

2011 Annual Security & Fire Safety Report

For Main Campus, Tri-Main Center Campus and Collegiate Village

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ABOUT THE ANNUAL SECURITY AND FIRE SAFETY REPORT

The Daemen College Division of Student Affairs, under the direction of the Clery Coordinator, Daemen College's Vice President for Student Affairs and Dean of Students, is responsible for preparing and distributing the Annual Security and Fire Safety Report (ASR). We work with many other departments and agencies to compile the information. We encourage members of the campus community to use this report as a guide for safe practices on and off campus.

It is available on-line at <http://www.daemen.edu/offices/securityoffice/fire-safety/pages/default.aspx>. Each member of the Daemen community receives an email annually that describes the report and provides its web address, as well as information as to how to request a printed copy to be sent via mail. Similarly, prospective students and employees can request that a copy be mailed to them by contacting the Office of the Vice President for Student Affairs and Dean of Students at (716) 839-8332 or via mail at 4380 Main Street, Amherst, NY 14226. A hard copy of the prior year's ASR is also available for review, along with the campus crime and fire logs, at the front desk, staffed 24/7, in the Wick Student Center.

ABOUT THE DEPARTMENT OF CAMPUS SAFETY

Located at 4380 Main Street, Amherst, NY 14226, Daemen College Campus Safety is open 24 hours a day, 365 days a year. The telephone number for emergency calls is 911, the telephone number for routine business calls is 716-839-8246. The College contracts with U.S. Security Associates, Inc. (USSA) to provide service to the Daemen community. The Campus Safety department is overseen by a Director who is employed by USSA and operates under the supervision of the Vice President for Student Affairs. Trained Campus Safety officers patrol the campus with a marked vehicle, bike patrol (during clement weather only) and by foot patrol throughout the year. A director, dispatch, patrol officer(s) and/or a supervisor are on duty 24 hours a day. The officers are all trained and certified according to NYS Law to detain individuals and hold for the Amherst Police if a criminal offense is committed on campus. Officers are additionally required to be certified in CPR, AED and basic first aid, as well as the National Incident Management System (NIMS) *Incident Command System*. Officers provide a walking escort service to and from campus buildings and parking lots to students, faculty and staff who request it. Additionally, officers provide parking enforcement on the campus.

Daemen College Campus Safety, through USSA, maintains a close working relationship with Western New York Campus Law Enforcement Association. They maintain up-to-date information and assist with many training opportunities, crime prevention materials, and provide assistance at the state and local police levels such as Amherst, Buffalo, and Cheektowaga Police Departments. USSA offers support at the scene of incidents that occur in and around the campus areas. USSA management and site supervisors meet with local and state law enforcement when incidents arise that require joint efforts, resources, crime-related reports and exchanges of information.

COMMUNITY STANDARDS AND THE STUDENT CONDUCT SYSTEM

The students of Daemen College are viewed as adults and are expected to conduct themselves accordingly. The nature of the college environment requires this view, and various rules and regulations have been developed to support it. As adults, Daemen College students are responsible, not merely to avoid harming the College community, but rather to improve it, support it, and encourage its growth.

The administration, faculty, and students are all members of the College and together constitute a unique and self-sufficient community with shared values. Upon entering Daemen, students are expected to subscribe to these values and base their conduct—on campus, off-campus, and on-line—upon those standards which the Daemen community sees as necessary for the proper exercise of scholarly endeavor (Code of Conduct).

This Code of Conduct reflects general principles of behavior accepted by society and by institutions of higher education. It also describes conduct about which Daemen College has made specific statements, rules, and regulations.

All Daemen students (including those involved in Distance Learning) are responsible for knowing and following the Code of Conduct and the other regulations which are part of the Student Handbook and the College Catalog. The Student Handbook is online at the College's website.

Administrative staff at the level of director and above may restrict students from areas or activities under their jurisdiction, pending resolution of a specific disciplinary complaint offered in writing to the Vice President for Student Affairs and Dean of Students.

Any faculty member has the authority to restrict a student from a classroom or other instructional area for the duration of the scheduled instructional period in which a violation of the Student Code of Conduct has occurred. Faculty chairpersons have the authority to restrict students from specific classes, other instructional activities, and faculty offices, pending resolution of a specific disciplinary complaint offered in writing to the Vice President for Student Affairs and Dean of Students or the Vice President for Academic Affairs and Dean of the College.

Should a student's presence on campus create a threat to the safety or well-being of other members of Daemen College community, the College reserves the right to immediately suspend that student from campus until the time of a hearing. Additionally, the College reserves the right to resolve a case and sanction a student, including suspension, without a hearing where such action is deemed necessary or appropriate by the President of the College.

Nothing in this Code of Conduct precludes a faculty member from promptly removing a disruptive student from his/her classroom for the period of time needed to effectively resolve the issue and ensure a safe classroom environment that is conducive to the academic standards of the College.

Jurisdiction of the College Conduct System

The College Conduct System will hear complaints concerning violations of College policy or regulations whenever the conduct in question occurs in any of the following circumstances:

1. If it occurs on the campus or in any College facility;
2. If it occurs while the student who is charged was attending or participating in any College-related activity, including but not necessarily limited to, study abroad, field trip, experiential learning of any kind (including internships, clinical placements, and service learning), social event, activity sponsored by a recognized student organization; or
3. If the conduct, whenever and wherever it occurs, including via online media, calls into question the student's suitability as a member of the College community. Unlawful acts of violence, violations of another's civil rights, hazing, the unlawful sale or possession of drugs, the unlawful use of alcoholic beverages and crimes against persons or property, and/or alleged violent felony offenses, are examples of conduct that will subject a student to the conduct review system regardless of where the conduct occurs. In cases involving student behavioral problems that occur off campus, the College reserves the right to initiate disciplinary action in the interest of preserving its reputation and orderly functioning. The fact that a student's conduct may also constitute a crime in violation of local, state, or federal law does not limit the ability of the College to discipline the student for that conduct. The College, therefore, reserves the right to submit a complaint to the conduct review system even if the same conduct is or may become the subject of a criminal case.

Student Code of Conduct

In addition to the policies listed in various sections of the student handbook, Daemen College Student Code of Conduct outlines behaviors that are prohibited at the College. The specific items are not meant to serve as an exhaustive list, but as a general guideline for addressing student behavior. The College reserves the right to address other behaviors that occur that are considered detrimental to the learning environment and/or health and safety of the College community.

To that end, prohibited behavior at Daemen College includes the following:

1. Non-academic dishonesty, including, but not limited to, theft, attempted theft, possession of stolen property, forgery, and falsification of information provided to any College official;
 - a. Lying: any statement, action, or behavior with the intent to deceive.
 - b. Possession or use of a fake ID.
 - c. Stealing: knowingly taking an item or items without the owner's expressed permission.
 - d. Eluding or evading: any statement, action, or behavior with the intent of hiding the truth, including running or hiding from College personnel.
 - e. Aiding and abetting: knowingly encouraging, assisting and or being an accessory to any act prohibited by the Student Code of Conduct.
2. Conduct which threatens the physical or psychological health and/or safety of any person (including the person committing the act) or the sanctity of the campus, including, but not limited to physical or sexual assault;
 - a. Dating Violence: violence, whether physical, sexual, or the threat thereof, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - b. Domestic Violence: a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner, a cohabitating partner, or another person with whom the victim shares a child;

- c. Sexual Harassment: as defined in Section 5 of the Student Handbook.
 - d. Sexual Assault/Rape: an offense that meets the definition of rape, sodomy, sexual assault with an object, fondling, incest, or statutory rape as used in the FBI's UCR program;
 - e. Stalking: any act, whether via phone, internet, or physical proximity, that, through unwanted and/or unsolicited viewing or communicating, threatens an individual's physical or emotional safety.
 - f. Physical Attack.
 - g. Hazing.
 - h. Harassment: any act, whether written or verbal, via online or in person, that abuses, intimidates, or threatens the safety of a member of the Daemen College community.
 - i. Failure to maintain personal health, whether physical, mental or emotional, in such a way that it threatens the safety and security of the individual or the College community.
 - j. Use or possession of firearms, fireworks, or other weapons that could be considered lethal, including those weapons for which the person has a permit.
3. Damage to or misuse of public, private, personal or College property;
 - a. Property Damage, either to an individual's or the College's property.
 - b. Removing approved postings and/or Office of Residence Life notices or bulletin boards.
 - c. Littering, applying graffiti, and/or other behavior which threaten the cleanliness and appearance of the College.
 - d. Use of fire equipment, including sprinklers, extinguishers, and/or hoses, in any manner for which it was not intended.
 - e. Defenestration: throwing objects outside of window or from balcony or roof.
 4. Violation of policies as described in the Student Handbook, the Course Catalog, the Housing Agreement and all other rules governing College facilities, programs and services including, but not limited to the following;
 - a. Violation of Residence Life policies (see Residential Living policies section)
 - b. Purchase, possession, use, sale or distribution of alcohol, except by consumers of legal age and in compliance with the College's alcohol policy
 - c. Possession or use of alcohol paraphernalia.
 - d. Distribution or attempted distribution of alcohol to any person under the legal drinking age
 - e. Distribution or attempted distribution of a drug, including prescription medication.
 - f. Illegal use or possession of a drug, including prescription and over-the-counter drugs.
 - g. Manufacturing of any drug, including growing marijuana for any purpose.
 - h. Possession or use of illegal or someone else's drugs and/or drug paraphernalia.
 - i. Accessing prohibited areas in the residence halls, including but not limited to, fire escapes, balconies, and basements, except in an emergency.
 5. Intentional obstruction or disruption of teaching, research, administration, disciplinary procedures, other College activities or activities authorized to take place on College property.
 6. Disorderly conduct including acts which breach the peace;
 - a. Disruptive behavior.
 - b. Unauthorized entry, whether peacefully or by force, into a prohibited area or residence hall apartment in which there is no documented reason for being present.
 - c. Urinating in public.
 7. Non-compliance with the directions of College or civil authorities performing official duties, including failure to give proper identification when requested.
 8. Violation of a student's rights or privileges and verbal or written harassment, discrimination, abuse and/or disrespect of any person;
 - a. Harassment: any act, whether written or verbal, via online or in person, that abuses, intimidates, or threatens the safety of a member of the Daemen College community.
 - b. Acts or abusive language, either in public or via online sources.
 9. Violation of statutes, laws, ordinances and/or regulations of the Town of Amherst, State of NY (or other states, when applicable) and the United States of America.

CRIME REPORTING PROCEDURES/POLICY

Daemen College strives to maintain a safe campus and relies on all members of the campus community to do their part to keep the campus safe. Any member of the campus community—faculty, student, staff, trustee—who observes criminal activity on the Daemen College main campus, or at any off-campus instructional site, is expected to report such conduct promptly to the police and to Campus Safety or building security. Additionally, the College has designated certain employees who have significant responsibility for student and campus activities, and/or the authority/duty to act or respond to a particular issue on behalf of the institution as Campus Security Authorities (CSAs) and Responsible Persons upon Title IX of the Educational Amendments (1972). Criminal activity includes, but is not necessarily limited to: physical assault, including sexual assault and abuse, burglary, robbery, arson, unauthorized display or use of a dangerous weapon, and the illegal distribution or manufacture of controlled substances.

If community members observe a crime, they are instructed to phone 911 immediately and follow the instructions of the police. Immediately after notifying local authorities, it is expected that notifications will occur to the Office of Campus Safety at 716-839-8246 (Main Campus), 716-831-6000 (Collegiate Village), or 716-835-3366 day/716-860-4114 after 5:00pm (Tri-Main Center Campus emergency monitoring service). In case of an emergency during off-site athletic practices or games, students are to report to the attending coach, assistant coach, or athletic trainer. In case of an emergency during off-site academic function, students are to report to the instructor. Any crime directly involving a member of the campus community, whether as victim or alleged perpetrator, should also be brought to the prompt attention of the Office of Campus Safety.

Additionally, there are occasions when minors (persons under 18 years of age) are on the Daemen College campus or involved in College events. Any person who observes the sexual abuse of a minor, or has a reasonable suspicion of such abuse, are expected to immediately notify Campus Safety and the local police authorities (call 911). A call may also be made to the NYS Child Abuse Hotline at 1-800-342-3720. Any such conduct involving a Daemen student or employee should also be brought to the attention of the Office of Campus Safety and/or the Office of Human Resources.

The prompt reporting of criminal activity is essential to securing a safe campus environment for all persons, including guests and members of the public. No one is exempt from the expectation of law-abiding behavior. There shall be no form of retaliation within the Daemen College community against any person making a good faith report of suspected criminal activity.

