



Jamestown Business College

Annual Security Report

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

October 1, 2022

Table of Contents

Introduction.....	5
Public Safety Page.....	6
General Campus Safety and Security Policies	6
Reporting Locations	6
Reporting Crimes	6
Campus Personal Safety and Security	7
Security and Access to Campus Facilities.....	7
Campus Safety and Security Programs and Information Systems.....	7
Emergency Notification	7
Timely Warning Policy.....	8
Emergency Evacuation Policy.....	8
College Closing	9
General Security	9
Safety Tips	9
For Medical Help	10
If you are Rendering Help to the Injured	10
In the Event of a Fire.....	11
When a Police Officer is Needed.....	11
Survival is the Goal	11
Campus Security Authorities (CSA).....	12
Campus Reporting Agents	13
Privileged & Confidential Communications.....	13
Reporting to Responsible Employees	13
Requesting Confidentiality	14
Campus Safety Advisory Committee	15
Annual Disclosure of Crime Statistics	16
Crime Statistics	16
Bias Related Crime Policy.....	21
Bias Related Crime Disciplinary Action and Referral.....	22
Crime Prevention	23
Crime Prevention/Safety Tips	23
Sexual Assault Policy.....	24
Policy.....	24
Definitions	24
Procedures to Follow After an Assault.....	27
Additional Information	27
Consideration and Rights to be Afforded to all Campus Community Members	
Regarding the Sexual Assault.....	28
Disciplinary Action.....	29
Student Grievance Procedure.....	29
Education and Information	30
Awareness Programs for Students and Employees	30
Additional Programming for Preventing of Sexual Assault/Awareness	
on our Campus.....	30
Bystander Intervention and Risk Reduction.....	30
Anti-Retaliation.....	31
Jamestown Business College and the Local Police	31
Recommended Sexual Assault Prevention Measures.....	31
How to Protect Yourself Against Sexual Attack	31
Myths Surrounding Sexual Assault.....	32
How to Protect Others from Sexual Attacks	33
Sex Offender Registry and Access to Related Information	33
Resources for Victims of Sex Offenses	34

Alcohol and Drug Use Policies.....	35
Student Community Rights and Responsibilities: Prohibited Conduct	35
Campus Alcohol Regulations	35
Statement of Purpose	35
State and Local Alcohol Regulations	36
New York State Law.....	36
Civil Liability General Obligations Law of New York State.....	36
General Regulations	36
Enforcement Procedures	36
New York Underage Drinking Laws	36
Campus Drug Policies.....	37
Statement of Purpose	37
Prohibited Activity.....	37
Inappropriate Use of Drugs or Alcohol.....	37
Coercive Behavior.....	38
Federal	38
Select Federal Sanctions for Illegal Drugs.....	38
Trafficking In Controlled Substances	38
Select New York Drug Laws	39
New York State Penal Law	39
Local Laws	40
Sanctions for Violations of Standards of Conduct	41
Applicable Legal Sanctions for Unlawful Possession, Use, or Distribution of Drugs and Alcohol: Federal, State and Local Law.....	41
New York Fines and Penalties for Possession of Controlled Substances.....	42
Health Risks	49
Health-Risks Associated with the Use of Illicit Drugs	49
Detailed Health Risks.....	50
Alcohol and Drug Resources and Services	53
Drug and Alcohol Abuse Education	53
Additional Resources Organizations	53
Jamestown	53
Dunkirk	54
General Resources	54
Web Resources.....	55
Community and National Resources	55
Sanctions, Temporary and Administrative Directives and Transcript Notes.....	56
Definitions	56
Administrative Directives.....	57
Definitions	57
Transcript Notations	58
Transcript Notation Appeals Process.....	58
Firearms or Other Weapons Strictly Prohibited on Campus.....	59
Purpose.....	59
Definitions	59
New York State Statutes-Firearms	60
Policy.....	60
Identity Theft	62
Prohibition on the Marketing of Credit Cards	63
Phishing Scams	63
Suspicious Package/Mail Protocol.....	63
Characteristics of a Suspicious Package.....	63
If You Receive a Suspicious Package	63
Chemical Emergency	64
Spill and Leak Response	64
If Exposure Occurs.....	64

Appendix A New York State Penal Law Article 130--Sex Offenses	65
Appendix B New York State Penal Law Article 485—530.11 Procedures for Family Offense Matters	68
Appendix C New York State Penal Law 120.45 Article 120.45--Stalking in the Fourth Degree	72
Appendix D New York State Penal Law Article 485—Hate Crimes	73
New York State Law Requirements Addendum to the Annual Security Report Article 129-A	76
New York State Law Requirements Addendum to the Annual Security Report Article 129-B	81

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.

The Jamestown Business College main campus is located at 7 Fairmount Avenue, Jamestown, New York. 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.

The annual security report is prepared each fall for a publish date of October 1. The compliance officer at Jamestown Business College is responsible for the updating and publishing of the annual security report. As a part of the preparation, the police departments located in Jamestown, Dunkirk, and Salamanca are contacted to obtain crime statistics that occurred related Clery geography. The college also tracks any crimes that occur on campus based on Clery geography.

For the sole purpose of the Annual Security Report, On Campus Geography at 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).

Non-Campus Geography is located on the Seneca Nation of Indians Territory in Salamanca, NY. This space is occupied by Jamestown Business College from 9 a.m. to 2 p.m. and from 5 to 10 p.m. Monday – Friday. The Dunkirk site is located at 324 Central Avenue. The space is occupied from 9 a.m. to 2 p.m. and 5:30 to 10 p.m. Monday – Friday.

Jamestown Business College does not have On-Campus housing facilities, Off-Campus housing facilities or student organizations.

Public Safety Page

For more information on safety and security, check out the Jamestown Business College Public Safety Page at: www.jbc.edu.

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.

Reporting Locations

The law requires that campuses report specific criminal activities that occur on campus property and specific areas surrounding the campus as well as a few properties controlled by the campus within the community. Crimes and other hazards occur and exist within the community at large that fall beyond the reporting scope of this report. All students and employees are advised to exercise caution in all areas of the campus community and to contact University Police for information and programming on personal safety.

Reporting Crimes

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. It is important to note that all members of the campus community are encouraged and urged to promptly report criminal incidents, emergencies and suspicious activities. 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 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.

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. Security Cameras are installed to cover key areas outside of the college and by the front exit and are monitored daily.

At the Dunkirk site, students have key fobs to unlock the doors. Cameras are installed at the Dunkirk location and are monitored daily by our maintenance director via an app.

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

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

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. It is important that you provide your phone number (cell or other) on your registration paperwork each term. 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 the college.

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.

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 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.

Emergency Evacuation Policy

The policy for emergency notification and evacuation listed below details the procedures Jamestown Business College will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

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.

During an emergency, listed below are some basic guidelines to remain safe 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 Vice President, 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.

In the event of an emergency, Jamestown Business College's Main Line (716-664-5100) will become an Information Hotline Number that will provide and receive information to and from the general public. In addition, individuals reporting may also use this line to report an emergency.

College Closing

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

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 leaves—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.

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.

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.

Campus Security Authorities

Federal law also mandates that any official of the institution who is defined as "Campus Security Authority" is required to report criminal offenses. The definition of "Campus Security Authority", according to the federal law, is as follows: "An official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline, and campus judicial proceedings."

At JBC, it has been determined that the following positions are examples of who meet the definition of a "Campus Security Authority":

- President
- Vice President
- Dean of Students
- Director of Admissions
- Full Time Faculty

Campus Security Authorities are required to report any allegations of Clery Act crimes to the University Police as soon as reasonably possible. Jamestown Business College Campus Security Authorities receive training annually occurring every September. All training documents and required forms are provided at the time of training and published to an LMS course that faculty are enrolled in. Each September and January memorandums explaining Campus Security Authority duties are signed. In addition, emails are sent out each year to Campus Security Authorities requesting any crime reports on a term by term basis.

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	David Conklin	davidconklin@jbc.edu
Dean/Deputy Title IX Coordinator	Pamela Reese	pamelareese@jbc.edu
Associate Dean	Solimar Vazquez	solimarvazquez@jbc.edu
Compliance Officer/Deputy Title IX Coordinator	Erica Sheesley	ericasheesley@jbc.edu
Student Activities Advisors	Deborah Miller	debmiller@jbc.edu
	Randy Bjork	randybjork@jbc.edu
	Marty Seiler	martyseiler@jbc.edu

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 Reporting Agents

The College encourages prompt and accurate reporting of any crime including sex crimes, dating violence, domestic violence, sexual assault and stalking to the College Administration or external police agencies such as the Jamestown Police Department, Dunkirk Police Department, and Salamanca Police Department. However, it can be difficult for a victim to come forward after such an event. The College provides several options for students who wish to maintain confidentiality while obtaining the support they need.

Note: Not all campus employees are able to maintain the same level of confidentiality.

1. **Privileged Communications:** some employees are required to maintain nearly complete confidentiality; talking with them is sometimes called a “privileged communication”.
2. **No Personally Identifying Information:** other employees may talk to a victim in confidence and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosure to these employees will not trigger a College investigation into an incident against the victims’ wishes.
3. **Responsible Employees:** these employees are required to report all the details of an incident (including the identities of both the victim and accused) to the Title IX coordinator. A report to these employees constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

Privileged & Confidential Communications: Professional and Pastoral Counselors

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim’s permission.

Reporting to Responsible Employees

A “responsible employee” is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the College will need to determine what happened – including the names of the victim and accused, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College’s response to the report.

A responsible employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement. Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim’s request for confidentiality. Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for the College to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

Responsible Employees
Vice President, Pamela Reese
Director of Admissions, Chrissy Conklin
Associate Dean, Solimar Vazquez
All Campus Security Authority Personnel: An official of an institution who has significant responsibility for student and campus activities. At registration all students receive a list of all Campus Security Authorities.

