

SAFETY AND SECURITY

The Office of Safety and Security at Empire State University oversees security operations for the college. The office serves as an administrative oversight for security operations at the Coordinating Center in Saratoga Springs and university-wide. The office works closely with law enforcement agencies and first responders throughout New York to ensure a safe, secure, and conducive learning environment for our students and a professional work environment for our faculty and staff.

Safety is everyone's responsibility. The university community is a great place to work; however, it is not immune to the types of problems seen throughout society. Unfortunately, crime is a reality at every location of Empire State University.

The university's goal is to provide a safe and secure environment for students, staff, and visitors. However, it is only possible to maintain safety and security when every student and staff member takes an active part in the effort.

Safety and Security Policies and Procedures

As a nonresidential university, Empire State University's facilities consist of office space where faculty meet with students and administrative work is conducted. Each location has its own procedures for maintaining the security of that particular facility.

This policy complies with Title II of Public Law 101-542, the Crime Awareness and Campus Security Act of 1990. The cooperation and involvement of all members of the university community is essential to a successful safety and security program. All persons must assume responsibility for their own personal safety and the security of their personal belongings by taking common sense precautions. The university is not responsible for lost or stolen personal items. Students, faculty and staff should report suspicious persons, questionable circumstances, activities or unusual incidents they may observe to the Office of Safety & Security.

University Law Enforcement

Empire State University's Office of Safety & Security is located in Saratoga Springs. In conjunction with local law enforcement and individual facility management at our various locations, Safety & Security works to ensure the overall safety of the university community as a whole. The office is staffed during business hours only and does not provide 24/7 coverage. The office works cooperatively with law enforcement agencies having jurisdiction at each SUNY Empire location and has forged partnerships through Memorandums of Understanding (MOUs) for assistance with the investigation of crimes, when applicable. All federal, state and local laws apply at SUNY Empire. Representatives of the Office of Safety & Security serve an administrative function and do not have law enforcement authority.

While we have developed policies and procedures to ensure that students and their possessions are protected as much as possible, it is primarily the responsibility of the student, faculty or staff member to provide for his or her own personal safety.

The Jeanne Clery Act

Compliance Statement: The Crime Awareness and Campus Security Act of 1990 Clery Campus Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The Clery Act also requires reporting crimes on public property not owned or controlled by the college. Empire State University is a nonresidential college.

Colleges and universities are required to publish an annual report every year that contains three years' worth of campus crime statistics and certain security policy statements including sexual assault policies that assure basic victims' rights, the law enforcement authority of campus police, security/public safety and where students should report crimes. The report is to be made available to all current students and employees. Prospective students and employees are to be notified of its existence and given an opportunity to request a copy. It remains the responsibility of the Office of Safety & Security for the collection of crime reports and distribution of the annual crime statistics and report by Oct. 1 of each calendar year.

The Empire State University "Annual Safety and Security Report" is available to all current and perspective students and employees upon request.

The "Annual Safety and Security Report" includes:

- Statistics on the number of on-site murders, rapes, robberies, aggravated assaults, burglaries, motor vehicle thefts, bias-related crimes and arrests for weapons possessions and liquor and drug abuse violations;
- Policies regarding security, access to college and other facilities, and college law enforcement;
- Procedures for reporting crimes and other emergencies;
- Information on college sexual assault and rape awareness programs, procedures to follow when a sex offense occurs, disciplinary action procedures, counseling opportunities and notification to students that Empire State University will make reasonable changes of a victim's academic situation if the victim so chooses;
- Policies on the use, possession and sale of alcoholic beverages and illegal drugs; and
- A description of Empire State University programs informing the college community about alcohol and drug abuse education, crime prevention and college security practices.
- Sex offender registry information, New York State Sex Offender Registry and NYS Sex Offender Registry home page (<http://www.criminaljustice.ny.gov/>). You also can call 800-262-3257.
- Procedures for emergency response, emergency communications and emergency evacuation procedures.

Geographic Locations Used Under the Clery Act

- *On Campus:* Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution

but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

- *Noncampus Building or Property:* Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- *On Public Property:* All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the institution, or immediately adjacent to and accessible from the institution.

Safety and Security – Our Responsibility

The Office of Safety & Security is responsible for compiling and disseminating the Campus Safety Report annually as required by the Federal Student Right-to-Know Law and Campus Security Act, which was signed into law November 1990. The purpose of this report is to provide Empire State University faculty, staff, students and prospective students with university safety information including crime statistics and procedures to follow in order to report a crime. Title II of this act was known as the Crime Awareness and Campus Security Act, which was amended and renamed in 1998 to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, known as the Clery Act. The Clery Act mandates that institutions receiving Title IV federal funds disseminate crime statistics for certain serious offenses that occurred on-site and in adjacent areas for the current reporting year and the previous two calendar years.

Definitions

1. On an annual basis, the Office of Safety & Security solicits information from any and all law enforcement agencies with geographical jurisdiction over any and all Empire State University locations about criminal activity reported to those agencies. The information requested outlines crimes reported to the agencies that happened on or near a university location or involved members of the university community.
2. This report of crimes reflects but is not limited to crimes outlined under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).
3. The Office of Public Safety compiles data as outlined under the Clery Act and makes them available annually to the college community. Upon request, these data shall be provided to prospective students and employees.
4. Data obtained and reported to the Office of Safety & Security is held for seven years after an individual year report is published.

Empire State University, the New York State Campus Safety Act, Compliance Statement

Empire State University acknowledges the importance of university safety and investigating crime. By means of this statement Empire State University adheres to formal plans that provide for the investigation of missing students and violent felony offenses committed on-site. Memorandums of understanding throughout New York have been executed with various local law enforcement agencies to specifically address this issue.

