05 (assault in the second degree); §120.10 (assault in the first degree); §120.12 (aggravated assault upon a person less than eleven years old); §120.13 (menacing in the first degree); §120.14 (menacing in the second degree); §120.15 (menacing in the third degree); §120.20 (reckless endangerment in the second degree); §120.25 (reckless endangerment in the first degree); subdivision one of §125.15 (manslaughter in the second degree); subdivision two or four of §125.20 (manslaughter in the first degree); subdivision one of §125.25 (murder in the second degree); subdivision one of §125.45 (stalking in the fourth degree); subdivision one of §125.50 (stalking in the third degree); subdivision one of §125.55 (stalking in the second degree); subdivision one of §125.60 (stalking in the first degree); subdivision one of §130.35 (rape in the first degree); subdivision one of §130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of §130.67 (aggravated sexual abuse in the first degree); paragraph (a) of subdivision one of §130.70 (aggravated sexual abuse in the first degree); subdivision one of §130.75 (unlawful imprisonment in the second degree); subdivision one of §130.80 (unlawful imprisonment in the first degree); subdivision one of §130.105 (kidnapping in the second degree); subdivision one of §130.125 (kidnapping in the first degree); subdivision one of §135.05 (unlawful imprisonment in the second degree); subdivision one of §135.10 (unlawful imprisonment in the first degree); subdivision one of §135.20 (kidnapping in the second degree); subdivision one of §135.25 (kidnapping in the first degree); subdivision one of §135.60 (coercion in the second degree); subdivision one of §135.65 (coercion in the first degree); subdivision one of §140.10 (criminal trespass in the third degree); subdivision one of §140.17 (criminal trespass in the second degree); subdivision one of §140.20 (burglary in the third degree); subdivision one of §140.25 (burglary in the second degree); subdivision one of §140.30 (burglary in the first degree); subdivision one of §145.00 (criminal mischief in the fourth degree); subdivision one of §145.05 (criminal mischief in the third degree); subdivision one of §145.10 (criminal mischief in the second degree); subdivision one of §145.15 (criminal mischief in the first degree); subdivision one of §150.05 (arson in the fourth degree); subdivision one of §150.10 (arson in the third degree); subdivision one of §150.15 (arson in the second degree); subdivision one of §150.20 (arson in the first degree); subdivision one of §155.30 (grand larceny in the fourth degree); subdivision one of §155.35 (grand larceny in the third degree); subdivision one of §155.40 (grand larceny in the second degree); subdivision one of §155.45 (grand larceny in the first degree); subdivision one of §160.05 (robbery in the third degree); subdivision one of §160.10 (robbery in the second degree); subdivision one of §160.15 (robbery in the first degree); subdivision one of §240.25 (harassment in the first degree); subdivision one of §240.30 (aggravated harassment in the second degree).</td>
</tr>
</tbody>
</table>
BIAS RELATED CRIME DISCIPLINARY ACTION AND REFERRAL
Where there is a probable cause to believe that such violations have occurred, the college will pursue strong disciplinary action. This discipline includes the possibility of suspension or dismissal from the college.

Jamestown Business College does not have Bias-Related Crime Counseling resources on campus but can contact the following agency for a referral:

Help Service Crisis Intervention
(800) 724-0461

PROHIBITION ON THE MARKETING OF CREDIT CARDS (§6437)
Jamestown Business College expressly forbids the marketing of credit cards on college property.
130.00 Sex offenses; definitions of terms.
The following definitions are applicable to this article:
1. “Sexual intercourse” has its ordinary meaning and occurs upon any penetration, however slight.
2. “Deviate sexual intercourse” means sexual contact between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.
3. “Sexual contact” means any touching of the sexual or other intimate parts of a person not married to the actor for the purposes of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing.
4. “Female” means any female person who is not married to the actor. For the purposes of this article “not married” means:
(a) the lack of an existing relationship of husband and wife between the female and the actor which is recognized by law, or
(b) the existence of the relationship of husband and wife between the actor and the female which is recognized by at the time the actor commits an offense proscribed by this article by means of forcible compulsion against the female, and the female and the actor are living apart at such time pursuant to a valid and effective:
(i) order issued by a court of competent jurisdiction which by its terms or in its effect requires such living apart, or
(ii) decree or judgment of separation, or
(iii) written agreement of separation subscribed by them and acknowledged in the form required to entitle a deed to be recorded which contains provisions specifically indicating that the actor may be guilty of the commission of a crime for engaging in conduct which constitutes an offense proscribed by this article against and without the consent of the female.
5. “Mentally defective” means that a person suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct.
6. “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent or to any other act committed upon him without his consent.
7. “Physically helpless” means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
8. “Forcible compulsion” means compel by either:
(a) use physical force; or
(b) a threat, expressed or implied, which places a person in fear of immediate death or physical injury to himself, herself, or another person, or in fear that he, she, or another person will immediately be kidnapped.
9. “Foreign object” means any instrument or article which, when inserted in the vagina, urethra, penis, or rectum, is capable of causing physical injury.

130.05 Sex offenses; lack of consent.
1. Whether or not specifically stated, it is an element of every offense defined in this article, except the offense of consensual sodomy, that the sexual act was committed without the consent of the victim.
2. Lack of consent results from:
(a) forcible compulsion
(b) incapacity to consent
(c) where the offense charged is sexual abuse, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct.
3. A person is deemed incapable of consent when he or she is:
(a) less than 17 years old; or
(b) mentally defective; or
(c) mentally incapacitated; or
(d) physically helpless

130.10 Sex offenses; defense.
In any prosecution under this article in which the victim's lack of consent is based solely upon his incapacity to consent because he was mentally defective, mentally incapacitated, or physically helpless, it is an affirmative defense that the defendant, at the time he engaged in the conduct constituting the offense, did not know of the facts or conditions responsible for such incapacity to consent.

130.16 Sex offenses; corroboration.
A person shall not be convicted of consensual sodomy, or an attempt to commit the same, or of any offense defined in this article of which lack of consent is an element but results solely from incapacity to consent because of the victim's mental defect, or mental incapacity, or an attempt to commit the same, solely on the testimony of the victim, unsupported by other evidence tending to:
(a) establish that an attempt was made to engage the victim in sexual intercourse, deviate sexual intercourse, or sexual contact, as the case may be, at the time of the occurrence; and
(b) connect the defendant with the commission of the offense or attempted offense.

130.26 Sexual misconduct.
A person is guilty of sexual misconduct when:
1. being a male, he engages in sexual intercourse with a female without her consent; or
2. he engages in deviate sexual intercourse with another person without the latter's consent; or
3. he engages in sexual conduct with an animal or a dead human body.

Sexual misconduct is a class A misdemeanor (meaning a definite sentence, which shall not exceed one year).

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

Rape in the third degree is a class E felony (meaning a sentence fixed by court, which shall not exceed four years)

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

Rape in the second degree is a class D felony (meaning a sentence fixed by court, which shall not exceed seven years).

130.35 Rape in the first degree.
A male is guilty of rape in the first degree when he engages in sexual intercourse with a female:
1. by forcible compulsion; or
2. who is incapable of consent by reason of being physically helpless; or
3. who is less than 11 years old.

Rape in the first degree is a class B felony (meaning a sentence fixed by court, which shall not exceed 25 years).

130.38 Consensual sodomy.
A person is guilty of consensual sodomy when he engages in deviate sexual intercourse with another person.

Consensual sodomy is a class B misdemeanor (meaning a definite sentence, which shall not exceed three months).

