



Campus Guide to Safety & Security 2011

Annual Security & Fire Safety Report

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Crime Prevention and Awareness

Campus Safety Department

The Campus Safety Office is located on University Drive, next to the Dwyer Ice Arena. Our primary concern is to provide a safe environment, which allows all members of the campus community to pursue and achieve their objectives. Campus Safety provides continuous 24 hours a day, 7 days a week, 365 days year coverage for the entire campus and its constituency. The Director of Campus Safety oversees all aspects of the department operations and reports to the Vice President for Student Life. All significant decision making and policy implementation regarding safety and security issues are made cooperatively between appropriate university officials and Campus Safety. All campus emergency calls should be made to (716) 286-8111.

As members of a proprietary security department, Campus Safety Officers do not have police authority. The Department does maintain a very close working relationship with area law enforcement agencies, specifically the Lewiston Police Department. Criminal activity and motor vehicle accidents are reported primarily to Lewiston Police for reporting, investigation, and arrest purposes.

In addition to assisting area law enforcement agencies in the investigation of campus incidents, Campus Safety also investigates violations of Niagara Student Code of Conduct, which can be found at www.niagara.edu/student-conduct and in the 2011—2012 Student Planner & Handbook.

Reporting Criminal Actions or Emergencies

Preventing campus crime is a **shared responsibility** between the University and all members of the campus community.

As public apathy is a criminal's greatest ally, you cannot assume that someone else will report criminal activity. Suspicion is the only reason you need for calling Campus Safety...suspicion doesn't require proof.

Whether or not you are the victim, you should report any crime, suspicious activity or other emergency on campus. Call **CAMPUS SAFETY at (716) 286-8111** and, when possible, provide the following information:

- Your name;
- Location of the incident you are reporting;
- Description of the scene and suspects; and
- Description of any vehicles involved in the incident, especially a license plate number.

When you think that a crime is being or has been committed, immediately notify Campus Safety. Other options include informing residence hall staff, if you live on campus, or the Dean of Students.

Additionally, a number of strategically-placed exterior telephones are located throughout the campus . These direct-ring units can be used to report incidents or emergencies to Campus Safety. Campus restrict telephones also are located in the lobbies and living areas of all residence halls. Using these easily accessible phones, Campus Safety can be contacted by dialing 8111.

Crime Prevention and Safety Awareness Tips

Niagara's underlying philosophy is to focus its efforts in preventing accidents and crimes from occurring rather than having to react to them after the fact. The University's dual-concept approach is based on minimizing threatening opportunities, whenever possible, and encouraging campus members to be responsible for their own safety and security, as well as the general welfare of others.

Proactive safety and security measures applied on campus include:

- Enhanced lighting of parking lots, pedestrian walkways and building exteriors.
- Standardized Campus Safety foot and vehicular patrols of University grounds and buildings around the clock.
- Periodic nightly patrols by residence hall staff in their buildings.
- Close monitoring of residence hall visitors by Community Advisors, Hall Monitors or Campus Safety Officers at each building's main desk during high-traffic hours.
- Nightly locking of building exterior doors by Campus Safety.
- Installation of observation ports on every residence hall student room.
- Mandatory lock changes for lost keys throughout the campus.
- Accessibility of a campus-wide network of exterior emergency telephones linked directly to Campus Safety.
- Distribution of crime prevention materials to the campus community, as well as display boxes printed in the student newspaper.
- Maintenance of close and cooperative working relationships with local law enforcement agencies and emergency and fire services.
- Availability of Campus Safety escort service during hours of darkness.
- Campus-wide programs on sexual assault issues.
- Firm enforcement of health and safety regulations in and around the residence halls.
- Crime prevention presentations for the resident student population.
- Mandated use of safety gear for designated activities in the Recreation Center.
- Regular trimming of shrubbery, trees and other vegetation on the campus grounds.
- Strict enforcement of on-campus driving regulations and parking in fire lanes adjacent to all buildings.
- The University's Advisory Committee on Campus Safety, comprised of faculty, administrators and students, regularly reviews current campus security policies, procedures, and security concerns

Safety and Security Tips

On Niagara University's Campus:

- Be aware of what's going on around you!
- Become familiar with your residence hall and classroom buildings.
- Locate emergency exits and telephones.
- Never prop open any locked or exterior building doors. Un-prop doors whenever you see them.
- Follow the buddy system when walking outside after dark.
- Always use well-lighted and well-traveled routes.
- Lock your car at all times.
- Refrain from leaving property in a vehicle where it can be seen.
- Avoid giving rides to strangers or hitchhikers.
- Become familiar with the location of campus blue-light emergency phones.

- Fasten your bike securely with a sturdy bicycle chain or cable when not in use.
- Watch your books at all times, especially in the dining hall and snack bar. Others might try to sell them for you!
- Avoid providing personal information on electronic communities (Facebook, MySpace et al) that would assist an identity theft, e.g. date of birth, SSN, etc.
- Use Campus Safety's Operation Identification program to mark your valuables.
- Report immediately any suspicious persons or situations and safety or security deficiencies to Campus Safety or to a residence life staff member.

