



**ASR** ANNUAL SECURITY REPORT **2021**  
**COMMACK BRANCH CAMPUS**  
FOR THE 2018, 2019, 2020 REPORTING YEARS



**LIBI** LONG ISLAND  
BUSINESS INSTITUTE



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## **WHO GETS THE ANNUAL SECURITY REPORT?**

*LIBI Commack distributes the report to all currently enrolled students (including those attending less than full-time and those not enrolled in Title IV programs or courses) and to all employees by October 1 of each year.*

*LIBI also provides the report to any prospective student\* or prospective employee\*\* upon request.*

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*\*A prospective student is defined as an individual who has contacted LIBI requesting information about admission to the College.*

*\*\*A prospective employee is defined as an individual who has contacted LIBI requesting information concerning employment with the College.*



# REPORT OVERVIEW

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*This report contains the following information:*

## **CRIME STATISTICS**

Crime statistics for the three most recent calendar years for each of the following crimes that occurred on or within Clery geography that were reported to a local police agency or campus security authority:

- Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence;
- Sex offenses: rape, fondling, incest, and statutory rape;
- Robbery;
- Aggravated assault;
- Burglary;
- Motor vehicle theft;
- Arson;
- Arrests and referrals for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession;
- Hate crimes for all the above crimes that are determined to be hate crimes and larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property;
- Dating violence, domestic violence, and stalking.

## **REPORTING CRIMES & OTHER EMERGENCIES**

LIBI's policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. LIBI's policies concerning its response to these reports, including:

- Policies for making timely warning reports to the campus community;
- Policies for preparing the annual disclosure of crime statistics;

- A list of the titles of each person or organization to whom students and employees; should report criminal offenses for the purposes of making timely warning reports and the annual statistical disclosure;
- Policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

## **SECURITY & ACCESS**

LIBI's policies concerning security of and access to campus facilities, and security considerations used in the maintenance of campus facilities.

## **CAMPUS LAW ENFORCEMENT**

LIBI's policies concerning campus law enforcement that:

- Addresses the enforcement authority and jurisdiction of security personnel;
- Addresses the working relationship of campus security personnel with state and local police agencies, including:
  - Whether those security personnel have the authority to make arrests; and
  - Any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses.

## **ACCURATE & PROMPT REPORTING**

LIBI's stance and policies on encouraging accurate and prompt reporting of all crimes to the campus personnel and the appropriate law enforcement agencies, when the victim of a crime elects to, or is unable to, make such a report.

## **VOLUNTARY CONFIDENTIAL REPORTING PROCEDURES (PROFESSIONAL COUNSELORS)**

LIBI's procedures for encouraging counselors, when they deem it appropriate, 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.

## **PROGRAMS**

A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

## **MONITORING & RECORDING**

A description of programs designed to inform students and employees about the prevention of crimes.

## **DRUGS & ALCOHOL**

LIBI's policy regarding the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws.

LIBI's policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws.

A description of LIBI's drug or alcohol-abuse education programs, as required under the Drug-Free Schools and Communities Act of 1989.

## **SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, & STALKING**

LIBI's policy regarding programs to prevent dating violence, domestic violence, sexual assault, and stalking and procedures that LIBI will follow when one of these crimes is reported.

*The policy includes:*

### **Sexual Assault, Domestic Violence, Dating Violence, & Stalking: Programs & Campaigns**

A description of LIBI's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking.

### **Sexual Assault, Domestic Violence, Dating Violence, & Stalking: Procedures To Follow**

- Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about:
  - The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;

- How and to whom the alleged offense should be reported;
- Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to:
  - Notify proper law enforcement authorities, including local police;
  - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses;
  - Decline to notify such authorities; and
  - Where applicable, the rights of victims and LIBI's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal or civil court, or by LIBI.
- Information about how LIBI will protect the confidentiality of victims and other necessary parties, including how LIBI will:
  - Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and
  - Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

### **Sexual Assault, Domestic Violence, Dating Violence, & Stalking: Written Notification**

LIBI's policies on how the College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

LIBI's policies on providing written notification to victims about options for, available assistance in, and how to request changes to academic, transportation, and working situations or protective measures. (LIBI will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement).



## **Sexual Assault, Domestic Violence, Dating Violence, & Stalking: Procedures For Disciplinary Action**

An explanation of the procedures for LIBI's disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

## **Sexual Assault, Domestic Violence, Dating Violence, & Stalking: Written Explanations Of Rights & Options**

LIBI's policies on providing a written explanation of the rights and options to any student or employee who reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus.

## **SEX OFFENDER REGISTRATION**

A statement advising the campus community where law enforcement agency information provided by a State under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), concerning registered sex offenders may be obtained.

## **EMERGENCY RESPONSE & EVACUATION**

LIBI's policy regarding emergency response and evacuation procedures.

## DEFINITIONS

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*The following definitions should be used to help you read through this document. Please use them as a reference.*

### **ACCUSED**

Shall mean a person accused of a violation who has not yet entered an institution's judicial or conduct process whereas a "Respondent" shall mean a person accused of a violation who has entered an institution's judicial or conduct process (see "Respondent" and "Reporting Individual").