Individuals to whom students and employees should report criminal offenses described in the law for the purpose of making timely warning reports and annual statistical disclosure are:

- Main Street Campus Safety 716-839-8246
- Collegiate Village Security 716-831-6000
- Homewood Suites Dial 0 for the front desk
- Tri-Main Center Management (8:00am-5:00pm weekdays) 716-835-3366
- Tri-Main Center Emergency Monitoring Service (after 5pm weekdays and 24hrs weekends) 716-860-4114
- Amherst Police Department 716-689-1322
- Buffalo Police Department 716-851-4444
- Cheektowaga Police Department 716-686-3500
- Emergency 911
- Vice President for Student Affairs and Dean of Students 716-839-8519
- Associate Vice President for Academic Affairs and Title IX Coordinator 716-839-8301
- Director of Housing and Residence Life 716-839-8396
- Hall Directors 716-430-9583

Additional Information

Students, applicants, and employees are encouraged to promptly report any conduct that they believe violates this Crime Reporting Policy. If the College does not know about the conduct, it cannot act. Crime reports may be made discreetly to the Vice President for Student Affairs and Dean of Students (Wick Center, 716-839-8519). Alternatively, community members may initially discuss the matter with any other employee of the College, or involve any other person to help you bring your report forward, so long as it is promptly brought to the attention of the Vice President. During an annual meeting, Daemen's professional Counselor(s), have been instructed that if and when they deem it appropriate, they are to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

The Office of Student Affairs will provide to a victim of a crime of violence, or a victim's next-of-kin, the results of the disciplinary proceeding conducted by Daemen College. Daemen evaluates incidents on a case-by-case basis using the guidelines in the student handbook and/or employee manual as applicable.

Timely Warning for Reported Crimes

In an effort to provide timely notice to the Daemen College community, and in the event of a serious incident which may pose an ongoing threat to members of the Daemen College community, a Safety and Security Alert is sent to all students and employees on campus. The alerts are generally written and distributed to the Daemen College community by the Vice President for Student Affairs and Dean of Students, or a designee, and they are approved and assembled for distribution to the community by members of the President's Cabinet. Any necessary updates to the Daemen College community about any particular case resulting in a Safety and Security Alert will be made to the campus community through the Daemen College website ("What's Happening" page), email to the faculty-staff-announce and students-announce listservs, and REGROUP, the mass communication notification system via means selected by students, faculty, staff, and administrators. Other forms may include information posters in key campus locations, including the Wick Center lobby, Canavan Hall lobby, Business Building center lobby, west, east and center doors of Duns Scotus Hall, Campus Village Apartments, Collegiate Village, and Tri-Main locations. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and whether there is a continuing danger to the campus community. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other Daemen College community members and a Safety and Security Alert would not be distributed. The Vice President for Student Affairs and Dean of Students, or designee, in consultation with appropriate campus personnel, reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Safety and Security Alert is warranted. Safety and Security Alerts may also be issued for other crime classifications, as deemed necessary.

Immediate Notification

If the President's Cabinet determines that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Daemen community, they will use some or all of the systems described above to communicate the threat to the Daemen community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The President's Cabinet will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. An update to the initial immediate notification message will be provided via the same means used for the original notification. Both notifications may be made using the communication systems listed above.

The College has identified the following positions as **Campus Security Authorities (CSA)** under the Clery Act and **Responsible Persons** under Title IX:

Title	Name	Email
President and Cabinet		
President	Gary Olson	golson@daemen.edu
VPBA	Richard Schott	rschott@daemen.edu
VPAA	Michael Brogan	mbrogan@daemen.edu
VPIA	Richanne Mankey	rmankey@daemen.edu
VPSA	Gregory Naylor	gnaylor@daemen.edu
VPEM	Patricia Brown	patricia.brown@daemen.edu
Campus Safety Personnel		
Director	Ken Baker	kbaker@daemen.edu
Officers	various	
Switchboard	Anne Calabrese	anne.calabrese@daemen.edu
Clery Coordinator	Greg Naylor	see above
Athletics		
Athletic Director	Bridget Niland	bniland@daemen.edu
Associate Athletic Director	Jessica Gorski	jgorski1@daemen.edu
Director of Compliance	Teri Joyce	tjoyce@daemen.edu
Assistant Athletic Directors	Michael Miranto	mmiranto@daemen.edu
Coaches	various	
Asst Coaches	various	
Athletic Trainers	Jeffrey Sage, Karen Roehling, Mike Wild	jsage@daemen.edu ; kroehling@daemen.edu ; mwild@daemen.edu

Title	Name	Email
Graduate Assistants	various	
Interns	various	
Student Activities		
Director of Student Activities	Christopher Malik	cmalik@daemen.edu
Night/Weekend Manager	(Lawrence) Joseph	lkenyon@daemen.edu
Club Moderators	various	
Academic/Honors Org Moderators	various	
Greek Moderators	various	
Student Alumni Ambassador Advisors	Kathryn Graf	kgraf@daemen.edu
Residence Life		
Director	Danielle Weaver	dweaver2@daemen.edu
Assistant Director	Meg Conley	mconley@daemen.edu
Hall Directors	Sarah Hammill, Derek	shammill@daemen.edu
RAs/HRAs	Various	
Orientation		
Director of Orientation	Kimberly Pagano	kpagano@daemen.edu
Intern		
Title IX		
Title IX Coordinator	Kathleen Boone	kboone@daemen.edu
Disability Services		
Disability Services Coordinator	Jennifer Runco	jrunco@daemen.edu
Health and Insurance Services		
Director of Health and Insurance	Susan Girard	sgirard@daemen.edu
Academic Advisement		
Director of Academic Advisement	Sabrina Fennell	sabrina.fennell@daemen.edu
Advisors	Adriane Williams	awilliam@daemen.edu
HEOP/Vision		
Director of HEOP	Beverly Weeks	beverly.weeks@daemen.edu
Assistant Director of HEOP	Tiffany Hamilton	thamilton@daemen.edu
Vision Coordinator	Bea Slick	bslick@daemen.edu
Human Resources		
Director of Human Resources	Pamela Neumann	pamela.neumann@daemen.edu
Assistant Director of Human	Kelly E. Pogore	kelly.pogore@daemen.edu
Dining Services		
Food Service Director	John Suckow	john.suckow@hallmarkdining.com
Assistant Food Service Director	Ryan Richardson	ryan.richardson@hallmarkdining.com
Catering and Retail Manager	Carly Finitz	carly.finitz@hallmarkdining.com
Chef/Assistant Manager	Bob Ruiz	bob.ruiz@hallmarkdining.com
Supervisors	various	-
Experiential Learning Management		
Career Services	Maureen Millane	mmillane@daemen.edu
Service Learning	Cathaleen Curtiss	ccurtiss@daemen.edu
Center for Sustainable Communities	Cheryl Bird	cheryl.bird@daemen.edu
Global Programs	Ann Robinson	ann.robinson@daemen.edu
Brooklyn Campus		
Director of Alternative Certification	Mary Fox	mfox@daemen.edu
Director of Montauk Brooklyn	Rivka Stein	steinrn@verizon.net
On-site Coordinator (Education)	Phyllis Shroot	pshroot@verizon.net

Campus Security Authority and Responsible Person Training

Prior to the start of each fall semester, and concluding by September 25, all CSAs are sent the link to a virtual presentation that helps them to understand the Clery Act, and Title IX, and their role under each as CSAs and Responsible Persons, respectively. Upon completion, CSA/Responsible Person completes a brief form indicating their completion of the training. Resident Assistants are provided with an in-person training with the Vice President for Student Affairs and Dean of Students and/or the Title IX Coordinator.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES, INCLUDING CAMPUS RESIDENCES

Daemen College campus buildings are generally open to the public during business hours. Other limited access is available to our students, staff, and faculty during evening hours and on weekends. Main Campus is monitored by Campus Safety 24 hours a day, 365 days a year. Collegiate Village has 24 hour security at the gatehouse and has security offers patrolling the grounds from 4:00pm-8:00am daily. Tri-Main Center Campus has safety and/or security personnel on duty from 6:00am to 10:00pm, Monday through Friday (excluding holidays). At the Homewood Suites, all staff monitors the building a few times a shift and there are security cameras on the ground floor.

Residence Halls are open only during specific times while classes are in session (this excludes major holidays). During closed hours residence hall rooms are only available through key access.

Visitation hours for opposite-gender visitors are not limited in Canavan Hall, Campus Village, the Homewood Suites, or Collegiate Village.

**For maintenance emergencies Campus Safety will grant access to physical plant staff or local service providers. Security is trained in alarm systems and general mechanical devices.*

Please note: Daemen College does not have any officially recognized student organizations that have housing facilities "off-campus."

CAMPUS LAW ENFORCEMENT

Enforcement Authority

Campus safety officers are not sworn police officers, but are certified according to NYS Law to detain individuals and hold for the Amherst Police if a criminal offense is committed on campus.

Arrest Authority

N.Y. CPL. LAW § 140.30 : NY Code - Section 140.30: Arrest without a warrant; by any person – 1. Subject to the provisions of subdivision two, any person may arrest another person (a) for a felony when the latter has in fact committed such felony, and (b) for any offense when the latter has in fact committed such offense in his presence. 2. Such an arrest, if for a felony, may be made anywhere in the state. If the arrest is for an offense other than a felony, it may be made only in the county in which such offense was committed.

Jurisdiction

Campus safety officer's jurisdiction is restricted to the campus proper location at 4380 Main Street in Amherst and the Academic and Wellness Center located across Main Street.

Relationship with Local Police

As noted in the "About Campus Safety" section, Daemen College Campus Safety, through USSA, maintains a close working relationship with Western New York Campus Law Enforcement Association. They maintain up-to-date information and assist with many training opportunities, crime prevention materials, and provide assistance at the state and local police levels such as Amherst, Buffalo, and Cheektowaga Police Departments. USSA offers support at the scene of incidents that occur in and around the campus areas. USSA Management and Site Supervisors meet with local and state law enforcement when incidents arise that require joint efforts, resources, crime related reports and exchanges of information.

Memorandum of Understandings

Daemen College maintains a close, professional relationship with the Amherst Police Department, as well as other local agencies, as well as local advocate agencies such as Crisis Services of Buffalo. A formal Memorandum of Understanding is in development, but has not currently been finalized.

CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS

Education

Daemen College has a Task Force that meets once per month during the year to discuss and plan wellness education programming and awareness throughout the year. The focus of this cross campus collaboration comprised of faculty, staff, students, and outside agencies, and chaired by the Vice President for Student Affairs, is to examine healthy ways to address substance abuse, dating/domestic violence, and other wellness issues in a concerted and intentional manner. All new, incoming students, including first-year students, transfers, and graduates, are required to complete the *Think About It* program by Campus Clarity. *Think About It* combines sexual assault and substance abuse prevention in a comprehensive online training program. Students and their families are provided detailed information about this program during summer orientation programs and are sent numerous reminders throughout the summer in preparation for the start of the semester. Students who fail to complete the program are subject to a fine. Additionally, the College

hosts a session during summer orientation on dating, dating violence, and sexual assault prevention. Student are also highly encouraged to attend the annual *ONE NIGHT* theatrical presentation regarding acquaintance rape and alcohol consumption.

Campus safety and fire safety procedures are discussed during resident assistant training and residence hall floor meetings. Possible sanctions for students include a session with the College's drug and alcohol counselor as well as online alcohol and drug awareness courses. New students are provided with a "Right to Know" information regarding Title IX and sexual violence, as well as the Campus Sexual Assault Victim's Bill of Rights, in compliance with federal and state guidelines. The latter is also posted in all of the residence halls, including those rented by the College at Collegiate Village and Homewood Suites, and key student life areas such as the Wick Student Center. The Title IX coordinator also posts "Right to Know" information throughout the campus. Advisory letters are sent each semester to students with disabilities requesting assistance in case of emergency, advising them of evacuation policies and procedures. Athletics requires its athletes to participate in additional alcohol awareness programming. Human Resources sends out an annual email to employees regarding online sexual harassment training. As previously noted, annual CSA notification and training is coordinated by the Vice President for Student Affairs and Dean of Students. Additionally, campus evacuation and emergency response procedures are posted throughout campus, in each office and classroom.

Crime Prevention Measures

Most on-campus crime can be prevented if rules are followed and common-sense safety tips are observed. The College's mission commits the institution to the elimination of crime and the attendant suffering of the victims of crime. This can be accomplished by teaching students and the community how to reduce the risks of crimes against themselves and others. When necessary, the College will provide timely announcements of on-campus criminal activity that has been reported to Campus Safety or the police. Students and employees are provided procedures and practices regarding safety at resident assistant training, resident floor meetings, as well as through applicable handbooks (faculty, staff, administration, and student).