What is the New York State Campus Safety Act?

This law was enacted in 1999. It was prompted by the unexplained disappearance of Suzanne Lyall from the State University of New York at

Albany campus in 1998. The reforms made by this law acknowledge that improving campus safety must begin with swift and efficient investigative action and optimum access to missing person information by student's families and the public. The act:

- Requires all public, private, community colleges and universities in New York to have formal plans that provide for the investigation of missing students and violent felony offenses committed on campus;
- Expands the responsibilities of the NYS Division of Criminal Justice Services (DCJS) Missing and Exploited Children Clearinghouse to provide assistance with the dissemination of information about missing college students.

Investigations of Missing Persons: Empire State University Missing Person's Compliance Statement

A "missing student" or "missing person," means any SUNY Empire student is subject to provisions of section 355 (17) of the New York State Education Law. The university does not operate or employ residence halls. Therefore, any and all persons reported missing to the Office of Safety & Security will be reported to the Saratoga Springs Police Department or law enforcement having immediate jurisdiction. In 2003, President George W. Bush signed into law "Suzanne's Law," requiring police to notify the National Crime Information Center (NCIC) when someone between 18 and 21 is reported missing, as part of the national "Amber Alert" bill.

Memorandums of Understanding

Empire State University, [in accordance with the provisions of Procedure No. 3650, dated July 1, 2004, set forth by the State University of New York, Campus Conduct and Other College Property Used for Educational Purposes, and The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092 (f), Crime Awareness and Campus Security Act of 1990 otherwise known as the Campus Safety Act] developed memorandums of understanding with local law enforcement to address enforcement of laws at the college, to assist in the reporting of missing persons and investigate and respond to violent felony crime under New York Penal Law §70.

Criminal and Incident Reporting Offense

If a non-emergency offense (violation, misdemeanor, or felony) occurs at any of the university's locations, it shall be immediately reported to the applicable law enforcement agency or the Office of Safety & Security. In the event of an emergency, the first call should be to the 911 center who will make the appropriate law enforcement notifications. Once the emergency has concluded, the Office of Safety & Security shall be notified. Contact information for local police (<https://www.sunyempire.edu/safety-security/incident-reporting/>) is located on the university safety and security website (<https://www.sunyempire.edu/safety-security/>).

During normal business hours, the Office of Safety & Security, or other university official should be available to assist victims and witnesses in reporting incidents to police. Criminal offenses occurring outside of normal business hours should be reported directly to local law enforcement as outlined above. The university also has an after-hours emergency incident reporting number for the Office of Safety & Security at 518-587-2100, ext. 2900.

Incident Reporting Procedure

Empire State university Incident Reporting Procedural Statement Purpose

Establish guidelines to assist SUNY Empire community members in reporting of incidents that may occur to students, faculty and staff. The university is regulated by statute to report specific criminal incidents that have direct correlation to the university. The guidelines that follow will assist individuals in reporting of incidents and streamline the notification process.

Definitions

- *Incidents:* An incident may be defined as, an action or event that is, has or is going to occur that has an effect on someone or something. For the purposes of this procedure an "incident" is an offense (violation, misdemeanor, or felony) immediately dangerous to life, health or to the university as a whole.
- *Incident Report:* Official report taken by SUNY Empire with regards to an incident documenting pertinent information. A police agency report will serve as an official report under this definition.

Incident Reporting, Criminal or Violent Behavior

All university staff, faculty and students are asked to assist in making the university a safe place by being alert to suspicious situations or persons and reporting them as outlined below. If you witness, are the victim of, or are involved in any on-campus violation of the law such as assault, robbery, theft or overt sexual behavior, local emergency police services should be called at 911 as soon as possible and the following information should be given:

- Nature of the incident
- Location of the incident
- Description of the person(s) involved, injured
- Description of the property involved

In addition, the individual should immediately report the incident to the Office of Safety and Security. Crimes or incidents of a lesser nature including, but not limited to: Property crimes, larceny, and vandalism, are to be immediately reported to the executive director/ regional operations coordinator (or designee). If an individual notices a person(s) acting suspiciously at a Coordinating Center location, he or she should contact the Office of Safety and Security at 518-587-2100, ext. 2900. In all other locations, individuals should contact the executive director/regional operations coordinator (or designee) at the location who will determine if the police need to be contacted.

Incidents requiring medical attention should be reported to local emergency 911 officials. In addition, the individual should immediately report the incident to the executive director/regional operations coordinator (or designee).

In all instances, the Office of Safety and Security will conduct an investigation with the police agency taking the initial report if applicable.

All SUNY Empire locations located on a SUNY campus are required to adhere to that respective university's emergency notification system when incidents occur.

In the event of a critical incident or violent criminal act, SUNY Empire in conjunction and communication with local law enforcement will, in accordance with the Jeanne Clery Act (34 CFR 668.46(e), issue a "timely warning" and/or "emergency notification" as directed by the university's Emergency Notification and Timely Warning Policy.

Identification of University Campus Security Authorities

The university has designated certain administrators and staff as "campus security authorities" in recognition that many students, faculty, and staff may be hesitant about reporting crimes to local police or the Office of Safety and Security and may be more inclined to report incidents to non-law enforcement administrators and/or staff instead.

Campus security authorities are employees designated at various university locations that aid in the safety and security of the university community. Campus security authorities may be contacted when someone witnesses or sees an unsafe condition, believes that they are the victim of a crime, or is seeking a referral for drug or alcohol abuse. The university's Title IX coordinator (titleixcoordinator@sunyempire.edu) must be contacted in all cases of sex discrimination or sexual violence.