Requesting Confidentiality

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the accused may be limited. Although rare, there are times when the College may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

Requests for Confidentiality

Title IX Coordinator, Pamela Reese (716) 664-5100

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the accused will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints about the same accused individual;
 - whether the accused has a history of arrests or records from a prior school indicating a history of violence;
 - whether the accused threatened further sexual violence or other violence against the victim or others;
 - whether the sexual violence was committed by multiple perpetrators;
 - whether the sexual violence was perpetrated with a weapon;
 - whether the victim is a minor;
 - whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
 - whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the victim's request for confidentiality. If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan.

Retaliation against the victim, whether by students or College employees, will not be tolerated.

The College will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the accused pending the outcome of an investigation) or adjustments for assignments or tests; and inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The College may not require a victim to participate in any investigation or disciplinary proceeding. Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the College determines that it can respect a victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

Other Confidential Avenues:

There are other ways to disclose a sexual assault that will be handled confidentially:

Anonymous Reporting. Anonymous reports can be made in person, by phone, or by the Anonymous Witness Form at our web page at:

Campus Safety Advisory Committee

The Campus Safety Advisory Committee is comprised of a cross section of faculty, staff, and students of the College and is appointed by the President each year. The Committee is tasked with the following duties:

1. Educating the campus community about the personal safety and crime prevention
2. Reporting sexual assaults and assisting victims,
3. Advising the President on matters of campus security and public safety.

Each term the Committee conducts a "Campus Safety Walk," surveying areas of the campus that may be in need of improvement or repair. Issues addressed include lighting, pathways and any other hazards or areas of concern.

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.

JAMESTOWN BUSINESS COLLEGE – ALL LOCATIONS

CRIMINAL OFFENSES						
CRIMINAL OFFENSE	Year	ON CAMPUS			PUBLIC PROPERTY	
		Jamestown	Dunkirk	Salamanca	Jamestown	Dunkirk
Murder/Non-negligent manslaughter	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Manslaughter by Negligence	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Sex offenses Forcible	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Fondling	2019	0	0	0	0	0
	2020	0	0	0	0	1
	2021	0	0	0	0	0
Sex offenses Non-forcible	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Incest	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Statutory rape	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated assault	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2019	0	0	0	0	0
	2020	0	0	1	0	0
	2021	0	0	0	0	0
Motor vehicle theft <i>(not theft from a vehicle)</i>	2019	0	0	0	0	0
	2020	0	0	0	0	1
	2021	0	0	0	0	0
Arson	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0

OCCURANCES OF HATE CRIMES—ON CAMPUS											
Category of bias crimes reported											
All Locations											
Criminal Offenses	Year	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	Totals	
Murder/Non-Negligent manslaughter	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Rape	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Fondling	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Incest	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Robbery	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Aggravated assault	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Burglary	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Motor vehicle theft <i>(not theft from a vehicle)</i>	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Arson	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Simple Assault	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Larceny-theft	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Intimidation	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0

JAMESTOWN BUSINESS COLLEGE – ALL LOCATIONS

OCCURANCES OF HATE CRIMES—PUBLIC PROPERTY											
Category of bias crimes reported											
All Locations											
Criminal Offenses	Year	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	Totals	
Murder/Non-Negligent manslaughter	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Rape	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Fondling	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Incest	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Robbery	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Aggravated assault	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Burglary	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Motor vehicle theft <i>(not theft from a vehicle)</i>	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Arson	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Simple Assault	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Larceny-theft	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Intimidation	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	2019	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0

VAWA							
CRIME	Year	ON CAMPUS			PUBLIC PROPERTY		
		Jamestown	Dunkirk	Salamanca	Jamestown	Dunkirk	Salamanca
Domestic Violence	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	1
	2021	0	0	0	0	0	0
Dating Violence	2019	1	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Stalking	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0

Arrests							
CRIME	Year	ON CAMPUS			PUBLIC PROPERTY		
		Jamestown	Dunkirk	Salamanca	Jamestown	Dunkirk	Salamanca
Weapons: carrying, possessions, etc.	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Drug abuse violations	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Liquor law violations	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0

DISCIPLINARY ACTIONS							
CRIME	Year	ON CAMPUS			PUBLIC PROPERTY		
		Jamestown	Dunkirk	Salamanca	Jamestown	Dunkirk	Salamanca
Weapons: carrying, possessions, etc.	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Drug abuse violations	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Liquor law violations	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0

UNFOUNDED CRIMES							
CRIME	Year	ON CAMPUS			PUBLIC PROPERTY		
		Jamestown	Dunkirk	Salamanca	Jamestown	Dunkirk	Salamanca
Total Unfounded Crimes	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0

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.

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.

Term	Definition
Bias Related Crime	<p>When a person commits a Specified Offense and either:</p> <p>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.</p>
Specified Offense	<p>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 one, two or four of §125.20 (manslaughter in the first degree); §125.25 (murder in the second degree); §120.45 (stalking in the fourth degree); §120.50 (stalking in the third degree); §120.55 (stalking in the second degree); §120.60 (stalking in the first degree); subdivision one of §130.35 (rape in the first degree); subdivision one of §130.50 (criminal sexual act 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 second degree); paragraph (a) of subdivision one of §130.70 (aggravated sexual abuse in the first degree); §135.05 (unlawful imprisonment in the second degree); §135.10 (unlawful imprisonment in the first degree); §135.20 (kidnapping in the second degree); §135.25 (kidnapping in the first degree); §135.60 (coercion in the second degree); §135.65 (coercion in the first degree); §140.10 (criminal trespass in the third degree); §140.15 (criminal trespass in the second degree); §140.17 (criminal trespass in the first degree); §140.20 (burglary in the third degree); §140.25 (burglary in the second degree); §140.30 (burglary in the first degree); §145.00 (criminal mischief in the fourth degree); §145.05 (criminal mischief in the third degree); §145.10 (criminal mischief in the second degree); §145.12 (criminal mischief in the first degree); §150.05 (arson in the fourth degree); §150.10 (arson in the third degree); §150.15 (arson in the second degree); §150.20 (arson in the first degree); §155.25 (petit larceny); §155.30 (grand larceny in the fourth degree); §155.35 (grand larceny in the third degree); §155.40 (grand larceny in the second degree); §155.42 (grand larceny in the first degree); §160.05 (robbery in the third degree); §160.10 (robbery in the second degree); §160.15 (robbery in the first degree); §240.25 (harassment in the first degree); subdivision one, two or four of §240.30 (aggravated harassment in the second degree).</p>

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

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.

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.

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 Vice President'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.

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.

The following are guiding principles for consent:

- Consent to one form of sexual activity does not imply consent to other forms of sexual activity, nor does past consent to intimacy imply consent to future intimacy.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated.
- In order to give consent, a person must be of the legal age of consent, which is 17 in New York.
- Consent cannot be given and is deemed invalid when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

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.

Coercion is unreasonable pressure. The use of emotional manipulation to persuade someone to do something they may not want to do, such as being sexual or performing certain sexual acts, constitutes coercion. Coercing someone into having sex or performing sexual acts does not constitute obtaining consent and is considered sexual misconduct.

Complainant is the person(s) who allege(s) that this policy has been violated.

Dating Violence includes 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 would be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence would include, but would not be limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of "domestic violence."

Domestic Violence is a felony or misdemeanor crime of violence and includes the use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual, or economic abuse directed towards (i) a current or former spouse or intimate partner; (ii) a person with whom one shares a child; or (iii) anyone who is protected from the respondent's acts under the domestic or family violence laws of New York. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.

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.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation, and coercion to overcome resistance.

Incapacitation is a state where someone cannot make rational, reasoned decisions. A person may be incapacitated due to mental disability, sleep, unconsciousness, physical restraint, or from the consumption (voluntary or otherwise) of incapacitating drugs or quantities of alcohol. Sexual activity with someone whom you know or, reasonably should know, is mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this policy. Evidence of incapacity may be detected by physical cues, such as slurred speech, bloodshot eyes, the odor of alcohol on a person's breath or clothing, inability to maintain balance, vomiting, unusual or irrational behavior, and unconsciousness. Incapacity may be indicated by the quantity of alcohol consumed. The presence of one or more of these cues does not necessarily indicate incapacity, nor does the absence of these cues necessarily indicate capacity.

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

Intimidation means unlawfully placing 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.

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.

Respondent is the person who is accused of violating this policy.

Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's informal or formal complaint of a violation of this policy or participation in a school or government investigation or proceedings related to an alleged violation of this policy or related

civil rights law. Federal, state, and local civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws.

Sexual or Sex-based Harassment is defined as unwelcome sex-based verbal, visual, or physical conduct:

- that has the purpose or effect of creating an intimidating, hostile, or offensive living, learning, or working environment;
- that has the purpose or effect of unreasonably interfering with an individual's academic or job performance or limiting or depriving someone of the ability to participate in or benefit from Jamestown Business College's educational programs, activities and/or employment; or
- where submission to the conduct is explicitly or implicitly made a term or condition of an individual's education, employment, or participation in other activities sponsored by Jamestown Business College; or
- where submission to or rejection of the conduct is used as the basis for academic or employment decisions.

Examples of sex-based harassment that may cause a hostile environment include, but are not limited to:

- subtle or persistent pressure for sexual activity;
- unnecessary touching or brushing against a person;
- requesting or demanding sexual favors concerning employment, academic activities, or other Jamestown Business College activities;
- unwelcome communications (verbal, written, electronic, etc.) of a sexual nature;
- failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior;
- Verbal and/or physical aggression toward another based upon a perception that the other fails to conform to stereotypical notions of expected characteristics for males or females.

Sexual Assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. It is divided into two categories of behavior: Non-consensual Sexual Contact and Non-consensual Sexual Intercourse.