The College takes its commitment to security seriously, by striving to maintain a safe and secure working and studying environment. Members of the College community can assist in this effort by adhering to the following safety tips and other common-sense rules:

- Travelling with a companion whenever possible.
- Following parking regulations including parking in lighted areas of the parking lots if you will be leaving class after dark.
- Keeping gas tank full.
- Always locking car door—both while away from it and while traveling in it.
- Having keys ready to unlock your car; ensuring that no one is inside your car as you enter.
- Never hitchhiking or picking up hitchhikers.
- Driving to a police station, fire station, or other very public place if there is suspicion of being followed.
- When on an elevator, staying near the controls and, if attacked, pushing every button.
- Staying near the street when walking and avoiding bushes, shrubs, and buildings. Walking confidently—a good defense is to look and act confident.
- Not riding with a stranger.
- When riding public transportation, sitting near the front if possible and being familiar with the schedule to avoid long waits.
- Telling friends and families whereabouts on trips and expected time of return.
- Reporting all suspicious persons seen on campus to:
 - Main Street Campus Safety 716-839-8246
 - Collegiate Village Security 716-831-6000
 - Homewood Suites Dial 0: front desk
 - Tri-Main Center Management (8:00am-5:00pm weekdays) 716-835-3366
 - Tri-Main Center Emergency Monitoring Service (after 5pm weekdays and 24hrs weekends) 716-860-4114
- Carrying a noise maker (whistle or other device) if out after dark.

Bystander Intervention

Student Leaders at Daemen College go through a robust, 90-minute Bystander Intervention course that was designed for the College in partnership with Crisis Services of Buffalo. This training includes Student Athletes, Resident Assistants, Orientation Leaders, Peer Mentors, Tour Guides, and Greek Life members. The trainings focus on consent, using the affirmative definition of consent as mandated in the state of New York, and how to recognize the signs of abuse and to intervene, where appropriate.

Summary of Education Programs

In addition to the aforementioned training and education, the College completes year round training through passive campaigns around topics such as knowing the code of conduct, cyber-bullying, reporting suspicious persons, and reporting student concerns. The College also conducts regular events through clubs and organizations that focus on awareness, acceptance, and creating an environment that is free of hostility. Additionally, the College conducts semi-annual fire drills and table top exercises for the Emergency Response Team, as well as regular tests of the text alert system.

SEXUAL VIOLENCE AND ASSAULT (INCLUDING SEXUAL HARASSMENT)

After responsibility has been assigned through investigation and hearing, as outlined in the Conduct Review procedures (Section 7) of the Student Handbook (www.daemen.edu/studenthandbook), all perpetrators of sexual assault will be aggressively sanctioned, in accordance with the standards outlined by the Student Code of Conduct. The College will work in close cooperation with local law enforcement agencies to address this serious criminal activity. Daemen College will thoroughly investigate this violation of individuals' rights and safety when reported. In addition, the College may terminate the enrollment and/or employment of any perpetrator of sexual assault, including summarily suspending the violator to protect the College community. The institution will change a victim's academic and living situations after an alleged sex offense if these changes are requested by the victim and are reasonably feasible.

Students are provided with educational programming to promote the awareness of sexual violence prevention as indicated previously in this report. Information is provided to the campus community through new student orientation, resident assistant training, resident student education programming, as well as through applicable handbooks (faculty, staff, administration, and student).

Possible Sanctions/Appeals

Incidents of sexual violence, dating violence, domestic violence, stalking and/or sexual assault are taken very seriously by Daemen College. Upon completion of a thorough investigation and hearing, as outlined in the Student Code of Conduct, a student who is found responsible for such a crime could face suspension or expulsion. Investigations that are handled informally may result in the use of "educational sanctions" as deemed appropriate by the matter and in consultation with the Title IX Coordinator. A student may not be found responsible for one of the crimes mentioned above, but may be found responsible for other violations of the Code of Conduct which could incur additional sanctions and fines, as outlined in the student handbook. The College will impose interim sanctions such as Order of No Contact, Persona Non Grata Orders, room assignment changes, etcetera, in order to ensure the safety of the community and the individual reporting, without "punishing" the student who came forward. In matters that are being addressed concurrently through the criminal justice system, where a respondent is advised to not participate in the campus process, or where it seems appropriate by the circumstances of the incident as determined by the Vice President for Student Affairs and/or his/her designee, the College may place a student on interim suspension pending the opportunity to complete the investigation and conduct process.

Both the complainant and respondent have the ability to appeal sanctions based on the criteria outlined in the student handbook. In accordance with New York State Law, appeals of incidents of sexual violence, dating violence, domestic violence, stalking and/or sexual assault will be heard by a panel as coordinated by the Office of the Vice President for Student Affairs in conjunction with the Title IX Coordinator.

The institution will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Consent

Daemen College defines consent as "affirmative consent" (yes means yes), in accordance with the New York State Enough is Enough legislation. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in 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. 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, 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 an individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Campus Sexual Assault Victims' Bill of Rights

In accordance with the Campus Sexual Assault Victim's Bill of Rights (1992) and section 485 of the Higher Education Act of 1965 (revised 2010), as well as guidelines provided by New York State, Daemen College has implemented the following bill of rights that shall be afforded to all victims of reported campus-related sexual assaults. These rights have been adapted for Daemen College from the language used in the Higher Education Act and are described in more detail throughout this section.

1. The right to have any and all disclosures of domestic violence, dating violence, stalking, and sexual assault against them treated with seriousness and receive, from the institution, courteous, fair, and respectful health care and counseling services, where available.
2. The right to have sexual assaults committed against them investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crimes occurred, if the victim so chooses, including make a report to local law enforcement and/or the state police; and the right to the full and prompt cooperation and assistance of College staff in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.
3. The right to be free from any kind of pressure from College staff that victims:
 - a. not report crimes committed against them to civil and criminal authorities or to campus safety and residence life staff; or
 - b. report crimes as lesser offenses than the victims perceive them to be.
4. The right to be free from any kind of suggestion that sexual assault victims not report, or under-report, crimes because:
 - a. victims are somehow 'responsible' for the commission of crimes against them;
 - b. victims were negligent or assumed the risk of being assaulted; or
 - c. by reporting crimes they would incur unwanted personal publicity.
5. The right to participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard and in so doing, to describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
6. The same right to legal assistance, or ability to have others present, including an advisor of their choice, in any campus disciplinary proceeding that the institution permits to the accused; and the right to be notified of the outcome of such proceeding.
7. The right to counseling services from any mental health services previously established by the institution, or by other victim-service entities, or by victims themselves.
8. After campus sexual assaults have been reported, the victims of such crimes shall have the right to require that appropriate College staff take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate relocation of the victim to safe and secure alternative housing, and transfer of classes if requested by the victims.
9. Access to at least one level of appeal of a determination;
10. The right to report any inappropriate action, or lack thereof, in the handling of a reported sexual assault on the part of the College as a Title IX complaint.
11. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
12. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of Daemen College.

Additionally, and in accordance with the SaVE provision of the Violence Against Women Act (VAWA), the College will work with the student to ensure that he/she is able to continue their studies safely while the matter is addressed. This includes applying, at the discretion of the Vice President for Student Affairs and Dean of Students (or his/her designee) and as dictated by the situation and the needs of the victim, the use of administrative room changes, Orders of No Contact, Persona Non Grata orders, and/or other steps deemed necessary.

Specific procedural steps victims should take if sexually assaulted:

1. Get to a safe, secure place.
2. Report the crime incident to Campus Safety at 716-839-8246, the Office of the Vice President for Student Affairs and Dean of Students at 716-839-8332, and/or Amherst Police at 911. Students should not be reluctant or embarrassed to call the police—you are a victim of a crime.
3. Call a friend and/or CRISIS SERVICES at 716-834-3131 or call another support agency or office.
4. Go to the Emergency Room for an examination, immediate medical attention, and for the collection of physical evidence. Do not shower or change clothes if at all possible prior to examination. Do take a change of clothes to the medical examination location.

Reluctance or unwillingness to make a complete report to campus security and the police will make it difficult for either the police or the College to take appropriate action or safety measures; this includes reporting the dangers to the College community. Institutional personnel will assist in notifying appropriate law enforcement agencies if the student requests assistance.

Support for complainant

It is very important to seek help for any sexual assault and/or attempts of sexual assault (including "ACQUAINTANCE RAPE/DATE RAPE") from any of the following:

SUPPORT AGENCIES AND COLLEGE OFFICES:	PHONE
Campus Safety (or "0" from campus phone)	716-839-8246
Crisis Services - Victims advocate program	716-834-3131
Crime Victims Board	716-847-7992
Campus Student Counseling Services	716-839-8337
Health and Insurance Services	716-839-8446
Residence Life Staff (RA/ HD) or Directors	716-839-8200
Student Affairs Staff or Dean of Students	716-839-8332
ENFORCEMENT AGENCIES:	PHONE
Amherst Police/Buffalo Police	911
Erie County Sheriff/Dept. of Family Offenses	716-858-6102
Erie County District Attorney/CARR Unit	716-858-2525

Counseling Services

Professional counselors are retained by the College to assist students who are facing concerns of an academic, adjustment to college, personal, or social nature. They help students work through their concerns to develop appropriate alternatives, actions, or solutions. This service is confidential within the limits of Informed Consent and will be discussed in the first counseling session. The first fifteen sessions are free to Daemen students and in circumstances where more are needed and as approved by the Director of Counseling and/or Vice President for Student Affairs. Referrals to a number of community service agencies are also available.

For further information, contact the Counseling Services Office, (716-839-8337), or call one of the following counselors directly:

Shannon Radder	716-839-8337
Nick Gazzoli	716-913-7501
Deloris Fields	716-688-3852

Sex Offenders

Anyone interested in accessing information on registered sex offenders in the area can access the Sex Offender Registry at <http://www.criminaljustice.ny.gov/nsor/>

Policy Prohibiting Sexual Harassment and Other Unlawful Harassment

- A. Purpose.** Daemen College is committed to offering educational and employment opportunity based on ability and performance in a climate free of discrimination. Discrimination is prohibited at this institution not only because it is unlawful, but because it is wrong. Please refer to the College's Policy on Nondiscrimination, Equal Opportunity, and Affirmative Action for a comprehensive statement of the College's commitment in this regard. Among the forms of discrimination prohibited by the College is unlawful harassment, including sexual harassment, by employees as discussed in this policy. In addition, the College will endeavor to protect students and employees, to the extent possible, from reported harassment at the College and in the workplace by students, vendors, or other non-employees, and when appropriate, will take steps to prevent College employees from harassing non-employees.
- B. Definition of Terms.** For the purpose of this policy terms such as sexual harassment, discrimination, and retaliation are defined pursuant to the applicable state and federal law.
- C. Sexual Harassment.** It is the policy of Daemen College not to discriminate on the basis of sex, including sexual harassment, in its educational programs, activities or employment policies as required by Title IX, Education

Amendments of 1972, Equal Employment Opportunity Commission regulations, and other applicable antidiscrimination laws.

Sex discrimination in the form of harassment on the basis of sex includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education status; or b) submission to or rejection of such conduct by an individual is used as the basis for educational or employment decisions affecting such individuals; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive working or educational environment. Daemen College will take all steps necessary to prevent such discrimination and effectively address incidents of unlawful harassment, including the imposition of appropriate sanctions. As examples, the following kinds of conduct, or others with a similar harassing effect, are absolutely prohibited if such conduct falls within the definition stated above:

1. Abusing an employee or student through insulting or degrading sexual remarks, jokes, innuendoes, or other sexually oriented conduct (including, among other things, graphic or descriptive comments relating to an individual's body or physical appearance, sexually oriented teasing or pranks, improper suggestions, objects or pictures, or unwanted physical contact); or
2. Threats, demands or suggestions that an employee's or student's status depends in any way upon tolerating or accepting sexual advances or sexually oriented conduct.
3. Sexual violence, defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's age, use of drugs or alcohol, or intellectual or other disability.

Any harassment of Daemen College employees, students, or applicants, or third parties (such as participants in College sponsored events) in violation of these rules is absolutely prohibited and will not be tolerated. Interim protective measures may be made while a complaint is investigated. Both complainant and respondent shall be treated equitably throughout the investigation.

Conduct that occurs off campus, including but not limited to that perpetrated electronically, by social networking or email, is also subject to investigation and an appropriate response under the Policy to the extent that such conduct contributes to a sexually hostile environment on campus.

Sexual harassment is illegal under both state and federal law. Inquiries regarding compliance with Title IX and all other state and federal discrimination laws may be directed to the Associate Vice President for Academic Affairs (DS 102, 716.839.8301), who is the College's Equal Opportunity and Affirmative Action Officer and Title IX Coordinator.

D. Other Unlawful Harassment. Unlawful harassment is defined as verbal or physical conduct which denigrates or shows hostility or aversion to an individual because of his or her sex, sexual orientation, gender, race, color, creed, religion, veteran or military status, national origin, age, disability, marital status, domestic violence victim status, status as an ex-offender, arrest record, predisposing genetic characteristics or genetic information, or any other characteristic protected by federal or New York State law, or that of his or her relatives, friends, or associates, and which:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's performance; or
3. Otherwise adversely affects an individual's employment or educational opportunities.