In Campus Residence Halls

- Lock your door whenever you nap, sleep or leave the room — even to shower.
- Secure first floor room windows when no one is home.
- Keep valuables locked and/or out of sight.
- Avoid keeping large sums of cash in your room and/or apartment or speaking indiscriminately about the arrival of money.
- Don't leave notes on your door announcing that you're not at home.
- Be mindful of visitors to your room or apartment.
- Never host people who you don't know overnight in your campus residence.
- Report immediately the loss of your keys to an RA or CA. Lock changes are mandated to prevent the misuse of lost or stolen keys.
- Never loan your keys or university ID card to anyone!
- Report any stranger in your living unit immediately to a residence life staff member.
- Escort your guests throughout campus residences. You are responsible for their actions!
- Don't leave your clothing unattended in the laundry room. Mark all pieces in places other than the labels.
- Check whether your family's homeowner's insurance covers your possessions while away from home.
- Let your roommate(s), CA or family members know whenever you're going to be away for the night or an extended period.
- Become familiar with all campus housing emergency procedures, especially fire evacuation guidelines posted in your living unit.
- If you are concerned about the physical or emotional well-being of a fellow student, please inform a Community Advisor or the Dean of Students.

Emergency Procedures/Policies

Suspicious Activity

If you see someone acting suspiciously call Campus Safety at 8111 or residence hall staff at once. Do not approach the person yourself. Report the type of suspicious activity and give a general description of the subjects (number of persons, gender, dress, vehicle, and location). Safety officers will investigate your report immediately.

Assault

If you or someone you know is assaulted call Campus Safety at 8111 as soon as possible. Try to remember as much as you can about the person, important characteristics like: gender; hair color, length and texture; body size; clothing description; scars and other noticeable markings; mode of travel; type of vehicle, color and license number. The campus will be searched immediately for suspects. Local police agencies also may be notified.

Bomb Threats

If you receive a bomb threat do not panic. Remain calm. Obtain as much information from the caller as possible. Things to ask are: bomb location; time of the explosion; and type of bomb. Observe the caller's voice and any background noises. Call Campus Safety at 8111 or residence hall staff immediately. Safety officers will search the area involved and notify trained personnel if a device is found for removal. The building safety team leader, campus safety, or law enforcement will let you know if an evacuation or other action is required.

Medical Emergencies

If you encounter a medical emergency do not move the individual. Contact Campus Safety or the **HEALTH SERVICES OFFICE at (716) 286-8390** or residence hall staff for assistance. In cases of serious illness or injury, an ambulance will be summoned. A Safety Officer will arrange for transportation to the nearest hospital in less serious cases. Emergency resource personnel are also available 24 hours a day during the academic year.

Fires/Smoke

If you detect fire or smoke close all doors to the fire area and pull the nearest fire alarm. In the residence halls, contact the staff when possible. Leave the building by the stairwell immediately via the nearest exit. **DO NOT USE THE ELEVATOR.** Stay clear of the area. If you are a campus resident, be sure to familiarize yourself with the proper fire response procedures posted on the inside of your room door. Campus Safety will summon local volunteer and municipal fire agencies to campus in the event of fire.

Theft

Should you suspect another student of theft, care must be taken to avoid an awkward confrontation. A report should be made immediately to Campus Safety or residence hall staff. If your books have been stolen, it is imperative that you contact Campus Safety immediately, as the University has a good chance to recover them if they are sold back to the Campus Store.

Weapons Policy

The sale, possession, production, purchase, or use of a weapon is prohibited. A "weapon" is an instrument that can cause physical harm to persons or property, or a replica thereof.

It shall be unlawful for any person age 16 or older to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is spring, air, piston or CO2 cartridge in or upon a building or grounds, used for educational purposes, of any school, college or university, without written authorization of such educational institution. Unlawful possession of a weapon upon school grounds is a violation. Anyone seeking such authorization, including for purposes of training, theatrical weapons, and ROTC, shall consult with the director of Campus Safety to obtain authorization as required above.

Violent Felony Offenses

Violent felony offenses are defined in subdivision one of Section 70.02 of the New York state penal law to include, but not limited to, degrees/classes of: murder, manslaughter, kidnapping, rape, sodomy, aggravated sexual abuse, felony assault, burglary, robbery, arson, criminal possession of a dangerous weapon, or attempt thereof. Members of the campus community are expected to report all types of suspected criminal or suspicious behavior immediately

to the campus safety office. Details on the procedure used for university investigations of violent felony offenses may be obtained from either campus safety or the dean of students.

Building Access

Most campus buildings are open during normal hours of business and for limited, designated hours on Saturdays during periods the University is in normal operation.

Community Advisors, Hall Monitors and/or Campus Safety officers can be found at lobby desks during assigned hours checking identification and monitoring traffic flow in the residence halls. Coeducational facilities are locked at specified times. Anyone seeking admission to living areas is required to show identification. Students must present or swipe a University ID card when entering a residence hall. Overnight guests must be registered and carry a pass throughout the visit.