Sexual Assault—Non-consensual Sexual Contact includes any intentional touching of a sexual nature, however slight, whether clothed or unclothed, with any object or body part by a person against another person that is without affirmative consent and/or by force. Consent is required regardless of whether the person initiating the sexual contact is under the influence of drugs and/or alcohol. When consent is withdrawn or can no longer be given due to incapacitation, sexual activity must stop.

Examples of non-consensual sexual contact include, but are not limited to:

- intentional contact with the breasts, buttocks, groin, or genitals;
- intentional touching of another with breasts, buttocks, groin, or genitals;
- making another person touch someone or themselves in a sexual manner;
- any intentional bodily contact in a sexual manner.

Sexual Assault—Non-consensual Sexual Intercourse includes any sexual intercourse, however slight, with any object or body part by a person against another person that is without affirmative consent and/or by force. Affirmative consent is required regardless of whether the person initiating the sexual contact is under the influence of drugs and/or alcohol. When consent is withdrawn or can no longer be given due to incapacitation, sexual activity must stop.

Examples of non-consensual sexual intercourse include, but are not limited to:

- vaginal penetration by a penis, object, tongue, or finger;
- anal penetration by a penis, object, tongue, or finger;
- oral copulation (mouth to genital contact or genital to mouth contact).

Sexual Exploitation includes but is not limited to:

- invasion of sexual privacy and voyeurism (in-person or through audio or video recording);
- knowingly transmitting a sexually transmitted infection;
- exposing a person's body or genitals;
- prostituting or soliciting another community member.

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear for her, his, or others' safety, 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.)

Examples of stalking include but are not limited to:

- constantly appearing at places the victim is known to frequent;
- persistent unwanted communication or contact whether in person, by telephone, text, or email;
- persistent unwanted gifts;
- following or surveillance;
- spreading harmful gossip about victims;
- breaking-and-entering that can include vandalism, theft, or even simply rearranging objects so that victims know the stalker was there.

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

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

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.

Additional Information

Evidence Preservation – for future criminal prosecution or campus student conduct action:

- Do not change clothes, shower, or clean up in any way
- Do not throw anything away
- Do not take any unnecessary medication
- Inform the investigator of people who may have been nearby during the assault or who may have heard or seen anything before, during or after the attack. It is very important you inform the police whom you spoke with, emailed, or texted after the attack.
- Try to describe the attacker in detail: age, weight, height, race, eye and hair color, clothing, scars, tattoos, piercings, length of hair, if facial hair was present, jewelry worn, items they may have left, odors, exact wording they used and any distinctive language or speech patterns.

Survivor Assistance - Please remember that the sexual assault is not your fault. It does not matter what you may have been wearing or how much you had to drink.

- Although it is never too late to report a sexual attack, reporting as soon as possible is very important.
- As a sexual assault survivor, you have the right to report the incident. Only you can make that decision. We want to ensure you receive the support you need to handle this crisis. We strongly encourage you to file a complaint. The College wants to handle this incident in the best way for you and in a manner that prevents further attacks. Studies show rapists are often repeat offenders and have an average of up to 6 victims. You can help stop the cycle of attacks.
- Survivors may be able to have their academic and living conditions changed
- The Anew Center, a domestic violence and rape crisis organization is available at 716-661-3897

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.

Counseling - Counselors are special people with enduring sensitivity, trained to respond to crisis situations. They can understand, support, advocate, listen and clarify. While Jamestown Business College does not have counselors on staff, we have community resources that we will refer you to.

If you choose to speak with a counselor, they will try to help you sort through all of the important issues one step at a time, at a manageable pace with you leading the way. Some of the issues a counselor may discuss with you:

- Obtaining immediate care for physical trauma.
- Gathering medical/legal evidence using a sexual assault nurse examiner (SANE Nurse).
- Prevention/treatment of SID/HIV.
- Prevention/treatment of pregnancy.
- Linking with your personal support system of family and friends.
- Legal assistance/reporting and prosecuting the offender if you choose to do so.
- Help dealing with any long-term effects of assault, including anxiety, depression, fear and how to handle family members and friends.

Medical Care - If you have been sexually assaulted, it is important to make sure you protect your physical health as well as your mental health. UPMC Chautauqua is ready to help you get the medical care you need after a sexual assault, but there are other options for you as well. You could see your regular doctor or go to the nearest emergency department. Please keep in mind that many treatments are time dependent. The sooner you obtain medical care, the more effective the treatment can be. Visiting a health care provider can ensure your safety by providing you with the following:

- Treatment for any physical trauma that occurred during the assault.
- Screening for and prescription medications to prevent sexually transmitted infection including HIV.
- Prescription medications to prevent pregnancy.
- Collecting physical evidence that may help you in court or making arrangements for a sexual assault nurse (SANE) to do the same.
- Helping you get any counseling and support you may need.

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.

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.

Student Grievance Procedure

Students who believe that they have been treated unfairly, or discriminated against in regard to race, color, national origin, ethnicity, religion, creed, age, disability, gender, gender identity, sexual orientation, marital status, and military status or has been dealt with in a manner that is inconsistent with Jamestown Business College regulations, may seek redress at any time within fourteen (14) business days of the alleged occurrence. This nondiscrimination policy covers admissions, access to and treatment in college programs, services, and activities.

Jamestown Business College is committed to compliance with Section 504 of the Rehabilitation Act of 1973 (as amended), which prohibits discrimination against persons with disabilities and Title IX of the Education Amendment of 1972, which prohibits discrimination based on gender in admission to or employment in its education programs and activities. Questions about this policy may be directed to David Conklin, President/Title IX coordinator, at 716-488-3026 and/or Pamela Reese, Dean/Section 504 Coordinator, at 716-488-3020 or P.O. Box 429, Jamestown, NY 14702- 0429.

Jamestown Business College students are guaranteed the right of having Jamestown Business College related complaints resolved through the following procedure:

1. Any violation of the rules of this institution which might warrant disciplinary action shall be reported to the Compliance Coordinator within fourteen (14) business days from the date of the alleged occurrence.
2. The Compliance Coordinator shall then investigate the matter within fourteen (14) business days.
3. If the Compliance Coordinator determines that it is necessary to proceed further, he/she shall transmit in writing, within fourteen (14) business days, to the student that the individual(s) being charged has received written communication regarding the incident.
4. The Compliance Coordinator shall also inform the individual(s) being charged that he or she has the right to respond to the charges either in writing or in person within (14) business days.
5. Also, within fourteen (14) business days after receipt of the charges by the student, a meeting will be scheduled with the Compliance Coordinator, Director of Admissions, student, and the individual being charged to discuss the charges.
6. After the individual(s) being charged and the student have had an opportunity to respond to the charges, the Compliance Coordinator will render a written determination on the charges which will be transmitted to the individual being charged and the student within fourteen (14) business days.
7. If the determination of the Compliance Coordinator is that the individual being charged is guilty of any of the charges against him or her, the Compliance Coordinator may impose a penalty of reprimand, or termination within fourteen (14) business days.

8. The student and/or the individual being charged may request in writing that the President of the institution review the determination of the Compliance Coordinator within fourteen (14) business days.
9. Upon such an appeal, the President of the institution shall review the record in the matter and may affirm, reverse, or modify the determination of the Compliance Coordinator within fourteen (14) business days of receipt.

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.

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, domestic/dating violence and stalking training (an interactive program with Project Crossroads), and workplace harassment training (Safe Colleges Training).
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.

Additional Programming for Preventing of Sexual Assault/Awareness on our Campus

- Personal Safety/Basic Crime Prevention and Tips annually in the College newsletter
- Title IX training at all Orientation Sessions
- Domestic Violence/Dating Violence Information shared regularly in the College newsletter
- Sexual Assault Prevention Tips provided during orientation and through the College newsletter

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.

Anti-Retaliation

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.

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.

Recommended Sexual Assault Prevention Measures

How to Protect Yourself Against Sexual Attack

Jamestown Business College has experienced a relatively low incident of sexual assaults. However, it is important not to develop a false sense of security. Knowledge and awareness help make safe decisions.

- Most rapes on or near college campuses are committed by acquaintances or during some type of date. Although "stranger crimes" can occur, they are very rare on their campus and within the community.
- Students are at the highest risk of unwanted sexual contact during their first few weeks on campus or during their first few weeks living off-campus.

- Determine what you want, and what you don't want, and communicate your personal limits clearly. No one should pressure you into unwanted sexual activity. If you are uncertain about what you want, tell your partner to respect your feelings.
- Know that you have the right to say, "No" at any time and the right to defend yourself against an attacker.
- Trust your intuition. If you feel uncomfortable leaving or entering a building, go to the most public space. If you feel something is wrong, it likely is. Remove yourself from the situation and get to a safe space as quickly as possible.
- Be careful with alcohol and drugs. Some people think that a drunk or stoned companion has automatically consented to sex. This is not true. Investigations show alcohol use and abuse is often a component of sexual assault cases.
- Attend parties with friends you can trust. Agree to "look out for one another". Always try to leave with a group rather than alone or with someone you don't know well.
- Look for danger signals in a dating relationship. If your partner restricts your activities, isolates you from friends or displays jealous behavior, he or she may become dangerous.
- Talk with your friends about the problem of dating violence. Become conversant with techniques to disrupt degrading jokes about violence and sexuality (Bystander Awareness Training offered by Student Affairs).
- Be alert. Walk with confidence and look others in the eye. Carry your car or house/room keys in your hand as you leave or are walking toward your destination.

Myths Surrounding Sexual Assault

Myth #1: The motivating force behind sexual assault is only sexual desire. Sexual assault is about power and control, humiliation, and degradation.

Myth #2: Sexual assaults are perpetrated mostly by strangers outdoors and at night in deserted areas like parking lots, behind bushes and back alleys. In fact, this is atypical of most rapes and sexual attacks, particularly on college campuses. In most cases, sexual assault survivors knew their attacker prior to the assault and in some cases, the perpetrator was a boyfriend or girlfriend. Many sexual assaults occur in the context of a date, while others are committed by neighbors, relatives, and other acquaintances. Almost half of all reported rapes occur in a home, many times the survivor's home.

