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THE COLLEGE AT  
**OLD WESTBURY**  
STATE UNIVERSITY OF NEW YORK



UNIVERSITY POLICE: 516-876-3333  
ON-CAMPUS DIALING: 3333

# THE COLLEGE CAMPUS SAFETY REPORT 2008- 2009

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# THE COLLEGE CAMPUS SAFETY REPORT

## **I. Introduction**

At the State University of New York College at Old Westbury, the safety and well being of our students, faculty, staff and visitors are always a primary concern. With the support of other Police Departments, we have hundreds of people involved in keeping the campus safe and secure. However, a truly safe campus can only be achieved through the cooperation of all students, faculty, staff and visitors. We hope that you will read this notification carefully and use the information to help develop and maintain a safe environment for you and others on campus.

This report is filed as a requirement of the Federal **Crime Awareness and Campus Security Act, (hereafter referred to as the Campus Safety Act/Clery Act)** that was last amended in November 1999. The purpose of this report is to provide our students, faculty and staff with campus safety information, including crime statistics and procedures to follow to report a crime. The report is prepared by the Chief of University Police and is electronically available at the campus website identified at <http://www.oldwestbury.edu>. Any questions regarding this report should be directed to the University Police Department, Academic Village, Room D-100, at telephone 516-876-3333.

**Note:** Electronic mail and websites can and are being used to present this information. If selecting this route, a campus-wide notice must be given to all prospective and current students and employees on the location of the website, and a summary of the contents of the report as well as a statement that a paper report is available from certain offices upon request. This report can be examined at the SUNY College at Old Westbury website listed above.

SUNY College at Old Westbury is one of the 64 colleges and universities in the State University of New York system and was chartered in 1965 as an Art and Science College located on the North Shore of Long Island, approximately 35 minutes from the Borough of Manhattan, New York City. The College covers 604 acres primarily in the confines of the Village of Old Westbury. Founded on State Route 107, just north of both the Northern State Parkway and the Long Island Expressway (L.I.E.), the Campus can be accessed from any of three gated entrances (one off Route 107 and the other two off the L.I.E. North Service Road.)

## **II. General Security Information**

In 2007, 3,575 undergraduate and graduate students were enrolled at the State University of New York College at Old Westbury. As of September of 2007, approximately 975 undergraduate students reside in residence halls on the campus. The College's facilities also include a Student Union, 13-building academic/ resident hall center, a Campus Center, Natural Science Building, and the Clark Center recreation venue. The college employs approximately 127 full-time faculty and 132 part-time faculty. A graduate program leading to a Masters Degree in Accounting has been initiated and graduated its first class in May 2007.

Students, faculty and employees have access to academic, recreational and administrative facilities on campus during regular hours of operation. Access to the residence halls, however, is limited to students and their guests according to a guest procedure presented in the **Student Handbook**. Access to the residence halls by college employees is on an "as needed" basis. Access to the campus after 10:00 p.m. can only be made from the Route 107 "A Gate Entrance" which is manned by a University Police Officer, and College Identification is necessary to gain entrance.

The public can attend cultural and recreational events on campus with their access limited only to facilities in which these events are held. To report any violations of this policy or to report suspicious persons, dial the University Police at ext. 3333.

## **III. Crime Reporting**

All members of the campus community are urged to report criminal incidents, emergencies and suspicious activity to the University Police Department at 516-876-3333 or ext. 3333 and should be used for all fire, medical and police emergencies. All reports are classified, logged and responded to thoroughly.

Crimes in progress, and any other emergencies on campus, can be reported directly by any student, faculty member, visitor or employee to the University Police Department by dialing campus ext. 3333. **Do not utilize the 911 emergency number while on campus since this will cause unnecessary delays in police response.** The University Police can also be reached using emergency phones located at numerous locations on campus and in the front and rear of each of the new residence halls. Upon receipt of a call for assistance University Police Officers are dispatched immediately to the site of the incident. The officers prepare and submit incident reports that are kept on file at University Police Headquarters. The University Police Department reports all criminal incidents on a monthly basis to the New York State Department of Criminal Justice Services and yearly to the US Department of Education.

Members of the campus community can unofficially report criminal incidents to the following offices:

<b>Vice President for Student Affairs</b> .....	<b>516-876-3175</b>
<b>Dean of Students</b> .....	<b>516-876-4873</b>
<b>Student Health</b> .....	<b>516-876-3280</b>
<b>Residence Life</b> .....	<b>516-876-3210</b>
<b>Director of Athletics</b> .....	<b>516-876-3241</b>
<b>Counseling Center</b> .....	<b>516-876-3053</b>
<b>Director of Student Activities</b> .....	<b>516-876-3067</b>

Please note that these offices allow victims and witnesses to report a crime on a voluntary, confidential basis. Reports of this nature are filed with the University Police for information purposes, but there is no formal investigation of the incident unless the seriousness of the situation dictates and/or the department is requested to do so. Counselors at the college may inform members of the college community that crimes can be reported to the Office of Student Affairs or any competent authority at the College on a voluntary, confidential basis for inclusion in the College's crime statistics report.