The University is firmly committed to maintaining integrity of its state-of-the-art key system. As such, all keys/keycards issued for building access may not be loaned or duplicated. Lost keys/keycards are to be reported at once to the Facility Services, which is responsible for installing a new lock and seeing that either the responsible individual or campus department is billed. In the residence halls, a new cylinder also will be automatically installed for any lost keys at the responsible student's expense. Residents are expected to report lost keys/keycards immediately to the building staff.

Exterior doors on campus buildings are locked and secured each evening by Campus Safety officers. Entry doors are never to be propped open. It is your responsibility to un-prop doors when you see them. Those who jeopardize a building's security by propping exterior doors open will be held accountable by the University.

Niagara makes every effort to ensure that campus facilities and grounds are designed and maintained in such a way as to promote safety and reduce criminal opportunities.

Particular attention is paid to frequent trimming of shrubbery, trees and other vegetation on campus, as well as maintaining efficient exterior lighting, especially in the parking lots. It is recommended, however, that you follow the "buddy system" when walking outside after dark and always use well-traveled routes. If you are in need of an escort to or from a building or parking lot, please call Campus Safety at X8111. It is best to call 5 or 10 minutes before you need the escort to allow the safety officer time to get to your location.

Additional information regarding building access is contained in University Policy 0-12, Building Access for Non-Resident Space.

Voluntary, Confidential Reporting

In certain instances, a crime victim may be reluctant to file a report fearing the "process" and/or loss of his/her anonymity. In such circumstances, crime victims are still encouraged to make a confidential report to the Campus Safety office. At minimum, crime victims will receive important counseling and referral information. Confidential reports are important because they provide valuable information that can enhance the safety of the community-at-large.

Missing Students

The term missing student shall refer to any Niagara University student living on campus that has not been seen by friends or associates in a reasonable length of time which may suggest that the absence is cause for concern or suspicion.

If a member of the university community has reason to believe that a student who resides in on-campus housing is missing, he or she should **immediately notify Campus Safety at (716) 286-8111**. Campus Safety will generate a missing person report and initiate an investigation.

In addition to registering a general emergency contact, students have the option to identify confidentially an individual to be contacted by Niagara University in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Niagara University will notify that individual no later than 24 hours after the student is determined to be missing. Students should visit their MyNU FERPA utility to register a confidential contact person to be notified in the event that you are considered a missing person. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

After investigating a missing person report, should Niagara University Campus Safety determine that the student has been missing for 24 hours, Campus Safety will immediately notify law enforcement authorities. The Lewiston Police, Niagara County Sheriff's Department, and/or the New York State Police can be dispatched. The responding agency will immediately determine the seriousness of the missing student report, and will act accordingly to include, but not limited to: interviews, investigations, and coordination of search efforts. Niagara University will notify the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, Niagara University will notify the student's parent or legal guardian immediately after Campus Safety has determined that the student has been missing for 24 hours.

Emergency notifications to the campus community will be coordinated as necessary by the office of the Dean of Students. Information will not be released to the public unless authorized by the Dean of Students and/or Public Relations Offices. All media inquiries should be directed to the Public Relations Office.

Campus Emergency Notification

Campus closing

In the event that the university must close due to weather, facility failure, illness, or other non-emergent cause, notification will be made to the campus community through the following methods:

- Campus email
- NU website
- Digital signage
- SMS text/voice messaging system (requires registration via MyNU)
- Local radio

Timely Warning Procedure

The Clery Act and Clery Act regulations require that campuses provide a “timely warning” to the campus community concerning the occurrence of a crime that is believed to represent a continuing threat to the campus community.

Timely reporting to the campus community is decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts.

Timely warning to the campus community will be communicated through the following methods:

- Campus email
- NU website
- Digital signage
- SMS text/voice messaging (required registration via MyNU)
- Public address systems
- Posted flyers
- Campus Evacuation

Campus Evacuation

In the event that campus evacuation is ordered by the Emergency Director, the following procedures will be followed:

- All persons (students and staff) are to vacate the site in question immediately and relocate, as directed.
- Students, staff and faculty will be asked to assist in providing transportation to those without transportation.
- Campus Safety will organize the use of campus vans to assist in the evacuation of individuals without vehicles.
- The university will enter into contracts with a local bus company (as needed) to provide additional transportation to assist in the evacuation.

Drugs and Alcohol

Overview

A fundamental purpose of the University is to maintain an environment that supports and encourages the pursuit and dissemination of knowledge. A number of educational programs on alcohol and substance abuse are presented throughout the academic year by the Campus Activities, Counseling Services and Residence Life departments. In addition, all first-year students are required to attend a course on alcohol and drug use during New Student Orientation.

Counseling and referral services are available through Counseling Services in the basement of Seton Hall. Niagara also provides assessment and referrals for students with potential or actualized chemical dependency problems.

Niagara University Alcohol Policy

Niagara shares public concern about irresponsible drinking and the socially unacceptable behavior which may result from alcohol abuse. While social gatherings can enhance the quality of campus life, it is expected that University members and visitors act responsibly with regard to the possession and use of alcoholic beverages. The policy pertains to all administrators, faculty, staff, students, and campus guests.

In New York State, Niagara permits the possession, consumption, sale, purchase, or gift of alcoholic beverages only to those who are 21 years of age or older. Everyone on campus grounds is required to conform to all state and city ordinances governing alcoholic beverages.