### **ADVISOR**

Refers to any individual who provides the accuser (reporting individual) or accused support, guidance, or advice. LIBI will not limit the choice of advisor, or an advisor's presence for either the accuser or the accused, in any meeting or institutional disciplinary proceeding where the allegations involve sexual assault, domestic violence, dating violence, or stalking.

LIBI will provide the accuser (the reporting individual) and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

The regulations do not require an advisor to attend disciplinary proceedings in person or even to attend at all, but they merely require that each party has the same opportunity to have an advisor present; therefore, students who do not wish to have an advisor are not obligated to have one, but have the choice to do so, if they wish.

LIBI restricts the advisor's role, prohibiting the advisor from speaking during the proceeding, addressing the disciplinary hearing panel members, and questioning witnesses.

LIBI may remove or dismiss advisors who become disruptive or who do not abide by the restrictions on their participation. LIBI informs all parties of the limitations on the advisor's participation before a proceeding is scheduled so that both parties understand and respect these limitations.

## **AFFIRMATIVE CONSENT**

Education Law Article 129-B New York State Education requires higher education institutions to adopt a statewide uniform definition of “affirmative consent,” which provides: “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.”

## **AGGRAVATED ASSAULT**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. The following are included as Aggravated Assault under Clery:

- Assaults or attempts to kill or Murder;
- Poisoning (including the use of date rape drugs);
- Assault with a dangerous or deadly weapon;
- Maiming;
- Mayhem;
- Assault with explosives;
- Assault with disease (as in cases when the offender is aware that he or she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.)

## **ARREST**

For Clery Act purposes is defined as persons processed by arrest, citation, or summons. Acts classified as arrests for Clery purposes:

- Those persons arrested and released without a formal charge being placed against them. (An arrest has occurred when a law enforcement officer detains an adult with the intention of seeking charges against the individual for a specific offense(s) and a record is made of the detention);

- Juveniles taken into custody or arrested but merely warned and released without being charged;
- Any situation where a young person, in lieu of actual arrest, is summoned, cited, or notified to appear before the juvenile or youth court, or similar official for a violation of the law.

## **ARSON**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Under Clery LIBI will classify as Arson:

- Only fires determined to have been willfully or maliciously set;
- Attempts to burn;
- Any fire that investigation determines to meet the UCR definition of Arson regardless of the value of any property damage;
- Incidents where an individual willfully or maliciously burns his or her own property.

## **AWARENESS PROGRAMS**

Are defined as communitywide or audience-specific programming, initiatives, and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety, and reduce perpetration.

## **BRANCH**

A branch campus is a separate campus. Branch campus is a specific Department designation. It is defined as a location of an institution that is geographically apart and independent of the main campus of the institution. A location of an institution is considered independent of the main campus if the location is **permanent in nature, offers courses in educational programs leading to a degree or other recognized educational credential, has its own faculty and administrative or supervisory organization, and has its own budgetary and hiring authority.**

## **BURGLARY**

Burglary is the unlawful entry of a structure to commit a felony or a theft. The following are classified as Burglary under Clery:

- Offenses that are classified by local law enforcement agencies 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.
- Forcible Entry: All offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony. This rule applies when a thief gains entry by using tools; breaking windows; forcing windows, doors, transoms or ventilators; cutting screens, walls, or roofs; and where known, using master keys, picks, unauthorized keys, celluloid, a mechanical contrivance of any kind (e.g. a passkey or skeleton key), or other devices that leave no outward mark but are used to force a lock. This includes Burglary by concealment inside a building followed by exiting the structure.
- Unlawful Entry-No Force: The entry of a structure in this situation is achieved by use of an unlocked door or window. The element of trespass to the structure is essential in this category, which includes thefts from open garages, open warehouses, open or unlocked dwellings (such as dorm rooms), and open or unlocked common basement areas in apartment houses where entry is achieved by someone other than the tenant who has lawful access, or others whom the tenant allows to have free and regular access to the structure. If an item was taken from an unlocked dorm room and you can establish that neither the tenant nor those friends with free and regular access to the room have taken the item, then unlawful access has occurred. In this context, it is important to note that a "breaking" occurs when a perpetrator crosses the threshold of a boundary that results in a trespass. As such it is possible for a burglar to "break" an open doorway or window. There is no requirement that entry be forced in any way or that damage to a door, window, or frame be evident.
- Attempted Forcible Entry: A situation where a forcible entry into a locked structure is attempted but not completed. An attempt to commit the crime of Burglary must be evaluated in context based on all available information. Such incidents must not be classified merely as "suspicious activity" or "vandalism" where the totality of facts indicates that a Burglary was in fact attempted. Possible indicators of an attempted Burglary may include, but are not limited to, damage to a door or window, the presence of Burglary tools, a recurring or similar modus operandi or "signature" that ties an incident to other similar offenses (sometimes referred to as "common plan and scheme"), and/or proximity in time and place to a pattern of other similar crimes.