Campus security authorities are charged with reporting to appropriate law enforcement personnel (either the Office of Public Safety or local police), and university officials who should be made aware of the crime or complaint. A campus security authority is not responsible for determining whether a crime took place, as that is the function of law enforcement and its investigatory process, but rather responsible for making a good faith effort to report the incident and to help prevent further incidences.

A campus security authority is required to report all allegations to law enforcement personnel, even if the campus security authority was told of a crime in the context of providing emotional support or health care support. The allegations will be reported whether or not the victim chooses to file a report with law enforcement or press charges. A campus security authority also may provide a victim or witness with assistance in reporting a crime to the Office of Public Safety or local police, or to any official or office which should be informed of the crime or complaint.

The university has a list of mental health and counseling resources available on its Health and Wellness web site (<https://www.sunyempire.edu/student-affairs/student-life/health-wellness/>). Students should note, however, that if, for example, a dean with a Ph.D. in psychology provides assistance, he/she is acting in his/her role as a dean and not as a counselor. In this case, the dean would not be exempt from the Clery Act reporting requirements.

In addition, as required under, (34 CFR 668.46a), the has designated certain administrative personnel as "campus security authorities:"

- Office of Public Safety, director and assistants/designees.
- Executive vice president and affiliate vice presidents.
- Assistant vice president for human resources or designee.
- Title IX coordinator/deputy Title IX coordinator.
- Provost and vice provosts.
- Director of collegewide student services or designee.
- Executive directors and regional operations coordinators.
- Deans and associate deans.
- Directors and coordinators.
- Director of collegewide disability services.

Clery Offenses (Federal Offense Definitions)

- *Aggravated assault:* An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

- **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- **Burglary:** The unlawful entry into a building or other structure with the intent to commit a felony or a theft.
- **Crime or a public offense:** An act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments: death; imprisonment; fine; removal from office or disqualification to hold and enjoy any office of honor, trust or profit in this state.
- **Domestic violence:** Violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
- **Dating violence:** Violence committed by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type and frequency of interaction.
- **Drug abuse:** Violations of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.
- **Rape:** The penetration, no matter how slight of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** 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 incapacity.
- **Hate crime:** Any act of intimidation, harassment, physical force or the threat of physical force directed against any person or family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, disability or sexual orientation, with the intention of causing fear or intimidation, or to deter the free exercise of enjoyment of any rights or privileges secured by the Constitution or the laws of the United States or the State of New York whether or not performed under the color of law (Source: Definitions Used in Hate Crimes Reporting, P.O.S.T. Hate Crimes Student Workbook, January 1992, p. 2).
- **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Larceny – theft:** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- **Liquor-law violation:** Violations of laws or ordinances prohibiting the manufacture, purchase, transportation, possession or use of alcoholic beverages.
- **Murder and non-negligent manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Negligent manslaughter:** The killing of another person through gross negligence.
- **Robbery:** The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Sex offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent
- **Stalking:** A course of conduct directed at specific person that would cause a reasonable person to fear for her, his or others' safety or to suffer substantial emotional distress.
- **Statutory rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent
- **Vehicle theft:** The theft or attempted theft of a motor vehicle.
- **Weapons:** Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

Incidents Requiring Medical Attention

Incidents requiring medical attention should be reported to local emergency 911 officials. In addition, the individual should immediately report the incident to the Office of Safety & Security who will notify additional university officials, as necessary.

Notification to Empire State University Administration

Once the incident has been effectively handled by police, reporting of the incident to university officials is mandatory. Reporting individuals are instructed to contact the executive regional director of a region or a university security authority to further report the incident that has occurred. Persons reporting also shall contact the Office of Public Safety in Saratoga Springs at 518-587-2100, ext. 2900. The Office of Safety & Security will assist the police appropriate agency with their investigation, if applicable.

Protection and Confidentiality

Nothing in this report will be construed to permit the university, or an officer, employee or agent of the university, participating in any program under this title to retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual with respect to the implementation of any provision of this document.

SUNY Empire encourages students, faculty and staff to report all criminal activity that has occurred at a SUNY Empire location. The report of the criminal activity may be anonymous, and the person may request confidentiality.

Disclosure of Policy Statement: Policy for Preparing and Reporting the Annual Disclosure of Crime Statistics

The Office of Safety & Security, in conjunction with the Office of Academic Affairs, Office of Administration and local law enforcement agencies, prepares this report to comply fully with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Statistics are compiled in accordance with the Uniform Crime Reporting System of the Department of Justice and the Federal Bureau of Investigation.

Campus crime, arrest and referral statistics include those reported to the Office of Safety & Security, and designated campus officials (including Office of Administration, Office of Academic Affairs, Office of the President, Office of Human Resource, executive regional directors and academic deans), and local law enforcement entities. Crimes are reported that occur on campus, on locations that are contiguous to the campus, and buildings or properties that are either owned or controlled by a campus affiliated entity.

University policy encourages every member of the university community to report a crime promptly. Information is available and is provided to individuals in reference to, voluntary confidential reporting procedures in the event a person does not want to pursue action either within the federal or state criminal justice system or within the university's discipline system. A procedure is in place to capture crimes statistics which are disclosed anonymously to Office of Safety & Security.

The data for the annual crime statistics is monitored daily. Every SUNY Empire location has a designated campus security authority. The campus security authority, upon receiving notification of a criminal incident on SUNY Empire property, will verify the circumstances and put the information into the appropriate database. These crime statistics will be published as part of the SUNY Empire Annual Security Report. Current data also can be disseminated upon request. The campus security authority will inform the Office of Safety & Security on an annual basis and, upon request, will forward the crime statistics reported to them for the previous calendar year. Data received from local law enforcement is compared to the university's internal database to ensure accurate reporting.

Each year, an email notification is made to all enrolled students, faculty and staff that lists the website to access this report. Copies of the report also may be obtained at:

Office of Safety & Security
2 Union Ave.