As examples, the following kinds of conduct, or others with similar harassing effect, are absolutely prohibited if such conduct falls within the definition stated above:

1. Abusing an employee or student through epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts (even if claimed to be "jokes" or "pranks") which relate to sex, sexual orientation, gender, race, color, creed, religion, veteran or military status, national origin, age, disability, marital status, domestic violence victim status, status as an ex-offender, arrest record, predisposing genetic characteristics or genetic information, or any other characteristic protected by federal or New York State law; and
2. Written or graphic material which denigrates or shows hostility or aversion toward an individual or group because of sex, sexual orientation, gender, race, color, creed, religion, veteran or military status, national origin, age, disability, marital status, domestic violence victim status, status as an ex-offender, arrest record, predisposing genetic characteristics or genetic information, or any other characteristic protected by federal or New York State law.

Any harassment of Daemen College employees, students or applicants in violation of these rules is absolutely prohibited and will not be tolerated.

- E. Retaliation.** Retaliation against employees, students, third parties (such as participants in College sponsored events) or applicants for exercising their rights under this policy is also strictly prohibited and will not be tolerated. This includes retaliation against employees, students, third parties (such as participants in College sponsored events) or applicants for inquiring about their rights, or for making an honest complaint of a violation or possible violation, or for truthfully assisting in a complaint investigation. Claims of retaliation should be reported to the Associate Vice President for Academic Affairs (DS 102, 716.839.8301), who is the College's Equal Opportunity and Affirmative Action Officer and Title IX Coordinator.
- F. No One Has Authority To Violate This Policy.** Under no circumstances does any faculty member, administrator, trustee, other employee, or student of the College or any other person, including vendors and sub-contractors, have any authority whatsoever to engage in discriminatory, harassing, or retaliating conduct in violation of this policy. If anyone claims to have such authority, or if an employee, student, third party (such as participants in College sponsored events) or applicant has a question about whether objectionable conduct is authorized by the College, the College's Equal Opportunity and Affirmative Action Officer and Title IX Coordinator (DS 102, 716.839.8301), should be contacted.
- G. Academic Freedom.** As an institution of higher education, Daemen College, its employees and students also must be aware of the need for freedom of inquiry and openness of discussion in its educational and research programs, and must strive to create and maintain an atmosphere of intellectual seriousness and mutual tolerance in which these essential features of academic life can thrive. No college can or should guarantee that every idea expressed in its classrooms or laboratories will be inoffensive to all; pursued seriously, education and scholarship necessarily entail raising questions about received opinions and conventional interpretations. Daemen College does guarantee, however, that credible accusations of inappropriate remarks or conduct that may violate the College policy prohibiting discrimination and harassment will be investigated promptly, thoroughly, and fairly.
- H. Procedures.** Employees, students, and applicants are encouraged to promptly report any conduct that they believe violates this policy. If the College does not know about the conduct, it cannot act. Complaints or inquiries should be made confidentially to the Associate Vice President for Academic Affairs who is the College's Equal Opportunity and Affirmative Action Officer and Title IX Coordinator. In the case of student-on-student conduct, complaints or inquiries should be made confidentially to the Vice President for Student Affairs and Dean of Students (Wick Center, 716.839.8519) for investigation and adjudication under the Student Conduct (Disciplinary) Procedures outlined in the Student Handbook. The Vice President for Student Affairs and Dean of Students will report any allegations of Title IX violation to the Associate Vice President of Academic Affairs. Alternatively, an individual may initially discuss the matter with any other employee of the College, or involve any other person to help in bringing the complaint forward, provided the complaint is promptly brought to the attention of the Associate Vice President for Academic Affairs or Dean of Students, to ensure consistency and centralized decision-making in the application of this policy. Complaints may also be made anonymously through U.S. or campus mail to the Title IX Coordinator, Daemen College, 4380 Main Street, Amherst, NY 14226.

Discrimination and harassment complaints will be handled pursuant to the Grievance Procedure in Discrimination and Harassment Cases or Student Conduct (Disciplinary) Procedures as applicable. Ordinarily, the Vice President for Student Affairs and Dean of Students will investigate complaints of student-on-student harassment; the Associate Vice President for Academic Affairs, as EO/AA Officer, will investigate any complaints involving employees. Complainants will be encouraged to express their wishes for resolution of the matter. Complainants of sexual violence shall be entitled to necessary interim actions to protect them. When complainant and respondent are both members of the campus community, interim measures will be taken to ensure safety and equitability during the investigation. Both the complainant and the respondent shall have equal opportunity to present relevant evidence and to appeal determinations as provided for in the above policies. Both the complainant and the respondent will receive in writing the outcome of the investigation.

Complaints and inquiries will be kept confidential to the extent practicable, consistent with the need to conduct an adequate investigation. Reasonable steps will be taken to honor a party's request regarding confidentiality and/or pursuit of investigation, but such requests must also be evaluated in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all persons and/or to warn the College community of possible danger. The College will inform the parties if confidentiality cannot be ensured. Any employee or student who is found to have violated this policy will be subjected to appropriate disciplinary measures up to and including termination or expulsion.

Individuals with complaints of discriminatory harassment may also have the right to file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education. An employee may also have the right to file a charge with the United States Equal Employment Opportunity Commission ("EEOC"), the Office of Civil Rights ("OCR"), or the New York Division of Human Rights ("SDHR"). A charge should be filed with the EEOC within 300 days of the most recent date that

the unlawful conduct occurred, or if filed with the OCR, within 180 days, or if filed with the SDHR, within one (1) year. Reporting to the College is critical, however, because if the College does not know about the conduct, it cannot act.

No one should allow conduct that may violate this Policy to continue unreported. It is extremely important that this be reported so that the College can act to stop such conduct at the earliest possible time. Daemen College provides training for employees on recognizing and preventing unlawful harassment, including sexual harassment: all employees are expected to participate in such training.

Grievance Procedure in Discrimination and Harassment Cases

- A. Policy.** It is the policy of Daemen College, in accordance with federal and state laws including, but not limited to, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the New York State Human Rights Law, not to discriminate on the basis of sex, sexual orientation, gender, race, color, creed, religion, veteran or military status, national origin, age, disability, marital status, domestic violence victim status, status as an ex-offender, arrest record, predisposing genetic characteristics or genetic information, or any other characteristic protected by federal or New York State law against any person with respect to employment, admission to the College, or in participation in any College program or activity. Also in accordance with these laws, it is the policy of the College to prohibit harassment of any student, employee or applicant on the basis of the statuses outlined above. All complaints alleging a violation of this policy will be investigated and appropriate remedies will be instituted.
- B. Responsibility.** Every person in the College community is responsible for compliance with this policy. The Associate Vice President for Academic Affairs as the Equal Opportunity and Affirmative Action Officer has been given day-to-day responsibility for implementing this policy.
- C. Grievances.** All grievances or complaints alleging a violation of the College's nondiscrimination policy and policy prohibiting unlawful harassment should be submitted to the Associate Vice President for Academic Affairs who is the Equal Opportunity and Affirmative Action (EOAA) Officer and Title IX Coordinator (Room DS 102, 716.839.8301). Grievance forms are available in the office of the EOAA Officer, but any form or format may be used provided it is identified as a grievance. A grievance should contain a statement of the facts identifying the violation and as much supporting documentation as possible. Upon request, assistance in preparing the grievance will be supplied by the EOAA Officer/Title IX Coordinator. Those filing a grievance should also express their view of a possible resolution to the problem. A grievance should be filed as soon as possible after the alleged discrimination has occurred (usually within 30 days). A delay in filing a grievance may impact the ability of the College to investigate and resolve the grievance.
- D. Grievance Processing**
 1. Step 1. The EOAA Officer/Title IX Coordinator will attempt to resolve the matter as simply and as quickly as possible by informally meeting with the relevant persons in an effort to reach an acceptable agreement. If the complaint involves an alleged sexual assault, the matter will immediately proceed to Step 2 below; no informal mediation will be undertaken. Cases of alleged sexual assault in which both the complainant and respondent are students will follow the procedures outlined in the Student Code of Conduct
 2. Step 2. Unless an acceptable resolution is reached in Step 1, the grievant may request that the matter be referred to the appropriate Cabinet member (Vice President for Academic Affairs [VPAA] in the case of a faculty grievant) for a more formal investigation. Such request may be made at any time, but not later than ten (10) days after notification that the Step 1 procedure is completed. Within thirty (30) days thereafter, the Cabinet member or VPAA or his/her designated representative (Grievance Officer) will conduct an investigation with respect to the grievance. (Should the grievance be against either the EOAA Officer/Title IX Coordinator or the Cabinet member, the grievant should notify the Director of Human Resources who will arrange for another Grievance Officer to be appointed.) Efforts will be made to complete the investigation within 45 days after Step 2 is initiated.

During the investigation, the grievant shall have the right to present evidence and witnesses. The Grievance Officer will also examine other relevant evidence and witnesses, including professionals where appropriate. The Grievance Officer shall render a written decision on the grievance applying a preponderance of the evidence standard. A copy of the decision will be provided to the grievant and accused party(ies). Either party may seek review by the College President of all or part of the Grievance Officer's decision by filing an appeal with the Office of the President within 10 days after the decision is rendered. The President in conjunction with legal counsel for the College will review the decision to determine whether it is supported by substantial evidence and that the College substantially complied with applicable procedures. The President's decision will be rendered within 30 days of filing the appeal. The President may affirm the decision, modify the decision, or return the matter for further investigation. Should the President be the accused party, the appeal

will be made to the Executive Committee of the Board of Trustees, which will review and rule upon the Grievance Officer's decision.

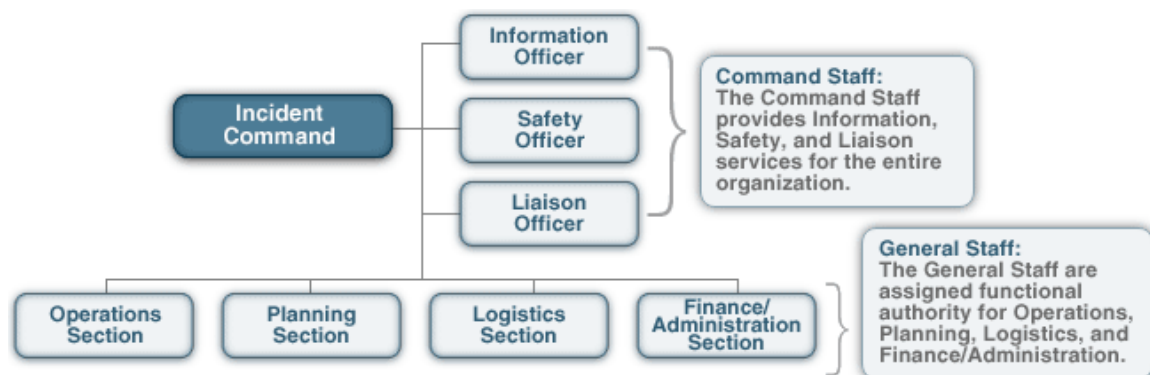
EMERGENCY RESPONSE PLAN – MAIN CAMPUS

The Daemen College Emergency Response Plan is intended to provide needed direction and guidance to the campus community in the event of any situation which affects the normal operation of the campus. Consistent with the National Incident Management System (NIMS), Daemen College utilizes the Incident Command System (ICS) to effectively respond to crises and concerns. Chaired by the Vice President for Student Affairs (VPSA), the campus Emergency Response Team (ERT) meets regularly in order to review and become familiar with the plan, conduct training exercises for the community, and ensure that the plan is continually updated and revised. Regular training and drills are conducted on-campus with consultation from Amherst emergency response service personnel. Additionally, the College has implemented an Administrator On-Call (AOC) system to ensure that a senior level administrator is informed whenever a significant incident occurs that affects the safety of individuals or the campus property. This system is in place at all times regardless of whether classes are in session or not.

General Emergency Procedures

It is not feasible or practical to develop an emergency plan based on every incident that may occur. Each situation and crisis is different. Even two situations of the same nature are different in circumstance. Therefore, the Daemen College Emergency Response Plan is based on the National Incident Management System (NIMS) and Incident Command System (ICS) as used by federal, state, and local law enforcement and emergency response agencies. The purpose behind ICS is to allow for integrated command of multiple response agencies—to allow for ease of communication, sharing of resources, and greater flexibility in response based on the personnel at the scene at that time.

There are five major management functions that are the foundation upon which the ICS is built. These functions apply whether the team is responding to a routine emergency, organizing for a major non-emergency event, or managing a response to a major disaster. The five major management functions are:



- **Incident Command:** Sets the incident objectives, strategies, and priorities and has overall responsibility at the incident or event.
- **Operations:** Conducts tactical operations to carry out the plan. Develops the tactical objectives and organization, and directs all tactical resources.
- **Planning:** Prepares and documents the Incident Action Plan to accomplish the objectives, collects and evaluates information, maintains resource status, and maintains documentation for incident records.
- **Logistics:** Provides support, resources, and all other services needed to meet the operational objectives.
- **Finance/Administration:** Monitors costs related to the incident. Provides accounting, procurement, time recording, and cost analyses.

