

# 2016 Campus Security Report



**Be bold. Be a Viking.**

**For Assistance: Dial (518) 629-7210**

**On-Campus Emergency: Dial 911**

Hudson Valley Community College is one of 30 community colleges in the SUNY system. Located in Troy, New York, the 120-acre campus is a short commute from anywhere in the Capital Region and accessible from I-787 and I-90. The college enrolls approximately 11,500 full- and part-time students and offers 80+ academic programs, 50 student clubs and 16 intercollegiate sports. Hudson Valley's Public Safety Office provides video, vehicle and foot patrol surveillance of the campus 24 hours a day. However, the safety of college students, employees and visitors requires the participation of all members of our community. Please read this brochure to learn how to foster a safe campus environment for yourself and others.

### **Reporting Criminal Incidents and Other Emergencies**

Members of the campus community are encouraged to report all criminal, emergency or unusual incidents – no matter how trivial – to the Public Safety office which is open 24 hours a day. Reports are documented in the office's security log; Public Safety or emergency personnel are dispatched; an investigation is conducted; and appropriate action is taken.

Public Safety can be reached by dialing 911 from any campus telephone. Emergency telephones linked to the office are located on each floor, hallway and elevator of campus buildings. Exterior emergency telephones, identified by a blue light, are strategically located throughout the campus in parking lots and on walkways. Reports also may be made in person at the Public Safety Office, located on the first floor of the Siek Campus Center.

Any crime reported to Public Safety that meets the requirements of New York State Penal Law, Section 70.02 "Violent Felony Crimes," will be reported to the appropriate law enforcement agency.

**The Public Safety office provides a 24 hour a day campus escort service for students, employees and visitors. Call (518) 629-7210.**

### **Reporting Geography**

Public Safety receives all reports of incidents for the main campus of Hudson Valley Community College and other properties; see campus map at [http://www.hudsonvalley.edu/campusmap/campus\\_map.html](http://www.hudsonvalley.edu/campusmap/campus_map.html)

### **Enforcement Authority of Campus Security Officers**

Hudson Valley employs peace officers as well as other officers and guards. Per section 2.10-78 and 2.20 of the New York Criminal Procedure Law, peace officers have the authority to make arrests and also hold other law enforcement powers. If college security officers lack appropriate authority for a particular situation, or where a police report is necessary, the Troy or North Greenbush Police Department, Rensselaer County Sheriff's Department or the New York State Police are contacted. The Public Safety Office has a strong working relationship with area law enforcement agencies and engages in the mutual sharing of information and investigations, contacts and roadway patrol. Responsible employees such as faculty and staff, also share information and report incidents to Public Safety staff.

### **Crime Prevention and Security Awareness**

Since protection of life and property is the ultimate goal of Public Safety, significant time and effort is spent on crime prevention and security awareness. The escort service, electronic alarm system, key control system, security patrols, emergency telephones and closed-circuit cameras are some tools that help prevent crime. Timely communication of suspicious activities or incidents on campus as well as ongoing safety education/awareness programs and resources are provided to the campus community. Information is shared through official college communication channels and in presentations to special groups, including student leaders, athletes and new students and faculty. Programs include College Forum presentations, Sexual Assault/Title IX presentations and "Run, Hide, Fight" / Active Shooter prevention presentations.

### **Campus Facility Access and Inspections**

The college has an electronic key control system providing authorized individuals access to specific areas. At night and when the campus is officially closed, campus buildings are locked. Individuals seeking access during those times must report to the Public Safety Office.

College buildings are inspected daily by security officers and monthly by Environmental Health and Safety staff members. Campus lighting is checked weekly, and bulbs are replaced when necessary. The college's Physical Plant Office is notified of any other problems found during these inspections.