**For staff and students living off campus, the following list of major area emergency numbers should be noted:**

<b>University Police</b> .....	<b>516-876-3333</b>
<b>Old Westbury Village Police</b> .....	<b>516-626-0200</b>
<b>Mental Health Association of Nassau</b> .....	<b>516-489-2322</b>
<b>Nassau Coalition against Domestic Violence</b> .....	<b>516-542-0404</b>
<b>Nassau County Department of Drug and Alcohol Addiction</b> .....	<b>516-572-5355</b>
<b>Parents Anonymous</b> .....	<b>800-346-2211</b>
<b>Nassau County Poison Control</b> .....	<b>516-542-2323</b>
<b>Nassau County Police Department 3<sup>rd</sup> Pct</b> .....	<b>516-573-6300</b>
<b>Nassau County Police Department 2<sup>nd</sup> Pct</b> .....	<b>516-573-6200</b>

**NOTE:** In the event of a major emergency, or if there is an event which poses a threat to students, employees or others, a "**Campus Alert Bulletin**" will be prepared by the University Police Department and distributed via:

- Campus-wide e-mail to students, faculty and staff
- The campus website (with Police/Safety link)
- The student newspaper, the **Catalyst**
- Postings at main entrance doors to academic and residence hall buildings

**IV. UNIVERSITY POLICE DEPARTMENT**

Campus safety and security is the responsibility of the University Police Department, which has a force of 20 sworn police officers including two investigators and four lieutenants with full police powers. As an armed police department, officers respond to all emergencies. The University Police Department is headed by Chief of Police Michael Yanniello who can be reached at 516-876-3146 and e-mail at [yanniellom@oldwestbury.edu](mailto:yanniellom@oldwestbury.edu).

State University of New York police officers must meet the highest standards in New York State for law enforcement officers. The officers have passed a basic training program administered by the State

University at the New York State Police Academy in Albany or a local regional police academy, and they undergo continuous training to upgrade their skills. All officers have been trained in emergency medical procedures and first aid. The officers engage in foot and vehicular patrols on the campus, 24 hours a day, 365 days a year. These patrols include foot patrols of the residence halls.

The objective of the University Police is to ensure a safe environment for teaching, research and social endeavors and to protect the lives and property of the students, employees and visitors of SUNY College at Old Westbury. This objective is pursued within the framework of the State University Police Rules and Regulations and all local, state and federal laws. The investigation of crimes committed on the campus fall under the jurisdiction of the University Police Department, and to this end, the Department encourages the accurate and prompt reporting of all criminal incidents. The University Police department also works closely with the Nassau County Police Department and the bordering local police departments to assist them with incidents that may occur off campus but involve students or employees of the College.

#### ***V. Relationships with Other Police Departments***

The University Police Department, in cooperation with the Nassau County Police Department and other local municipal police departments, monitors criminal activity at off-campus events with college affiliation and frequented by students from our institution. At this time, the SUNY College at Old Westbury has no off campus resident halls or college buildings that are owned or leased. Students involved in off-campus drug, alcohol or other criminal incidents may be referred to the College Judicial Officer and sanctions may be imposed if the student is found guilty of the offense.

If needed to appropriately respond to an emergency situation on campus, the Nassau County Police Department and both the Village of Old Westbury and or the Village of Old Brookville Police Departments may provide assistance to effectively deal with the emergency condition.

#### ***VI. Daily Crime Log***

The University Police Department maintains a daily log of crimes and incidents that occur on campus that is available to the public. This daily crime log is available at the University Police Department, room D100, in the Academic Village and can be viewed by appointment. Please note that entries or updates are generally made on the day in question and within two business days after the event occurs. Some restrictions may be made to the release of this information in accordance with the protections afforded student information via the Buckley Amendment of the Family Educational Rights and Privacy Act of 1974. Incidents or situations deemed to pose a threat to the campus community are logged as soon as possible. While most events are logged, the Chief of University Police may determine that an incident should be classified as "confidential" to avoid jeopardizing a criminal investigation or the identity of certain victims.

The University Police Department also maintains an **electronic crime log** of all crimes reported to the Department which identifies by crime classification, case #, date, time, general location and disposition when available of the complaint. This electronic crime log is also available to the public and can be viewed by appointment with the possible exceptions as detailed above.

#### ***VII. Campus Policy on Alcohol and Illicit Drugs***

The illegal possession or use of alcohol and or any illegal drugs such as marijuana, barbiturates, amphetamines, hallucinogenic compounds, narcotics and other controlled substances that are in violation of state and federal law is strictly prohibited and subject to campus disciplinary action and/or arrest. SUNY College at Old Westbury is a dry campus and all alcoholic beverages are strictly prohibited. Members of the campus community in need of assistance with respect to a question or personal problem regarding alcohol or other drugs should contact Student Health Services at ext. 3250 or Counseling Services at ext. 3053.

#### ***VIII. Alcohol Policy***

1. The College does not sponsor on-campus activities, nor does it approve off-campus activities where alcohol is provided.
2. No alcoholic beverages will be transported onto or possessed on Campus.
3. No alcoholic beverages will be served in any campus facility or at any off-campus student activity sponsored by the college.
4. Open cans or bottles of alcoholic beverages are forbidden on campus grounds.
5. Anti-social behavior, while under the influence of alcohol on campus, will be subject to disciplinary

action by the Dean of Students and/or the Director of Residence Life, including the possibility of suspension and dismissal from the College.

### **IX. *Illegal Drug Policy***

The College recognizes the problems of drug use and drug abuse that is evident in our society and, therefore, issues this policy statement. The College maintains a drug policy that will not tolerate the possession and or usage of illegal drugs on campus. Offenders will be strictly dealt with within both the local law enforcement and campus judicial systems.

It must first be understood that the College is an institution of the community, and it respects and upholds the law enforced by the University Police Department and other law enforcement agencies. Article 220 of the ***New York State Penal Law*** carries severe penalties for drug violators who sell, possess and/or use controlled substances ranging from one-year to life in prison. No special privilege status is granted to students, and it is expected that all students will obey the law.