ICS follows these five major management functions for any situation, regardless of the size of the incident. When the ICS is deployed, the staff member with the most experience to handle the situation at that time, regardless of title, rank, etcetera, is deemed the Incident Commander. In most cases, this will be the Campus Safety Supervisor for that evening. When it is appropriate to switch command, the Incident Commander will brief the next person and transition command.

As incidents expand or contract, change in jurisdiction or discipline, or become more or less complex, command may change to meet the needs of the incident. Rank, grade, and seniority are not the factors used to select the Incident Commander. The Incident Commander is always a highly qualified individual trained to lead the incident response. The

Incident Commander is also the only position that is always filled for any situation. All other team members become supporting cast and work together to resolve the crisis.

Depending on the nature of the emergency, local law enforcement and response agencies may become involved. In those instances, Daemen College staff will transition authority of the situation to the authorities. However, the Incident Commander and Daemen ERT members are still responsible for working directly with law enforcement and emergency response team members, handling media relations, and providing the necessary report for resolving a situation amicably. After law enforcement and emergency response members leave, College staff will be left to handle the aftermath. So this very much needs to be a team effort and everyone needs to know the proper way to handle a crisis situation.

A crisis or emergency is defined as ANY event that affects one or more people in a significant way and/or involves local, state, and/or federal authorities. This is an intentionally broad definition used purposely so as to ensure that all incidents are responded to in a consistent manner.

EMERGENCY TELEPHONE NUMBERS

For initial reporting of emergencies requiring firefighters, police, or first aid personnel, 9-1-1 should be called immediately.

Additionally, Campus Safety should be contacted for any crisis or emergency on campus proper at (716) 839-8246.

In case of medical emergency, Daemen College has partnered with the MASH We Care Network to provide transportation to and from the MASH Urgent Care Center located at 3980 Sheridan Road in Dent Tower. MASH Urgent Care is open seven (7) days per week from 8:30 am – 9:00 pm and takes all insurance providers. A shuttle can be reached by calling (716-701-6331).

Family Care Medical center, located at 61 Maple Road in Williamsville, is the primary health care provider for non-emergency situations for Daemen College students enrolled in the Daemen College Student Health Insurance Program. Family Care has agreed to give priority appointments to our students, but they do ask for cooperation in calling their office first to avert scheduling conflicts. Walk-in hours are available 8 am – 11 am on Saturdays.

FAMILY CARE MEDICAL CENTER

61 Maple Road
Williamsville, NY 14221
(716) 565-1234

Shelter in Place

When deemed appropriate by the Incident Commander, the College may ask all or select members of the community to assume Shelter-in-Place. During Shelter-in-Place, all members of the Daemen College community are instructed to secure themselves in their current location, lock doors and windows, turn phones on silent or vibrate, and await further instructions from the University. Community members should NOT call the College main number, but rather remain in place until they receive further instructions from the College via the **ReGroup Messaging System**. The Messaging System will allow for communication via text and email alert. All community members who have provided their cell phone information to the College are automatically enrolled in the System at the beginning of each semester. Messages are sent out via Campus Safety Switchboard and monthly tests of the system are conducted throughout the year at various hours of the day. When appropriate, and in consultation with local law enforcement, the Incident Commander will provide an “all clear” through the Messaging System for community members to return to normal activities.

Evacuation Plans

In the event of a fire alarm, individuals are expected to exit the building in an orderly fashion and move away from the building until given the “all clear” by the appropriate campus official.

Note: In the event of an evacuation, the Dining Hall located in Wick Student Center will serve as primary gathering location for students if the crisis has resulted in a building being evacuated. The gym in Duns Scotus will serve as secondary location if the Dining Hall is compromised. Tertiary location will be the Amherst High School located across the street from campus proper.

PROCEDURES FOR STUDENTS WITH A DISABILITY OR SPECIAL NEEDS:

Students with a documented disability are sent a letter at the beginning of each semester reviewing the information below:

If building evacuation is indicated due to an emergency, community members are asked to please follow these procedures in order of priority:

- If the individual is able to evacuate safely under his/her own power, he/she should do so. Elevators must not be used in the event of fire alarm, unless use is specifically authorized by emergency personnel.
- If the individual is unable to evacuate under their own power, he/she should make his/her way to an area of refuge in the building and await assistance from emergency responders. Stairwells at the ends of buildings (not the middles) are where emergency responders will expect to find individuals needing assistance with evacuation. (Specific locations of areas of refuge for all campus buildings are listed below.)
- During an emergency, students are requested to confirm their location and need for assistance (or not) to Campus Safety if possible, as soon as possible. Prompt notification of a student's whereabouts will aid Campus Safety in assuring student's safety as well as ensuring that first responders do not take unnecessary risks searching for individuals who are already safe and sound.

Areas of refuge in case of building evacuation: (for persons unable to self-evacuate)

- **Business Building:** End stairwells.
- **Canavan Hall:** End stairwells, all floors.
- **Campus Village Apartments:** End stairwells, all buildings.
- **Homewood Suites:** Staff will be available to assist you.
- **Curtis Hall:** Exits to 2nd floor roof area and alternative stairwells.
- **Duns Scotus Hall:** End stairwells, all floors.
- **Research and Information Commons:** Back stairwell (corner adjacent to Athletic Facility and Main Street), all floors. Alternative – stairwell by elevator, all floors.
- **Reynolds Center:** Second floor outdoor patio. Alternative – back stairwell
- **Rosary Hall:** Entry to outdoor stairs (east side of building), stairwells.
- **Schenck Hall:** End stairwells.
- **Visual and Performing Arts Center:** End stairwell (by the driveway), all floors. Alternative – main stairwell.
- **Wick Center:** Hallway and stairs to the left of entrance to Social Room on 2nd floor (east side of building). Alternative – stairwell in hallway by elevator – west side of building).

EMERGENCY RESPONSE AND EVACUATION POLICY – COLLEGIATE VILLAGE

Evacuation Plans

Residents should prepare to vacate the building immediately whenever an alarm sounds. Do not wait and see if it's real. Assume it is. The assumption is that community members may be placing themselves and others in a dangerous situation in which every moment counts. "Horsing around", whether in a drill or actual emergency will not be tolerated and may result in the resident's eviction.

EMERGENCY TELEPHONE NUMBERS

911 For initial reporting of emergencies requiring firefighters, police, or first aid personnel.

716-831-6000: For the gatehouse security.

General Emergency Procedures

Community members should dial **9-1-1** immediately if the emergency is of a serious nature that requires police, firefighters, rescue squad and/or ambulance.

PROCEDURES FOR STUDENTS WITH A DISABILITY OR SPECIAL NEEDS:

Areas of refuge in case of building evacuation: (for persons unable to self-evacuate)

- Open windows and call 911.
- Tell them you are trapped and give them your address and apartment number.
- If possible, also call Security at 716-831-6000.

EMERGENCY RESPONSE AND EVACUATION POLICY – HOMEWOOD SUITES

General Emergency Procedures

Dial **9-1-1** immediately if the emergency is of a serious nature that requires police, firefighters, rescue squad and/or ambulance.

Always call 0 to reach the front desk, apprise them of your precise location and the name of the individual(s) involved. Staff will assist first responders in finding their way around the building.

EMERGENCY RESPONSE AND EVACUATION POLICY – TRI-MAIN CENTER

Purpose

Tri-Main Development LLC has developed this Emergency Action/Evacuation Plan to protect and inform all tenants, visitors and employees that may be present in Tri-Main Center, 2495 Main Street, Buffalo, what to do in the event of an emergency. This plan meets the compliance and regulatory requirements of the United States Department of Labor, Occupational Safety and Health Administration (OSHA) regulations; in particular, 29 CFR 1910 Subpart E – Exit Routes, Emergency Action Plans and Fire Prevention Plans.

This Emergency Action/Evacuation Plan is available to all tenants and is on file in Tri-Main Development LLC's office located on the main floor.

The Emergency Action/Evacuation Plan provides for the minimum requirements for evacuation from the facility so that all tenants, visitors and employees may evacuate safely during an emergency.

It is important that all Tenants in the building know how, when, and where to evacuate the building. **Please be sure all employees and visitors are familiar with the following procedure to evacuate the building and your company's procedures to evacuate the premises.**

Chain of Command

During an emergency action or evacuation, the following representatives of Tri-Main Development LLC have full responsibility. All instructions issued by these individuals during an emergency action or evacuation must be followed for tenant, visitor and employee safety.

- Matt Wolfe, General Manger 835-3366 ext. 203
- Dawn Russell, Tenant Coordinator 835-3366 ext. 202
- John Davies, Chief Engineer 998-7447 cell
- Evening Maintenance Staff 860-4114
- Overnight Custodial Staff 860-4114

Reporting a Fire or Other Emergency

The following outlines the steps a person should take if they notice a fire or other emergency situation in Tri-Main Center. The reporting procedure during normal business hours differs slightly from the procedure after hours to account for differences in staffing and building operations.

Reporting During Normal Business Hours

- The person who sees a fire shall immediately activate a fire/alarm pull box, located at emergency exits at each floor and throughout the building. Activation of a pull box will sound the alarm system.
- If possible, the person should then notify the Tri-Main office at (716) 835-3366.
- In case of an emergency such as a medical, first aid or building maintenance emergency, which does not require evacuation, after calling 911, notify a Tri-Main representative listed above and follow their instructions.

Reporting After Business Hours, Weekends or Holidays

The following outlines the steps a person should take if they notice an emergency situation after business hours (5:00 pm – 7:00 am) or on weekends/holidays.

- The person who sees a fire shall immediately activate a fire/alarm pull box, which are located at emergency exits at each floor and throughout the building. Activation of a pull box will sound the alarm system.
- If possible, the person should then call the emergency monitoring system at 716-860-4114.

Audible Alarm Sounds

- Upon hearing the emergency alarm system, which consists of a continuous siren, everyone in the building shall proceed in a safe and orderly fashion to the nearest exit and continue to their Designated Refuge Area (see maps) so they can be accounted for.
- **THE ELEVATORS SHOULD NOT BE USED DURING A BUILDING EVACUATION.**
- Tri-Main staff will notify persons at the Designated Refuge Areas of the status of the building and will provide the "All Clear Signal" when appropriate.

Tenant's Responsibility

- Each tenant of Tri-Main Center is responsible for making sure their employees and visitors know the proper emergency procedure to exit their premises. (Tenants require their own procedure to exit their premises.)
- Each tenant of the Tri-Main Center is responsible for the accounting of all employees.

Tenant Evacuation Procedures

A TENANT EVACUATION PROCEDURE is posted in the Tri-Main Center rooms. These procedures identify each tenant's responsibility during a fire or emergency that requires evacuation of the building and any emergency that does not require evacuation. Included in these procedures are the defined program issues covered in this written Emergency Action/Evacuation program. Also included is a floor plan indicating the nearest Exit Route from the Tenant's premises and the nearest alternate route(s).

- The tenant evacuation procedure and nearest exit route are to be made known to all employees and regular visitors and are to be posted in a conspicuous place within the suite.
- Each tenant must keep an accurate head count of all employees and visitors that are present in their workplace at that particular time. A designated employee of the tenant must be able to provide Tri-Main Center staff or the fire department with an accurate count of the number of employees and visitors at the Refuge area and the number of unaccounted for employees and visitors. This will assist the fire department in their endeavors to facilitate the emergency action.
- Should an evacuation occur, each tenant and its employees and visitors must exit the building and congregate in their secure Designated Refuge Area. Once the "All Clear" signal is given by a member of the Tri-Main staff, the tenants, their employees and visitors may return to their respective suites.

Community Members Who Require Assistance to Exit the Building

- All tenants with any staff, clients or visitors that may require assistance to evacuate the building in an emergency must notify the Management Office in writing. Tri-Main management will keep a record of all tenant suites where assistance may be required and this list will be available to the Fire Department upon their arrival at the building.
- When an alarm sounds—those requiring assistance, a designated emergency monitor, and a minimum number of assistants—are to remain in their suite (Remain in Place) and close the door. All others are to evacuate the building.
- In an emergency during normal business hours, the designated emergency monitor is to call the Tri-Main office and report their location, total number of people in the suite and the number of people needing assistance.
- After normal business hours all tenants, employees, and visitors entering the building are to sign in at the security desk. Emergency responders will use this log to ensure all persons are vacated from the building.

People who may need assistance for an emergency evacuation are instructed to inform the Management Office in advance in writing. An Evacuation Assistance Request form should be filled out and returned to the management office.

Exit Routes: Maintenance, Safeguards and Operational Features

Each floor in Tri-Main Center has been designed to provide multiple routes to exit the building. In case of an emergency, tenants, visitors and employees will not have to travel toward a high hazard area.