130.40 Sodomy in the third degree.
A person is guilty of sodomy in the third degree when:
1. he engages in deviate sexual intercourse with a person who is incapable of consent by reason of some factor other than being less than 17 years old; or
2. being 21 years old or more, he engages in deviate sexual intercourse with a person less than 17 years old.
Sodomy in the third degree is a class E felony (meaning a sentence fixed by court, which shall not exceed four years)

130.45 Sodomy in the second degree.
A person is guilty of sodomy in the second degree when, being eighteen years old or more, he engages in deviate sexual intercourse with another person to whom the actor is not married less than 14 years old. **Sodomy in the second degree is a class D felony (meaning a sentence fixed by court, which shall not exceed seven years).**

130.35 Sodomy in the first degree.
A person is guilty of sodomy in the first degree when he engages in deviate sexual intercourse with another person:
1. by forcible compulsion; or
2. who is incapable of consent by reason of being physically helpless; or
3. who is less than 11 years old. **Sodomy in the first degree is a class B felony (meaning a sentence fixed by court, which shall not exceed 25 years).**

130.55 Sexual abuse in the third degree.
A person is guilty of sexual abuse in the third degree when he subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old, and (b) such other person was more than 14 years old, and (c) the defendant was less than five years older than such other person. **Sexual abuse in the third degree is a class B misdemeanor (meaning a definite sentence, which shall not exceed three months).**

130.60 Sexual abuse in the second degree.
A person is guilty of sexual abuse in the second degree when he subjects another person to sexual contact and when such other person is:
1. incapable of consent by reason of some factor other than being less than 17 years old; or
2. less than 14 years old. **Sexual abuse in the second degree is a class A misdemeanor (meaning a definite sentence, which shall not exceed one year).**

130.65 Sexual abuse in the first degree.
A person is guilty of sexual abuse in the first degree when he subjects another person to sexual contact:
1. by forcible compulsion; or
2. who is incapable of consent by reason of being physically helpless; or
3. who is less than 11 years old. **Sexual abuse in the first degree is a class D felony (meaning a sentence fixed by court, which shall not exceed seven years).**

130.70 Aggravated sexual abuse
1. A person is guilty of aggravated sexual abuse when he inserts a foreign object in the vagina, urethra, penis, or rectum of another person causing physical injury to such person:
   (a) by forcible compulsion; or
   (b) when the other person is incapable of consent by reason of being physically helpless; or
   (c) when the other person is less than 11 years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section. **Aggravated sexual abuse is a class B felony (meaning a sentence fixed by court, which shall not exceed 25 years).**
APPENDIX B
New York State Penal Law
Article 485—530.11 Procedures for family offense matters

1. Jurisdiction. The family court and the criminal courts shall have concurrent jurisdiction over any proceeding concerning acts which would constitute disorderly conduct, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision one of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree as set forth in subdivisions one, two, and three of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household except that if the respondent would not be criminally responsible by reason of age pursuant to section 30.00 of the penal law, then the family court shall have exclusive jurisdiction over such proceeding. Notwithstanding a complainant’s election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section. For purposes of this section, “disorderly conduct” includes disorderly conduct not in a public place. For purposes of this section, “members of the same family or household” with respect to a proceeding in the criminal courts shall mean the following:
(a) persons related by consanguinity or affinity;
(b) persons legally married to one another;
(c) persons formerly married to one another regardless of whether they still reside in the same household;
(d) persons who have a child in common, regardless of whether such persons have been married or have lived together at any time; and
(e) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors the court may consider in determining whether a relationship is an “intimate relationship” include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”.

2. Information to petitioner or complainant. The chief administrator of the courts shall designate the appropriate probation officers, warrant officers, sheriffs, police officers, district attorneys, or any other law enforcement officials, to inform any petitioner or complainant bringing a proceeding under this section before such proceeding is commenced, of the procedures available for the institution of family offense proceedings, including but not limited to the following:
(a) That there is concurrent jurisdiction with respect to family offenses in both family court and the criminal courts;
(b) That a family court proceeding is a civil proceeding and is for the purpose of attempting to stop the violence, end family disruption, and obtain protection. That referrals for counseling, or counseling services, are available through probation for this purpose;
(c) That a proceeding in the criminal courts is for the purpose of prosecution of the offender and can result in a criminal conviction of the offender;
(d) That a proceeding or action subject to the provisions of this section is initiated at the time of the filing of an accusatory instrument or family court petition, not at the time of arrest, or request for arrest, if any;
(f) That an arrest may precede the commencement of a family court or a criminal court proceeding, but an arrest is not a requirement for commencing either proceeding.
(h) At such time as the complainant first appears before the court on a complaint or information, the court shall advise the complainant that the complainant may: continue with the proceeding in criminal court; or have the allegations contained therein heard in a family court proceeding; or proceed concurrently in both criminal and family court. Notwithstanding a complainant’s election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section:

(i) Nothing herein shall be deemed to limit or restrict complainant’s rights to proceed directly and without court referral in either a criminal or family court, or both, as provided for in section 115.0 of the family court act and section 100.07 of this chapter;

2-a. Upon the filing of an accusatory instrument charging a crime or violation described in subdivision one of this section between members of the same family or household, as such terms are defined in this section, or as soon as the complainant first appears before the court, whichever is sooner, the court shall advise the complainant of the right to proceed in both the criminal and family courts, pursuant to section 100.07 of this chapter.

3. Official responsibility. No official or other person designated pursuant to subdivision two of this section shall discourage or prevent any person who wishes to file a petition or sign a complaint from having access to any court for that purpose.

4. When a person is arrested for an alleged family offense or an alleged violation of an order of protection or temporary order of protection or arrested pursuant to a warrant issued by the supreme or family court, and the supreme or family court, as applicable, is not in session, such person shall be brought before a local criminal court in the county of arrest or in the county in which such warrant is returnable pursuant to article one hundred twenty of this chapter. Such local criminal court may issue any order authorized under subdivision eleven of section 530.12 of this article, section one hundred fifty-four-d or one hundred fifty-five of the family court act or subdivision three-b of section two hundred forty or subdivision two-a of section two hundred fifty-two of the domestic relations law, in addition to discharging other arraignment responsibilities as set forth in this chapter. In making such order, the local criminal court shall consider the bail recommendation, if any, made by the supreme or family court as indicated on the warrant or certificate of warrant. Unless the petitioner or complainant requests otherwise, the court, in addition to scheduling further criminal proceedings, if any, regarding such alleged family offense or violation allegation, shall make such matter returnable in the supreme or family court, as applicable, on the next day such court is in session.

5. Filing and enforcement of out-of-state orders of protection. A valid order of protection or temporary order of protection issued by a court of competent jurisdiction in another state, territorial, or tribal jurisdiction shall be accorded full faith and credit and enforced as if it were issued by a court within the state for as long as the order remains in effect in the issuing jurisdiction in accordance with sections two thousand two hundred sixty-five and two thousand two hundred sixty-six of title eighteen of the United States Code.

(a) An order issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be deemed valid if:

(i) the issuing court had personal jurisdiction over the parties and over the subject matter under the law of the issuing jurisdiction;

(ii) the person against whom the order was issued had reasonable notice and an opportunity to be heard prior to issuance of the order; provided, however, that if the order was a temporary order of protection issued in the absence of such person, that notice had been given and that an opportunity to be heard had been provided within a reasonable period of time after the issuance of the order; and

(iii) in the case of orders of protection or temporary orders of protection issued against both a petitioner, plaintiff, or complainant and respondent or defendant, the order or portion thereof sought to be enforced was supported by: (A) a pleading requesting such order, including, but not limited to, a petition, cross-petition, or counterclaim; and (B) a judicial finding that the requesting party is entitled to the issuance of the order which may result from a judicial finding of fact, judicial acceptance of an admission by the party against whom the order was issued or judicial finding that the party against whom the order was issued had given knowing, intelligent, and voluntary consent to its issuance.
(b) Notwithstanding the provisions of article fifty-four of the civil practice law and rules, an order of protection or temporary order of protection issued by a court of competent jurisdiction in another state, territorial, or tribal jurisdiction, accompanied by a sworn affidavit that upon information and belief such order is in effect as written and has not been vacated or modified, may be filed without fee with the clerk of the court, who shall transmit information regarding such order to the statewide registry of orders of protection and warrants established pursuant to section two hundred twenty-one-a of the executive law; provided, however, that such filing and registry entry shall not be required for enforcement of the order.