Myth #3: Physical assault is always involved with sexual assault. The survivors will have bruises and apparent injuries on their body if they were truly sexually assaulted. Most sexual assaults do not involve a high level of physical violence. Psychological strategies like intimidation, pressuring, emotional blackmail, and the use of threats are the most common techniques used by perpetrators. Most offenders utilize physical force after psychological strategies have failed. Many survivors do not present with bruises, cuts, or torn clothing. They may not look "battered".

Myth #4: You can tell simply from another person's actions or way of dressing that she or he wants to have sex with you. One can never assume someone wants to have sex based on his/her appearance (appearance does not imply or take the place of verbalized consent).

Myth #5: Some people ask to be raped or sexually assaulted and are at fault for whatever happens. People may make poor judgments and even dangerous decisions, but no one ever asks or deserves to be sexually assaulted. Sexual assault has nothing to do with appearance or the victim's reputation. It is never the survivor's fault!

Myth #6: Women make up accusations of sexual assault to get revenge against a person. Sexual assault is severely under-reported and false complaints make up a small portion of reports.

Myth #7: Rapists are severely disturbed. Generally, rapists test in the normal range on most psychological instruments. Rapists look like most other people and often have jobs, families, and otherwise normal lives.

How to Protect Others from Sexual Attacks

Respect your partner's decisions. Don't pressure them to go beyond the limits they have set. Listen carefully to your partner and ask for clarification if your partner seems unclear or is giving you a mixed message. If you're not sure your partner wants to engage in a sexual act, ask them!

- Respect the person when he or she says, "no" to sexual activity and comply. Not hearing the word "no" does not mean "yes" or imply consent has been given. Be absolutely certain you are not going beyond your partner's limits. Once again, asking your partner if they want to have sex is a great way to show them respect and to clarify what they want.
- If you see someone in a vulnerable position, find a safe way to help. Don't ignore what you think is a dangerous situation or presume someone else will take care of the problem.
- Alcohol and drugs diminish the ability to make clear and good decisions. Having sexual contact with someone too intoxicated by any substance to make a good decision is a crime.
- Be careful in groups. Resist pressure from friends to participate in or be subjected to any act with which you are not comfortable.
- Never make assumptions about a person's behavior. Never assume a person wants to have sex because they drink heavily, dress in a certain manner or agree to go back to your room.
- Previous consent does not imply current consent.

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:

www.criminaljustice.ny.gov/nsor

Resources for Victims of Sex 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
Olean: (716) 373-8800

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

National Domestic Violence Hotline
(800)799-SAFE (7233)

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.

Student Community Rights and Responsibilities – Prohibited Conduct

Drugs Consistent with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), possessing, using, or distributing a controlled substance or dangerous drug, or any drug unlawful to possess, e.g. marijuana, except as expressly permitted by law is prohibited. Drug paraphernalia including, but not limited to: bongs, water pipes, or hypodermic needles that are not specifically required for the administration of prescribed medications are not allowed on campus.

Use of legal medication outside the parameters of the medical authorization is prohibited and prescription drugs on campus must have an authentic medical prescription.

Alcohol Consistent with New York State Law, individuals under the age of 21 years are prohibited from using, possessing, or distributing alcoholic beverages. Individuals over the age of 21 may use and possess alcohol as permitted by the law and College regulations. Open containers and public intoxication are prohibited.

Campus Alcohol Regulations

Statement of Purpose

The following regulations are to act as guidelines to provide members of the College community with an opportunity to develop a realistic and reasoned approach to alcohol use. They presume adherence to New York State Law and respect for the rights of all others in the College community. It is important to note that college policy does not recognize misuse of alcoholic beverages as an excuse for misconduct of any kind.

The regulations apply to all members of the College community and their guests. They are in effect for all campus buildings and the College grounds. They are meant to provide a framework through which responsible use of alcohol is a prime objective.

State and Local Alcohol Regulations

New York State Law

New York State has taken major steps to deal with alcohol abuse. The penalties for "Driving While Ability Impaired" and "Driving While Intoxicated" have increased substantially (including fines, suspension or revocation of license, imprisonment.) The best advice: If you drink, don't drive. It is a crime in New York State to purchase alcoholic beverages for, or to give alcohol to, a person under 21 years of age. The legislature has passed several bills to substantially increase penalties for these offenses. Effective December 1985, the minimum legal age for purchase of alcoholic beverages became 21. The College must

comply with State law. Effective October 1989, a person under the age of 21 who presents an altered New York State driver's license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver's license for up to 90 days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver's license following the suspension. Effective November 1989, persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation. Effective January 1990, persons under the age of 21 are prohibited from possessing any alcoholic beverage with intent to consume the beverage. Alcoholic beverages involved in alleged violations of this law may be seized by authorized law enforcement officials.

Civil Liability General Obligations Law of New York State

Section 11-100 provides for civil liability against any person knowingly causing intoxication of a person under 21 years of age by furnishing alcoholic beverages to that person or by aiding such a person in procuring alcoholic beverages. Section 11-100 (Dram Act) provides for civil liability against any person selling or procuring alcoholic beverages for an intoxicated person regardless of age.

General Regulations

- A. The College will not accept use of alcohol as an excuse for misconduct.
- B. New York State law regarding DWI and DWAI is applicable to all College property and the violation of same on College property constitutes a violation of these regulations.
- C. Misconduct on College property resulting from the use of alcohol constitutes a violation of these regulations.
- D. Possession of any alcoholic beverage by a person under the age of 21 is expressly forbidden.
- E. Referrals of alcohol abusers to an appropriate campus program or to the St. Lawrence Health Systems Substance Use Disorder Services may be a provision of any penalty or sanction for violation of these regulations.
- F. No vendor shall deliver, or cause to have delivered, alcoholic beverages to the campus except where such delivery is made to a College authorized representative or agent of a licensed vendor
- G. Any violation(s) of these regulations shall be dealt with in accordance with Article VI.

Enforcement Procedures

College groups and individuals not in compliance with this policy may be charged under the College disciplinary system.

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.

Campus Drug Policies

Statement of Purpose

This Policy is intended to promote wellness and foster an atmosphere in which College-related activities can be conducted safely, appropriately and in a way that reflects well upon Jamestown Business College.

Prohibited Activity

Inappropriate Use of Drugs or Alcohol

Jamestown Business College strictly prohibits the possession, sale, use, or distribution of illegal drugs and drug paraphernalia; the misuse/abuse or redistribution of drugs obtained lawfully; and the unauthorized sale, possession or consumption of alcohol, on any College property, in College vehicles, and at any activity sponsored or authorized by the College.

Consistent with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), possessing, using, or distributing a controlled substance or dangerous drug, or any drug unlawful to possess, e.g. marijuana, except as expressly permitted by law is prohibited. Drug paraphernalia including, but not limited to: bongs, water pipes. E-cigarettes, or hypodermic needles that are not specifically required for the administration of prescribed medications are not allowed on campus. Use of legal medication outside the parameters of the medical authorization is prohibited and prescription drugs on campus must have an authentic medical prescription.

As part of our commitment to healthy lifestyles, respect, and well-being, Jamestown Business College is a tobacco-free campus. JBC prohibits smoking including the use of tobacco products on all campus-owned grounds, including the picnic area, adjacent sidewalks, and parking lots. Any students found smoking will receive one verbal warning. A second offense will result in the student receiving a written warning, and a third offense will result in the student not being permitted on campus.

Coercive Behavior

No Jamestown Business College student shall coerce, even subtly, another Jamestown Business College student to use drugs or alcohol.

Federal

Select Federal Sanctions for Illegal Drugs

Although most controlled substance offenses are prosecuted under state law, possession can become a federal charge when, for example, either the defendant or the drug crossed state lines, or the offense took place in a national park, federal land, or aboard an airplane.

It is a crime under federal law to knowingly or intentionally possess a controlled substance unless the possession is otherwise permitted by law, e.g., the controlled substance has been obtained pursuant to a valid prescription. The penalties for the conviction of the unlawful simple possession of a controlled substance, sometimes referred to as personal use amounts, are severe. The penalty for the first conviction is up to one-year imprisonment, a fine of at least \$1,000, or both. The penalty for the second conviction is imprisonment for not less than 15 days but not more than 2 years and a fine of not less than \$2,500. If there have been two or more prior convictions, the penalty is a period of imprisonment between 90 days and 3 years and a minimum fine of \$5,000.

A conviction for the possession of a mixture or substance which contains a cocaine base (such as crack cocaine) is subject to even more severe penalties. The penalty for the conviction of possession of a cocaine based controlled substance is imprisonment for a period of 5 to 20 years and a fine of no less than \$1,000, provided the amount exceeds 5 grams for the first conviction, 3 grams for the second conviction, and 1 gram for each subsequent conviction.

Trafficking In Controlled Substances

The Controlled Substances Act provides penalties for the unlawful trafficking of controlled substances, based on the schedule of the drug or substance. Generally, the more dangerous the drug, and the larger quantity involved, the stiffer the penalty. A person caught selling at least five hundred grams, but less than five kilograms of cocaine powder will receive a minimum of five years in prison and may be fined up to \$2 million for the first offense. The same penalty is imposed for the sale of five to forty-nine grams of cocaine base ("crack"). Penalties double with the second offense to ten years in prison and up to \$4 million in fines. Higher penalties apply if an organized group is involved or if a death or injury is associated with the arrest event. Special penalties exist for marijuana trafficking, because it may be traded or grown in substantial amounts. The lower the amounts sold or the fewer plants grown, the lower the sentence. For example, a person selling 1 to 49 plants or less than a 50 kg mixture may get a maximum sentence of not more than five years, along with a \$250,000 fine.