## Federal and State Law

### 1. Federal Laws

- a) 18 U.S.C. 245 Hate Crimes Prevention Act of 1999 - This act prohibits persons from interfering with an individual's Federal right (e.g. voting or employment) by violence or threat of violence due to his or her race, color, religion or national origin. This act allows for more authority for the Federal government to investigate and prosecute hate crime offenders who committed their crime because of perceived sexual orientation, gender, or disability of the victim. It also permits the Federal government to prosecute without having to prove that the victim was attacked because he or she was performing a federally protected activity.
- b) Violent Crime Control and Law Enforcement Act of 1994 - As part of the 1994 Crime Act, the Hate Crimes Sentencing Enhancement Act provides for longer sentences where the offense is determined to be a hate crime. A longer sentence may be imposed if it is proven that a crime against person or property was motivated by "race, color, religion, national origin, ethnicity, gender, disability or sexual orientation."
- c) 28 U.S.C. 534 Hate Crime Statistics Act of 1990 - This act requires the Department of Justice to collect data on hate crimes. Hate crimes are defined as "manifest prejudice based on race, religion, sexual orientation or ethnicity." These statistics are compiled by the FBI using the Uniform Crime Reporting system. The Crime Act of 1994 also required the FBI to collect data on hate crimes involving disability.

### 2. New York State Laws

- a) Hate Crimes Act of 2000, Penal Law Art. 485 - This law enhances criminal penalties for a long list of enumerated crimes when perpetrators intentionally select a target based on the victim's actual or perceived race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation. The law also requires the state to collect, analyze and annually report on data regarding hate crime throughout the state.
- b) N.Y. Civil Rights Law §40-c - Prohibits discrimination or harassment based on race, creed, color, national origin, sex or disability. Violation of this provision shall constitute a class A misdemeanor and subjects the perpetrator to a civil action brought by the victim for damages.
- c) N.Y. Penal Law §240.30 - Covers aggravated harassment against a person "because of a belief or perception regarding person's race, color, national origin, ancestry, gender, religion, religious practice, age, sexual orientation, regardless of whether the belief or perception is correct."
- d) N.Y. Penal Law §240.31 - Enhances penalty for aggravated harassment.

## Clery Emergency Procedures

### Timely Warning / Emergency Notification

Incidents that represent a serious or continuing threat to students or employees will be immediately communicated through:

- Email
- College website
- SUNY New York Alert e-mail/text/voicemail broadcast system (tested annually)

Additional communication may be made through:

- Social media
- Digital monitors
- Campus public address system
- Campus Chronicle employee newsletter
- Student newspaper

**Factors which lead to a timely warning:** A timely warning, without delay, will be made for incidents or crimes including misdemeanors/felonies that represent a serious or continuing threat to the campus community: i.e. weapons, firearms possession, armed robberies and assaults with weapons, etc. Many factors are considered when assessing a situation to determine whether to activate one or more of the emergency communications systems, issue an emergency notification and/or campus evacuation.

**Procedure:** When a serious incident or ongoing threat occurs, the Director of Public Safety and/or his designee will evaluate the threat in consultation with the Vice President of Administration, as well as other members of the Campus Emergency Response Team. Senior staff, vice presidents and the president may also be consulted. Among the factors to be considered is the nature and anticipated duration of the emergency situation and whether the emergency applies to a particular building or segment of the population or to the entire campus. Once a determination is made, the appropriate means of communication will be used in a timely manner.

### Policies and Education Programs on Alcohol and Drugs

Possession, transportation or use of illegal drugs on campus is prohibited. The college president is the only authorized individual to approve events allowing alcoholic beverages on campus. With the exception of the president's approval, alcoholic beverages may not be possessed, transported or consumed on campus.

The college's referral/intervention specialist, a credentialed addictions counselor, provides counseling for students experiencing problems with their own or someone else's drinking or drug use. Information on various treatment programs and self-help groups is available at the college's Wellness Center, Room 260, Siek Campus Center, (518) 629-7320. Hudson Valley also provides an Employee Assistance Program which provides counseling at no cost. This service can be reached at (518) 462-6531.

### Procedures to Prevent Sex Offenses - Education Programs

The college is continually improving its education programs to promote the prevention of rape, acquaintance rape and other sex offenses. This is done through orientation programs, brochures, presentations, lectures by county rape crisis personnel, posters and counseling services provided on campus.

### Procedures Following a Sex Offense

After an attack, it is extremely important that the victim take appropriate action promptly. Listed below are the procedures students should follow if a sex offense occurs on- or off-campus:

- Try to remain as calm as possible.
- Get to a safe place.
- Contact the Public Safety office at (518) 629-7210 or Health Services at (518) 629-7468 if the attack occurs on campus.
- If on-campus, the Public Safety officer or Health Services personnel will assist you and advise you of your options. In many cases, staff will recommend that local law enforcement agencies be advised. Victims are reminded that the college will enforce all orders of protection, no contact or restraining orders or similar orders issued by courts or the college.
- If off-campus, notify the police.
- Leave the crime scene exactly as it is. Do not touch anything. Do not clean up or throw anything away.