Saratoga Springs NY 12866-4390

All prospective students may obtain a copy by calling the Office of Safety & Security, the undergraduate or graduate admissions office, or by visiting the Jeanne Clery Annual Safety and Security Report web page (<http://www.sunyempire.edu/SafetyandSecurityAnnualReport/>).

All prospective employees may obtain a copy by calling the Office of Safety & Security or by visiting the above website.

Of note, the federal Clery Act may define a particular crime differently than it is defined under the New York State Penal Code. For the purposes of this report, the university uses the Clery Act definitions of crimes. Please see herein for the Clery Act definitions.

Daily Crime Log

In accordance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, SUNY Empire maintains a "daily crime log." The information contained in this log identifies incidents and or crimes reported to the Office of Safety & Security, occurring on or near a university facility. The information contained in this log identifies, but not limited to, the nature of the crime reported to security or law enforcement, dates and times the incident was reported and occurred, the general location of the incident or crime and the disposition of the complaint if known. The crime log is available for public viewing during normal business hours at the Office of Safety & Security in Saratoga Springs. The log also may be viewed at one of our regional locations upon request through the Office of Safety & Security. The most recent 60-day period is open to public inspection, upon request, during normal business hours. Anyone may ask to see the log, whether or not they are associated with the university.

Involuntary Withdrawal Procedure

Whenever possible, the university uses the Student Conduct Policy and Procedures to address violations of university regulations. In rare cases, a student poses a significant risk to self or others and may not be competent to participate in student conduct proceedings. Significant risk

constitutes a high probability of substantial harm and not just a slightly increased, speculative or remote risk. In these cases, the vice provost for student success or designee may utilize the involuntarily withdrawal procedure.

Procedure

1. If a student poses an immediate and significant risk of harm to others, the individual confronted with the situation calls local police. The student conduct director or designee, in conjunction with Safety and Security makes a further assessment after the immediate safety issues are addressed.
2. The student conduct director or designee in conjunction with Safety and Security uses available evidence to determine if there is significant risk to others. The assessment may include a review of recommendations by emergency responders (police, EMTs, etc.) and medical professionals. Additionally, or in the absence of such information, student conduct director or designee in conjunction with Safety and Security uses the best available information.
3. The student conduct director or designee in conjunction with Safety and Security makes a request to the provost/executive vice president for academic affairs outlining the risk posed by the student and explaining why the student is not able to participate in conduct proceedings, if applicable.
4. The vice provost for student success reviews the request and determines if the threat is sufficient to warrant the involuntary withdrawal procedure. The vice provost for student success may consult with others as needed and provides the student an opportunity to provide his or her own evaluation or other evidence. If an involuntary withdrawal is warranted, the provost/executive vice president for academic affairs notifies the individual in writing, summarizes the basis for the decision, and copies the student conduct director or designee as well as Safety and Security. The provost/executive vice president for academic affairs also may require as a precondition to a student's return, that the student provide documentation that the student has taken steps to reduce the previous threat. The university may require a release to speak with any treatment professional. If an involuntary withdrawal is warranted, the vice provost for student success notifies the individual in writing, summarizes the basis for the decision, and copies the dean or regional executive director. The vice provost for student success also may require as a precondition to a student's return that the student provide documentation that the student has taken steps to reduce the previous threat. The university may require a release to speak with any treatment professional.
 - a. If the student poses a risk to safety and order and the vice provost for student success determines that the student is competent to participate in conduct proceedings, the involuntary withdrawal is not appropriate. The conduct policy and procedures provide for an interim suspension pending conduct proceedings.
 - b. If the vice provost for student success determines that the student does not pose a significant risk, they refer the matter back to the student conduct director or designee for action in accordance with established policies and procedures.
5. The student may request reconsideration of the involuntary withdrawal in writing to the vice provost for student success. The student provides a rationale and additional evidence that supports his or her request. This may include documentation that he or she has taken steps to reduce the previous threat. The vice provost for student success reviews the request in conjunction with the student conduct director or designee and any documentation, may consult

with others, may require a release to speak with any treatment professionals, and informs the student in writing of the final decision.

Timely Warnings and Emergency Notifications to the University Community, Procedure

What constitutes an “Emergency” at Empire state university?

Below is a list of emergency situations identifying the most common types of emergency notifications. Any emergency where the health and/or human safety at SUNY Empire are in question may constitute an “emergency.” The list is not inclusive:

- *Bomb/Violence Threat Against the University*– based on credible intelligence that indicates a threat.
- *Civil disturbance* – disruption of normal university activities by a group of people.
- *Fire* – fire to building(s), wildfires, local community or industry that may endanger university students, faculty, staff or property.
- *Hazardous material* – dangerous material that is chemical, biological or nuclear spreading from a contained area.
- *Major road closing/incident* – unanticipated event that would disrupt safe passage to and from university.
- *Medical emergency* – pandemic or an event with mass casualties.
- *Personal safety* – situations that include use of weapons, violence, perpetrator(s) at large, active shooter and hostage situation or missing persons. Any situation, on or off university that, in the judgment of the local authorities, the university president or designee, constitutes an on-going or continuing threat to person or property.
- *Suspicious package* – reasonable belief that a package may contain chemical, biological, explosive, radiological or nuclear substance that would cause harm to persons or property.
- *Utility failure* – a major disruption or damage to utilities including gas, electrical or water.
- *Weather* – severe weather conditions to include flooding, snow/ice/cold, thunderstorm, wind, tornado or hurricane.
- *Natural disasters* – such as earthquakes.

Ways to Communicate These Issues: For Safety Related Issues

Methods of communication will be chosen based on the nature of the incident. A decision will be made on notification methods by the executive vice president for administration and/or the Office of Safety & Security.