Violation of the University's Alcohol Policy subjects students to formal disciplinary action which may result in the imposition of sanctions, as well as mandated referrals for alcohol assessment through Counseling Services. The University also may work with local law enforcement officials in regard to liquor law offenses. The Alcohol Policy can be found at www.niagara.edu/assets/listpage/Niagara-University-Alcohol-Policy.pdf.

Student Group Events

- Any event with alcohol, whether on or off campus, must have a university administrator present.
- Nonalcoholic drinks and adequate foods must be provided and prominently displayed at every event serving alcohol.
- On a limited basis, student organizations wishing to serve alcohol at specific events must first register the event by submitting a party checklist form to the director of campus activities at least two weeks prior to the event. Once the request has been reviewed and approved by the alcohol activities review board, a meeting will be held with the campus activities director to establish guidelines which will govern the event. These guidelines will include, but are not limited to, security, methods of age verification and hours of the event.
- Student organizations planning off-campus, university-related events at which alcohol is served must register with the director of campus activities at the time of contract negotiations with the site. The sponsoring organization must ensure full compliance with the New York State Alcoholic Beverages Control Law. University funds, to include student government funds and/or student government allocations to club/organizations/classes, may not be used to purchase alcohol.
- When there is an open bar at an event, the cost must be covered in the ticket price paid by the student. The open bar must be limited to two hours and must conclude one hour prior to the end of the event. Per university policy open bars will not be permitted during the dining hour.
- If drink tickets are used in place of open bar, the number of drink tickets shall be limited to three per person and the cost must be covered in the ticket price paid by the student.
- University-related happy hours and/or raffles involving baskets of cheer will not be approved.
- No privately obtained alcoholic beverages may be brought to any organized event.
- Advertisements for any social function that create the impression that alcohol consumption is the major purpose of the event will not be authorized for posting.
- Noncompliance with any institutional policy regarding alcohol, illegal use of drugs, may be used as the basis for expulsion, suspension, loss of athletic scholarships or other aid, and other disciplinary action.

Specific Alcohol Prohibitions

- The possession or consumption of alcohol by persons less than 21 years of age is prohibited.
- Distributing and/or providing alcohol to students less than 21 years of age is prohibited.

- Students over the age of 21 are under a continuous obligation to use alcoholic beverages in a responsible manner. Care should be taken when persons over the age of 21 are consuming alcohol in the presence of persons less than 21 years of age as they could be found responsible for violating the university's alcohol policy.
- Students who bring alcohol to the campus will be held fully responsible for the use or consumption of that alcohol by themselves and/or others.
- Unless it is a University sponsored event where alcohol is being served in a controlled setting, the following are strictly prohibited anywhere on campus:
 - The possession or consumption of any alcoholic beverage in any common area, including but not limited to lounges, corridors, laundry rooms, elevators, other public areas, and the grounds surround Residence Halls and academic buildings, unless it is a university sponsored event. .
 - The possession of multi-serving containers, not exclusive to beer balls, kegs of any size, growlers, etc.
 - Any games requiring or encouraging the use and/or rapid consumption of alcohol
 - Alcohol paraphernalia, including but limited to drinking funnels, beer bong, beer pong tables, etc.
- Displaying any alcoholic beverage containers, signs, lights or other alcohol related materials in any window or on any common space by students less than 21 years of age is prohibited.
- The Dean of Students or designee reserves the right to ascertain the age of anyone possessing or consuming alcohol in the residence halls or apartments. If proof of age cannot be established, the alcohol will be confiscated and disposed of.
- Any alcohol possessed in violation of any provision of this policy may be confiscated and disposed of by Residence Life or Campus Safety staff.
- Violations of this policy will be dealt with through the student conduct and/or legal system, as appropriate.
- Irresponsible and/or illegal use of alcoholic beverages is strictly prohibited, and is not an acceptable excuse for inappropriate behavior.

Drug/Illegal Substances Policy

The possession, sale, use or distribution of any type of controlled substance, illicit, as well as of any type of drug-related paraphernalia, is considered a serious violation of the Student Code of Conduct. Niagara will provide no sanctuary for those who disregard state or federal drug laws. The Drug/Illegal Substances Policy can be found at www.niagara.edu/assets/listpage/Niagara-University-Drug-Illegal-Substances-Policy.pdf.

The prohibition against controlled substances does not apply to those medications physician-prescribed for a patient when used according to directions. The University reserves the right, however, to confiscate said medications in cases of actual or suspected misuse.

The sale of any controlled substance can result in expulsion from Niagara University. Any other involvement with controlled substances subjects students to notification of guardians, disciplinary sanctions, and mandated meetings with Counseling Services for chemical dependency assessments and suspension or expulsion from Niagara.

Niagara belongs to a drug-free network under the Commission on Independent Colleges and Universities. It is important to note that students who sign the certification required under the Drug-Free Workplace regulations in order to receive a PELL Grant have agreed to not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance during the period of enrollment covered by the PELL Grant. If a student who signed the certification is convicted of a criminal drug offense resulting from a violation occurring during the period of grant enrollment, he/she must report in writing the conviction within 10 calendar days to the Director of Grants and Contract Service, U.S. Department of Education.