## CAMPUS SECURITY AUTHORITY

LIBI does not hire its own security personnel; therefore, any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g. an individual who is responsible for monitoring the entrance into LIBI's property) are referred to as Campus Security Authority.

- Individual/Individuals to whom students and employees should report criminal offenses.
- A LIBI official who has significant responsibility for student and campus activities, including, but not limited to, student discipline and campus judicial proceedings.
- An official is defined as any person who has the authority and the duty to take action or to respond to particular issues on behalf of the College.

The function of a campus security authority is to report to the Director of Operations and Institutional Effectiveness, who is designated by LIBI to collect crime report information, those allegations of Clery Act crimes that he or she receives.

**A campus security authority is not responsible for determining authoritatively whether a crime took place—that is the function of law enforcement personnel.** A campus security authority *should not apprehend the alleged perpetrator* of the crime.

## CATEGORIES OF CRIME STATISTICS

The Clery Act requires your institution to include four general categories of crime statistics: Reported crime statistics citation 34 CFR 668.46(c):

- **Criminal Offenses (Also referred to as Primary Crimes)** – Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault (Also referred to as Sex Offenses) including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- **Hate Crimes** – Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias.
- **VAWA Offenses** – Any incidents of Domestic Violence, Dating Violence, and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes); and
- **Arrests and Referrals for Disciplinary Action for Weapons** – Carrying, Possessing, etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations.

## **DATING VIOLENCE**

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to:

- sexual or physical abuse or the threat of such abuse;
- dating violence does not include acts covered under the definition of domestic violence.

## **DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY**

Willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it.

Classify as Destruction/Damage/Vandalism of Property a wide range of malicious behavior directed at property, such as:

- Cutting auto tires;
- Drawing obscene pictures on restroom walls;
- Smashing windows;
- Destroying school records;
- Defacing library books.

## **DOMESTIC VIOLENCE**

Acts that are defined as a felony or misdemeanor crime of violence committed:

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;

- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

To categorize an incident as Domestic Violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

## **DRUG ABUSE VIOLATIONS**

Are 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.

Under Clery, the following is classified as a Drug Abuse Violation:

- All drugs, without exception, that are illegal under local or state law in New York State.
- All illegally obtained prescription drugs.

## **CANVAS**

LIBI's learning management system (LMS) and assessment tool or "electronic gradebook". All students must use Canvas to access their class materials, to communicate with their faculty, and to check their progress in class. Important College documents are also placed and made available to students through Canvas. These documents include among others, the Student Handbook, the Enough is Enough Sexual Assault Special Section document, the Student Code of Conduct, etc. Students are expected to review these documents and become familiar with the information therein.

## **FIELD TRIPS**

For Clery purposes, schools are not required to include statistics for crimes that occur on field trips at locations the institution does not own or control. For Enough is Enough legislation the College must report all reported incidents related to sexual assault, domestic violence, dating violence, and stalking regardless of the geography in which they occur, including field trips.



## **FIRE**

For the purposes of the HEA, is any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. Some examples are:

- trash-can fire;
- microwave fire;
- flame coming from electric extension cord;
- burning wall hanging or poster;
- fire in an overheated bathroom vent fan;
- seating that is burning without any flame evident.

## **FIRE DRILL**

Is defined in this document as a supervised practice of a mandatory evacuation of a building for a fire.

## **FIRE-RELATED DEATH**

For the purposes of reporting, fire-related death is defined as any instance in which a person **(1)** is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or **(2)** dies within one year of injuries sustained as a result of the fire.

Examples of natural causes of fire-related death:

- Lung damage due to smoke inhalation;
- Heart problems due to stress or exertion.

Examples of accidental causes of fire-related death:

- Getting struck by a falling object;
- Getting burned by fallen wires;
- Being killed by jumping out of a window.

## **FIRE-RELATED INJURY**

Is defined as any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire.

The term "person" includes students, employees, visitors, firefighters, or any other individuals. When reporting fire-related injuries LIBI will include:

- individuals who are transported to a medical facility (even if they refuse treatment at the facility);
- individuals who are treated at a temporary medical facility that is set up at the fire site; and
- individuals who are treated in an ambulance.

LIBI will not include individuals who appear to be injured but refuse to be treated or transferred to a medical facility.

## **FIRE SAFETY SYSTEM**

Is defined as any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

## **HATE CRIME**

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. **It is the perception of the offender, not the perception of the victim that determines whether a crime is classified as a Hate Crime.**

Under the Clery Act, the following eight categories are reported:

- **Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g. color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g. Asians, blacks or African Americans, whites.
- **Religion** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and

the existence or nonexistence of a supreme being, e.g. Catholics, Jews, Protestants, atheists.

- **Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person’s physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Gender** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g. male or female.
- **Gender Identity** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g. bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g. a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- **Ethnicity** – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.
- **National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people who have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

## HEARING PANEL

The entity authorized to resolve disciplinary matters within the College. It consists of 5 members of the College community (excluding students).