For General Notification

- Email to all students and/or faculty/staff affected.
- Postings in university facilities, and on campus as applicable to the incident. Postings can be emailed as attachments to various offices as indicated below.
- SUNY Empire’s Safety & Security Notifications.
- Posting of notification on the Empire State University website.
- Text messaging, if applicable.
- Social media sites.
- Post to My.SUNYEmpire and SUNY Empire News.

For Non-Life Threatening Health Related Issues

- Letters to students faculty and staff.
- Posting of notification on the university website (<http://www.sunyempire.edu/>).

Procedure to Follow

For information that is believed to be of interest or concern to the entire university population, the executive vice president for administration/or the director of safety & security, in conjunction with the Vice President of Marketing & Communication will notify the Office of the President in advance of sending a university wide notification, when applicable.

What Warrants a “Timely Warning” or “Emergency Notification?”

SUNY Empire will issue Timely Warnings for a specific university location or university wide, depending on the circumstances. Whenever a crime is reported to the Office of Public Safety, or a local police agency, that is considered to represent a serious or continuing threat to students and employees, a timely warning will be sent to the entire affected community.

Emergency Notifications will be issued, when the university is made aware of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees at a specific university location. As appropriate, emergency notifications may be targeted at the segment or segments of the university community that are at risk. Emergency notifications will be issued without delay unless doing so would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The executive vice president for administration in conjunction with the director of public safety, and/or other university and non-university officials as appropriate, will confirm the existence of a situation that may warrant a timely warning notification and determine the extent of the notification as appropriate. In addition to criminal incidents, emergency notifications may be issued in situations such as, but not limited to:

Safety Related Issues

An incident that occurs on or in close proximity to any of the university locations that may potentially affect the personal safety and security of our student, faculty and staff population.

Health Related Issues

- A member of the university community is diagnosed with a serious or life threatening communicable/infectious disease.
- Evidence of bio terrorism.

Emergency Preparedness, Response and Evacuation Procedures

In the event that a situation arises, either on or off campus, that, in the judgment of the director of public safety, in conjunction with the vice president for administration/designee, constitutes an ongoing or continuing threat to the campus population, a university wide “timely warning” will be issued.

Emergency Management Plan Synopsis

This university wide Emergency Operations Plan is designed to outline a plan of action so that emergencies can be dealt with immediately in a logical and coherent manner. The intention of the Emergency Operations Plan is not to establish policy, but to create a framework that will allow an immediate response to an emergency.

This plan is the result of the recognition by university officials that there is a responsibility to manage emergency and disaster situation

on campus and coordinate with the appropriate public safety and local government officials. The university recognized that a comprehensive plan was needed which was compliant with HSPD-5, including the National Incident Management Systems (NIMS). The plan also must be consistent with, and closely linked to, county and state plans and within the guidelines set forth by SUNY Systems Administration.

The Emergency Operations Plan designates university security, public safety and local police as the initial contact for reporting all emergency situations and as the central point of communication during the response and resolution of all emergencies.

The Emergency Operations Plan (EOP) is designed to maximize human survival and preservation of property, minimize danger, restore normal operations to SUNY Empire and assure responsive communications with the university community, surrounding regions and the cities in which we function within.

This EOP may be initiated when a natural or induced emergency reaches proportions that cannot be handled by established measures.

A crisis may be sudden and unforeseen, or there may be varying periods of warning. This plan is intended to be sufficiently flexible to accommodate contingencies of all types, magnitudes and duration.

The SUNY Empire Emergency Operations Plan may be put into effect whenever a crisis, man-made or natural, disrupts operations, threatens life, creates major damage or occurs within the university community and its environments.

Emergency Response and Evacuation Procedures

Under the university wide Emergency Operations Plan (EOP), the university practices biannual emergency evacuation drills and fire safety drills.

An emergency or crisis situation can arise at Empire State University at any time and from many causes. Emergencies can range from chemical spills and fires to bomb threats and explosions, and natural disasters and civil disturbances such as riots or labor unrest.

The SUNY Empire Emergency Operations Plan is a procedural document, which incorporates the Incident Command System for organizing, coordinating and directing available resources toward the control of an emergency. The plan includes a chain of command establishing the authority and responsibility of various individuals. In emergencies, procedures sometimes must be changed at an instant's notice; therefore, responsible and knowledgeable persons who know the procedures have the authority to make necessary modifications.

Procedure to Follow

For information of interest or concern to the entire university community, the Director of Safety & Security and Emergency Management or in his/her absence, the Director of Operations & Special Assistant to the President, in conjunction with the executive team will notify the Office of the President in advance of sending a university wide notification.

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

SUNY Empire's Safety & Security Notifications

In the event of an emergency involving an immediate threat to the health or safety of our students, faculty, and staff, SUNY Empire will notify the campus community without delay. These actions are in accordance with the federal Clery Act. Warnings may be withheld only if they compromise efforts to contain the emergency.

SUNY Empire uses the Everbridge mass notification system to quickly communicate to our university community in the event of an emergency or critical incident. Each student, faculty, and staff member are automatically registered for this emergency mass notification system and will receive alerts on their university email account.

To update your contact options, please visit the Verify your Notification and Alert Contact Information webpage. You'll have the option to have emergency notifications sent to your personal email accounts and additional phone numbers. You can add or update additional contact information at any time using your Banner page.

Empire State University Community Responsibility

SUNY Empire uses the Everbridge mass notification system to quickly communicate to our university community in the event of an emergency or critical incident. Each student, faculty, and staff member are automatically registered for this emergency mass notification system and will receive alerts on their university email account.