Federal possession and trafficking convictions can also lead to the forfeiture of property (e.g. your car), the denial of federal benefits such as student loans and grants, and a criminal record, which may prevent an individual from entering certain career fields.

See U.S. Department of Justice, Drug Enforcement Administration, Drugs of Abuse Publication 2005 Edition, Federal Trafficking Penalties or www.justice.gov/dea/druginfo/ftp3.shtml for a complete list of penalties.

Select New York Drug Laws

The unlawful possession, use, or distribution of illicit drugs is punished by severe penalties by the State of New York. Typically, the seriousness of the offense and the penalty imposed depend upon the individual drug, the amount of the drug, and whether the drug is possessed or sold.

For example, the possession of four ounces or more of cocaine is a class A-I felony, punishable by up to life in prison and fines of up to \$100,000. The possession of any amount of cocaine, with intent to sell, is a class B felony, punishable by up to 25 years in prison and fines of up to \$30,000.

The possession of 25 grams or less of Marijuana is a civil infraction and is subject to a \$100 fine. The possession of 8 to 16 ounces of Marijuana is a class E felony, punishable by 1-4 years in prison and/or a \$5,000 fine (for the first offense), as is the sale of 25 grams to 4 ounces of Marijuana. Any sale or delivery of Marijuana to a minor is punishable by 1-7 years in prison and a fine of up to \$5,000.

In New York State, any gift of drugs, including marijuana, is treated as a sale.

New York State Penal Law

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

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

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

Specific sections of interest in Article 220 follow:

- Section 220.44 - makes a sale of a controlled substance in or near school grounds, to a person less than 19 years of age, a Class B felony.
- Section 220.45 - makes criminal possession of a hypodermic instrument a Class A misdemeanor.
- Section 220.46 - makes criminal injection of another person with a narcotic drug, with consent of that person, a Class E felony.
- Section 220.50 - bans possession or sale of drug paraphernalia; deals with things that dilute drugs, like dextrose or mannite; and gelatin capsules, plastic envelopes, etc., considered commercial preparation materials (Class E felony).
- Section 220.60 - makes criminal possession of certain "precursors" of controlled substances used in their preparation or manufacture, but not the drugs themselves, a Class E felony (for example, ergot or dissimilate).

It is important to be aware that under the Penal Law, a gift of drugs, including marijuana, is treated as a sale. New York State Penal Law defines a misdemeanor as a crime punishable by imprisonment for more than 15 days but not more than one year. A felony is a crime punishable by imprisonment for more than one year.

Local Laws

Federal Penalties & Sanctions - Illegal Possession, Controlled Substance

21 U.S.C. 844 (a)

- 1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000 or both.
- After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000 or both.
- After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000 or both. Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000 or both if: (a) 1st conviction and the amount of crack possessed exceeds 5 grams. (b) 2nd crack conviction and the amount of crack exceeds 3 grams. (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram. 21 U.S.C. (a) (2) and 881 (a) (7)
- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack.) 21 U.S.C. 881 (a) (4)
- Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance. 21 U.S.C. 844a • Civil fine of up to \$10,000 (pending adoption of final agreement.) 21 U.S.C. 853a
- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses. 18 U.S.C. 922 (g)
- Ineligible to receive or purchase a firearm. Miscellaneous revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

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

Sanctions for Violations of Standards of Conduct

Students who violate this Policy are subject to disciplinary action. Based upon an evaluation of the relevant circumstances, such disciplinary action may include, in the sole discretion of the College and without limitation, warnings (oral or written); mandatory completion of a substance abuse rehabilitation program; suspension; or immediate dismissal from the College.

Drug and Alcohol Use Amnesty in Connection with Reporting Sexual Assault, Intimate Partner Violence or Stalking

The health and safety of every student at Jamestown Business College is of utmost importance. Jamestown Business College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (including domestic violence, dating violence, stalking, or sexual assault) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Jamestown Business College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to Jamestown Business College officials in accordance with College procedures.

A bystander acting in good faith, or a reporting individual acting in good faith, that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Jamestown Business College officials or law enforcement will not be subject to Jamestown Business College's disciplinary process for violations of this Policy occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Applicable Legal Sanctions for Unlawful Possession, Use, or Distribution of Drugs and Alcohol – Federal, State and Local Law

In addition to disciplinary action, students remain subject to all applicable local, state, and federal laws which will be fully enforced by the College. What follows are some examples of federal, New York, and local laws pertaining to the unlawful possession, use or distribution of drugs and alcohol.

New York Fines and Penalties for Possession of Controlled Substances

NYS Penal Law Controlled Substances Offenses	Specifics	Sentence
§220.03 Criminal possession of a controlled substance (7th degree).	<p>Knowingly and unlawfully possessing a controlled substance (any substance listed in §3306 of the <u>NYS Public Health Law</u> other than marihuana, but including concentrated cannabis as defined in §3302 of <u>NYS Penal Law Article 220</u>).</p>	Class A misdemeanor: imprisonment up to one year.
§220.06 Criminal possession of a controlled substance (5th degree).	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> 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 $\frac{1}{2}$ oz or more); or phencyclidine (50 mg or more); or 3. one or more preparations, compounds, mixtures or substances containing concentrated cannabis (aggregate weight of $\frac{1}{4}$ oz ounce or more); or 4. cocaine (500 mg or more); or 5. ketamine (more than 1,000 mg); or 6. ketamine, and has previously been convicted of possession or the attempt to commit possession of ketamine in any amount; or 7. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (aggregate weight of 28 g or more). 	Class D felony: imprisonment for 1 to $2\frac{1}{2}$ years (may be sentenced to probation). For a 2nd time offender: imprisonment for $1\frac{1}{2}$ to 4 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for $2\frac{1}{2}$ to $4\frac{1}{2}$ years.
§220.09 Criminal possession of a controlled substance (4th degree).	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (an aggregate weight of $\frac{1}{8}$ 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 $\frac{1}{2}$ 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 and has previously been convicted of an offense defined in §220 or the attempt or conspiracy to commit any such offense); or 	Class C felony: imprisonment for 1 to $5\frac{1}{2}$ 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 $3\frac{1}{2}$ to 9 years.

	<p>14. ketamine (4,000 mg or more); or</p> <p>15. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid (aggregate weight of 200 g or more).</p>	
§220.16 Criminal possession of a controlled substance (3rd degree).	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> 1. a narcotic drug with intent to sell it; or 2. 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 3. a stimulant (1 g or more) with intent to sell it; or 4. lysergic acid diethylamide (1 mg or more) with intent to sell it; or 5. a hallucinogen (25 mg or more) with intent to sell it; or 6. a hallucinogenic substance (1 g or more) with intent to sell it; or 7. 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 8. a stimulant (5 g or more); or 9. lysergic acid diethylamide (5 mg or more); or 10. a hallucinogen (125 mg or more); or 11. a hallucinogenic substance (5 g or more); or 12. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of ½ oz or more); or 13. Phencyclidine (1250 mg or more). 	<p>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.</p>
§220.18 Criminal possession of a controlled substance (2nd degree).	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 4 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 2 oz or more); or 3. a stimulant (10 g or more); or 4. lysergic acid diethylamide (25 mg or more); or 5. a hallucinogen (625 mg or more); or 6. a hallucinogenic substance (25 g or more); or 7. Methadone (2850mg or more). 	<p>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.</p>
§220.21 Criminal possession of a controlled substance (1st degree).	<p>Knowingly and unlawfully possessing:</p> <ol style="list-style-type: none"> 1. one or more preparations, compounds, mixtures or substances containing a narcotic drug (aggregate weight of 8 oz or more); or 2. Methadone (5760 mg or more). 	<p>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.</p>

<p>§220.25 Criminal possession of a controlled substance (presumption).</p>	<p>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 <u>§220.25</u> 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 <u>§220.25</u> for exceptions).</p>	
<p>§220.31 Criminal sale of a controlled substance (5th degree).</p>	<p>Knowingly and unlawfully selling a controlled substance (any substance listed in schedule I, II, III, IV or V of §3306 of the <u>NYS Public Health Law</u> other than marihuana, but including concentrated cannabis as defined in paragraph (a) of subdivision four of §3302 of <u>NYS Penal Law Article 220</u>).</p>	<p>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.</p>
<p>§220.34 Criminal sale of a controlled substance (4th degree).</p>	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> 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 <u>NYS Public Health Law</u>; 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 <u>NYS Public Health Law</u>. 	<p>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.</p>
<p>§220.39 Criminal sale of a controlled substance (3rd degree).</p>	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> 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, 	<p>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</p>

	<p>isomers or salts of isomers (aggregate weight of 1/8 oz or more); or</p> <p>8. phencyclidine (250 mg or more); or</p> <p>9. a narcotic preparation to a person less than 21 years old.</p>	<p>felony: imprisonment for 6 to 15 years.</p>
§220.41 Criminal sale of a controlled substance (2nd degree).	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> 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). 	<p>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.</p>
§220.43 Criminal sale of a controlled substance (1st degree).	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> 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). 	<p>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.</p>
§220.44 Criminal sale of a controlled substance in or near school grounds.	<p>Knowingly and unlawfully selling:</p> <ol style="list-style-type: none"> 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. 	<p>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.</p>
§220.45 Criminally possessing a hypodermic instrument.	<p>Knowingly and unlawfully possessing or selling a hypodermic syringe or hypodermic needle.</p>	<p>Class A misdemeanor: imprisonment up to one year.</p>
§220.46 Criminal injection of a narcotic drug.	<p>Knowingly and unlawfully possessing a narcotic drug and intentionally injecting, by means of a hypodermic syringe or hypodermic needle, all or any portion of that drug into the body of another person with the latter's consent.</p>	<p>Class E felony: imprisonment 1 to 1½ years (may be sentenced to probation). For a 2nd time</p>