Students who violate College rules relative to drug possession or use will be reported to the Office of the Vice President for Student Affairs. The College Judicial Officer will examine the facts and conduct a hearing. If the student is found in violation he/she can be dismissed in accordance with the ***Code for Student Conduct***.

The College is an educational institution, and it accepts responsibility for providing learning experiences on alcohol and drug abuse. Counseling services are available to help students deal with problems they may be facing in this area.

#### **The College establishes four steps as guidelines:**

1. Presentation of educational programs to foster understanding of alcohol and drug use, and alcohol and drug abuse
2. Development of a climate conducive to learning
3. Establishment and enforcement of rules to facilitate the above
4. Provisions for advice and assistance from counselors, nurses and doctors to those experiencing difficulty

The Office of Counseling Services provides educational and preventive opportunities on campus. These opportunities include several formal programs on campus that are directly concerned with alcohol and drug use. College-wide information programs are offered during Drug and Alcohol Awareness Week in April of each year during which education programs are offered and presentations are made by representatives of MADD, AA, and NA. Students may actively participate in all aspects of the week's programs during which they gain important insights into the problem of drug and alcohol abuse.

There are also alcohol free social and recreational activities run jointly by Residential Life, Counseling and Career Services and Students Activities which include alcohol and drug free events each semester and dry happy hour programs.

The College Counseling Center is staffed to adequately address substance abuse issues and working relationships have been established with community-based providers. The Counseling Center offers individual counseling and when necessary, students may be referred to outside community services for necessary treatment.

### **X. *Weapons on Campus***

Firearms and dangerous weapons of any type are not permitted on campus. Intentional use, possession, or sale of firearms or other dangerous weapons by anyone is strictly forbidden, and is a violation of state and federal law as well as a violation of the ***Code for Student Conduct***. The College President may authorize in writing the possession of a weapon on Campus for special or educational purposes. Violators are subject to College discipline, as well as criminal sanctions.

In support of the State University of New York guidelines and out of concern for the College community, no student shall possess or introduce to the campus community dangerous weapons including but not limited to: knives, chukka sticks, pellet guns, firearms, and/or fireworks or other explosives.

### **XI. Disciplinary Process**

Any member of the college community may, and is urged to report, in writing, an alleged violation of the **Code for Student Conduct** or the **Guide to Campus Living** to University Police. The University Police Department sends copies of all complaints and subsequent investigation to the Dean of Students and Judicial Officer for determination of internal disciplinary action. The student(s) involved become subject to a disciplinary investigation and possible subsequent hearing. The Judicial Officer will conduct a preliminary investigation providing the accused student with the opportunity to discuss the facts and circumstances which led to the report. The student may have the case heard by the Judicial Officer in an administrative hearing or by the Campus Judicial Board. The **Student Handbook** contains the complete explanation of the responsibilities and expectations of the College relative to the disciplinary process.

### **XII. Crime Prevention Activities**

Members of the campus community are urged to secure their valuables and be aware of their surroundings. To assist in this endeavor, the University Police and other Campus services hold educational programs each semester on a variety of topics, including personal safety awareness and security, rape awareness/sexual assertiveness training, operation ID, and anti-theft programs. Information on safety and security is provided on request to students and employees regularly via seminars, videos, crime alerts, posters, brochures and college and student newspapers, articles and notices transmitted via the college e-mail service.

During orientation, programs are presented which address sexual assault, domestic violence, stalking, alcohol and drug use and fire safety, and other personal safety topics. Students are also informed of many personal safety services available on campus, which include campus escort, rape counseling, mental health services and emergency medical identification. Services available through the University Police Department throughout the year include motorist assistance, a lost and found service, training and instructional presentations when requested.

Special attention is paid to offering education and guidance relative to credit card utilization and the potential for abuse and/or identity theft. Students received such counseling during orientation and the College has a stringent policy relative to registering credit card marketers and governing their exposure to the students and the manner in which they conduct business on campus.

An **Advisory Committee on Campus Security** exists that is comprised of a pre-established cross section of the campus community. This committee examines campus security issues to include security policy and procedures and makes recommendations for their improvement. The committee is headed by the Vice President for Student Affairs and addresses issues of security education of the community, referring of complaints to proper authorities, provisions for counseling of victims and any issues that may affect security on campus.

### **XIII. Facilities Management Department**

This department maintains campus buildings and grounds with a concern for safety and security. Campus facilities are inspected regularly with prompt repairs affecting safety and security, and the Facilities Management Department offers immediate response to reports of potential safety and security hazards, such as broken windows and locks. If you have concerns about the physical safety of campus buildings and grounds, please call the physical plant office Monday through Friday, 7:00 a.m. to 4:30 p.m., at ext. 3303. For emergencies that occur during non-business hours, call the University Police Department at ext. 3333.

The College campus strives to be well lighted. The current lighting system utilizes high intensity sodium vapor lights throughout the campus roadways and parking areas. In addition, any student who chooses to report a potential safety issue on campus may utilize any of the major cell service providers or may choose to utilize any hard wired campus telephone to identify the security issue to the appropriate entity on campus. Each resident hall room is wired for landline telephone operation and if a student provides the instrument that telephone will have campus wide communication at no charge. There are approximately 38 emergency telephones strategically located throughout the campus, which are connected directly to the University Police Department. Thirteen of these emergency telephones are located in the vicinity of the new residence halls and two in the vicinity of the Student Union.