All Exit Routes will:

- Be free from obstruction. At no time should materials or equipment be placed within the Exit Route.
- Be adequately lighted so that all persons with normal vision can see along the exit route.
- Be clearly visible and marked by an illuminated sign in a distinctive color reading "EXIT." Any doorway or passage along an exit route that could be mistaken for an exit will be marked "NOT AN EXIT" or by a sign indicating its actual use.
- Have the direction of travel to the Exit or Exit Discharge indicated by signs if the route is not immediately apparent.
- Have safeguards designed to protect tenants, visitors and employees during an emergency that will be in proper working order at all times; this includes: sprinkler systems; alarm systems; fire doors; exit lighting and emergency lighting.

Exit Discharge

- The Exit Discharge is the part of the Exit Route that leads directly outside the building. Each designated exit stairway, in the building, discharges outside the building.
- At some levels, the stairs may continue beyond the level at which the exit discharge is located. Exit signs will indicate the proper door to exit to the outside of the building.
- All exit doors will:

- Be able to be opened from the inside at all times, without keys, tools or any special knowledge. Panic bars that lock only from the outside may be present on exit discharge doors.
- Be free of any devices or alarms that could restrict emergency use if the devices or alarms fail.
- Swing out in the direction of exit travel.

“All Clear”/False Alarm

When it is safe to re-enter the building or in the event of a false alarm, the alarm system will be reset and a Tri-Main employee will signal “All Clear” to tenants, visitors and employees at the Refuge Areas to let them know when it is safe to return to their workplaces. No one is to enter the building until the “All Clear” signal has been given by Tri-Main staff.

Duties of Tri-main Center Staff (Critical Facility Operations)

- When the emergency alarm sounds, Tri-Main engineers, maintenance and administrative staff will remain in the facility to ascertain the extent of the emergency and coordinate the emergency response.
- A designated employee will position themselves in the main floor lobby to assist in the evacuation of the facility and to guide the local fire department, upon their arrival, to the identified location of the problem. If a fire is determined to be the problem, the Fire Chief is in charge of the incident until the fire hazard is eliminated.
- Other administrative staff will remain in the Tri-Main office to be able to notify tenants with disabled visitors when they should evacuate. This person will also handle all incoming calls regarding the emergency.
- The dock operators will return and remain in place at the loading dock level, to direct emergency responders. The elevators should not be operated unless directed by a member of the Management Staff or Fire Department. Should they be needed in other critical areas, the senior management official on site will notify them.
- Other Tri-Main staff will be directed to various places in or outside the building to assist in orderly evacuation.

Evaluation

- This written Emergency Action/Evacuation program will be reviewed and updated on an as-needed basis. Should the program be updated, all employees will be trained in the elements of the update. The senior management official for Tri-Main Development LLC will be responsible for the review and updating of the program.

Definitions

- DESIGNATED EMERGENCY MONITOR: Person in each suite who is responsible for making sure people evacuate the building and having a count of the number of people who have remained in place.
- DESIGNATED REFUGE AREA: A safe area located outside the building. These areas are located at the south side of the building along Halbert Street. The two designated areas are:
 - The corner of Rodney Avenue and Halbert Street.
 - The corner of Phelps Avenue and Halbert Street.
- Each tenant will congregate at their designated refuge area and wait for the “All Clear” notification from a Tri-Main staff person before proceeding back into the building.
- EXIT: The portion of an exit route that is generally separated from other areas to provide a protected way of travel to the exit discharge.
- EXIT ACCESS: The portion of an exit route that leads to the exit.
- EXIT DISCHARGE: The part of the exit route that leads directly outside or to a street, walkway, refuge area, public way or open space with access to the outside.
- EXIT ROUTE: A continuous and unobstructed path of exit travel from any point within the building to a place of safety.
- REMAIN IN PLACE: Anyone requiring assistance to evacuate is to “remain in place” in their suites until assistance arrives.

MISSING STUDENT POLICIES

Daemen College takes student safety very seriously. To this end, the following policy and procedure has been established to assist in locating Daemen College students living in College on-campus housing who, based on the facts and circumstances known to the College, are determined to be missing. This policy has been established as required by the Higher Education Opportunity Act (HEOA) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, referred to as the Clery Act.

Designation of a Contact Person(s)

Each year, every resident student has the option to identify a contact person(s) whom the College shall notify within 24 hours of the determination that the student is missing. The contact person can be anyone and, if the student so elects, may be someone other than the person that the student has designated as his/her emergency contact person for other

purposes. Resident students are provided, during check-in via floor meetings, the Missing Student Contact Registration Form. Students will complete the form at the floor meeting and turn it in to the Office of Residence Life. This contact information is considered confidential and will be maintained separately by the Office of Housing and Residence Life and will only be shared with the appropriate College officials involved in a missing persons investigation including, but not limited to, the Vice President for Student Affairs and Dean of Students as well as the President. The information may also be given to Daemen Office of Campus Safety and the local police department should an investigation be conducted after a missing student report is made. A student may change or revoke his/her contact information through the Office of Housing and Residence Life.

A resident student who is less than 18 years of age and not officially emancipated by his/her parents or guardian may designate a contact person; however, the student's custodial parent or guardian will also be notified within 24 hours of a determination that the student is missing.

Notification Procedures for Missing Resident Students

- It is understood that resident students will have opportunities during the academic year to take weekends away to visit family or friends. When students will be away from their on-campus residence, students should inform their roommate or Resident Assistant of their plans and expected date of return for emergency contact purposes. For purposes of this policy, a student may be considered to be a "missing student" if the person's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include a reasonable/reliable report or suspicion that the missing student may be endangered. Examples include, but are not limited to, possible victim foul play, expression of suicidal thoughts, possible alcohol or drug abuse, a life-threatening situation, or recent contact with persons who may endanger the student's welfare.
- Anyone who suspects that a residential student is missing should immediately complete an online report at www.daemen.edu/missingperson and/or notify a Resident Assistant (Main Campus), Community Assistant (Collegiate Village), Hall Director, and/or the Director of Housing and Residence Life (716-839-8200; residencelife@daemen.edu). If a missing student report is received by a Resident Assistant, Community Assistant, Hall Director, and/or the Director of Housing and Residence Life (DHRL), such individual should immediately notify the DHRL who will be responsible to coordinate the investigation. The DHRL will immediately notify Office of Campus Safety, the Vice President for Student Affairs and Dean of Students. The Vice President for Student Affairs and Dean of Students will notify the President.
- Once such notice is received, the Office of Campus Safety and the Office of Housing and Residence Life will begin an investigation to include, but not limited to, the following:
 - Call the student's cell phone and residence hall room phones
 - Send the Director of Housing and Residence Life, Resident Assistant or Hall Director to student's room.
 - Contact roommate(s)
 - Access student's vehicle information to locate and distribute to local authorities if necessary
 - Access student's class schedule and seek information on last sighting or other contact information.
 - Access reports to determine the last time student used a meal card or accessed residence hall.
 - If student works on-campus, contact supervisor for contact information
 - Call student's home number
 - Request information from Information Technology about student's last electronic sign in to Daemen's network systems
- Office of Campus Safety may issue an ID picture to assist in identifying the missing student
- Office of Campus Safety may search on-campus public locations (library, cafeteria, etc.)

Actions Upon a Determination that a Student is Missing

- If the above investigatory steps are unsuccessful in locating the student who has been missing for 24 hours or it is apparent sooner that the student may be endangered, the DHRL or designee, after consulting with the Office of Campus Safety, will take the following actions within 24 hours:
- The DHRL, in coordination with the Office of Campus Safety, will contact the local police department and other law enforcement agencies as necessary and report the student as a missing person. The DHRL will write and file a detailed report and share it with the Police. Law enforcement will take charge of the investigation.
- The Office of Campus Safety will assist external authorities with these investigations as requested.
- The Vice President for Student Affairs and Dean of Students or designee will notify the designated contact person, if any, that the student is believed to be missing. For unemancipated students under the age of 18, the student's parent/guardian will also be notified.

Campus Communications about Missing Students

- Notifications to the campus community will be coordinated by the Vice President for Student Affairs and Dean of Students. Media communications will be coordinated by the College Public Relations Director. Information will not be released to the public unless authorized by the Vice President for Student Affairs and Dean of Students or his designee. All media requests will be directed to the College Relations Director.
- The DHRL will act as the liaison between the College and law enforcement, writing follow-up reports as needed and keeping College officials apprised of the ongoing investigation.

Commuter Students

- Reports of commuter students who are missing will be referred to Office of Campus Safety and Amherst Police Department for investigation.

ALCOHOL AND OTHER DRUG POLICIES

Student Activities

Daemen College allows students who comply with the New York State minimum drinking age of 21 years of age to consume alcohol as a privilege, but not as a right, and within specified guidelines and limitations, at certain College events, as determined by the Director of Student Activities. These events are generally limited to those where a significant number of students over the age of 21 are anticipated to attend.

The College expects that students who choose to consume alcohol will do so responsibly. Individuals or groups who conduct themselves in a disorderly manner, destroy property, or infringe upon the rights of others are accountable for their behavior and will be subject to campus disciplinary action and/or appropriate civil or criminal actions. In other words, drunkenness is a problem, not an excuse for one. These policies and regulations apply to all members of the College community and their invited guests.

1. All alcoholic beverages are to be provided by Daemen College Dining Service at all events approved for alcohol service.
2. All student social functions involving alcohol are usually limited to members of the Daemen College community and their escorted guests. Students are liable for the actions of their guests. The Director of Student Activities will generally refuse alcohol requests for events where unescorted visitors may be expected. The Director may refuse entry of any person to any College event.
3. Alcohol abuse will not be tolerated. Alcohol may not be offered as a prize or reward, or consumed in contests. Social participants are allowed to purchase no more than one alcoholic drink at a time (or at the discretion of the Director of Student Activities).
4. Food Service bartenders, security officers, group moderators, the Director of Student Activities, and the Vice President for Student Affairs and Dean of Students have authority to refuse the purchase of alcohol by any person who appears to be intoxicated or troublesome and that person may be required to leave a social event.
5. Aside from the specifications permitting alcohol at certain student activities, and the guidelines for alcohol permitted in the residence halls listed in this Student Handbook, alcohol cannot be consumed on campus grounds or in private automobiles while on campus grounds.

Daemen College recognized student organizations are not permitted to host events on campus or off campus where the primary focus is the consumption of alcohol. This typically refers to bar parties or fundraisers where persons pay a cover charge and alcoholic beverages are provided free or at a reduced fee. The intent of this policy is prevent and discourage events that promote alcohol abuse (binge drinking, underage drinking, DWI) and to reduce the risk of liability faced by student organizations and their officers when holding these types of events.

Residence Halls

The use of alcohol in the residence halls will be subject to state and federal laws and Daemen College Policy. Responsible use of alcohol by students 21 years of age and older is permitted only according to college regulations. In accordance with New York State law students under the age of 21 may not possess, sell, or consume alcoholic beverages. The college follows a zero-tolerance policy in these matters. This means that every reported incident will be formally addressed through the conduct review system. **(Please note: General policy information regarding drugs and alcohol are covered in Section 5, Campus Policies)**

The following guidelines pertain to students who are of legal drinking age. The College also expects all visitors and guests to comply with the regulations listed below:

- A. Any resident bringing visitors/guests to campus shall be responsible for making the alcohol policies known to their visitors/guests. Every visitor/guest is subject to college rules and regulations. It is the responsibility of residents as hosts to monitor and accept responsibility for the behavior of their visitors/guests.

- B. Alcohol is not permitted in Canavan Hall, including those students who are over the age of 21.
- C. Alcohol is not permitted in any apartment/suite where no students over the age of 21 reside.
- D. Students over the age of 21 are responsible for keeping alcohol out of the hands of minors.
- E. Kegs, taps, beer balls, and other common sources of alcohol, are not permitted. The possession of any implement which can be used to irresponsibly ingest alcohol is prohibited. This includes, but is not limited to, funnels, beer bongs, etc. Drinking games and drinking game devices, (e.g.. beer pong tables), are also not permitted.
- F. Students who are of legal drinking age and who are in the possession of alcohol, or present where alcohol is being consumed, must provide proof of age when asked by any college official including Resident Assistants. If proof of age is not provided, students will be asked to dispose of the alcohol and follow-up will occur via the College's Code of Conduct.
- G. Underage students may not be in the presence of alcoholic beverages. The only exception is an underage resident who lives with students of legal drinking age, may be in the presence of alcohol in his/her assigned apartment. *The underage person may not consume or possess alcohol.* Once guests (anyone not residing in said apartment) over the age of 21 enter an apartment where alcohol is present, NO students under the age of 21 (including residents of that apartment) may be present.
- H. The amount of alcohol permitted by each resident over the age of 21 in an apartment is 1 liter of spirits or wine, or a 6 pack of beer. Visitors/Guests of residents are not permitted to bring alcohol onto campus.
- I. Alcoholic containers may not be used as decorations. Empty cans or bottles will be deemed as proof of consumption. Students over the age of 21 should dispose of or recycle containers immediately after consumption.
- J. In the event that there is an alcohol policy violation, it is not the College's responsibility to determine who was consuming alcohol and who was not. It will be assumed that anyone involved in the incident was engaging in the policy violation.
- K. Public intoxication is considered an alcohol policy violation. Actions as a result of public intoxication which disturb any people, facilities, community, and/or self will be dealt with through the appropriate authorities.