		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.
§220.50 Criminally using drug paraphernalia (2nd degree).	<p>Knowingly possessing or selling:</p> <ol style="list-style-type: none"> 1. diluents, dilutants or adulterants, including but not limited to, any of the following: quinine hydrochloride, mannitol, mannite, lactose or dextrose, adapted for the dilution of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purposes of unlawfully mixing, compounding, or otherwise preparing any narcotic drug or stimulant; or 2. gelatin capsules, glassine envelopes, vials, capsules or any other material suitable for the packaging of individual quantities of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for the purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant; or 3. scales and balances used or designed for the purpose of weighing or measuring controlled substances, under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant. 	Class A misdemeanor: imprisonment up to one year.
§220.55 Criminally using drug paraphernalia (1st degree).	Committing the crime of criminally using drug paraphernalia in the second degree and having previously been convicted of criminally using drug paraphernalia in the 2nd degree.	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.
§220.60 Criminal possession of precursors of controlled substances.	<p>Possessing and at the same time intending to unlawfully manufacture:</p> <ol style="list-style-type: none"> 1. a controlled substance; or 2. carbamide (urea) and propanedioic 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 	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

	<p>5. pentazocine and methyliodide; or</p> <p>6. phenylacetonitrile and dichlorodiethyl methylamine or dichlorodiethyl benzylamine; or</p> <p>7. diephenylacetonitrile and dimethylaminoisopropyl chloride; or</p> <p>8. piperidine and cyclohexanone and bromobenzene and lithium or magnesium; or</p> <p>9. 2, 5-dimethoxy benzaldehyde and nitroethane and a reducing agent.</p>	<p>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 <u>NYS Public Health Law</u> , knowingly and unlawfully selling a prescription for a controlled substance.	<p>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.</p>
§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.	<p>Class A misdemeanor: imprisonment up to one year.</p>
§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.	<p>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>
§220.72 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.	<p>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>
§220.73 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	<p>Class D felony: imprisonment for 1 to 2½ years (may be sentenced to probation). For a 2nd time</p>

	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.	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.
§220.74 Unlawful manufacture of methamphetamine (2nd degree).	<ol style="list-style-type: none"> 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. 	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.
§220.75 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.	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.
§220.76 Unlawful disposal of methamphetamine laboratory material.	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.	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.

Health Risks

While drugs have saved lives, greatly reduced human suffering, and improved the quality of life, they may be misused or abused. Psychoactive drugs act on the central nervous system. They may increase activity (stimulants), decrease activity (depressants), or cause hallucinations (hallucinogens). Every drug has multiple effects that depend on the properties of the drug and the dosage taken. When two or more drugs are taken together or in sequence, their effects may be stronger than their additive sum.

The effects of drug use are highly individualized. Drug use or abuse can affect a person's physical, emotional, and social health. It can cause accidents, illnesses, drug dependence, overdose, and even death. It can cause legal problems, economic problems, school or work problems, and relationship problems. Drug use and abuse can cause serious harm.

Below is a partial list of the common health effects of alcohol and drug use and abuse and fact sheets from Campus Drug Prevention, www.campusdrugprevention.org.

Health-Risks Associated with the Use of Illicit Drugs

SUBSTANCE	POSSIBLE LONG-TERM EFFECTS	DEPENDENCE POTENTIAL
Alcohol	Toxic psychosis, addiction, neurological and liver damage, fetal alcohol syndrome	Yes
Amphetamines Uppers, Speed	Loss of appetite, delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis	Yes
Barbiturates Barbs, Bluebirds, Blues	Severe withdrawal symptoms, possible convulsions, toxic psychosis, depression	Yes
Cocaine and Cocaine Freebase Coke, Crack	Loss of appetite, depression, weight loss, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury	Yes
Codeine	Addiction, constipation, loss of appetite, lethargy	Yes
Heroin H, Junk, Smack	Addiction, constipation, loss of appetite, lethargy	Yes
LSD Acid	May intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, hallucinations	Possible
MDA, MMDA, MOMA, MDE Ecstasy, xtc	Same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating	Possible
Marijuana Cannabis Pot, Grass, Dope, Weed, Joint	Bronchitis, conjunctivitis, possible birth defects	Yes
Mescaline/Peyote Cactus Mesc, Peyote	May intensify existing psychosis, anxiety, lack of coordination, sweating, chills, and shivering	Possible
Methaqualone Ludes	Coma, convulsions	Yes
Morphine M, Morph	Addiction, constipation, loss of appetite	Yes
PCP Crystal, Tea, Angel dust	Psychotic behavior, violent acts, psychosis	Yes
Psilocybin Magic mushrooms, Shrooms	May intensify existing psychosis	Possible
Steroids Roids, Juice	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	Yes

Detailed Health Risks

The following information on health risks is from the Centers for Disease Control and Prevention:

Alcohol

Drinking too much can harm your health. Excessive alcohol use led to approximately 95,000 deaths and 2.8 million years of potential life lost (YPLL) each year in the United States from 2011 – 2015, shortening the lives of those who died by an average of 29 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64 years. The economic costs of excessive alcohol consumption in 2010 were estimated at \$249 billion, or \$2.05 a drink. The Dietary Guidelines for Americans defines moderate drinking as up to 1 drink per day for women and up to 2 drinks per day for men. In addition, the Dietary Guidelines do not recommend that individuals who do not drink alcohol start drinking for any reason. Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including: High blood pressure, heart disease, stroke, liver disease, and digestive problems; Cancer of the breast, mouth, throat, esophagus, liver, and colon; Learning and memory problems, including dementia and poor school performance; Mental health challenges, including depression and anxiety; Social problems, including lost productivity, family problems, and unemployment; Alcohol dependence, or alcoholism. By not drinking too much, you can reduce the risk of these short- and long-term health risks.

Marijuana

Marijuana is the most commonly used illegal drug in the United States, and marijuana use may have a wide range of health effects on the body and brain. About 1 in 10 marijuana users may experience some form of addiction. For people who begin using before the age of 18, that number rises to 1 in 6. People who are addicted to marijuana may also be at a higher risk of other negative consequences of using the drug, such as problems with attention, memory, and learning. Some people who are addicted may need to smoke more and more marijuana to get the same high. It is also important to be aware that the amount of tetrahydrocannabinol (THC) in marijuana (i.e., marijuana potency or strength) has increased over the past few decades. The higher the THC content, the stronger the effects on the brain. In addition, some methods of using marijuana (e.g., dabbing, edibles) may deliver very high levels of THC to the user.

In many cases, marijuana is smoked in the form hand-rolled cigarettes (joints), in pipes or water pipes (bongs), in bowls, or in blunts—emptied cigars that have been partly or completely refilled with marijuana. Smoked marijuana, in any form, can harm lung tissues and cause scarring and damage to small blood vessels. Smoke from marijuana contains many of the same toxins, irritants, and carcinogens as tobacco smoke. Smoking marijuana can also lead to a greater risk of bronchitis, cough, and phlegm production. These symptoms generally improve when marijuana smokers quit.

Marijuana use, especially frequent (daily or near daily) use and use in high doses, can cause disorientation, and sometimes cause unpleasant thoughts or feelings of anxiety and paranoia. Marijuana use is associated with temporary psychosis (not knowing what is real, hallucinations and paranoia) and long-lasting mental health challenges, including schizophrenia (a type of mental illness where people might see or hear things that aren't really there). Marijuana use has also been linked to depression and anxiety, and suicide among teens. However, it is not known whether this is a causal relationship or simply an association.

MDMA

People who use MDMA usually take it as a capsule or tablet, though some swallow it in liquid form or snort the powder. The popular nickname Molly (slang for “molecular”) often refers to the supposedly “pure” crystalline powder form of MDMA, usually sold in capsules. However, people who purchase powder or capsules sold as Molly often actually get other drugs such as synthetic cathinones (“bath salts”) instead. Some people take MDMA in combination with other drugs such as alcohol or marijuana. MDMA increases the activity of three brain chemicals: Dopamine—produces increased energy/activity and acts in the reward system to reinforce behaviors Norepinephrine—increases heart rate and blood pressure, which are particularly risky for people with heart and blood vessel problems Serotonin—affects mood, appetite, sleep, and other functions. It also triggers hormones that affect sexual arousal and trust. The release of large amounts of serotonin likely causes the emotional closeness, elevated mood, and empathy felt by those who use MDMA. MDMA’s effects last about 3 to 6 hours, although many users take a second dose as the effects of the first dose begin to fade. Over the course of the week following moderate use of the drug, a person may experience irritability, impulsiveness and aggression, depression, sleep problems, anxiety, memory and attention problems, decreased appetite, and decreased interest in and pleasure from sex. It’s possible that some of these effects may be due to the combined use of MDMA with other drugs, especially marijuana. High doses of MDMA can affect the body’s ability to regulate temperature. This can lead to a spike in body temperature that can occasionally result in liver, kidney, or heart failure or even death.

Opioids

Prescription opioids used for pain relief are generally safe when taken for a short time and as prescribed by a doctor, but they can be misused. Opioids bind to and activate opioid receptors on cells located in many areas of the brain, spinal cord, and other organs in the body, especially those involved in feelings of pain and pleasure. When opioids attach to these receptors, they block pain signals sent from the brain to the body and release large amounts of dopamine throughout the body. This release can strongly reinforce the act of taking the drug, making the user want to repeat the experience. In the short term, opioids can relieve pain and make people feel relaxed and happy. However, opioids can also have harmful effects, including drowsiness, confusion, nausea, constipation, euphoria, and slowed breathing.