6. Notice. Every police officer, peace officer, or district attorney investigating a family offense under this article shall advise the victim of the availability of a shelter or other services in the community, and shall immediately give the victim written notice of the legal rights and remedies available to a victim of a family offense under the relevant provisions of the criminal procedure law, the family court act, and the domestic relations law. Such notice shall be prepared in Spanish and English and if necessary, shall be delivered orally, and shall include but not be limited to the following statement:

“If you are the victim of domestic violence, you may request that the officer assist in providing for your safety and that of your children, including providing information on how to obtain a temporary order of protection. You may also request that the officer assist you in obtaining your essential personal effects and locating and taking you, or assist in making arrangements to take you, and your children to a safe place within such officer’s jurisdiction, including but not limited to a domestic violence program, a family member’s or a friend’s residence, or a similar place of safety. When the officer’s jurisdiction is more than a single county, you may ask the officer to take you or make arrangements to take you and your children to a place of safety in the county where the incident occurred. If you or your children are in need of medical treatment, you have the right to request that the officer assist you in obtaining such medical treatment. You may request a copy of any incident reports at no cost from the law enforcement agency. You have the right to seek legal counsel of your own choosing and if you proceed in family court and if it is determined that you cannot afford an attorney, one must be appointed to represent you without cost to you.

You may ask the district attorney or a law enforcement officer to file a criminal complaint. You also have the right to file a petition in the family court when a family offense has been committed against you. You have the right to have your petition and request for an order of protection filed on the same day you appear in court, and such request must be heard that same day or the next day court is in session. Either court may issue an order of protection from conduct constituting a family offense which could include, among other provisions, an order for the respondent or defendant to stay away from you and your children. The family court may also order the payment of temporary child support and award temporary custody of your children. If the family court is not in session, you may seek immediate assistance from the criminal court in obtaining an order of protection. The forms you need to obtain an order of protection are available from the family court and the local criminal court (the addresses and telephone numbers shall be listed). The resources available in this community for information relating to domestic violence, treatment of injuries, and places of safety and shelters can be accessed by calling the following 800 numbers (the statewide English and Spanish language 800 numbers shall be listed and space shall be provided for local domestic violence hotline telephone numbers).

Filing a criminal complaint or a family court petition containing allegations that are knowingly false is a crime.”

The division of criminal justice services in consultation with the state office for the prevention of domestic violence shall prepare the form of such written notice consistent with provisions of this section and distribute copies thereof to the appropriate law enforcement officials pursuant to subdivision nine of section eight hundred forty-one of the executive law. Additionally, copies of such notice shall be provided to the chief administrator of the courts to be distributed to victims of family offenses through the criminal court at such time as such persons first come before the court and to the state department of health for distribution to all hospitals defined
under article twenty-eight of the public health law. No cause of action for damages shall arise in favor of any person by reason of any failure to comply with the provisions of this subdivision except upon a showing of gross negligence or willful misconduct.

7. Rules of court regarding concurrent jurisdiction. The chief administrator of the courts, pursuant to paragraph (e) of subdivision two of section two hundred twelve of the judiciary law, shall promulgate rules to facilitate record sharing and other communication between the criminal and family courts, subject to applicable provisions of this chapter and the family court act pertaining to the confidentiality, expungement, and sealing of records, when such courts exercise concurrent jurisdiction over family offense proceedings.

APPENDIX C
New York State Penal Law 120.45
Article 120.45--Stalking in the fourth degree
A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

1. is likely to cause reasonable fear of material harm to the physical health, safety, or property of such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or
2. causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning, or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or
3. is likely to cause such person to reasonably fear that his or her employment, business, or career is threatened, where such conduct consists of appearing, telephoning, or initiating communication or contact at such person’s place of employment or business, and the actor was previously clearly informed to cease that conduct.

Stalking in the fourth degree is a class B misdemeanor.

APPENDIX D
New York State Penal Law
Article 485—Hate Crimes
485.00 Legislative findings.
“The legislature finds and determines as follows: criminal acts involving violence, intimidation, and destruction of property based upon bias and prejudice have become more prevalent in New York State in recent years. The intolerable truth is that in these crimes, commonly and justly referred to as “hate crimes,” victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation...our laws must be strengthened to provide clear recognition of the gravity of hate crimes and the compelling importance of preventing their recurrence.”