#### **XIV. Security in the Residence Halls**

The College's Office of Residential Life is committed to providing a safe environment in the residence halls. Students are made aware of safety concerns as well as tips on prevention through brochures, pamphlets, floor meetings and presentations. While there are many safeguards in place for resident students, each student must do his/her part to assure a safe and secure environment by adhering to the safety related policies and procedures. A Resident Director (RD) supervises each of the residence halls.

The Resident Directors are professional staff persons who live and work in the residence halls. There are also two Resident Assistants (RAs) on each floor. A Resident Assistant is an upper-class student who has received extensive training in many different aspects of residence hall living. The Resident Directors and Resident Assistants undergo training in enforcing residence hall safety and security policies, as well as being aware of potential safety hazards and concerns. There is a Resident Director on duty every evening from 5:00 p.m. to 8:00 a.m., and each residence hall has an RA on duty from 8:00 p.m. to 1:00 a.m. Each resident hall has a reception area that will be staffed by resident hall staff during the day. Access cards and college ID will be required for entrance to the hall.

Every residence hall student will be issued an electronic card allowing access to the front or rear doors of the residence halls and a key to their assigned room. All residence halls are expected to be locked 24 hours a day. Emergency telephones connected to the University Police Department are located at the street level of each resident hall. Although the campus is a safe place to live, there is the potential for crime. Students are encouraged to be alert and aware of their environment.

Residence hall students should not be lulled into a false sense of security. We all need to be aware of our environment and the possible consequences of our behavior. The College is committed to maintaining an environment in which students, faculty, staff and guests can work together free from all forms of harassment, exploitation and intimidation. The College will act as needed to discourage, prevent, correct and if necessary discipline behavior that violates this standard of conduct. The University Police Department in conjunction with the Affirmative Action Officer, will promptly investigate allegations of unlawful discrimination based on race, color, national origin, religion, age, sex, disability or marital status. Allegations of unlawful discrimination can first be discussed with the counseling center, the Vice President for Student Affairs or the Affirmative Action Officer.

#### **XV. Sexual Crimes Information and Sexual Harassment Policy**

SUNY College at Old Westbury is committed to maintaining an environment in which students, faculty and staff as well as visitors can work together free of all forms of harassment, exploitation and intimidation. The College strongly condemns sexual harassment in any form. Also unacceptable is conduct such as sexual assault or rape that constitutes a criminal offense. Such behavior is a violation of SUNY policy and both federal and state law. SUNY College at Old Westbury will take any and all action needed to discourage, prevent, correct, and if necessary, discipline behavior that violates this standard of conduct.

Rape and sexual assault, such as sexual abuse and sodomy, constitute crimes that are prohibited by New York State law (see Section 130 of the **New York State Penal Code**) and section 12 of the campus **Student Handbook**. Allegations of sexual assault or rape should be reported to the University Police Department at 516-876-3333, and allegations of sexual harassment on campus should be reported to the Affirmative Action Officer at 516-876-3179. Victims of a sex crime may choose to report the offense and seek guidance from the Counseling Center prior to any other notifications. Victims may also request the College to change their academic and or living situations on campus after an alleged sexual offense. The victim may request the assistance of the Office of Counseling Services and the Office of Student Health in this area.

Allegations of sexual assault or rape occurring on or off campus may be reported to the Nassau County Police Department, Village of Old Westbury Police Department, the Village of Old Brookville Police Department or any other competent authority. The University Police Department will provide whatever assistance is needed in the notification of other Departments. The Offices of Student Affairs, Counseling Services, Health Services and the Dean of Students are available for consultation. Efforts will be made to ensure the confidentiality of all reports, except what is required and necessary to investigate the alleged offenses. College authorities may issue a **Campus Safety Alert** to those areas of the College community affected by the crime. The issuance of this alert will depend on the particular circumstances of the crime. Victims providing information to the University Police may choose either criminal prosecution and/or a

referral to the campus judicial discipline system.

Procedures and possible sanctions related to on-campus discipline are discussed in the **Code for Student Conduct**. Victims of sex crimes should contact the Dean of Students Office at Ext. 4873 for additional information. Further information on the procedures that should occur if a victim decides to report is available in the **Student Handbook**. It is important to note that the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding. The accuser and the accused will be informed of the outcome of any campus disciplinary action including the sanction to be imposed. Such sanctions can include suspension and expulsion from the College.

### **Sexual Assault and the Law**

The State University of New York College at Old Westbury has programs to protect all members of the College community from sexual assault, including programs for prevention and prosecution of those that occur within the jurisdiction of SUNY College at Old Westbury University Police.

NYS Law contains the following legal provisions defining the crimes related to sexual assault:

**Section 130.20 – Sexual Misconduct.** This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.

**Section 130.24/30.35 – Rape.** This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

**Section 130.40/45/50 – Criminal Sexual Act.** This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

**Section 130.52 – Forcible Touching.** This offense involves the forcible touching of the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. Forcible touching includes the squeezing, grabbing, or pinching of such other person's sexual or other intimate parts. The penalty for violation of this section includes imprisonment for a period of up to one year in jail.

**Section 130.55/60/65 – Sexual Abuse.** This series of offenses includes sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due to physical helplessness, or due to the person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.

**Section 130.65-a/66/67/70 – Aggravated Sexual Abuse.** This series of offenses occurs when a person inserts a finger or foreign object in the vagina, urethra, penis, or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.

### **What to do if you are sexually or otherwise assaulted on campus:**

- Get to a safe place as soon as possible and seek support from college officials;
- For the purpose of criminal prosecution, preserve all physical evidence including clothes, towels, bed linens and do not bathe or douche;

- Contact College at Old Westbury University Police immediately (516-876-3333 or ext. 3333 on campus or use a Blue Light or other campus emergency phone).