Opioid misuse can cause slowed breathing, which can cause hypoxia, a condition that results when too little oxygen reaches the brain. Hypoxia can have short- and long-term psychological and neurological effects, including coma, permanent brain damage, or death. Researchers are also investigating the long-term effects of opioid addiction on the brain, including whether damage can be reversed. People addicted to an opioid medication who stop using the drug can have severe withdrawal symptoms that begin as early as a few hours after the drug was last taken. These symptoms include muscle and bone pain, sleep problems, diarrhea and vomiting, cold flashes with goose bumps, uncontrollable leg movements, and severe cravings. An opioid overdose occurs when a person uses enough of the drug to produce life-threatening symptoms or death. When people overdose on an opioid medication, their breathing often slows or stops. This can decrease the amount of oxygen that reaches the brain, which can result in coma, permanent brain damage, or death.

If you suspect someone has overdosed, the most important step to take is to call 911 so he or she can receive immediate medical attention. Once medical personnel arrive, they will administer naloxone. Naloxone is a medicine that can treat an opioid overdose when given right away. It works by rapidly binding to opioid receptors and blocking the effects of opioid drugs. Naloxone is available as an injectable (needle) solution, a hand-held auto- injector (EVZIO®), and a nasal spray (NARCAN® Nasal Spray).

There are three specific drugs that are commonly utilized in drug facilitated sexual assault: Rohypnol®, Ketamine, or GHB (Gamma Hydroxybutyric Acid).

Rohypnol®

Rohypnol®, also known as flunitrazepam, is not approved in the United States, although it is available for use as a prescription sleep aid in other countries. It is most commonly found as a tablet which is consumed by dissolving it in a drink or swallowing it.

The possible short term health effects include drowsiness, sedation, sleep, amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgement; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate. When combined with alcohol the possible health effects include severe sedation, unconsciousness, and slowed heartrate and breathing, which can lead to death. At this point the long-term health effects of Rohypnol® are still unknown. Rohypnol® can take between 36- 72 hours to leave the body.

GHB (Gamma Hydroxybutyric Acid)

GHB is a depressant approved for use in treatment of narcolepsy, and commonly goes by the other names of Goop, liquid ecstasy, and liquid X. It is most commonly found as a colorless liquid or white powder which is consumed through swallowing, often in combination with alcohol. The possible short term health effects include euphoria, drowsiness, nausea, vomiting, confusion, memory loss, unconsciousness, slowed heart rate and breath, lower body temperature, seizures, coma, and death. In combination with alcohol the possible health effects include nausea, problems with breathing, and greatly increased depressant effects. At this point in time the long-time effects of GHB are unknown. GHB, unlike Rohypnol, leaves the body between 10-12 hours after consumption.

Ketamine

Ketamine is a dissociative drug used as a surgical anesthetic, an anesthetic in veterinary practice, and as a prescription for treatment resistant depression under strict medical supervision. It is most commonly found in liquid or white powder and is consumed through swallowing, smoking, snorting, or injections. The possible short term health effects include problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion loss of memory; raised blood pressure, unconsciousness; and dangerously slowed breathing. If ketamine is consumed with alcohol there is a risk of adverse effects. The possible health effects associated with long term use include ulcers and pain in the bladder; kidney problems; stomach pain; depression; and poor memory. If an individual believes they or a friend have consumed Rohypnol®, GHB, or Ketamine they should visit a local healthcare facility that can care for survivors of sexual assault and provide a forensic exam. While receiving care the individual who has ingested the drug can request the hospital to take a urine sample for drug toxicology testing, if the individual cannot immediately go to a hospital they should save their urine in a clean, sealable container as soon as possible, and place it in the refrigerator or freezer for future toxicology testing.

Alcohol and Drug Resources and Services

The Dean's office is available to assist students with education, information, counseling, and referral services for alcohol and drugs.

General advisement is provided to students who need to take the first step in acknowledging the presence of an alcohol or drug related problem. Referrals will be made for treatment programs and to outside agencies, as appropriate.

In accordance with the Department of Education's Drug-Free Schools and Campuses Regulations, Jamestown Business College will distribute this Policy to all students annually.

Drug and Alcohol Abuse Education

As an educational institution, Jamestown Business College believes that the best approach to drug and alcohol abuse is education.

The college provides ongoing drug and alcohol awareness educational programs and dissemination of pertinent information through the weekly college newsletter as illustrated below:

- Alcohol Awareness: Provides students with facts and statistics about alcohol and other drugs and how they can affect one's life, including legal issues. Also provides students with alternatives to drinking and using drugs.
- Signs of someone who is possibly abusing drugs and alcohol: Provides students with information on behavior and signs of someone who is possibly abusing drugs/alcohol.
- Caution: Drugs and Alcohol don't mix: Explains the possible consequences of mixing alcohol with certain types of medication. Mixing antibiotics, antihistamines, over-the-counter pain killers, and sleep medicines are dangerous when mixed with alcohol.
- Alcohol and other drug effects on decisions regarding sexual health and safety. Provide students with an overview of Aids and various and STIs and makes them aware of how alcohol and drugs can lead to unsafe sex.
- Binge drinking: Describes what binge drinking is, the dangers and what it can lead to, how to resist pressures, and offers healthy options.
- Alcohol poisoning: Covers warning signs of alcohol poisoning and how to react immediately.
- Opioid Abuse Provides students with an overview of opioid abuse, prevention and intervention.
- Other topics will be covered upon request.

Additional Resources Organizations

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

Jamestown

Chautauqua Alcohol & Substance Abuse Council
Drug Prevention Education/Intervention & Referral Services

www.casacweb.org

501 W. Third St., Suites 3 & 4, Springhorn Bldg., Jamestown, NY 14701
716.664.3608

Includes information on: Adult Children of Alcoholics (ACOA), Alcoholics Anonymous, ALANON, and ALATEEN

Chautauqua County Dept. of Mental Health/Substance Abuse Services
200 E. Third St., 5th floor, Jamestown, NY 14701
716.661.8330

Family Service of the Chautauqua Region
332 East Fourth St., Jamestown, NY 14701
716.488.1971 or 1.888.358.3899

UPMC Chautauqua Outpatient Chemical Dependency Program Jones Memorial Health Center
51 Glasgow Ave., Jamestown, NY 14701
716.664.8641

UPMC Chautauqua Mental Health Programs Jones Memorial Health Center
51 Glasgow Ave., Jamestown, NY 14701
716.664.8641

UPMC Chautauqua Wellness Program
207 Foote Ave., Jamestown, NY 14701
716.664.8620

Chautauqua Alcoholics Anonymous
511 E. 2nd Street, Jamestown, NY 14701
716.484.1544

Dunkirk

Chautauqua Alcohol & Substance Abuse Council
Drug Prevention Education/Intervention & Referral Services
www.casacweb.org

51 E Third St. Suite 2, Dunkirk, NY 14048
716.366.4623
Includes information on: Adult Children of Alcoholics (ACOA), Alcoholics Anonymous, ALANON, and ALATEEN

Chautauqua County Dept. of Mental Health/Substance Abuse Services
319 Central Ave., Dunkirk, NY 14048
716.363.3550

UPMC Chautauqua Mental Health & Chemical Dependency Program
306 Central Ave., Dunkirk NY 14048
716.363.0018

General Resources

Chautauqua County Crisis Hotline 1.800.724.0461

NYS HOPEline (hotline for chemical dependency)
1.877.8.HOPENY (1.877.846.7369)

Alcoholics Anonymous (AA) is a voluntary fellowship of alcoholics who help themselves and each other get and stay sober. Check the phone book for a local chapter or write the national office at: 511 E 2nd St, Jamestown, NY 14701, (716) 484-1544, www.aa.org

Chautauqua Area Service Committee of Narcotics Anonymous is a nonprofit fellowship or society of men and women for whom drugs had become a major problem. NA support groups meet regularly. For meeting schedules call (716)240-5983 or email cascna@yahoo.com.
The regional website is www.nawny.org.

Web Resources

National Council on Alcoholism and Drug Dependence www.ncadd.org

National Institute on Drug Abuse www.drugabuse.gov

National Institutes of Health www.nih.gov

National Institute on Alcohol Abuse and Alcoholism www.niaaa.nih.gov

Substance Abuse and Mental Health Administration www.samhsa.gov

Mayo Clinic -Prescription Drug Abuse www.mayoclinic.org/diseases-conditions/prescription-drug-abuse/basics/definition/con20032471

National Institute on Alcohol Abuse and Alcoholism
www.pubs.niaaa.nih.gov/publications/CollegeFactSheet/Collegefactsheet.pdf

Community and National Resources

Alcoholics Anonymous (AA) is a voluntary fellowship of alcoholics who help themselves and each other get and stay sober. Check the phone book for a local chapter or write the national office at: 511 E 2nd St, Jamestown, NY 14701, (716) 484-1544, www.aa.org

Chautauqua Area Service Committee of Narcotics Anonymous is a nonprofit fellowship or society of men and women for whom drugs had become a major problem. NA support groups meet regularly. For meeting schedules call (716)240-5983 or email cascna@yahoo.com. The regional website is www.nawny.org.

National Council on Alcoholism and Drug Dependence www.ncadd.org

National Institute on Drug Abuse www.drugabuse.gov

National Institutes of Health www.nih.gov

National Institute on Alcohol Abuse and Alcoholism www.niaaa.nih.gov

Substance Abuse and Mental Health Administration www.samhsa.gov

Mayo Clinic -Prescription Drug Abuse www.mayoclinic.org/diseases-conditions/prescription-drug-abuse/basics/definition/con20032471

Sanctions, Temporary and Administrative Directives and Transcript Notes

The following is a list of sanctions that could occur under Title IX and the Drug and Alcohol policy. Failure to comply with sanctions and directives is a violation of College policy subject to additional conduct charges which are all described below.

Sanctions

A sanction is a requirement or status that is imposed as a result of either accepting responsibility or being found responsible for violating the student code of conduct, Community Rights and Responsibilities. Disciplinary sanctions shall be communicated to students in writing via College email, which is the official means of communication between Student Conduct Administrators and students. Sanctions are determined by the seriousness of the code violation and are not necessarily progressive. For example, a student with no prior disciplinary record may be assigned a sanction commensurate with the offense up to and including removal from residence, suspension or dismissal. Failure to complete a sanction may result in a hold being placed on a student's transcript preventing the student from registering.