The officials who are chosen to conduct proceedings to address allegations of dating violence, domestic violence, sexual assault, and stalking receive training at least once a year. Training content and materials are updated as necessary to address the latest issues and techniques for conducting proceedings on these topics. Training for hearing panel members serving on cases involving sexual misconduct addresses, but is not limited to, the following topics:

- relevant evidence and how it should be used during a proceeding;
- proper techniques for questioning witnesses;
- basic procedural rules for conducting a proceeding; and
- avoiding actual and perceived conflicts of interest.

## **IMMEDIATE THREAT**

Includes an imminent or impending threat, such as an approaching hurricane, or a fire currently raging in one of our College buildings.

Other examples include, but are not limited to:

- an outbreak of meningitis, norovirus, or other serious illness;
- any extreme weather conditions (such as blizzards);
- earthquakes;
- gas leaks;
- terrorist incidents;
- armed intruders;
- bomb threats;
- civil unrest or rioting;
- explosions;
- nearby chemical or hazardous waste spills.

## **INTIMIDATION**

The act of unlawfully placing another person in reasonable fear (a person is assumed to be placed in “reasonable fear” if he or she reports threatening words or other conduct to law

enforcement personnel) of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

## **LARCENY**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Under Clery Act the following are reported by the College:

- Thefts of bicycles or automobile accessories;
- Shoplifting;
- Pocket-picking;
- The stealing of any property or article that is not taken by force and violence or by fraud;
- Any of the above regardless of the value of the item or items taken;
- Attempted larcenies.

## **LIQUOR LAW VIOLATIONS**

Are 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.

Under Clery Act, the following are classified as a Liquor Law Violation:

- The manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor;
- Maintaining unlawful drinking places;
- Bootlegging;
- Operating a still;
- Furnishing liquor to a minor or intemperate person;
- Underage possession;
- Using a vehicle for illegal transportation of liquor;
- Drinking on a train or public conveyance;
- Attempts to commit any of the above.

## **NON-CAMPUS BUILDINGS OR PROPERTY**

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

## **ON-CAMPUS**

On-campus definition citation 34 CFR 668.46(a):

*Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).*

## **PERSONALLY IDENTIFYING INFORMATION**

(as defined in Section 40002(a) of the Violence Against Women Act of 1994):

*As defined in Section 40002(a) of the Violence Against Women Act of 1994, refers to individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including:*

- *a first and last name;*
- *a home or other physical address;*
- *contact information (including a postal, E-mail or Internet protocol address, or telephone or facsimile number);*
- *a social security number, driver's license number, passport number or student identification number; and*
- *any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.*

## PRIMARY PREVENTION PROGRAMS

Are defined as programming, initiatives and strategies intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

*LIBI must offer programs to prevent dating violence, domestic violence, sexual assault and stalking that are directed at all incoming students and new employees.*

## PROMPT, FAIR AND IMPARTIAL PROCEEDING

Colleges are required to follow their published policies with respect to the steps and timeframes involved in their disciplinary proceedings. LIBI will attempt to remain flexible without allowing undue delays. The College will ensure that the proceedings are fair and clear to all parties involved and are conducted without hidden agendas and conditions, making appropriate information available to each party. LIBI will ensure that the officials conducting a disciplinary proceeding do not have a conflict of interest or bias either for or against the accuser or the accused.

Proceedings will be completed within reasonably prompt timeframes designated by LIBI's policy, including:

- a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay;
- conducted in a manner that - is consistent with the institution's policies and transparent to the accuser and the accused; - includes timely notice of meetings at which the accuser or accused, or both, may be present; and - provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

## PROCEEDING

Is defined as all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

## PROTECTIVE MEASURES

Refers to the examples of protective actions or measures the College may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking. These may include, but are not limited to:

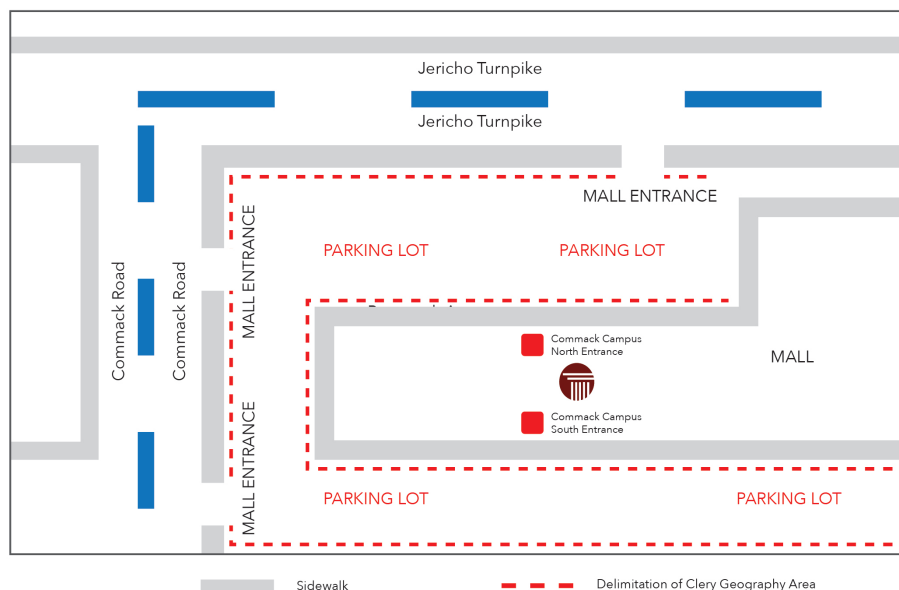
- orders of protection, including no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court, or by the institution;
- transportation assistance or security escorts;
- modifications to academic requirements or class schedules; and/or
- changes in living or working situations.