Specific Drug Prohibitions

- The use, possession, distribution, sale or intent to sell of illegal drugs, narcotics or other controlled substances as defined by state and federal laws is strictly prohibited.
- Possession, distribution, sale or intent to sell, of drug paraphernalia is strictly prohibited.
- The misuse and/or sharing of prescription drugs and other products being used other than intended is prohibited.

Sexual Assault

Niagara University Sexual Abuse Policy

Niagara University strives to create a safe educational and working environment for all the members of the community including students, faculty, administrators and staff. Violence or threats of violence of any kind, including sexual assault, will not be tolerated. Niagara University fully supports and complies with all local, state and federal laws governing rape and sexual assault. Information about Niagara University's Discrimination/Harassment Policy which includes sexual harassment can be found <http://www.niagara.edu/ugc-compliance/>.

Sexual abuse includes any sexual act or sexual contact without consent, including intercourse, oral sex; unwanted touching of an intimate body part of another person, such as sexual organs, buttocks, or breasts; or an attempt of any of the above. This description of prohibited sexual acts and conduct is not intended to be inclusive of all conduct that could fall within this category. It is the intent of this policy to provide notice that any unconsented sexual conduct, whether by a stranger or an acquaintance of the victim, is prohibited.

Violations of the sexual abuse policy are serious and although there are no standard sanctions outlined for violations of this policy, suspension and/or expulsion from the University is possible.

Response to Sexual Assaults

The Niagara University community fully supports all local, state, and federal laws governing rape and sexual assault. It is the responsibility of all students to be aware of and adhere to these laws. The community also operates in accordance with the value of the Vincentians who founded it. As members of the University community, it is our expectation that students will respect the rights, dignity, and personhood of others. The University encourages students to understand the limitations governing sexual contact (including intercourse) between persons. Counseling Services provides qualified professionals who can help students clarify their feelings about sexuality and intimacy and help students develop assertiveness skills that may be useful in managing potentially difficult situations. Counseling Services staff direct service and referrals for survivors of sexual misconduct. Educational programs about sexual assault are offered in the residence halls and on campus throughout the academic year.

If you believe that you have been sexually assaulted on University property, an off-campus university location, at a University-sponsored event, or by a member of the University community, you are encouraged to report the incident to Niagara University. Reports of sexual misconduct can be made to any university administrator or member of the faculty, who will then report the case to the Dean of Students, or designee. Reports can also be made to Campus Safety. You will be asked to provide a statement to the investigating campus police officer and the Dean of Students or designee. It is important to give as much information as possible as your statement will serve as the basis for further investigation of any case and any resulting campus student conduct charges.

Students are encouraged to seek medical assistance in cases of sexual misconduct, and to seek treatment at a hospital equipped to perform the appropriate exams when the victim has reported that they have been sexually assaulted or raped. It is important to preserve evidence for proof of a criminal offense if such charges may be filed. Students may contact Campus Safety for assistance in seeking medical assistance.

The university encourages any student who has been sexually assaulted to consult their parents/guardians and to report the incident to the Lewiston and/or Niagara Falls Police. The director of Campus Safety or his/her designee will assist the victim in contacting the appropriate law enforcement officials and in working with these officials to pursue criminal charges against the alleged offender.

If you have been sexually assaulted but do not want to report it through the formal process, you may seek out a counselor or psychologist in Counseling Services. Reports made to a licensed counselor or health care provider are confidential and will not be reported for investigation without your permission unless and imminent threat exists. Contact Counseling Services for assistance if you would like to seek counseling support off campus.

A student who reports being sexually assaulted may request to transfer to alternative classes or housing. The university will accommodate this request if such classes and/or housing are reasonably available.

Procedures for Adjudicating Charges of Sexual Abuse

The university will investigate all reports of sexual misconduct. Due to the usually private nature of these actions, the university may not be able to pursue charges of sexual misconduct/harassment unless the complainant acts as the accuser and primary witness. However, in cases where there may be a witness to the alleged violation, or in cases where the complainant requests that the university pursue the case even though she/he is unwilling to act as the accuser, or in cases in which pursuing the case is in the best interest of the university, the university reserves the right to pursue a case to its conclusion.

Upon becoming aware of an allegation of sexual misconduct against a student, the Office of Student Life and the department of Campus Safety, in consultation with the Title IX Coordinator will initiate an investigation and take actions deemed necessary to protect the emotional well-being of the individuals involved, as well as the educational environment of the university community. These actions may include, but are not limited to, relocating residence hall assignments, restricting access to certain campus buildings, prohibiting contact between the alleged offender, the complainant, or witnesses, or suspending the alleged offender from campus pending the hearing. In cases where law enforcement is involved, the university will comply with all investigative efforts and will resume its own investigation of the case when permitted. Parties who retain legal counsel should direct that Counsel to work with the General Counsel's Office.