Remember, assaults – sexual or otherwise – are crimes; they are not the victims' fault. Victims have the right to pursue adjudication of crimes that occur on the College at Old Westbury campus through criminal courts and/or through the University's internal disciplinary process (under the campus **Code for Student Conduct**). SUNY University Police are trained to assist with prosecution in both systems.

The University Police Department at the college is a member of the Nassau County Police Department's Sexual Assault Nurse Examiner (S.A.N.E) program. S.A.N.E. is a victim sensitive program in which trained forensic nurses are involved in the handling and questioning of victims.

#### **XVI. Sexual Assault Information (Aid to Victims of Violence)**

If you are a victim of sexual assault, immediately report the assault to the police. Call ext. 3333 on campus, or 911 off campus. Police cannot investigate the incident as a crime unless you file a formal report. Reporting a crime to the police or to another campus office does not necessarily obligate you to follow through with criminal prosecution. A victim may choose to consult with other departments at the college mentioned previously relative to the incident and seek their assistance.

The University Police Department is a member, with the surrounding local Police Departments and the Nassau County Police Department, in the Sexual Assault Nurse Examiner program (S.A.N.E.). The S.A.N.E. program governs the methodology for dealing with the subject of an investigation of Sexual Assault crimes. The program has at its core, the utilization of specially trained nurses to deal with the victims of sexual assault and special provisions at North Shore Hospital where the program is based. The victims of sex-related crimes are treated with utmost respect, and caution is taken to secure all valuable evidence related to the crime. Guidance will be given to victims concerning the aftermath of the crime relative to tests for sexually transmitted diseases, pregnancy, etc.

Training and educational programs relative to rape awareness and prevention of sexual assault are initiated and sponsored by the Office of Counseling Services and the Office of Student Health and are available to all students and staff of the College.

#### **XVII. Criminal and Campus Judicial Prosecution of Sexual Assault Crimes**

If a sexual assault takes place on campus and is reported to the University Police Department both criminal and campus judicial charges may be brought against the perpetrator. Criminal charges as outlined above will be adjudicated within the state or local judicial systems and the campus judicial charges will be initiated by the College Judicial officer. If the student is found guilty of the allegations of sexual misconduct, the campus judicial system sanctions may include expulsion from the resident halls, restriction from college sponsored events, suspension or expulsion from the College.

#### **XVIII. Sexual Offender Community Notifications**

Pursuant to an amendment to New York State's Megan Law signed by Governor Pataki on March 11, 2002, New York State University Police Departments will receive direct notifications from the New York State Division of Criminal Services if a registered sexual offender enrolls at or is employed at our institution. Such information will be available at the University Police Department, documented on strategically located postings throughout the campus, and identified on e-mail alerts to the College community. This information is also available at the following New York State web site: <http://criminaljustice.state.ny.us> subdirectory for Level 3 Sex Offenders.

**No matter when or where the assault occurred, support and referral resources are available to help you. Contact at least one of the offices previously mentioned in this report.**

#### **XIX. Bias Hate Related Crimes**

It is a SUNY College at Old Westbury University Police mandate to protect all members of the College community by preventing and prosecuting bias or hate crimes that occur within the campus jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrators 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. Hate based

crimes have received renewed attention in recent years, particularly since the passage of the federal **Hate/Bias Crime Reporting Act** of 1990 and the **New York Hate Crimes Act** of 2000 (**Penal Law Article 485**). Copies of the law are available from the Office of University Police at the College.

Penalties of 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. Perpetrators who are students will also be subject to campus disciplinary procedures where sanctions including expulsion are possible.

In addition to preventing and prosecuting hate/bias crimes, the University Police Department at SUNY College at Old Westbury, in concert with other entities on campus, also assist in addressing bias-related incidents that do not rise to the level of criminal activity. These activities, referred to as bias-related incidents and defined by the University as acts of bigotry, harassment, or intimidation directed at a member or group within the College at Old Westbury community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status, may be addressed through the SUNY College at Old Westbury **Discrimination Complaint Procedure** or the **Code for Student Conduct**. Bias incidents can be reported to the University Police as well as to the Affirmative Action Officer at ext. 3179.

If you are a victim of, or a witness to, a hate/bias crime on campus, report it to the University Police by calling the Department at 516-876-3333 from an outside phone or ext. 3333 from any campus phone, using any Emergency Phones on campus, or stopping by University Police Headquarters in the Academic Village, Room D-100.

The University Police will investigate the incident and follow the appropriate adjudication process.

Victims of bias crimes or bias incidents can avail themselves of counseling and support from the campus by contacting Counseling services at 516-876-3053 or in person in Room 107 of the Student Union.

**XX. Statement of Victims' Rights**

1. Victims have the right to choose counseling and medical treatment and to prosecute and report their case through the university judicial system and/or the off-campus court system. They also have the right to refuse all of these options without reproach from any university personnel.
2. Victims have the right to be treated with dignity and seriousness by campus personnel.
3. Victims of crimes against an individual have the right to be reasonably free from intimidation and harm.
4. College personnel are encouraged to inform all victims of the following:  
Victims are not responsible for crimes committed against them.  
Victims are not negligent toward their own well being and thus do not assume the risk of crime.  
Victims should always report their crime, despite the possibility of adverse publicity for the College.
5. Victims will be made aware of appropriate student services, including counseling.
6. Victims are entitled to the same support opportunities available to the accused in a campus disciplinary proceeding.
7. If the accused is prohibited from contacting the victim or entering the victim's residence, the victim will be notified that the ban is in effect.
8. Any victim who does not wish to remain in his/her present residence hall or class section may be granted a transfer to other housing or another class section if available.
9. The victim has the right to information regarding the status of his/her case.