## PUBLIC PROPERTY

Under the Clery Act, public property encompasses the following: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**Public property is any area that immediately borders and is accessible from the campus. In many cases this property consists of a public sidewalk that borders the campus, the public street along the sidewalk and the public sidewalk on the other side of the street (i.e., sidewalk, street, sidewalk). Private homes and businesses are not included.** The Department applies no specific measurable distance definition into adjacent public property.

### CLERY GEOGRAPHIC AREA - LIBI COMMACK CAMPUS





## **REFERRED FOR DISCIPLINARY ACTION**

Is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction.

## **REPORTING INDIVIDUAL**

Encompasses the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

## **RESPONDENT**

Shall mean a person accused of a violation who has entered LIBI's judicial or conduct process.

## **RESULT**

Refers to any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within LIBI. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result also must include the rationale for the result and the sanctions.

In explaining the rationale for the result and sanctions, the official or entity must explain how it weighted the evidence and information presented during the proceeding and explain how the evidence and information support the result and sanctions. LIBI's representatives will describe how the institution's standard of evidence was applied. There will be no substantive discussion of the findings or conclusion of the decision maker, or discussion of the sanctions imposed, with either the accuser (the reporting individual) or the accused (the respondent) prior to simultaneous notification to both of the result.

*There will be no substantive discussion of the findings or conclusion of the decision maker, or discussion of the sanctions imposed, with either the accuser (the reporting individual) or the accused (the respondent) prior to simultaneous notification to both of the result.*

## REGISTERED SEX OFFENDERS

Upon release from prison, individuals convicted of sex crimes may be required by law to register with law enforcement agencies (some of these laws are referred to as “Megan’s Laws”). If registered sex offenders are enrolled at or employed at a postsecondary institution, the offenders also must provide this information to the state. **The state then provides the information to campus police departments or to other law enforcement authorities in the jurisdiction where the institution is located.** In turn, the

*The registry of Sex Offenders in New York can be obtained by checking the <https://www.criminaljustice.ny.gov/nsor/>*

institution is required to advise the campus community how to access this information. LIBI provides a link through its website to the registry of Sex Offenders in New York.

The registry of Sex Offenders in New York can be obtained by checking the <https://www.criminaljustice.ny.gov/nsor/>

## ROBBERY

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear. Essential Elements of a Robbery include:

- committed in the presence of a victim (usually the owner or person having custody of the property);
- victim is directly confronted by the perpetrator;
- victim is threatened with force or put in fear that force will be used; and
- involves a theft or larceny.

## SEXUAL ASSAULT (SEX OFFENSES)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females. Rape occurs regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent.

*For more information, policies, and procedures for reporting sexual assault, domestic violence, dating violence, and stalking please refer to the stand-alone “Enough is Enough” Sexual Assault Special Section document.*

- Statutory Rape occurs if the victim consented, the offender did not force or threaten the victim, but the victim was under the statutory age of consent.
- Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity. Fondling is also recognized as an element of the other sex offenses.
- Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

## **SIMPLE ASSAULT**

Unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

## **STALKING**

Is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

For Clery purposes: it is not necessary for all activities in the course of conduct to occur on Clery Act geography in order to count the incident.

For Enough is Enough purposes: the incident is counted regardless of where it occurs. Incidents are counted as person specific, not geography specific.

## **TIMELY WARNING**

The Clery Act requires Colleges to alert the campus community to certain crimes in a manner that is timely and that will aid in the prevention of similar crimes. The intent of a “timely” warning regarding a criminal incident(s) is to enable people to protect themselves. LIBI will

*The intent of a “timely” warning is to enable members of the campus community to protect themselves.*

issue timely warnings as soon as pertinent information is available; even if the College does not have all of the facts surrounding a criminal incident that represents a serious and continuing threat to the students and employees, the College will issue a warning. The warning will contain information about the type of criminal incident that has occurred. The College will provide additional information as it becomes available.

## **WEAPONS**

Carrying, Possessing, etc., 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.

Under Clery, weapons violations are classified as:

- Carrying, Possessing, etc.;
- 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.

This type of violation is not limited to “deadly” weapons; it also applies to weapons used in a deadly manner.