Daemen College Drug and Alcohol Abuse Prevention Policy

Pursuant to the U.S. Department of Education Regulations implementing the Drug-Free Schools and Communities Act Amendments of 1989, Daemen College establishes the following policy and regulations:

Policy Statement: Daemen College endeavors to establish for its students, faculty and staff an environment in which the misuse of alcohol and drugs is minimized, which encourages moderation, safety and personal accountability, and which provides an atmosphere free of coercion and peer pressure to abuse alcohol or use illegal drugs. The College strongly believes and encourages the use of treatment and educational programs as the most effective means to reduce and prevent substance abuse of any kind. All members of the Daemen community should exercise sound judgment and be mindful of their personal health, safety and wellbeing, as well as that of their friends and guests, by observing all laws regulating drug and alcohol and the College rules expressed in this Policy and elsewhere in this Handbook.

Standards of Conduct: The unlawful possession, use or distribution of alcohol and illegal drugs by students and employees on college property or while engaged in College activities off the College campus is prohibited. While the College permits the lawful use of alcohol by students and guests on campus in accordance with the College alcohol policy (see following section), any abuse of this privilege will be subject to College disciplinary action and/or appropriate criminal sanctions.

Legal Sanctions Regarding Alcohol: Under New York State law it is illegal:

- To provide alcohol to persons under the age of 21 or to persons who are visibly intoxicated. Providing alcohol to persons under the age of 21 is a Class A misdemeanor which is punishable by imprisonment for up to one year, a fine of not more than \$1,000 and/or 3 years probation;
- To misrepresent the age of a person under the age of 21 for the purpose of inducing a sale of alcohol. Those found guilty of violating this law shall be punished by a fine of not more than \$200, or by imprisonment for not more than five days, or by both fine and imprisonment;

- For a person under the age of 21 to possess alcohol with the intent to consume it. Those found guilty of violating this law shall be punished by a fine of not more than \$50 and/or required to complete an alcohol awareness program and/or required to provide up to 30 hours of community service;
- For any person under the age of 21 to present or offer any written evidence of age which is false, fraudulent or not actually his own, for the purpose of purchasing or attempting to purchase alcohol. Those found guilty of violating this law shall be punished by a fine of not more than \$100, and/or required to complete an alcohol awareness program and/or required to provide up to 30 hours of community service. Additionally, if it is found that a New York State driver's license was the written evidence of age used for the purpose of the purchase or attempted purchase, the person's license to drive a motor vehicle may be suspended for 90 days. Lastly, alteration of the required forms of identification (driver's license, passport or armed forces ID card) may constitute "possession of a forged instrument... with intent to defraud," which is a Class D felony under New York State penal law.

Legal Consequences of Operating a Vehicle While Under the Influence of Alcohol or Drugs

- **Operating a Motor Vehicle After Consuming Alcohol While Under Age 21.** Any person under age 21 who operates a motor vehicle after having consumed alcohol, as determined by a blood-alcohol content of at least .02%, may be referred to the Department of Motor Vehicles for license suspension or revocation, and a \$125 charge. V and T Law § 1192-a.
- **Driving While Ability Impaired (DWAI)** (more than .05% but less than .08% Blood Alcohol Content (B.A.C.) First violation (Traffic Infraction): Mandatory \$300-\$500 fine; and/or imprisonment up to 15 days; mandatory 90 day license revocation. Subsequent violations increase the fine, possible imprisonment and length of revocation.
- **Driving While Intoxicated (DWI)** (.08% B.A.C. or higher or while impaired by the use of a drug) 1st Violation (Misdemeanor): Mandatory \$500-\$1,000 fine and/or 1 year imprisonment; Mandatory 6-month minimum license revocation. Two violations within 10 years can result in jail for up to 4 years and a 1 year revocation of your license to drive. If there is personal injury, a possible lifetime revocation can result.
- If you are under the age of 21 and charged with DWAI, or DWI, and you are convicted of such charges, your license will be revoked for a minimum of one year. If you drive while your license is suspended or revoked, or if you refuse a chemical test, you face a mandatory jail term of 7-180 days and a mandatory fine of \$500-\$1,000.

Drugs

There are several New York State and Federal laws prohibiting the use and/or sale of controlled substances (drugs such as marijuana, heroin, cocaine, PCP, LSD, methamphetamine and fentanyl). Misuse and sale of prescription medications is also prohibited. Prescriptions are meant to be used only by the person for whom the prescription is written and/or as prescribed. A conviction can result in a substantial fine and/or a lengthy imprisonment. Remember that the conviction of a crime will remain on your record and can impact your ability to find suitable employment or get a professional license and can impair your ability to travel.

Daemen College Sanctions

Members of the College community who violate these policies will be subject to discipline via the Student Code of Conduct. Taking into account the circumstances of each case, sanctions for students may range from warnings to expulsion from the College, and sanctions for faculty and staff members may range from warnings to termination. At the discretion of the College, as an alternative to, or in addition to any disciplinary action taken, students or employees may be required to participate in and to complete satisfactorily an appropriate counseling or rehabilitation program. Records of such discipline may be maintained in a student's record or an employee's personnel file. Enforcement of these sanctions will be through the College's existing disciplinary procedures for students, faculty, and staff, as appropriate.

Health Risks

Abusing drugs and/or alcohol among other things can make you sick, lower your job performance, put you in prison, cause dependency, be expensive and cost you your life.

Alcohol use will dull your senses, impair coordination, slur your speech, cause mood changes, depress brain functions, lead to irreversible brain damage, damage liver, heart, and pancreas, irritate your stomach, and possibly cause physical damage to your unborn baby.

Drug use may increase your heart rate and blood pressure, cause tremors and convulsions, produce heart, liver, and kidney damage, cause personality changes, confusion, and depression, lead to paranoia and hallucinations, injure your unborn baby, and lower your resistance to disease—including STDs and AIDS.

Amnesty Policy

The health and safety of every student at the Institution is of utmost importance. Institution 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. Daemen College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution 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 Institution's officials or law enforcement will not be subject to Institution's 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.

CRIME STATISTICS

In accordance with the Clery Act, a copy of the Crime Statistics Report is available to all members of the campus community. A copy of the report may be reviewed on page 31 of this document. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the Daemen College community obtained from the following sources: Daemen College Campus Safety, Housing and Residence Life, Collegiate Village and local police municipalities. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. All statistics are gathered, compiled, and reported to the Daemen College community via this report, entitled "Annual Security and Fire Safety Report" which is published by Daemen College. Daemen College submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website. Daemen College sends an e-mail to every enrolled student and current employee on an annual basis. The e-mail includes a brief summary of the contents of this report. The e-mail also includes the address for the Daemen College website where the "Annual Security and Fire Safety Report" can be found online (www.daemen.edu/campusafety) and a physical copy may be obtained by making a request to the Daemen College Office of Student Affairs located in the Wick Center (716-839-8332).

Definitions of reportable crimes in the Campus Security Act

1. **Murder and Non-Negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.
2. **Negligent Manslaughter** is defined as the killing of another person through gross negligence.
3. **Sex Offenses—Forcible** is defined as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
4. **Sex Offenses—Non-forcible** are incidents of unlawful, non-forcible sexual intercourse. Only two types of offenses are included in this definition.
5. **Domestic Violence** includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
6. **Dating Violence** means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
7. **Stalking** means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.
8. **Robbery** is 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.
9. **Aggravated Assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
10. **Burglary** is the unlawful entry of a structure to commit a felony or a theft. The Federal Bureau of Investigation's Uniform Crime Reporting Handbook (UCR) classifies offenses locally known as Burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses as Burglary.
11. **Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle.
12. **Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house public building, motor vehicle or aircraft, personal property of another, etc.
13. **Arrest**, for Clery Act purposes, is defined as persons processed by arrest, citation or summons.

14. **Illegal Weapons Possession** is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.
15. **Drug Law Violations** is defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those 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—manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).
16. **Liquor Law Violations** is defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

More detailed definitions and examples may be found at <http://www2.ed.gov/admins/lead/safety/handbook.pdf>

Daemen College Main Campus Crime Statistics

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER / NON-NEGLIGENT MANSLAUGHTER	2009	0	0	0	0
	2010	0	0	0	0
	2011	0	0	0	0
NEGLIGENT MANSLAUGHTER	2009	0	0	0	0
	2010	0	0	0	0
	2011	0	0	0	0
SEX OFFENSES, FORCIBLE	2009	1	1	0	0
	2010	1	1	0	0
	2011	1	1	0	0
SEX OFFENSES, NON-FORCIBLE	2009	0	0	0	0
	2010	0	0	0	0
	2011	0	0	0	0
ROBBERY	2009	0	0	0	0
	2010	0	0	0	0
	2011	0	0	0	0
AGGRAVATED ASSAULT	2009	1	1	0	0
	2010	0	0	0	0
	2011	0	0	0	0
BURGLARY	2009	2	2	0	0
	2010	0	0	0	0
	2011	0	0	0	0
MOTOR VEHICLE THEFT	2009	0	0	0	0
	2010	0	0	0	0
	2011	0	0	0	0
ARSON	2009	0	0	0	0
	2010	0	0	0	0
	2011	0	0	0	0
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC.	2009	0	0	0	0
	2010	0	0	0	0
	2011	1	0	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2009	0	0	0	0
	2010	0	0	0	0
	2011	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2009	0	0	0	0
	2010	0	0	0	0
	2011	0	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2009	0	0	0	0
	2010	2	2	0	0
	2011	0	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2009	0	0	0	0
	2010	0	0	0	0
	2011	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2009	39	39	0	0
	2010	19	19	0	0
	2011	36	36	0	0
DATING VIOLENCE	2009	*	*	*	*
	2010	*	*	*	*
	2011	0	0	0	0
DOMESTIC VIOLENCE	2009	*	*	*	*
	2010	*	*	*	*
	2011	0	0	0	0
STALKING	2009	*	*	*	*
	2010	*	*	*	*
	2011	2	1	0	0
INTIMIDATION CHARACTERIZED BY RACIAL BIAS	2009	1	1	0	0
	2010	0	0	0	0
	2011	0	0	0	0

* Data not collected prior to 2011

Hate Crime Statistics

Daemen College Main Campus

2009	Race				Gender				Religion				Sexual Orientation				Ethnicity				Disability			
	OC	NC	RF	PP	OC	NC	RF	PP	OC	NC	RF	PP	OC	NC	RF	PP	OC	NC	RF	PP	OC	NC	RF	PP
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sex Offenses, Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sex Offenses, Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Other Crimes Involving Bodily Injury	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

2010	Race				Gender				Religion				Sexual Orientation				Ethnicity				Disability			
	OC	NC	RF	PP	OC	NC	RF	PP	OC	NC	RF	PP	OC	NC	RF	PP	OC	NC	RF	PP	OC	NC	RF	PP
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sex Offenses, Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sex Offenses, Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Other Crimes Involving Bodily Injury	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

2011	Race				Gender				Religion				Sexual Orientation				Ethnicity				Disability			
	OC	NC	RF	PP	OC	NC	RF	PP	OC	NC	RF	PP	OC	NC	RF	PP	OC	NC	RF	PP	OC	NC	RF	PP
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sex Offenses, Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sex Offenses, Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Other Crimes Involving Bodily Injury	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

OC=On Campus; NC=Non-Campus; RF=Residential Facility; PP=Public Property

Biased Related Crimes/Hate Crimes

In compliance with the New York State Education Law, section 6436, Bias-related Crime Act of 2000, the following information is designed to outline to the Daemen College community the applicable laws on bias-related crimes, and the penalties for the commission of bias-related crimes, the procedures for reporting crimes, and the nature of and common circumstances relating to bias-related crimes.

Reporting a Bias-Related Crime:

If you are the victim of a bias-related crime, or you know, or suspect, that a member of the College community is a victim of a bias-related crime, the following resources are available to you to report bias-related crimes:

- Campus Safety 716-839-8246 (Main Campus) or 716-831-6000 (Collegiate Village), Dial 0 to reach the front desk (Homewood Suites) or 716-835-3366 (Tri-Main Center Management 8:00am-5:00pm weekdays), 716-860-4114 (Tri-Main Center Emergency Monitoring Service (after 5pm weekdays and 24hrs on weekends))
- Associate Vice President for Academic Affairs, 716-839-8301, kboone@daemen.edu, Duns Scotus, Room 102
- Vice President for Student Affairs and Dean of Students, 716-839-8332, Wick Center
- Amherst Police Department, 716-689-1322

Counselors, campus safety staff and members of the department of student affairs are available to assist you.