Verbal Conduct Warning

A verbal notice to a student that the behavior is counter to the expectations in the student Code of Conduct. A Verbal Conduct Warning is issued for low-level behavior infractions. This is not considered a formal referral, rather an understanding between the administrator and student with the expectation that the student modifies future behavior.

Written Conduct Warning

This is a lower-level sanction issued as a result of a formal Student Conduct Referral. A student is placed on Written Conduct Warning for a period of four (4) months. This serves as a strong notice to a student that the behavior is counter to the expectations in the student code of conduct.

Disciplinary Probation

This is a higher-level sanction issued as a result of a formal Student Conduct Referral that does not compromise a student's housing or their status as a student. Disciplinary Probation generally lasts fifteen (15) weeks (while classes are in session) but may last as long as two semesters and includes all the restrictions of the Written Conduct Warning. This is an official notice that advises that the student may risk separation from the college if there are any further violations.

Terminal Disciplinary Probation

This is issued as a result of a formal Student Conduct Referral and is imposed for serious violations or a pattern of violations of the student code of conduct. A student is placed on Terminal Disciplinary Probation for a specified period to include until Graduation based on the violation. Terminal Disciplinary Probation may last from one (1) to eight (8) semesters. Having an active Terminal Disciplinary Probation status can affect your ability to hold positions with campus offices and/or organizations and other campus opportunities. Specifically, a student cannot run for or hold certain campus-wide leadership positions including elected or appointed student government offices; hold a position in Residential Life; or serve on the Student Conduct Board.

Deferred Suspension

This sanction is imposed when the hearing officer/board has found the student(s) responsible for a violation sufficient to warrant suspension but feels there are mitigating circumstances that warrant one final chance. Deferred suspension may last from one (1) to eight (8) semesters. Being found responsible for another violation during the period of deferred suspension, no matter how minor, will result in immediate suspension.

Disciplinary Suspension

A student who is suspended from the College is unable to register for and attend classes or to be present on College property for a prescribed period of time. Suspension is a severe sanction and the student forfeits tuition and fees along with room and board if a residential student and does not receive academic credit for the semester in which the suspension occurred. Students who are Disciplinarily Suspended and wish to return to the College must first meet with The Director of Student Conduct and Community Standards to

assess their readiness for readmission. Students who are Disciplinarily Suspended with conditions and who wish to return to the College must meet with The Director of Student Conduct and Community Standards to verify the successful completion of the conditions. Disciplinary Suspension can last for one (1) to (4) semesters.

Deferred Disciplinary Dismissal

This sanction is imposed when the hearing officer/board has found the student(s) responsible for a violation sufficient to warrant dismissal but feels that there are mitigating circumstances that warrant one final chance. Being found responsible for another violation during the period of deferred dismissal, no matter how minor, will result in immediate dismissal. Deferred disciplinary dismissal may last from one (1) to eight (8) semesters.

Disciplinary Dismissal

A student who is dismissed (expelled) from the College is permanently separated from the community, prohibited from being on any property of the College and may never return to the institution. The student forfeits tuition and fees along with room and board if a residential student, as well as the academic credit for the semester in which the dismissal occurred. J. Residence Hall or Campus Restriction A student may be restricted from appearing in any or all of the residences, buildings, or grounds on campus if it is reasonably believed that the student poses a threat to the health or safety of the campus community. Other restrictions may be imposed such as denial of access to specified campus services or programs. A student may also be barred from the entire campus if the Chief Student Affairs Officer or designee reasonably believes the student poses a threat to the health, safety, or well-being of the College community.

Restitution

If College property is damaged, the appropriate College department and/or personnel will make an assessment of the damage. The responsible student(s) may be billed as appropriate. Restitution for personal property cannot be resolved via the Student Conduct System.

Educational Programs & Services

Educational Programs & Services such as Alcohol Education Programs, Drug Education Programs, Community Service, By-Stander Intervention Programs, reflection, or research papers, etc., may be used to supplement any other student conduct sanction. It is the sole responsibility of the student to bear any costs associated with these sanctions.

Administrative Directives

To obtain any of the following, the student should contact the Dean's office at 716-664-5100.

No Contact Order

A written directive prohibiting certain behaviors with a protected individual, either directly in person, by telephone, email, text message, or other electronic means of communication, or through a third party (other than an attorney). If the accused or respondent and a protected person observe each other in a public place, it is the responsibility of the accused or respondent to leave the area immediately and without directly contacting the protected person.

Cease & Desist

A written directive to both parties prohibiting contact with each other, either directly or through a third party or directive to prohibiting one or both parties from engaging in a specific behavior.

Campus Restriction

A student may be restricted from appearing in any or all of the buildings or grounds on campus if it is reasonably believed that the student poses a threat to the health or safety of the campus community.

Transcript Notations

A student who has been suspended or expelled for any violation of the Conduct Code including but not limited to behavior that leads to the death or serious physical injury of another person, hazing, physical abuse, sexual misconduct, and, per New York State Education Law Article 129B, conduct that constitutes a crime of violence (including but not limited to sexual assault) as defined in the Clery Act will have a permanent notation placed on the student's official college transcript indicating the disciplinary suspension or expulsion. If a student withdraws from the institution while such a disciplinary matter is pending, a transcript notation will indicate that the student withdrew with student conduct charges pending.

The following transcript notations are used by Jamestown Business College:

- a. Temporarily suspended (date) pending code of conduct hearing
- b. Withdrawn with conduct charges pending (date)
- c. Suspended after a finding of responsibility for a code of conduct violation (date) to (date)
- d. Expelled after a finding of responsibility for a code of conduct violation (date)

Transcript notations for a student who is suspended or who chose to withdraw with a pending conduct investigation will remain on a transcript for a minimum of one year. After one year's time, a student may request to have the transcript notation removed by filing an appeal with the Dean of Students or designee. Transcript notations for students expelled are permanent and cannot be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

Other disciplinary records maintained by the Office of Student Conduct and Community Standards are not reflected upon a student's academic transcript, but are maintained in the Office of Student Conduct and Community Standards in accordance with college policy.

Transcript Notation Appeals Process

To file an appeal to have the transcript notation removed from an academic transcript a student must submit in writing to the Dean of Students or designee evidence of rehabilitation or other good cause for the transcript notation removal. Students who withdrew from the College prior to resolution of the conduct process will need to fulfill the sanctions found in absentia before being permitted to appeal. Appeal decisions will be provided in writing within thirty (30) calendar days of submission.

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 intimidating or causing fear of violence in another person.

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 fire arm 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 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.

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

www.identitytheft.gov (report identity theft)
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.

www.experian.com
P.O. Box 2002, Allen, TX 75013
888-397-3742
Security Fraud Alert 800-311-4769

Transunion (formerly TRW)

www.transunion.com
P.O. Box 2000, Chester, PA 19022
800-916-8800
Security Fraud Alert 800-680-7289

Equifax Credit Information Services, Inc.

www.equifax.com
P.O. Box 740241, Atlanta, GA 30374
800-685-1111
Security Fraud Alert 866-349-5191

Prohibition on the Marketing of Credit Cards (§6437)

Jamestown Business College expressly forbids the marketing of credit cards on college property.

Phishing Scams

What is phishing?

Phishing is a type of social engineering attack often used to steal user data, including login credentials and credit card numbers. It occurs when an attacker, masquerading as a trusted entity, dupes a victim into opening an email, instant message, or text message.

The recipient is then tricked into clicking a malicious link, which can lead to the installation of malware, the freezing of the system as part of a ransomware attack or the revealing of sensitive information.

Ways to minimize your chances of falling victim to a phishing attack:

- Use two-factor authentication
- Change passwords frequently
- Don't open emails unless you know who they are from

How to Report Phishing

If you got a phishing email or text message, report it. The information you give can help fight the scammers.

- If you got a phishing email, forward it to the Anti-Phishing Working Group at reportphishing@apwg.org. If you got a phishing text message, forward it to SPAM (7726).
- Report the phishing attack to the FTC at ReportFraud.ftc.gov.

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:

- 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:

- 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

APPENDIX A
NEW YORK STATE PENAL LAW
Article 130--Sex Offenses

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 first degree, 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-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 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).

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.

It is the policy of Jamestown Business College to provide a safe environment, one that is free from violence, for every member of its community. Accordingly, the College prohibits and does not tolerate acts of violence that occur on College owned or controlled premises or at College-sponsored off-campus programs or events. Violent acts covered by this policy include stalking and domestic and intimate partner violence against any member of the College community.

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.

For Sexual Assault Policy Please Refer to the Sexual Assault Section in the Annual Security Report

Applicable Laws

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

Penalties

Sexual Misconduct (Class A Misdemeanor)	Up to 1 Year in Prison
Rape in the Third Degree (Class E Felony)	Up to 4 years in Prison
Rape in the Second Degree (Class D Felony)	Up to 7 Years in Prison
Rape in the First Degree (Class B Violent Felony)	Up to 25 Years in Prison
Consensual Sodomy (Class B Misdemeanor)	Up to 3 Months in Prison
Sodomy in the Third Degree (Class E Felony)	Up to 4 Years in Prison
Sodomy in the Second Degree (Class D Felony)	Up to 7 Years in Prison
Sodomy in the First Degree (Class B Violent Crime)	Up to 25 years in Prison
Sexual Abuse in the Third Degree (Class B Misdemeanor)	Up to 3 months in Prison

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

120.45	Stalking in the fourth degree (Class B misdemeanor)
120.50	Stalking in the third degree (Class A misdemeanor)
120.55	Stalking in the second degree (Class E felony)
120.60	Stalking in the first degree (Class D felony)

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.

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.