# ANNUAL SECURITY REPORT (ASR) FOR THE 2018, 2019, 2020 REPORTING YEARS

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This security report was produced in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, also referred to as the Clery Act or Campus Security Act, as part of the Higher Education Act of 1965 (HEA). The Clery Act is a consumer protection law that aims to provide transparency around campus crime policy and statistics. It requires Colleges and universities that receive federal funding to disseminate a public annual security report (ASR) to employees and students every October 1st. This ASR includes statistics of campus crime for the preceding 3 calendar years, plus this report provides the procedures, practices, and programs LIBI uses to keep students and employees safe and its facilities secure. This report also details the efforts taken to improve campus safety and is distributed annually electronically to all students and employees. This ASR was produced by the Campus Director and the Title IX Coordinator in conjunction with the institutional Campus Safety and Security Committee. Hard copies of the report are available upon request from the Campus Director. Inquiries and requests should be directed to Michelle Houston at [mhouston@libi.edu](mailto:mhouston@libi.edu).

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g. large print, audio, etc.) on request to the Director of Operations and Institutional Effectiveness by calling **(212) 226-7300 ext.349** or emailing [claw@libi.edu](mailto:claw@libi.edu) or contacting the Accessibility Coordinator, Karin Chang, at [kchang@libi.edu](mailto:kchang@libi.edu).

## **Special Note**

Media requests specifically regarding the Clery Report should be referred to the Office of the President (718-939-5100) for appropriate handling.

## **OVERVIEW**

The 2021 Annual Security Report includes statistics for the previous three years about reported crimes that occurred on campus<sup>1</sup> and on public property within, or immediately adjacent to and accessible from each LIBI campus location. Outside of the core physical LIBI locations, the College does not own or control “non-campus buildings or property” that are used for educational purposes or used by students but not a part of the core campus.

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<sup>1</sup> Campus. (i) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes; and (ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

The statistics listed in this report are compiled from campus incident reports, reports from designated campus personnel, and from the local precinct with jurisdiction over the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, including those that involve sexual misconduct, emergency, and evacuation procedures.

LIBI was founded in 1968 as a business school in Commack, Long Island, and was certified as an occupational College in 1995 by the New York State Board of Regents. The Regents authorized LIBI to award the Associate in Occupational Studies (A.O.S.) degree in Court Reporting under the guidance of the Office of Higher Education of the New York State Education Department (NYSED). LIBI offers degree programs in Accounting, Business Management, Homeland Security and Security Management, Hospitality Management, and Office Technology with Medical Office Option at the Main Campus in Flushing and the Extension Center in Manhattan. In May 2017 LIBI was authorized to award A.S. degrees in Business and Homeland Security. Adult education and ESL classes are offered at the main campus in Flushing for students who wish to improve their language skills so that they can undertake College studies. The Commack Campus does not offer any of these programs. Only Court Reporting is taught at the Branch Campus. Classes are offered either in a day or evening format.

LIBI enrolls approximately 900 students across the three locations. Fifty-nine of those students attend the Commack Branch Campus. The average age of students over the last three years encompassed in this report was 33. Ninety-two percent of the student body identified as female. While seventy-four percent of enrolled students had completed some College work prior to enrolling at LIBI, nearly a quarter of those enrolled held a bachelor’s degree.

<b>Ethnic and racial breakdown</b>	
Hispanic	8.0%
White	81.0%
Black or African American	6.9%
Asian	28.6%
Two or more races	1.1%
Did not answer	0.6%

The Commack Branch Campus is located at 6500 Jericho Turnpike, New York 11725. Commack is located in Suffolk County New York. Commack has a 2020 population of 36,953 <sup>2</sup>. Commack occupies approximately 12.25 square miles.

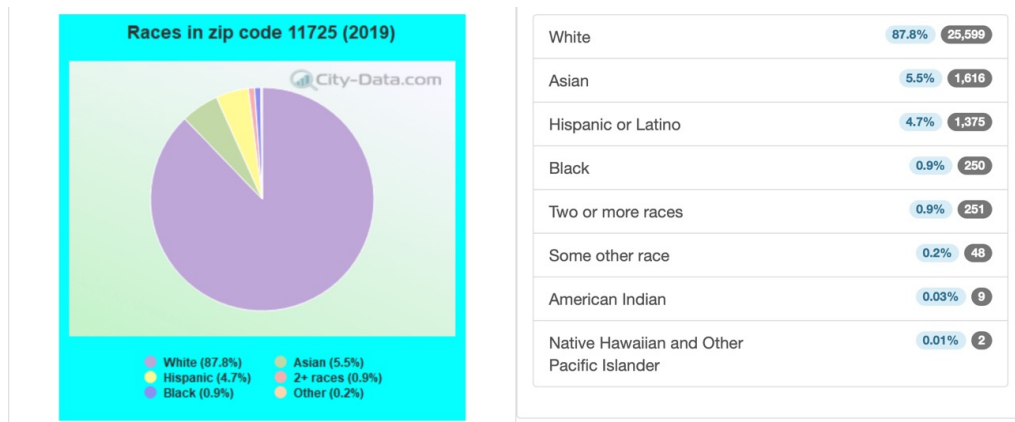
According to salary.com the Cost of Living in Commack, NY is 64.1% Higher than the National Average.