### Student Conduct Process Rights

Conduct proceedings are governed by the procedures set forth in the Hudson Valley Community College catalog as well as in federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

Throughout conduct proceedings, the accused and the victim/survivor will have:

- The same opportunity to have access to an advisor of their choice. Participation of the advisor in any proceeding is governed by federal law and the college Judicial System.
- The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma and other issues related to sexual assault, domestic violence, dating violence and stalking.
- The right to an investigation and process conducted in a manner that recognized the legal and policy requirements of due process.
- The right to receive written or electronic notice of any meeting or hearing they are required to or are eligible to attend.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.

- The right to review available evidence in the case file.
- The right to a range of options for providing testimony via alternative arrangements, including telephonic testimony or testifying with a room partition.
- The right to exclude prior sexual history or past mental health history from admittance in college disciplinary stage that determines responsibility. Past sexual violence findings may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanction.
- The right to simultaneous (among parties) written or electronic notification of the outcome of a conduct proceeding, including the sanction(s).
- The right to know the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding and the reason for the actual sanction imposed. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/ dismissal.
- The right to choose whether to disclose or discuss the outcome of the hearing.
- The Coordinator for Judicial Services can be reached at (518) 629-8173. The Vice President for Enrollment Management and Student Development can be reached at (518) 629-7307 and Public Safety can be reached at (518) 629-7210.

### Good Samaritan Policy/Bystander Intervention

The health and safety of every student at Hudson Valley Community College is of utmost importance. The college recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

Hudson Valley strongly encourages students to report domestic violence, dating violence stalking, or sexual assault to institutional officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to Hudson Valley officials or law enforcement will not be subject to Hudson Valley code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence stalking or sexual assault.

Hudson Valley Community College supports students who reach out for assistance in the case of a medical emergency, as well as supports the student whom is helped. Therefore, a student or student organization seeking medical treatment for him/herself, or for any other student who is in immediate medical need, or any student who is the recipient of the emergency medical help particularly if the student is seeking medical help for any student who is the victim of a crime or may need immediate medical attention due to the use of alcohol or other drugs, will not be subject to disciplinary sanctions related to their own violation of using or possessing alcohol or other drugs on or off campus. The college strongly encourages bystanders to respond to potentially dangerous situations by reporting the incident promptly without fear of reprisal. However, if the circumstances dictate, the school reserves the right to notify parents of students under the age of 21 or to encourage counseling for students at any time if the well-being of the student is at risk.

### Orders of Protection

An order of protection may be obtained through your local criminal court if a criminal charge is pending or through family court if the incident occurred between family members or intimate partners. On campus directives to stay away or limit contact may be obtained through the Vice President for Enrollment Management and Student Development or his designee. Any student may contact Public Safety or the Title IX Coordinator for advice regarding the violation and enforcement of an order of protection issued by a court or an on campus directive.

### Privileged and Confidential Resources

Individuals who are confidential resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At Hudson Valley this includes:

- Counseling Services / Wellness Center (518) 629-7320
- College Ministry (518) 629-7168
- Health Services (518) 629-7468

Off-Campus options to disclose sexual violence, dating violence and domestic violence confidentially include (note that these outside options do not provide any information to the campus:

- Unity House (518) 272-5917
- Rensselaer County 24 hour Rape Crisis Center at Samaritan Hospital, Troy, NY (518) 271-3257
- Sexual Assault and Crime Victim's Assistance at Samaritan Hospital, Troy, NY (518) 271-3639

Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

### Privacy Versus Confidentiality

Even Hudson Valley Community College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. The Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. Hudson Valley Community College will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### Counseling

Members of the college community should be aware that if they are victims of sexual assault, hate crime or bias-related incident or any other crime, counseling services are available. Assistance can be obtained through the Health Services office in the Wellness Center at the college. To ensure that the victims of crime in Rensselaer County are appropriately served, the Rensselaer County District Attorney's Office provides a Crime Victim Assistance Program. Additionally, for victims of a sexual assault, assistance may be sought from the Sexual Assault and Crime Victims Assistance Program at Samaritan Hospital. Public Safety personnel will assist in outlining options available to the victim of a crime.