All hearings involving sexual misconduct will be conducted in accordance with the normal rules and procedures of the student conduct process with special sensitivity to the nature of the charges and the best interest of all parties involved. All participants are expected to maintain confidentiality regarding the proceedings, except that the complainant and the alleged offender may not be required to maintain confidentiality as to the outcome of the proceedings. In recognition of the unique nature of sexual misconduct cases, the procedures specified in this section supersede and conflicting provisions of the university student conduct process. Similarly, pursuit of charges through the university's conduct system does not preclude the pursuit of criminal charges or civil complaints.

1. The sexual misconduct hearing panel shall be appointed by the Dean of Students or his/her designee and shall consist of one university administrator, two faculty members and two undergraduate students; and the assistant dean of designee (in a non-voting capacity). The hearing panel will receive special training on sexual misconduct cases.

2. The alleged offender and complainant may each have an advisor present during the hearing, but the advisor is not allowed to address the panel or question witnesses. The advisor must be a full-time member of the Niagara University community (faculty, administrator, staff or student) and cannot be an attorney or hold a law degree.
3. Under Title IX, both the alleged offender and complainant have a right to similar and timely access to information that will be used at the hearing. Although hearing materials become part of a charged student's educational record under FERPA, the parties should know that the law allows the university to share relevant case materials with both parties and university personnel.
4. The alleged offender and the complainant each may bring witnesses to the hearing to testify on their behalf. There is no limitation placed on the number of eyewitnesses or corroborating witnesses. In the event that a witness cannot attend a hearing, a written statement signed by the witness and completed in the presences of a campus safety officer or student life staff member may be submitted in a hearing. Students are limited to two character witnesses to testify on their behalf. Character witnesses should be prepared to speak about the character of the student who asked them to testify and may do so in person or in writing.
5. The hearing will begin with the panel chair going over the student rights and responsibilities for the alleged offender, and then reading his/her charges. The alleged offender will have the opportunity to present an opening statement to the panel that describes his/her involvement and/or responsibility in the incident.
6. The complainant will then have an opportunity to present his/her statement to the panel. The complainant may choose to present her/his testimony without the alleged offender being present. Several options exist where the complainant does not want to be present in the room with the alleged offender. The testimony presented to the panel can be recorded and replayed for the alleged offender to hear before he/she gives any testimony or presents any evidence. The alleged offender can also listen to the testimony by intercom. The complainant has the right to be present for or listen to all testimony given during the hearing, if he/she chooses.
7. The panel will then call witnesses and has the ability to recall the alleged offender and any witnesses, including the complainant for clarification.
8. The complainant has the right to enter an impact statement in writing, which describes how the incident has affected him/her. The impact statement is introduced after all of the witnesses have been heard from and after the determination of responsibility is made.
9. Statements or questions regarding the past sexual history of the alleged offender or complainant will generally not be permissible as evidence during the hearing except as they relate to the past sexual history of the alleged offender with the complainant.
10. The degree of impairment of the complainant's ability to give or withhold consent may be introduced into evidence. Consent is defined as an affirmative indication of a voluntary agreement to engage in a particular sexual act or conduct in question. Consent cannot be obtained through the use of force, threat, or intimidation. Consent cannot be given by someone who is not legally qualified to give consent, including not able to effectively communicate or to understand the nature of the conduct being engaged in as a result of having consumed drugs or alcohol or for any other reason. Silence on the part of an individual does not constitute his or her consent.
11. The judicial panel will use a preponderance of evidence standard to evaluate complaints of sexual misconduct. If the judicial panel determines that the offender is responsible for a violation of this policy, the panel will decide to appropriate sanctions in accordance with the Student Code of Conduct. Drug or alcohol use by the offender is not a defense to a charge or sexual misconduct and will not be considered a mitigating factor in assessing appropriate sanction.

12. The findings of the hearing including any sanctions that are imposed will be communicated in writing to the offender normally within five working days of the hearing. The findings and sanction that pertain to the complainant will be communicated to the complainant in writing.
13. If the alleged offender is found responsible for a sexual misconduct violation, he/she may appeal the decision and/or the sanction to the Appeals Committee. The complainant disagrees with the findings or sanctions given to the alleged offender, he/she also may appeal to the Appeals Committee which shall be chaired by the Dean of Students, or designee and comprised of the Title IX Officer, one faculty and one undergraduate student. Information about the grounds for appeal can be found at www.niagara.edu/appeals. The panel members who were involved in the original hearing will not serve on the Appeals Committee for the appeal hearing.
14. When an appeal letter is submitted, the other party will be given notice of the grounds of the appeal and will be provided the opportunity to submit a response. In cases where appeals are submitted by both parties, both appeals will be reviewed by the same board. Each student will have the ability to present his/her grounds for appeal and any new evidence, as well as respond to questions from the board and hear the rationale from the hearing officer who chaired the panel that made the original decision. The burden is on each student to present grounds for his/her appeal to the board that will then make the final decision regarding the findings and sanction(s) associated with the case. This decision will be communicated in writing to both the alleged offender and the complainant within five working days of the appeal hearing. If only one party appeals, the other party has the right to attend the hearing and participate even if he/she chooses not to appeal.
15. At any time during the student conduct process if the complainant or alleged offender desires to seek the services of Counseling Services or Campus Ministry staff, he/she may contact these offices directly or through the Dean of Students.