March 2019 cost of living index in Commack: 151.1 (very high, U.S. average is 100)<sup>3</sup>.

In 2019, the median house/condo value (\$536,229) is above state average (\$338,700). The median age (47.4 years) is above state average (39.2 years). About 24% of adults here have a bachelor's degree or higher.

Zip code 11725 (Commack, NY) compared to state average:

- Median household income above state average.
- Median house value above state average.
- Unemployed percentage below state average.
- Black race population percentage significantly below state average.
- Hispanic race population percentage significantly below state average.
- Median age significantly above state average.
- Foreign-born population percentage significantly below state average.
- Renting percentage significantly below state average.
- Number of rooms per house above state average.<sup>4</sup>



<sup>2</sup> <https://worldpopulationreview.com/us-cities/commack-ny-population>

<sup>3</sup> <http://www.city-data.com/city/Commack-New-York.html>

<sup>4</sup> <http://www.city-data.com/zips/11725.html>

Median resident age:

This zip code:  47.4 years

New York median age:  39.2 years

Average household size:

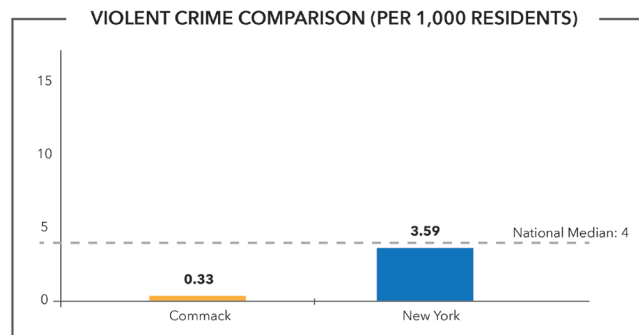
This zip code:  3.0 people

New York:  2.5 people

Data from: <http://www.city-data.com/zips/11725.html#ixzz5Fafaolzg>

Commack does not have a true, walkable downtown or “Main Street”. The community is served by four major thoroughfares: the Long Island Expressway, the Northern State Parkway, the Sunken Meadow State Parkway and the at-grade Jericho Turnpike.

Chances of becoming a Victim of Violent Crime (PER 1,000 RESIDENTS): 1 IN 2,796 in Commack versus 1 IN 266 in New York State<sup>5</sup>.



For Commack, the violent crime rate is well below the national average for all communities of all population sizes. Violent crimes such as assault, rape, murder and armed robbery happen less often in Commack than in most of America. One’s chance of becoming a victim of a violent crime here is one in 2796, which is a violent crime rate of 0 per one thousand inhabitants.

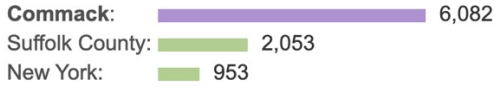
As of the writing of this document, the ratio of all residents to sex offenders in Commack is 6,082 to 1. The ratio of registered sex offenders to all residents in this city is much lower than the state average.

<sup>5</sup> <https://www.neighborhoodscout.com/ny/commack/crime>



Commack, NY ratio of number of residents to the number of sex offenders compared to county and state:

(Note: Higher values mean more residents per sex offender)



Data from: <http://www.city-data.com/so/so-Commack-New-York.html>

Nearly all students at the Commack students commute to the campus by driving.

**Commack campus is under the jurisdiction of the 4th Precinct.**

- **Fourth Precinct Commanding Officer**

727 Veterans Memorial Hwy, Smithtown, NY 11788

Phone: (631) 854-8400

Email: [SCPD.4THPRECINCT@suffolkcountyny.gov](mailto:SCPD.4THPRECINCT@suffolkcountyny.gov)