The following violations were handled in closed-door Campus Judiciary Referrals.

|                    | 2013 | 2014 | 2015 |
|--------------------|------|------|------|
| ALCOHOL VIOLATIONS | 1    | 1    | 0    |
| DRUG VIOLATIONS    | 0    | 1    | 3    |
| WEAPONS VIOLATIONS | 1    | 0    | 1    |

### NY State Sex Offender Registry

The Sexual Offender Registration Act (SORA) of New York State established a Sex Offender Registry within the New York State Division of Criminal Justice Services. As part of the Registry, SORA requires the Division of Criminal Justice Services to maintain a Subdirectory of High-Risk (Level 3) Sex Offenders. The Registry also contains information on low-risk (Level 1) and moderate-risk (Level 2) sex offenders. The website <http://criminaljustice.state.ny.us/nsor/index.htm> provides free public access to the database of Level 3 sexual offenders only. You may, however, access information on Level 1 and Level 2 offenders for a fee.

## Campus Crime Statistics

Under the Title II Crime Awareness and Campus Security Act (P.L. 101-542; 20usc s 1092(F)), colleges provide statistics to the community on certain reportable crimes for the most recent and two preceding calendar years.

The statistics reflect the number of on-campus offenses reported to college officials or local police agencies according to the reporting periods required by the Title II Crime Awareness and Security Act.