485.05 Hate Crimes.
A person commits a hate crime when he or she commits a specified offense and either:
Intentionally selects the person against whom the offense is committed or intended to be committed, or intentionally commits the act or acts constituting the offense in whole, or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct.
A “specified offense” is an offense defined by any of the following provisions of the New York State Penal Law: assault in the first, second, or third degree; aggravated assault upon a person less than eleven years old; menacing in the first, second, or third degree; reckless endangerment in the first or second degree; manslaughter in the first or second degree; murder in the second degree; stalking in the first, second, third, or fourth degree; rape in the first degree; criminal sexual act in the first degree; sexual abuse in the first degree; aggravated sexual abuse in the first or second degree; unlawful imprisonment in the first or second degree; kidnapping in the first or second degree; coercion in the first or second degree; criminal trespass in the first, second, or third degree; burglary in the first, second, or third degree; criminal mischief in the first, second, third, or fourth degree; arson in the first, second, third, or fourth degree; petit
larceny; grand larceny in the first, second, third, or fourth degree; robbery in the first, second, or third degree; harassment in the first degree; aggravated harassment in the second degree; or any attempt or conspiracy to commit any of the foregoing offenses.

485.10 Penalties for commission of bias related crimes

Sentencing

1) When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of the NYSPL, the hate crime shall be deemed a violent felony offense.

2) When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D, or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant’s conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

3) Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
   a) The maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of the NYSPL.
   b) The term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of the NYSPL.
   c) The term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of the NYSPL.
   d) The maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of the NYSPL.

4) The maximum term of the indeterminate sentence or term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of the NYSPL.

5) Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall not be less than twenty years.

Forcible fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.

Non-forcible Sex Offenses

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

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

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

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

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.
Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.)

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another.

Hate Crimes: The law requires the release of statistics by category of prejudice concerning the occurrence of hate crimes in the crime classifications listed in the preceding section and for other crimes involving bodily injury to any person in which the victim is selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim.

In August 2008 the Clery Act was amended to include the following additional crimes under the hate crimes category:

Larceny/Theft: The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property (Except “Arson”): To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Other Offenses
Liquor Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)

Drug Law Violations: The violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivative (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
New York State Law Requirements
Addendum to the Annual Security Report

ARTICLE 129-B

IMPLEMENTATION BY COLLEGES AND UNIVERSITIES OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING PREVENTION AND RESPONSE POLICIES AND PROCEDURES.

SECTION

6439. Definitions
6440. General provisions
6441. Affirmative consent to sexual activity
6442. Policy for alcohol and/or drug use amnesty
6443 Students’ bill of rights
6444. Response to reports
6445. Campus climate assessments
6446. Options for confidential disclosure
6447. Student onboarding and ongoing education
6448. Privacy in legal challenges
6449 reporting aggregate data to the department

Article 129-B Law
New York State Education Law Article 129-B

Article 129-B Compliance Information

Jamestown Business College is in compliance with Article 129-B.

1. Written Policies and Procedures
   Each institution is required by Education Law §6440(1) to adopt written rules implementing Article 129-B by amending its code of conduct or other comparable policies.

2. Initial and Decennial Submission of written Policies and Procedures implementing Article 129-B
   After an institution adopts new written rules implementing Article 129-B, a copy of these rules and policies must be filed with SED on or before July 1, 2016. Updated policies must be filed at least every 10 years, except that the second filing shall coincide with the required filing of a certificate of compliance under Article 129-A of the Education Law, and continue on the same cycle thereafter.

3. Certificate of Compliance
   Institutions must also file a certificate of compliance with the provisions of this article with SED on July 1, 2016. The certificate is signed by the President of the institution, and certifies compliance with the provisions of the article. If an institution fails to file a certificate of compliance on or before September 1, 2016, and annually thereafter, the institution will be ineligible for any State aid or assistance until the certificate is filed.

4. Enforcement
   SED will conduct random audits, at any time after September 1, 2016, to ensure compliance with the provision of this article.