To update your contact options, please visit the Verify your Notification and Alert Contact Information (https://banner.sunyempire.edu/BannerExtensibility/customPage/page/ESC_EmergencyNotification/) webpage. You'll have the option to have emergency notifications sent to your personal email accounts and additional phone numbers. You can add or update additional contact information at any time using your Banner page.

SUNY Empire Locations on Other SUNY or Community College Campuses

- All SUNY Empire locations residing on a SUNY college campus are required to adhere to that respective college's emergency notification system when incidents occur.
- When SUNY Empire employees are notified of an incident on a SUNY college campus that requires that they take action, the Office of Safety & Security should be immediately notified by the location's supervisor, regional operations coordinator or executive director of regional operations/designee once safe.

Building Security

Access to Facilities and Security of Building

Most university locations are open to the public during normal business hours. At night and during periods when classes are not in session, university buildings are generally locked. A security access card system is utilized at various locations. Faculty, staff and a limited number of students, with proper identification are issued keys/access cards to gain entry into buildings. Individuals assigned access cards or keys are responsible for immediately reporting them missing, lost and/or stolen. Saratoga Springs locations offer a key card access control system for all employees to utilize in gaining access to secure facilities. Additionally, other monitoring devices have been employed to assist with the overall general safety of the community.

Empire State University utilizes various facilities statewide, security at each of our locations may vary depending on existing infrastructure and in building services provided by individual landlords. Specific questions

on a particular location regarding security should be initially directed through the Office of Safety & Security.

University Facilities

The university's goal is to provide a campus environment that is as safe and secure as possible. Generally, university buildings and facilities are accessible to members of the university community and the public during normal business hours 8 a.m. to 5 p.m. During nonbusiness hours, 5 p.m. to 8 a.m., classrooms and office buildings not in use will remain locked. The university details additional access control and building operations under procedures for Security and Access to Campus facilities.

Note: The university has the discretion to operate locations outside of normal business hours for the purposes of fulfilling the university's mission.

Security and Access to University Facilities Procedure Policy Statement

The university establishes procedures to ensure the safety of its students and employees.

All procedures follow the listed principles:

- *Normal business hours:* 8 a.m. to 5 p.m., Monday through Friday. Main entrances to facilities will be open and auxiliary entrances shall remain secured unless otherwise accommodated for. Facilities that host after-hour events or provide student instructional services may opt to have entrance times vary.
- *Holidays and other university closings:* All facilities will be closed and secured during state recognized holidays. Alarm systems will be armed for 24 hours during these dates. Only university personnel with authorization privileges shall be permitted access to the building.
- *Special considerations:* SUNY Empire hosts various functions and has liberal leave days. During these times facilities operate on limited staffing. When a facility remains open, the receptionist area of the main entrance will be staffed when possible. In buildings with card access, personnel will utilize this option for access to the facilities.

Other General Information

Visitors and Vendors

All visitors are required to utilize main entrances to facilities. They are then required to sign in at the receptionist desk and obtain a visitor/vendor pass for the day. The receptionist/staff assistant will then contact the individual being sought to notify them of the arrival of their visitor(s).

Employees who organize meetings and events after normal working hours are responsible for the facility while the meeting is in session and for ensuring that the building is secured when they leave. Please also refer to the Facilities Use Policy and Procedures (<https://www.sunyempire.edu/policies/?search=cid%3D106810>).

The employee identification card should be visibly displayed at all times while in university-controlled facilities or while at functions organized by SUNY Empire.

Access Control and Security System

The purpose of the Access Control and Security System is:

- To improve the security of facilities with an effective policy.
- To comply with university wide crime prevention and control objectives.
- To enable the university to safeguard the work facilities.
- To simplify locking policies.

- To eliminate key duplication.
- To eliminate unauthorized access.
- To eliminate the necessity of emergency re-keying and re-coring.
- To satisfy security concerns of students, faculty and staff.

SUNY Empire Student ID Number

Student social security numbers will not be used as a student identifier. Students will be assigned a registration number which will be used to identify records at the university.

Physical Maintenance of Facilities

The overall maintenance of locations is conducted through the Office of Administration and Facilities. Deficiencies found at locations are to be reported to Facilities at 518-587-2100, ext. 2925. The Office of Safety and Security, in conjunction with Facilities, conducts periodic safety inspections. Overall hazards are identified and corrected. Physical security, lighting, and general safety items are identified and addressed in a timely manner. Deficiencies at leased locations are corrected by the individual maintenance companies or property owners of that respective site. However, any emerging hazard or deficiency that is of a critical nature also should be reported to the Office of Safety and Security in Saratoga Springs at 518-587-2100, ext. 2900.

Off-Site Student Organizations

The university does not have off-site student organizations or housing facilities.

Crime Prevention Programs

The university provides specialized trainings and crime prevention programs primarily for faculty and staff on an ongoing basis. No formal crime prevention programs for students exists at this time, however, security prevention links are listed on the university website (<http://www.sunyempire.edu>).

Empire State University is a nonresidential university. Students are adults who live and work in their own communities; many of these communities publicize safety measures and crime prevention information. The Office of Safety & Security (<http://www.sunyempire.edu/SafetyandSecurity/>) website has direct links to local police agencies across New York state; some of these agencies may list information on personal safety and security initiatives.

All employees are advised of building security procedures, personal safety awareness and workplace/domestic violence programs when they begin employment with the university during "new employee orientation" sessions.

Annual notification regarding specific policies and procedures can be found within this document. Specific policy information regarding "Workplace Violence and Domestic Violence" may be located on the university policy web site (<https://www.sunyempire.edu/policies/>) and on the Office of Safety & Security web site (<http://www.sunyempire.edu/SafetyandSecurity/>).