Applicable Laws, Ordinances and Regulations on Bias-Related Crime: New York State Penal Law, Article 485 Hate Crimes; 485.00 Legislative findings:

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

New York State Penal Law; 485.05, Hate Crimes:

A person commits a hate crime when he or she commits a specified offense and either intentionally selects the person against whom the offense is committed, or intentionally commits the act or acts constituting the offense in whole, or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct. A specified offense is an offense defined by any of the following provisions of the New York State Penal Law:

- Assault in the third, second or first degree;
- Aggravated assault upon a person less than eleven years old;
- Menacing in the first, second or third degree;
- Reckless endangerment in the second or first degree;
- Manslaughter in the second or first degree;
- Murder in the second degree; stalking in the fourth, third, second or first degree;
- Rape in the first degree;
- Criminal sexual act in the first degree;
- Sexual abuse in the first degree;
- Aggravated sexual abuse in the second or first degree;
- Unlawful imprisonment in the second or first degree;
- Kidnapping in the second or first degree;
- Coercion in the second or first degree;
- Criminal trespass in the third, second or first degree;
- Burglary in the third, second or first degree;
- Criminal mischief in the fourth, third, second or first degree;
- Arson in the fourth, third, second or first degree;
- Petit larceny;
- Grand larceny in the fourth, third, second or first degree;
- Robbery in the third, second or first degree;
- Harassment in the first degree;
- Aggravated harassment in the second degree;
- or any attempt or conspiracy to commit any of the foregoing offenses.

Penalties for commission of bias-related crimes; New York State Penal Law 485.10 sentencing:

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of the NYPL, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
 - a. the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of the NYPL.
 - b. the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of the NYPL.
 - c. the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of the NYPL.
 - d. the max term of the indeterminate sentence or term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of the NYPL.
4. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall not be less than twenty years.

Students who commit a bias-related crime will also be subject to disciplinary action by the College.

Title IX Statement: Nondiscrimination and Equal Opportunity Policy

Daemen College is committed to compliance with its obligations under Title IX of the Educational Amendments of 1972, Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Executive Orders, the New York State Human Rights Law, and other applicable anti-discrimination laws.

It is the policy of Daemen College to provide all students, applicants, and employees an equal access to all programs, facilities, and employment opportunities without regard to race, color, sex, sexual orientation, age, religion, national origin, marital status, veteran status, disability, genetic predisposition, carrier status, or status as a victim of domestic violence. Furthermore, the College will not discriminate against any individual with respect to the application of College policies, terms and conditions of employment, or the criteria for the successful completion of any course or program on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, veteran status, disability, genetic predisposition, carrier status, or status as a victim of domestic violence. To the extent required by law, the College will also take affirmative action to ensure that qualified women, minorities, veterans, and persons with disabilities are provided full employment opportunities. Every person in the Daemen College community is required to be familiar with and act in accordance with this policy. This includes administrators, faculty, staff, students, contractors, and vendors. All violations of this policy will be addressed and, where appropriate, discipline will be administered. Any person or entity found in willful violation of this nondiscrimination policy shall be subject to termination, expulsion, or contract termination as appropriate. The College President has assigned day-to-day responsibilities for the implementation and administration of this policy to the Associate Vice President for Academic Affairs, Dr. Kathy Boone, who shall be the College's Equal Opportunity and Affirmative Action Officer. Any questions concerning this policy and any complaints of discrimination should be communicated to the Associate Vice President, Duns Scotus Hall, Room 102, 716-839-8301 (campus extension 8301).

A student also has the right to file a complaint of discrimination with the Office for Civil Rights (OCR) of the U.S. Department of Education. Complaints are to be filed within 180 calendar days of the alleged act of discrimination and may be made to the New York regional office of OCR:

New York Office
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646-428-3900
FAX: 646-428-3843; TDD: 877-521-2172
Email: OCR.NewYork@ed.gov

ANNUAL FIRE SAFETY PROCEDURES AND REPORT

If a fire occurs in a Daemen College building or on the grounds, Campus Safety should be notified immediately at:

- Main Street Campus, Campus Safety 716-839-8246
- Collegiate Village Security 716-831-6000
- Homewood Suites Front Desk Dial 0
- Tri-Main Center Management (8:00am-5:00pm weekdays) 716-835-3366
- Tri-Main Center Emergency Monitoring Service (after 5pm weekdays and 24hrs weekends) 716-860-4114

Campus Safety will initiate a response and contact the local fire department. If a person finds evidence of a fire that has been extinguished, and the person is not sure whether Campus Safety has already been notified and/or responded, the person should immediately notify Campus Safety to investigate and document the incident. For example, if a housekeeper finds evidence of a fire in a trashcan in the hallway of a residence hall, he/she should not touch the trash can and should report the incident to Campus Safety immediately and wait for an officer's response. The officer will document the incident prior to removing the trash can.

Fire alarms, by their nature, alert people to potential hazards and people on the Daemen College properties or within any buildings are required to heed the warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Do not use the elevator. Community members should familiarize themselves with the exits in each building. The Fire Marshall can levy fines and penalties to individuals who fail to evacuate a building promptly—but a more important reason for evacuating is for safety reasons!

When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus typically ring to Daemen College Campus Safety Base. After any smoke or fire alarm, a report is generated documenting the location, any persons involved and cause (if one can be determined).

Daemen College publishes this fire safety report as part of its annual Clery Act Compliance document which contains information with respect to the fire safety practices and standards. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. A physical copy of the Annual Security and Fire Safety Report may be obtained by making a request to the Daemen College Office of Student Affairs located in the Wick Center (716-839-8332).

Fire Protection Equipment/Systems

All Daemen College Main campus buildings are equipped with automatic fire detection and alarm systems that are constantly monitored by staff within the Campus Safety Office.

All academic and administrative buildings have smoke and heat detectors. The Business Building, Rosary Hall, Research and Information Commons, and the Visual and Performing Arts Center, as well as the Cyber Café in Wick Center are equipped with sprinkler systems. Campus Village and Collegiate Village residence halls are equipped with smoke detectors, CO2 detectors and water sprinkler systems. Canavan Hall is equipped with sprinklers, smoke detectors and CO2 detectors. The Tri-Main Center is equipped with smoke detectors, heat detectors and water sprinkler systems. The Homewood suites rooms and halls are equipped with smoke detectors, CO2 detectors and water sprinkler systems.

Each calendar year, at least two (2) fire evacuation drills are conducted within our academic and administrative buildings. Each calendar year, five (5) fire evacuation drills are conducted within our on-campus residence halls (Canavan Hall and Campus Village). Two (2) drills are done each semester and one (1) is done during the summer session. At Collegiate Village students are provided with resident handbooks containing fire safety information. The Tri-Main Center provides each suite with evacuation and fire safety materials.

In the event that any Daemen residential housing unit needs to be evacuated, Campus Safety and the Residence Assistants/Community Assistants will coordinate that effort. RAs/CAs will gather the exiting students at the appointed meeting place and Campus Safety will sweep the building to ensure that all students have exited and all rooms are empty. Throughout the campus educational buildings signs are posted notifying people as to which exit to use based on the location of the sign that a person is currently reading.

For on-campus residence halls (Canavan Hall and Campus Village), RAs are trained in fire safety and evacuation procedures during RA training. RAs address fire evacuation procedures and meeting places twice a year at opening floor meetings each semester and during the summer session. RAs are required to be in attendance at the drills to instruct residents on proper evacuation. At our off-campus housing at Collegiate Village, CAs, Campus Safety and Maintenance staff

are trained in fire safety and evacuation procedures. At the Homewood Suites the staff goes through emergency procedures upon hire and refresher trainings every six months.

Procedures for Students and Employees in the Event of a Fire

In the event of a small or easily contained fire contact:

- Main Street Campus, Campus Safety 716-839-8246
- Collegiate Village Security 716-831-6000
- Homewood Suites Front Desk Dial 0
- Tri-Main Center Management (8:00am-5:00pm weekdays) 716-835-3366
- Tri-Main Center Emergency Monitoring Service (after 5pm weekdays and 24hrs weekends) 716-860-4114

Campus Safety will respond by investigating the fire and contacting the local Fire Department for assistance.

In the event of a major/large fire, find nearest pull station, and activate it. Exit by nearest safe stairway and/or emergency exit. Do not use the elevators. Do not run.

- If there is smoke in the room, keep low to the floor.
- Try to exit the room. Feel the doorknob. If it is hot, do not open the door.
- If the doorknob is not hot, brace yourself against the door and crack it open. If there is heat or heavy smoke, close the door and stay in your room.
- Don't panic.
- Seal up the cracks under the door with sheets, or towels. If there is smoke in the room, crack the windows at the bottom and at the top if possible to allow for ventilation.
- Hang a sheet or towel from the window to announce that you are in your room and call:
 - Main Street Campus, Campus Safety 716-839-8246
 - Collegiate Village Security 716-831-6000
 - Homewood Suites Front Desk Dial 0
 - Tri-Main Center Management (8:00am-5:00pm weekdays) 716-835-3366
- Tri-Main Center Emergency Monitoring Service (after 5pm weekdays and 24hrs weekends) 716-860-4114
- *Be sure to give your room/suite number and your location.*
- If you can exit the room, put on shoes (and if necessary a coat). If smoke is evident, get a wet towel to cover your face.
- Close all doors.
- If in exiting the building you are blocked by fire, go to the safest fire free area, or stairwell. If a phone is available call Campus Safety, or find a window and signal that you are still in the building.

Areas of refuge in case of building evacuation: (for persons unable to self-evacuate)

Main Campus:

Business Building: End stairwells.

Canavan Hall: End stairwells, all floors.

Campus Village Apartments: End stairwells, all buildings.

Curtis Hall: Exits to 2nd floor roof area and Alternative- stairwells.

Duns Scotus Hall: End stairwells, all floors.

Research and Information Commons: Back stairwell (corner adjacent to Athletic Facility and Main Street), all floors. Alternative – stairwell by elevator, all floors.

Reynolds Center: Second floor outdoor patio. Alternative – back stairwell

Rosary Hall: Entry to outdoor stairs (east side of building), stairwells.

Schenck Hall: End stairwells.

Visual and Performing Arts Center: End stairwell (by the driveway), all floors. Alternative – main stairwell.

Wick Center: Hallway and stairs to the left of entrance to Social Room on 2nd floor (east side of building). Alternative – stairwell in hallway by elevator – west side of building).

Collegiate Village:

End stairwells or go to the nearest window and hang a sheet or towel from the window to announce your location.

Homewood Suites

Staff will be available to assist you.

Tri-Main Center:

Students with special needs should remain in the Daemen suite for assistance. Tri-Main staff will provide assistance to those indicating need on their Daemen College Student Data Card.

Plans for Future Improvements in Fire Safety

Daemen College continues to assess and upgrade fire safety equipment as an ongoing process to ensure that all equipment meets National Fire Safety standards. Future improvements will be made as needed as part of the ongoing assessment process.

Residence Halls

The following is a brief list of prohibited items and are considered a violation Daemen College's Residence Hall Agreement. A complete list can be found in the Residential Living Section of the Student Handbook at www.daemen.edu/studenthandbook.

- Flaming articles, including candles and incense (even if not lit)
- Smoking paraphernalia including, but not limited to, hookahs, bong, pipes and other smoking devices.
- Toasters, toaster ovens, portable grills, or any open coil devices in non-kitchen areas
- Any explosives or flammable substances

The above list is not all-inclusive and other items may be prohibited at the discretion of the Director of Housing and Residence Life, or the Director of Maintenance, if in their opinion an item may pose a fire or safety hazard.

Fire Safety Tips

Buildings are equipped with a variety of features that are designed to detect, stop and/or suppress the spread of a fire. A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open.

Sprinklers are 98% effective in preventing the spread of fire when operating properly. DO NOT obstruct the sprinkler heads with materials like clothing hanging from the piping.

Smoking is NOT permitted in any Daemen College building.

Statistics and Related Information Regarding Fires in Residential Facilities							
Residential Facilities	Year	Total Fires in Each Building	Fire Number	Cause fo Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value (in dollars) of Property Damage Caused by Fire
Canavan Hall 4380 Main Street	2009	0	0		0	0	0
	2010	0	0		0	0	0
	2011	1	1	Unintentional Fire in Ashtray	0	0	0
Campus Apartments 4380 Main Street	2009	0	0		0	0	0
	2010	0	0		0	0	0
	2011	0	0		0	0	0

Any questions about the Annual Security Report can be sent to the Office of the Vice President for Student Affairs at (716) 839-8519 or Campus Safety at (716) 839-8246