## **XXI. Emergency Notifications**

In the case of an emergency at the college, notification to the student body and or faculty and staff will be made through the **New York Alert (SUNY Alert) system** which will utilize a variety of notification avenues to notify students, faculty and staff as to the nature of the emergency, action to be taken and operational status of the college. The New York / SUNY Alert system is an All-Hazard Alert and Notification system that the college, along with other SUNY institutions, is in the process of implementing and when operational will notify students, faculty and staff at contact points supplied by the college community member as to the nature and action to be taken as a result of an identified emergency. These emergencies may include bomb threat, fire, hazardous materials, medical emergencies, personal safety, suspicious package, weather or mechanical related issues. The college will notify students, faculty and staff as to the process by which that community member may be included in this system. The College also has in place a siren warning system which will blast warning tones and provide notification and instructions as to community response to an identified emergency condition and an Emergency Televideo System which will send emergency text messages across television screens tied to the Campus television network.

The **College Emergency Action Plan** is located on the SUNY Old Westbury web site and can be accessed as follows: Go to the college web site at [oldwestbury.edu](http://oldwestbury.edu), click on Emergency Preparedness at bottom left of screen, then click on Emergency Response Plan at the bottom center of the screen. It is important that all students and staff review this plan and understand its implications.

## **XXII. Offense Definitions**

The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are excerpted from the **Uniform Crime Reporting Handbook**. The definitions of forcible and non-forcible sex offenses are excerpted from the national incident-based reporting edition of the **Uniform Crime Reporting Handbook**.

### **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 and inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by 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 which 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.

### **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

### **Weapon Law Violations**

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned .

### **Drug Abuse Violations**

Violations 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 derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations**

The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing or possessing 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. (Drunkness and driving under the influence is not included in this definition.)

**Definitions that were added or changed as of 1999 include:**

1. **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.
2. **Criminal Homicide, Manslaughter by Negligence** -The killing of another person through gross negligence.
3. **Criminal Homicide, Murder and Non Negligent Manslaughter** -The willful (non-negligent) killing of one human being by another.

**XXIII. Campus Crime Statistics**

In accordance with recent updates to the **Campus Safety Act / Clery Act** the following data is presented to review crime activity both on campus and on streets and properties adjacent to campus property. A map, which defines these areas, is available through the University Police Department. Reported on-campus offenses include all offenses reported on campus property and in campus buildings. A specific breakdown on offenses occurring in College owned residence halls appears under "**residence halls**" or "**other student residences**."

Two other categories are presented in this chart: "**non-campus buildings or property**" and "**public property**." The first category, non-campus buildings or property includes properties owned by student organizations officially recognized by the institution and those owned by the College outside the campus boundaries. The College at Old Westbury does not at this time have any such buildings. The offenses presented for this report include those reported by the Second and Third Precincts of the Nassau County Police Departments, along with the Village of Old Westbury Police Department and the Old Brookville Police Department. The second category, public property, includes thoroughfares, streets, sidewalks and parking facilities immediately adjacent to the campus.

This report on campus crime statistics also includes arrests and disciplinary referrals made to campus authorities for alcohol, drugs and weapons possession. As defined by the **Campus Safety Act / Clery Act**, a disciplinary referral is an instance when a student is formally reported in writing to a university officer for possible sanction.

As required by the **Campus Safety Act / Clery Act**, the College is required to report hate crimes in this report. For this report, a hate crime occurs when a person is victimized intentionally because of his or her actual or perceived race, gender, religion, sexual orientation, ethnicity or disability. The hate crimes presented for this report are only related to those offenses where the victim suffered harm.

The crimes presented here are based on reports filed with the following offices: Chief of University Police, Vice President for Student Affairs, Dean of Students, Director of Residence Life, Director of Student Health Services and Director of Athletics. Formal requests for crime statistics for areas defined as "public property" and "non-campus buildings and property" were made with the Nassau County Police Department, Village of Old Westbury Police Department and the Village of Old Brookville Police Department. The definitions of these offenses, which are defined in the *Uniform Crime Report* and the *Crime Awareness and Campus Security Act*, appear in the appendix section of this report.

The University Police Department submits monthly crime reports to the New York State Department of Criminal Justice Services. This data is then submitted to the United States Department of Justice for the **Uniform Crime Reports**. The following statistics reflect the number of on-campus crimes and crimes committed in areas surrounding the campus that have been reported to College officials in accordance with the responsibilities of the final revision of the (Federal) **Crime Awareness and Campus Safety Act (Campus Safety Act / Clery Act)**.