Sexual Assault Prevention

Individuals can help make a difference in preventing sexual assault by following these tips:

- Be careful how much you drink, and how much your friends drink. Most instances of sexual assault involve alcohol use by the victim, perpetrator, or both.
- Remember that the vast majority of reported cases are acquaintance rapes. Go out in groups until you get to know someone well.
- If you see what looks like inappropriate sexual activity, challenge it. Ask if a person is okay or needs help.
- Know your sexual limits and feel comfortable expressing them.
- Don't accept buddies or friends boasting or talking disrespectfully about their own or another person's sexual activity. Speak up.
- Don't walk alone or let your friends walk alone, especially at night. Use the campus escort service (dispatched from campus safety, 286-8111).
- Be careful at parties and avoid being in private rooms or secluded areas.
- Leave a situation immediately if you feel uncomfortable.
- Know that you have the right to say "no" to sexual activity. Slow down, speak up, and listen to what the other person is saying.
- Encourage your friends to seek help or report incidents if they have been the victims of sexual assault.
- Support survivors of rape and/or sexual assault.

If you are getting a "mixed" message from your companion, speak up and clarify what s/he wants. Do not assume that you know what is wanted or that you desire the same degree of intimacy. Check out your assumptions and

proceed only if there is indication of mutual agreement. If your companion is unsure about having sexual contact, back off. Remember, if you put pressure on him/her, you may be "forcing" the issue.

Engaging in sexual contact with a person who is mentally or physically incapacitated (e.g., unconscious, asleep or intoxicated) may result in a charge of sexual assault. Thus, if you suspect that your companion may be suffering from impaired judgment or is otherwise incapable of providing knowledgeable and informed consent, you should not proceed with sexual contact. Further, your own mental incapacitation (e.g., intoxication) will not serve as a defense should you be charged with sexual assault.

New York State Sex Offender Registry

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which means the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Cleary Act and the Family Educational Rights and Privacy Act of 1974, the Niagara University Campus Safety Office is providing a link to the New York State Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In the State of New York, convicted sex offenders must register with the New York State Sex Offender Registry maintained by the New York State Division of Criminal Justice Services.

The New York State Sex Offenders Registry is available online at www.criminaljustice.state.ny.us or by visiting Niagara University Campus Safety Office's website at www.niagara.edu/public-registry-of-sex-offenders/.

Registry information provided under this section shall be used for the purposes of screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be as a Class 1 misdemeanor.

Hate or Bias Crime

Bias or hate crimes are crimes motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as race, religion, ethnicity, gender, sexual orientation, or disability. Hate/bias crimes are addressed in the federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000.

Bias-related incidents are acts of hostility against a person or property of another because of the targeted person's race, religion, sexual orientation, ethnicity, national origin, gender, age, or disability. According to New York Penal Law Section 485, a person commits a hate crime when he or she commits a specified criminal offense and either:

- Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous conviction of the offender. Students, staff or faculty who commit bias crimes are also subject to university disciplinary procedures where a range of sanctions is available both up to and including suspension, expulsion or termination of employment.

Hate crime laws are designed to send the message that hate and bias motivated crimes will not be tolerated, because they are often attempts to silence and instill fear into entire groups. Reporting hate-related incidents helps survivors take advantage of recovery services and enables our community to build up statistics and patterns of crime, providing an opportunity of catching offenders or preventing the violence altogether.

The key criterion in determining whether or not any crime or incident fits into the definition of a hate or bias-related crime is the motivation behind the incident. A hate or bias-related crime is one that is motivated, at least in part, because of someone's bias or hatred of a person's or group's perceived race, religion, ethnicity, sexual orientation, or other characteristic. Victims of hate and bias related crimes often have intense feelings of vulnerability, anger, depression, physical ailments, learning problems, and difficult interpersonal relations. Hate crimes also have a psychological and emotional impact that extends far beyond the victim. Attacks motivated on the basis of bias against a person's beliefs, values or identity undermine freedom of expression, association, and assembly and tear at the pluralistic fabric of our society.

Using slurs and epithets is a way of showing someone that you believe they are less than human and undeserving of respect. Hate crimes are a way to send a message to members of certain groups or individuals that they are unwelcome in a particular neighborhood, community, school or workplace. Calling someone a name, refusing to rent them an apartment, verbal threats, vandalism, abusive phone calls and Internet hate mail are all examples of hate crimes. The most common form of bias motivated incidents on college campuses are demeaning jokes or harassing or threatening phone calls or e-mails. However, bias-related physical attacks and vandalism do also occur. You can make a difference by speaking out when jokes or comments are made that are hateful or demeaning and by asking yourself if you use derogatory, degrading or offensive terms describing others.

Niagara University is required to report the statistical incidence of bias crimes on or around campus annually as part of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act).

In order to effectively handle and investigate incidents of bias-related crimes and prevent future occurrences of such crimes, victims or witnesses of a hate crime are encouraged to immediately report incidents to the office of Campus Safety at (716) 286-8111. Please remember that any evidence such as graffiti, e-mails, written notes or voice mail messages should be preserved. The office of Campus Safety will investigate and follow the appropriate university adjudication procedures.