Off-Site Criminal Activity

SUNY Empire is a nonresidential university with no dorms or off-site housing. Off-site groups or associations in a living environment associated with the university do not exist. The Office of Public Safety works frequently and collaboratively with local law enforcement to identify offenses or incidents that occur on or near university facilities. All events conducted in conjunction with the university, that take place off

premises, are considered university events and must follow procedures and codes of conduct in adherence with university policy.

Campus Sex Crimes Prevention Act

The act sets requirements for sexual offender registration and community notification. The Campus Sex Crimes Prevention Act of 2000 provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. It requires sex offenders, already required to register in a state, to provide notice of each institution of higher education in that state in which that person is employed, carries on a vocation or is a student. The act amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Information is listed at New York Division of Criminal Justice Services' Sex Offender Registry (<https://www.criminaljustice.ny.gov/nsor/>) or you also may contact the NYS DCJS Sex Offender Registry at 518-457-5837 or 800-262-3257.

Sexual Offender Registry

The Sex Offender Registration Act requires the Division of Criminal Justice Services (DCJS) to maintain a Sex Offender Registry. The registry contains information on classified sex offenders according to their risk of re-offending:

- low risk (level 1)
- moderate risk (level 2)
- high risk (level 3)

The act requires that the division also maintain a subdirectory of level 3 sex offenders. The DCJS Sex Offender Registry (<https://www.criminaljustice.ny.gov/nsor/>) site may be found on the web and contains their subdirectory of level 3 sex offenders as well as other information regarding the New York State Sex Offender Registry (referred to as "the registry").

Sex offenders registered in New York state are now required to notify the registry of any institution of higher education at which he or she is, or expects to be, whether for compensation or not, enrolled, attending or employed, and whether such sex offender resides or expects to reside in a facility operated by the institution. Changes in status at the institution of higher education also must be reported to the registry no later than 10 days after such change.

SUNY Empire will maintain a website link to the New York State Sex Offender Registry and local law enforcement that maintain listings of registered sex offenders.

Correction Law §168-b requires that Division of Criminal Justice Services (DCJS) include this information regarding an institution of higher education on its registry.

Bias Related Crime and Hate Crime

SUNY Empire takes bias crimes seriously. The university provides the following information to students and employees to assist in the prevention of and response to bias crimes. This statement meets the requirements of the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of the New York state law are available on the university's website (<http://www.sunyempire.edu>).

Bias Crimes, Definitions

Hate crimes, also called bias crimes or bias-related crimes, are criminal activities motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as race religion, ethnicity, gender, sexual orientation or disability.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender.

If you are the victim of, or witness to, a hate/bias crime at a university location or event, report it to the appropriate local police agency. Since university services are delivered through locations across the state and the university does not have its own police force, we rely on local law enforcement to respond to reported crimes at our locations.

Bias Related Incidents or Crimes

Bias incidents directed at a member of a group within SUNY Empire that does not rise to the level of a crime include bigotry, harassment or intimidation based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed or marital status. Such incidents may be addressed through the State University's Discrimination Complaint Procedure or the university's Student Conduct Policy and Procedures. Bias incidents can be reported to the following individual:

Chief Diversity Officer for Institutional Equity and Inclusion
Office of the President
Empire State University
113 West Ave.
Saratoga Springs, NY 12866
518-587-2100, ext. 2416

Victims of bias crimes or incidents may seek counseling services from their own health care providers. The university does not offer on-site counseling services.

Fire Safety Annual Fire Safety Report

SUNY Empire fully recognizes its responsibility to provide both awareness and safety training for faculty, staff and students and undertakes an ambitious program each year. Fire safety and emergency training for faculty and staff begins with discussions about fire prevention and safety during orientation programs. Annual fire inspections are conducted by the New York State Office of Fire Prevention and Control, in conjunction with the Office of Safety & Security.

Smoking is prohibited inside all university facilities.

Fires, Emergency Building Evacuations, Evacuation for People With Physical Disabilities

In the event of fire, a smoke condition or odor of gas:

- Notify fire departments by accessing an outside line, if applicable, and dialing 911 from any phone or cell phone.
- Activate the nearest alarm pull station as you leave the building.
- Follow evacuation instructions.
- Quickly and calmly evacuate the building from the nearest exit. Do **not** use the elevators.

- Do **not** re-enter a building that is in alarm.
- Proceed to the previously designated area of refuge and remain there.

Emergency evacuation plans are identified for each university location and posted.

- It is best to have arrangements pre-planned for evacuation assistance. Arrangements can be made to reasonably assure that assistance is provided to anyone who requires it. Contact the Office of Public Safety at 518-587-2100, ext. 2900 for pre-plan arrangements or questions.
- If you are unable to evacuate call 911.
- Remember to never use the elevators.

Smoking Policy

In accordance with New York state law, no smoking is allowed in any university facility or within 30 feet of any building.

Weapons Possession

University policy prohibits, unauthorized possession or use of firearms, explosive devices, fireworks, dangerous or illegal weapons, or hazardous materials.

Safety Guidelines for Armed Subjects, Active Shooter Situations

An active shooter is a person who appears to be actively engaged in killing or attempting to kill people in a populated area. In most cases active shooters use firearm(s) and there is no pattern or method to their selection of victims. These situations are dynamic and evolve rapidly, demanding immediate deployment of law enforcement resources to stop the shooting and mitigate harm to innocent victims. This section provides guidance to persons who may be caught in an active shooter situation and describes some things to expect from responding police officers.

What Should You Do:

In general, how you respond to an active shooter will be dictated by the specific circumstances of the encounter, bearing in mind there could be more than one shooter involved in the same situation. If you find yourself involved in an active shooter situation, try to remain calm and use these guidelines to help you plan a strategy for survival.