**NOTE:** *The statistics on the following charts include anonymous reports made to campus offices described in this report. They represent incidents believed to be made in good faith, but for which no verification has been established. Further, those categories denoted with an asterisk (\*) represent all incidents that occurred on-campus, including those also listed as having occurred "In residence halls." These categories represent duplication and are not cumulative in or on a non-campus building/property.*

**Campus Crime Statistics as Defined by the Crime Awareness & Campus Security Act**

<b>Category</b>	<b>Venue</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Murder	On Campus* .....	0	0	0
	In Residence Halls.....	0	0	0
	In or on a non-campus building/property...	0	0	0
	On public property.....	0	0	0
	Total:	0	0	0
Manslaughter	On Campus* .....	0	0	0
	In residence halls.....	0	0	0
	In or on a non-campus building/property.....	0	0	0
	On public property.....	0	0	0
	Total:	0	0	0
Sex Offenses Forcible	On Campus* .....	0	1	3
	In residence halls.....	0	1	1
	In or on a non-campus building/property.....	0	0	1
	On public property.....	0	0	0
	Total:	0	1	4
Sex Offenses Non-Forcible	On Campus* .....	0	2	0
	In residence halls.....	0	2	0
	In or on a non-campus building/property.....	0	0	0
	On public property.....	0	0	0
	Total:	0	2	0
Robbery	On Campus* .....	0	0	1
	In residence halls.....	0	0	0
	In or on a non-campus building/property.....	0	0	0
	On public property.....	6	0	0
	Total:	6	0	1
Aggravated Assault	On Campus* .....	0	2	3
	In residence halls.....	0	2	2
	In or on a non-campus building/property.....	0	0	0
	On public property.....	0	0	0
	Total:	0	2	3
Burglary	On Campus* .....	3	8	13
	In residence halls.....	3	6	11
	In or on a non-campus building/property.....	0	0	0
	On public property.....	0	0	0
	Total:	3	8	13

<b>Category</b>	<b>Venue</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Arson	On Campus*.....	0	1	2
	In residence halls.....	0	1	1
	In or on a non-campus building/property.....	0	0	0
	On public property.....	0	0	0
Total:		0	1	2
Motor Vehicle	On Campus*.....	3	1	0
Theft	In residence halls.....	0	0	0
	In or on a non-campus building/property.....	0	0	0
	On public property.....	0	0	0
Total:		3	1	0
Liquor Law	On Campus*.....	0	0	2
Arrest	In residence halls.....	0	0	0
	In or on a non-campus building/property.....	0	0	0
	On public property.....	0	0	0
Total:		0	0	2
** Liquor Law	On Campus*.....	23	34	35
***Violations	In residence halls.....	20	31	32
	In or on a non-campus building/property.....	0	0	0
	On public property.....	0	0	0
Total:		23	34	35
***Liquor Law	On Campus*	92	58	182
Violation	In residence halls.....	89	55	175
Disciplinary	In or on a non-campus building/property.....	0	0	0
Referrals	On public property.....	0	0	0
Total:		92	58	182
Drug Related	On Campus*.....	5	3	2
Arrests	In residence halls.....	1	1	0
	In or on a non-campus building/property.....	0	0	0
	On a public property.....	0	0	0
Total:		5	3	2
Drug Related	On Campus*.....	5	3	15
Violations	In residence halls.....	1	1	10
	In or on a non-campus building/property.....	0	0	0
	On public property.....	0	0	0
Total:		5	3	15
<p>** Liquor Law Violations for 2008 reflect only those cases where person (s) was under 21 years of age, however, disciplinary referrals include all ages.</p> <p>*** Includes liquor violations as identified by New York Institute of Technology and Briarcliffe College (resident hall tenants)</p>				

<b>Category</b>	<b>Venue</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Drug Related Violations	On Campus*..... In residence halls.....	15 13	43 40	38 24
Disciplinary Referrals	In or on a non-campus building/property..... On public property.....	0 0	0 0	0 0
<b>Total:</b>		<b>15</b>	<b>43</b>	<b>38</b>
Weapons Possession Arrest	On Campus*..... In residence halls..... In or on a non-campus building/property..... On public property.....	0 0 0 0	4 2 0 0	1 1 0 0
<b>Total:</b>		<b>0</b>	<b>4</b>	<b>1</b>
Weapons Possession Disciplinary Referrals	On Campus*..... In residence halls..... In or on a non-campus building/property..... On public property.....	2 2 0 0	10 7 0 0	2 2 0 0
<b>Total:</b>		<b>2</b>	<b>10</b>	<b>2</b>
Disciplinary Actions/Judicial Referrals <u>Violations</u> Liquor-Law Violations Drug Abuse Violations Weapons Possessions		92 15 2	58 43 10	182 38 3
Hate Crimes Prejudice and Race	On Campus*..... In residence halls..... In or on a non-campus building/property..... On public property	0 0 0 0	0 0 0 0	1 1 0 0
<b>Total:</b>		<b>0</b>	<b>0</b>	<b>1</b>
Hate Crimes Gender	On Campus*..... In residence halls..... In or on a non-campus building/property..... On public property.....	0 0 0 0	0 0 0 0	0 0 0 0
<b>Total:</b>		<b>0</b>	<b>0</b>	<b>0</b>
Hate Crimes Religion	On Campus*..... In residence halls..... In or on a non-campus building/property..... On public property.....	0 0 0 0	0 0 0 0	0 0 0 0
<b>Total:</b>		<b>0</b>	<b>0</b>	<b>0</b>

<b>Category</b>	<b>Venue</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Hate Crimes	On Campus* .....	0	0	0
Sexual	In residence halls.....	0	0	0
Orientation	In or on a non-campus building/property.....	0	0	0
	On public property.....	0	0	0
Total:		0	0	0
Hate Crimes	On Campus* .....	0	0	0
Ethnicity	In residence halls.....	0	0	0
	In or on a non-campus building/property.....	0	0	0
	On public property.....	0	0	0
Total:		0	0	0
Hate Crime	On Campus* .....	0	0	0
Disability	In residence halls.....	0	0	0
	In or on a non-campus building/property.....	0	0	0
	On public property.....	0	0	0
Total:		0	0	0
Hate Crimes	On Campus* .....			0
Larceny	In resident halls			0
	In or on a non-campus building or property.....			0
	On public property.....			0
Total:				0
Hate Crime	On Campus* .....			0
Simple Assault	In resident halls.....			0
	In or on a non-campus building or property.....			0
	On public property.....			0
Total:				0
Hate Crimes	On Campus* .....			0
Intimidation	In resident halls.....			0
	In or on a non-campus building or property.....			0
	On public property.....			0
Total:				0
Hate Crimes	On Campus* .....			0
Criminal Mischief	In resident halls .....			0
	In or on non-campus building or property.....			0
	On public property.....			0
Total:				0