Anyone who is a victim of a bias-related crime is encouraged to seek counseling from a trained mental health professional. Counselors are on hand at the Counseling Service office to provide crisis intervention, in-office counseling, referral to other support services and self-help groups. For appointments with Counseling Services, call (716) 286-8536. Counseling Services can also refer victims to community based support groups and professional organizations. The college will assist any student wishing to contact outside agencies, including local police, regarding charges and complaints of a bias related crime.

Fire Safety and Reporting

Fire Safety Equipment

Each residence hall is equipped with a comprehensive fire detection and notification system. Individual rooms have smoke and heat detectors linked to a unified, building alarm system. Additionally, fire extinguishers are located throughout each residence. The NU apartments are equipped with a sprinkler system.

Fire Alarms

The New York state fire code requires that any building must be completely evacuated when a fire alarm sounds. Calls for assistance should be made immediately to the campus safety office and/or residence life staff by any person who discovers or suspects a fire. Students should make sure that they are familiar with exits and strictly follow fire evacuation procedures.

Fire Evacuation Procedure

If you detect fire or smoke, close all doors to the fire area and pull the nearest fire alarm. In the residence halls, contact the staff when possible. Leave the building by the stairwell immediately via the nearest exit. **DO NOT USE THE ELEVATOR.** Stay clear of the area. If you are a campus resident, be sure to familiarize yourself with the proper fire response procedures posted on the inside of your room door. Call Campus Safety who will summon local volunteer and municipal fire agencies to campus in the event of fire.

Fire Drills

Fire drills are conducted with the frequency required by New York State fire code. All residence halls conducted a minimum of two (2) fire drills during academic year 2010. Halls used for students during summer periods conducted one additional drill for a total of three (3) drills in 2010.

Fire Prevention Policies

- Tampering with fire alarms and fire-prevention, fire-detection and fire-fighting equipment is a violation of both the New York state fire and penal codes and is considered a major conduct violation.
- Candles, open flames and incense are strictly prohibited in the residences as well as excessively flammable furnishings and decorations.

Fire Statistics 2010

Number of Fires	2
Number of Deaths Related to Fire	0
Injuries Related to Fire	0
Value of Property Damage to Related Fire	<\$100
Causes of Fire	Undetermined

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Location Definitions:

Campus: Property owned or controlled by the institution within the same reasonably contiguous geographic area of the institution and used in direct support of the educational purposes, e.g. academic buildings, parking areas, other non-residential property, including residences.

Campus Residences: Building owned or controlled by the institution and used as a student residential facility on campus.

Public Property: Property near or adjacent to a facility owned or controlled by the institution, e.g. sidewalks, streets, public parking.

Non-Campus Building or Property: Property owned or controlled by a student organization and those owned or controlled by the institution, other than a branch campus not within the same reasonably contiguous geographic area.

Campus Incidents Report	Totals			Campus Totals (Including Residences)			Campus Residences			Public Property			Non-Campus		
	2010	2009	2008	2010	2009	2008	2010	2009	2008	2010	2009	2008	2010	2009	2008
Murder/non-negligent manslaughter	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
Forcible sex offense (includes forcible rape)	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0
Non-forcible sex offense	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
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary (includes non-forcible thefts from private rooms/offices)	2	2	4	2	2	4	2	2	4	0	0	0	0	0	0
Motor Vehicle Theft	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

	Totals			Campus Totals (Including Residences)			Campus Residences			Public Property			Non-Campus		
	2010	2009	2008	2010	2009	2008	2010	2009	2008	2010	2009	2008	2010	2009	2008
Arrests															
Minor in possession of alcohol	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Providing alcohol to minors	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Possession	0	0	0	0	0	0	0	0	00	0	0	0	0	0	0
Drug Trafficking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Marijuana Violation	0	1	2	0	1	2	0	1	2	0	0	0	0	0	0
Other Drug Violation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

	Totals			Campus Totals (Including Residences)			Campus Residences			Public Property			Non-Campus		
	2010	2009	2008	2010	2009	2008	2010	2009	2008	2010	2009	2008	2010	2009	2008
Disciplinary Referrals															
Minor in possession of alcohol	215	210	464	215	210	257	215	210	457	0	0	0	0	0	0
Providing alcohol to minors	16	0	0	16	0	0	16	0	0	0	0	0	0	0	0
Other Alcohol Violations	23	10	19	22	10	19	22	10	19	0	0	0	0	0	0
Drug Possession	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Trafficking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Marijuana Violation	10	45	41	10	45	33	10	45	33	0	0	0	0	0	0
Other Drug Violation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapon Violation	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0

The above tables have been modified from its original format to comply with the HEOA requirements. If you have any questions regarding this format, please call the Director of Campus Safety at (716) 286-8111. In 2009 institutional practice in this category was refined to count only the number of persons referred for violations of the law. Prior to that time, this count included these referred for alcohol infractions that violated institutional policy, but were not violations of the law.

Hate Crime Statistics

Hate Crimes	2010	2009	2008
Race	0	0	0
Gender	0	0	0
Religion	0	0	0
Sexual Orientation	0	0	0
Ethnicity	0	0	0
Disability	0	0	0
Larceny/Theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction, damage or vandalism of property	0	0	0