| YEAR                         | Murder |    |    | Rape |    |    | Forcible Sex Off. |    |    | Non-Forcible Sex Off. |    |    | Robbery |    |    | Agg. Assault |    |    | Burglary |    |    | Motor Vehicle Theft |    |    | Man-Slaughter |    |    | Arson |    |    | Liquor Law Violations |    |    | Drug Abuse Violations |    |    | Weapons Off. Violations |    |    | Domestic Violence |    |    | Dating Violence |    |    | Stalking |   |   |   |   |   |   |   |   |   |   |   |    |   |
|------------------------------|--------|----|----|------|----|----|-------------------|----|----|-----------------------|----|----|---------|----|----|--------------|----|----|----------|----|----|---------------------|----|----|---------------|----|----|-------|----|----|-----------------------|----|----|-----------------------|----|----|-------------------------|----|----|-------------------|----|----|-----------------|----|----|----------|---|---|---|---|---|---|---|---|---|---|---|----|---|
|                              | 13     | 14 | 15 | 13   | 14 | 15 | 13                | 14 | 15 | 13                    | 14 | 15 | 13      | 14 | 15 | 13           | 14 | 15 | 13       | 14 | 15 | 13                  | 14 | 15 | 13            | 14 | 15 | 13    | 14 | 15 | 13                    | 14 | 15 | 13                    | 14 | 15 | 13                      | 14 | 15 | 13                | 14 | 15 | 13              | 14 | 15 |          |   |   |   |   |   |   |   |   |   |   |   |    |   |
| Main Campus                  | 0      | 0  | 0  | 0    | 0  | 0  | 0                 | 0  | 1  | 0                     | 0  | 0  | 0       | 0  | 0  | 0            | 0  | 0  | 0        | 0  | 0  | 3                   | 1  | 2  | 0             | 0  | 0  | 0     | 0  | 0  | 0                     | 0  | 0  | 0                     | 1  | 0  | 0                       | 0  | 2  | 0                 | 1  | 1  | 0               | 3* | 0  | 0        | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3* | 0 |
| Non-Campus Bldg. & Property  | 0      | 0  | 0  | 0    | 0  | 0  | 0                 | 0  | 0  | 0                     | 0  | 0  | 0       | 0  | 0  | 0            | 0  | 0  | 0        | 0  | 0  | 0                   | 3  | 1  | 0             | 0  | 0  | 0     | 0  | 0  | 0                     | 0  | 0  | 0                     | 0  | 0  | 0                       | 0  | 0  | 0                 | 0  | 0  | 0               | 0  | 0  | 0        | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |   |   |   |    |   |
| Public Property              | 0      | 0  | 0  | 0    | 0  | 0  | 0                 | 0  | 0  | 0                     | 0  | 0  | 0       | 0  | 0  | 0            | 0  | 0  | 0        | 0  | 0  | 0                   | 0  | 0  | 0             | 0  | 0  | 0     | 0  | 0  | 0                     | 0  | 0  | 0                     | 0  | 0  | 0                       | 0  | 0  | 0                 | 0  | 0  | 0               | 0  | 0  | 0        | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |   |   |   |    |   |
| Race                         | 0      | 0  | 0  | 0    | 0  | 0  | 0                 | 0  | 0  | 0                     | 0  | 0  | 0       | 0  | 0  | 0            | 0  | 0  | 0        | 0  | 0  | 0                   | 0  | 0  | 0             | 0  | 0  | 0     | 0  | 0  | 0                     | 0  | 0  | 0                     | 0  | 0  | 0                       | 0  | 0  | 0                 | 0  | 0  | 0               | 0  | 0  | 0        | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |   |   |   |    |   |
| Religion                     | 0      | 0  | 0  | 0    | 0  | 0  | 0                 | 0  | 0  | 0                     | 0  | 0  | 0       | 0  | 0  | 0            | 0  | 0  | 0        | 0  | 0  | 0                   | 0  | 0  | 0             | 0  | 0  | 0     | 0  | 0  | 0                     | 0  | 0  | 0                     | 0  | 0  | 0                       | 0  | 0  | 0                 | 0  | 0  | 0               | 0  | 0  | 0        | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |   |   |   |    |   |
| Sexual Orientation           | 0      | 0  | 0  | 0    | 0  | 0  | 0                 | 0  | 0  | 0                     | 0  | 0  | 0       | 0  | 0  | 0            | 0  | 0  | 0        | 0  | 0  | 0                   | 0  | 0  | 0             | 0  | 0  | 0     | 0  | 0  | 0                     | 0  | 0  | 0                     | 0  | 0  | 0                       | 0  | 0  | 0                 | 0  | 0  | 0               | 0  | 0  | 0        | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |   |   |   |    |   |
| Ethnicity                    | 0      | 0  | 0  | 0    | 0  | 0  | 0                 | 0  | 0  | 0                     | 0  | 0  | 0       | 0  | 0  | 0            | 0  | 0  | 0        | 0  | 0  | 0                   | 0  | 0  | 0             | 0  | 0  | 0     | 0  | 0  | 0                     | 0  | 0  | 0                     | 0  | 0  | 0                       | 0  | 0  | 0                 | 0  | 0  | 0               | 0  | 0  | 0        | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |   |   |   |    |   |
| Disability                   | 0      | 0  | 0  | 0    | 0  | 0  | 0                 | 0  | 0  | 0                     | 0  | 0  | 0       | 0  | 0  | 0            | 0  | 0  | 0        | 0  | 0  | 0                   | 0  | 0  | 0             | 0  | 0  | 0     | 0  | 0  | 0                     | 0  | 0  | 0                     | 0  | 0  | 0                       | 0  | 0  | 0                 | 0  | 0  | 0               | 0  | 0  | 0        | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |   |   |   |    |   |
| Hate Crimes, National Origin | 0      | 0  | 0  | 0    | 0  | 0  | 0                 | 0  | 0  | 0                     | 0  | 0  | 0       | 0  | 0  | 0            | 0  | 0  | 0        | 0  | 0  | 0                   | 0  | 0  | 0             | 0  | 0  | 0     | 0  | 0  | 0                     | 0  | 0  | 0                     | 0  | 0  | 0                       | 0  | 0  | 0                 | 0  | 0  | 0               | 0  | 0  | 0        | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |   |   |   |    |   |
| Hate Crimes, Gender Identity | 0      | 0  | 0  | 0    | 0  | 0  | 0                 | 0  | 0  | 0                     | 0  | 0  | 0       | 0  | 0  | 0            | 0  | 0  | 0        | 0  | 0  | 0                   | 0  | 0  | 0             | 0  | 0  | 0     | 0  | 0  | 0                     | 0  | 0  | 0                     | 0  | 0  | 0                       | 0  | 0  | 0                 | 0  | 0  | 0               | 0  | 0  | 0        | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |   |   |   |    |   |

The above statistics manifest no evidence of prejudice based on race, religion, sexual orientation, color, gender or disability. This assessment is required by the Hate Crimes Statistics Act. These statistics are gathered and prepared by the Public Safety office.

\* None (0) were unfounded

### Hate Crime / Bias-Related Incidents

Many individuals become targets of hateful or bias-related acts because others are unable to accept differences based on race, gender, sexual orientation, religion, age, ethnicity or disability. Hudson Valley condemns such acts and they will not be tolerated and shall be adjudicated in accord with the student judicial process as specified in the College Catalog.