- **If an active shooter is outside your building**, proceed to a room that can be locked, close and lock all the windows and doors, and turn off all the lights; if possible, get everyone down on the floor and ensure that no one is visible from outside the room. One person in the room should call 911, advise the dispatcher of what is taking place, and inform him/her of your location; remain in place until the police or a campus administrator known to you, gives the "all clear." Unfamiliar voices may be the shooter attempting to lure victims from their safe space; do not respond to any voice commands until you can verify with certainty that they are being issued by a police officer.
- **If an active shooter is in the same building you are**, determine if the room you are in can be locked. If so, follow the same procedure described in the previous paragraph. If your room can't be locked, determine if there is a nearby location that can be reached safely and secured, or if you can safely exit the building. If you decide to move from your current location, be sure to follow the instructions outlined below.
- **If an active shooter enters your office or classroom**, try to remain calm; dial 911, if possible; and alert police to the shooter's location. If you can't speak, leave the line open so the dispatcher can listen

to what's taking place. Normally the location of a 911 call can be determined without speaking. If there is absolutely no opportunity to escape or hide, it might be possible to negotiate with the shooter; attempting to overpower the shooter with force should be considered a last resort, after all other options have been exhausted. If the shooter leaves the area, proceed immediately to a safer place and do not touch anything that was in the vicinity of the shooter.

- **No matter what the circumstances**, if you decide to flee during an active shooting situation, make sure you have an escape route and plan in mind. Do not carry anything while fleeing; move quickly; keep your hands visible; and follow the instructions of any police officers you may encounter. Do not attempt to remove injured people; instead, leave wounded victims where they are and notify authorities of their location as soon as possible. Do not try to drive off campus until advised it is safe to do so by police or campus administrators.

What to Expect From Responding Police Officers:

Police officers responding to an active shooter are trained to proceed immediately to the area in which shots were last heard; their purpose is to stop the shooting as quickly as possible. The first responding officers may be dressed in regular patrol uniforms, or they may be wearing external bulletproof vests and helmets, as well as other tactical equipment. The officers may be armed with rifles, shotguns or handguns, and might be using Tasers, pepper spray or chemical agents to control the situation. Regardless of how they appear, remain calm, do as the officers tell you, and do not be afraid of them. Put down any bags or packages you may be carrying and keep your hands visible at all times. If you know where the shooter is, tell the officers. The first officers to arrive will not stop to aid injured people; rescue teams composed of other officers and emergency medical personnel will follow the first officers into secured areas to treat and remove injured persons. Keep in mind that even once you have escaped to a safe location, the entire area is still a crime scene; police will usually not let anyone leave until the situation is fully under control and all witnesses have been identified and questioned. Until you are released, remain at whatever assembly point authorities designate.

Drug Prevention Programs Student Supports

There is a list of state and regional resources for students on the Student Health and Wellness web site (<https://www.sunyempire.edu/student-affairs/student-life/health-wellness/>).

Standards of Conduct

SUNY Empire policy prohibits the unlawful possession, use or distribution of illicit drugs and the abuse of alcohol by students and employees on university property or as part of the university's activities.

Health Risks

There are significant psychological and physiological health risks associated with the use of illicit drugs and alcohol. Physical addiction, loss of control and withdrawal syndrome as well as serious damage to vital organs of the body can result from drug and alcohol abuse.

Federal, State and Local Legal Sanctions

Conviction for possession and sale of controlled substances carries a number and variety of penalties under New York state law. These range from fines to prison terms of 15 years to life, depending upon the nature of the substance, the criminal act and the character of the crime. Federal

Trafficking Law convictions also carry a variety of penalties which range from five to 30 years in prison and substantial fines.

Disciplinary Sanctions – Students

A student accused of possession/use of or distribution of drugs will be subject to the university's Student Conduct Policy and Procedures (<http://catalog.esc.edu/undergraduate/academic-policies-procedures/student-conduct-policy-procedures/>). Sanctions for those found responsible may include written warning, suspension or expulsion.

General Safety

Faculty and Staff Members' Roles

Everyone at SUNY Empire has a basic responsibility for his or her own personal safety; faculty and staff have an increased level of responsibility.

Personal Safety

- Stairwells and out-of-the way corridors: utilize common stairwells and corridors that are traveled most frequently by others.
- Elevators: if in an elevator with someone who creates an uneasy feeling, get off as soon as possible.
- Restrooms: be extra cautious when using restrooms that are isolated or poorly lit.
- After hours: don't walk alone late at night. Create a buddy system for walking to parking lots or public transportation.
- Parking lots or garages: always lock the car and roll the windows up all the way. Park in a well-lit area. Carry keys in hand while approaching the vehicle.

Prevention of Crime in the Office

- Use your keys, access card/codes properly.
- Never share them with anyone.
- Don't place personal identification on your key rings.
- Keep your personal keys and your office keys on separate rings.
- Report lost key rings and access card immediately.
- Keep purses or wallets on your person or lock them in a drawer or closet.
- Keep track of serial numbers of any personal items and mark them with your name or initial (e.g., radio).
- Keep coat racks away from entrances/exits to minimize temptation.
- Don't leave your office unattended. Lock it.
- Have your phone forwarded to another person's office or to voice mail.
- Report any lighting deficiencies, broken windows or broken door locks to the facilities maintenance.
- Don't allow repairs to security or communication equipment without verifying a written order from the appropriate supervising office.

Computer Security

The Information Technology Services has outlined issues pertaining to computer security – Technology Acceptable Use, Policies and Procedures (<https://www.sunyempire.edu/policies/?search=cid%3D35658>) – which can be found on the university policy web site (<https://www.sunyempire.edu/policies/>). Individuals also may contact our help desk for additional questioning.

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