**NOTE:**

**These statistics include reports made to the Campus officials other than the University Police Department and may represent reports of incidents believed to be made in good faith, but for which no verification has been established. The statistics may also include crimes committed in areas adjoining the campus but not affiliated with the College.**

**This report makes minor corrections to the “on public property “ requirements of criminal incident reporting for years 2006 thru 2007 but does not change the total number of reported criminal incidents except as noted below.**

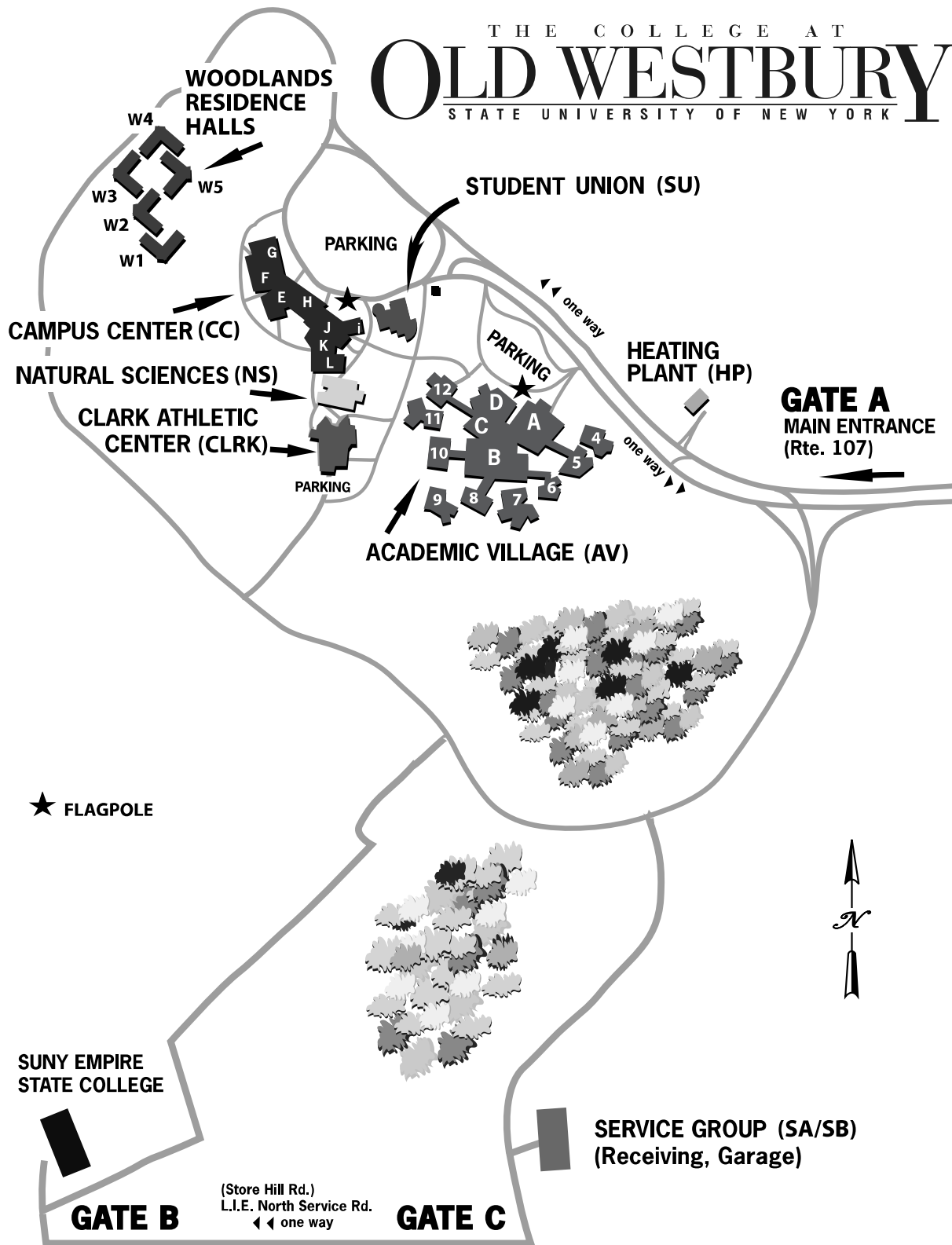
**This report has properly categorized two 2007 sexual offenses as non-forcible that had previously been reported as forcible and the addition of one weapons arrest for 2007. Such corrections have been brought to the attention of the US Department of Education.**

**Recent federal law mandates that as of 2008 bias related crimes in the criminal classifications of larceny, criminal mischief, simple assault and intimidation shall be identified along with other criminal statistics in the College Safety Report.**

## **NOTES**

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THE COLLEGE AT  
**OLD WESTBURY**  
 STATE UNIVERSITY OF NEW YORK





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UNIVERSITY POLICE: 516-876-3333  
ON-CAMPUS DIALING: 3333  
CHIEF OF UNIVERSITY POLICE: MICHAEL YANNIELLO  
PRESIDENT: CALVIN O. BUTTS, III