- Hate Crime - In general, a hate crime is a crime of violence, property damage or threat that is motivated in whole or in part by an offender's bias.
- Hate or Bias Incidents - Hate or Bias incidents involve behavior that is motivated by bias. Unlike Hate Crimes, these incidents do not involve criminal conduct such as assault, or property damage. Bias-motivated degrading comments often are considered to be bias incidents.

### Violence Against Women/Sexual Assault/Domestic Violence/Stalking

Hudson Valley Community College respects the freedom of all students to learn in an environment free of harassment, intimidation or violence in any form. The college community supports victims of sexual assault, stalking, dating violence and domestic violence by strictly enforcing its code of conduct against offenders and by providing support services to victims. These incidents will not be tolerated on the college campus.

Domestic Violence is defined by Hudson Valley Community College as any act which would constitute a violation of the penal law, including, but not limited to loud disruptive arguing, threats of violence, assaults, harassment including through social media or electronic communication, any non-consensual sexual activity, damaging property, theft, unwanted physical activity of any kind, stalking or any other unwanted or unwelcomed activity if the incident occurs between spouses, intimate partners, former spouses or intimate partners.

**Dating Violence** is defined by Hudson Valley Community College as any act as articulated above that occurs between individuals who are or were engaged in a social relationship of a romantic or intimate nature.

**Sexual Assault:** A physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape" (including what is commonly called "date rape" and "acquaintance rape"), fondling, statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old.<sup>1</sup>

**Stalking** is defined by Hudson Valley Community College as intentionally engaging in a course of conduct, directed at a specific person that is likely to cause a reasonable person to fear for his or her safety or the safety of others. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose and repeatedly communicating by any means, including electronic means, with such person in a manner likely to intimidate, annoy, or alarm him or her. Such acts may be considered stalking by the college at any time but particularly where there has been clear communication that this contact is unwanted.

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

Affirmative consent must be clear and unambiguous. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully and knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if and individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

As articulated in paragraph 4.1 Hudson Valley Community College reserves the right to prosecute certain violations of the Code of Conduct even if they occur off-campus.

### ***What is a Sexual Crime?***

Article 130 of the New York State Law contains the following legal provisions defining crimes related to sexual assault. A copy of Article 130 is available in the Public Safety Department, located on the first floor of the Siek Campus Center.

**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 130.25/30/35 - 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 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 desires. Forcible touching includes the squeezing, grabbing, or pinching of another 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 a 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.

### ***Sexual Harassment***

Sexual harassment is a form of sex discrimination and as such is specifically prohibited by Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments Act of 1972. Sexual harassment is defined as unwelcome verbal or physical conduct of a sexual nature which has the purpose of effect of interfering with an individual's performance or which creates a hostile or intimidating environment. Examples of sexual harassment range from remarks and joking to actual sexual relations.

Policies and programming pursuant to the Campus SaVE Provisions of the Violence Against Women Act are online: <https://www.HudsonValley.edu/catalog/title-ix.html>. Victims of sexual, domestic or dating violence should seek immediate assistance. Counseling and services can be accessed by contacting the college's Title IX Coordinator, Dr. Alex Popovics, Vice President for Enrollment Management and Student Development, at (518) 629-7307 or in GUN 159.



## Policies for Visitors

All visitors to Hudson Valley are required to request temporary visitors' identification cards and parking permits at the Public Safety office. Visitors with legitimate business on Hudson Valley's campus must present personal identification and car registration when applying for visitors' credentials. Visitors' cars must be parked in the designated area.

## ID Cards

All students and employees are required to obtain and carry Hudson Valley Community College identification cards at all times and to present them upon request of any security officer. Other identification must be shown if a Hudson Valley ID card is not in his/her possession. Terminated employees must surrender their IDs to Human Resources. Students must report lost ID cards to the Registrar's Office.

### College-wide Class Cancellation and Closing Information

The campus community is notified via [www.hvcc.edu](http://www.hvcc.edu), e-mail, a recording on (518) 629-4822 and Facebook.

*Hudson Valley Community College does not discriminate on the basis of age, gender, race or color, national origin, religion, disabling condition, marital status, or sexual orientation.*



#### Hudson Valley Community College

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Tobacco-free college

(518) 629-7309 // [www.hvcc.edu](http://www.hvcc.edu)