Website: <https://suffolkpd.org/Precincts/FourthPrecinct.aspx>

**The COMMUNITY LIAISON OFFICER (CLO) covering the Commack Campus:**

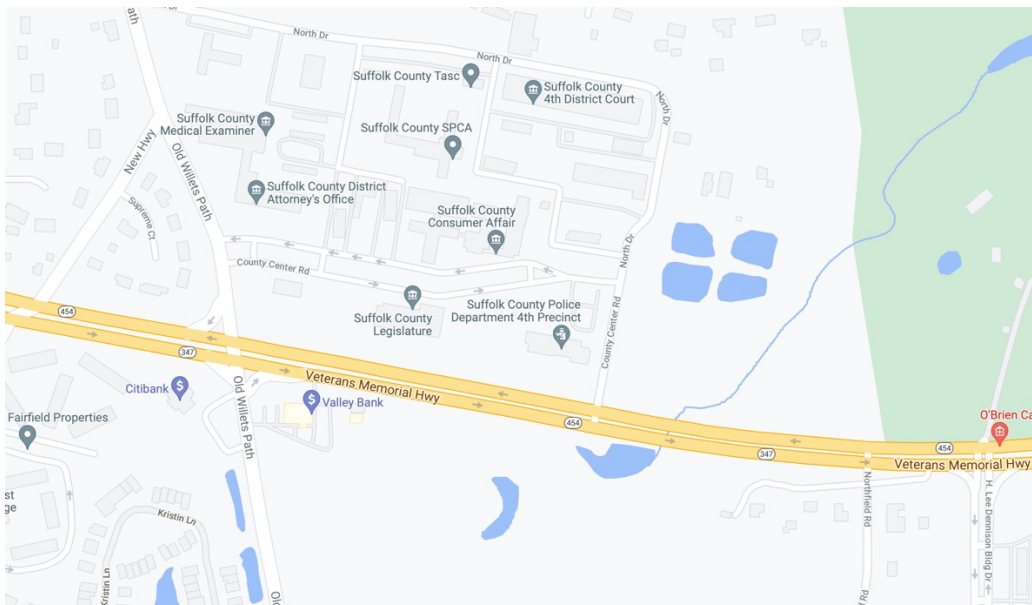
- **Officer Laveglia**

Commack students and staff with any concerns within the 4th Precinct are encouraged to reach out to Officer Laveglia.

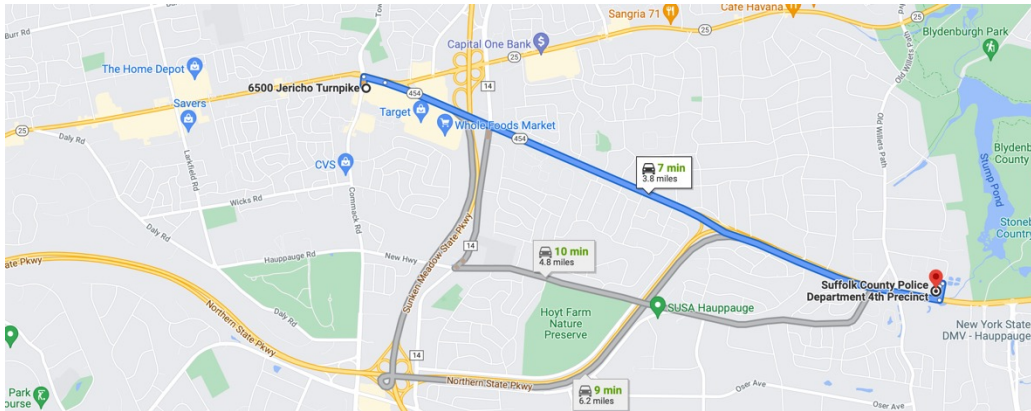
**Office phone number:** (631) 854-8478

**Cell phone number:** (631) 603-4076

Email: [Susan.Laveglia@suffolkcountyny.gov](mailto:Susan.Laveglia@suffolkcountyny.gov)



4th Preceinct is 7 minutes from LIBI



**Get directions to the 4th Preceinct:**

<https://www.google.com/maps/place/Suffolk+County+Police+Department+4th+Pre-cinct/@40.825235,-73.230647,17z/data=!4m5!3m4!1s0x0:0x6746eb415262f37a!8m2!3d40.8252346!4d-73.2306468?hl=en-US>

## HELPING OTHERS: INDIVIDUALS WITH DISABILITIES

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On the first day of classes or as soon as you receive a schedule for a new semester, please take time to locate the nearest exit to every classroom you will be in. If you use a walker, wheelchair or a cane, check all exits to be sure you can get through the doorways with ease. Try to figure out exit indicators to help you in the event of an emergency evacuation and discuss your safety plan with College administrators. The confusion and disorientation of a fire can be difficult to overcome. You may be forced to crawl along the floor to avoid smoke. It can be very disorienting to crawl where you are used to walking (especially if you count steps to locate doors and hallways); LIBI strongly urges all Commack students and employees who require assistance evacuating to meet with the Campus Director or contact the Accessibility Coordinator at the Main Campus when their new classroom assignments for the semester are given.

### Accessibility Coordinator:

- **Karin Chang**  
[kchang@libi.edu](mailto:kchang@libi.edu)

### HEARING IMPAIRED

Individuals who are deaf or hard of hearing should be informed individually if an emergency situation exists and given instructions to respond as soon as the emergency is identified. A message may have to be written on paper or on the board, if necessary. Any special directions may have to be written on paper, if necessary. Please DO NOT presume that any hearing-impaired persons heard the fire alarm or that they will know what to do by watching others.

### MOBILITY IMPAIRED

Individuals with mobility impairments should move to the nearest stairwell and wait for emergency personnel. All individuals who anticipate needing extra assistance evacuating in case of an emergency should alert the Accessibility Coordinator, Karin Chang, at [kchang@libi.edu](mailto:kchang@libi.edu) or speak directly to the Campus Director, Michelle Houston. The Accessibility Coordinator will assist any member of the LIBI community, regardless of campus designation, who requires mobility assistance during building evacuations compile a safety plan. These safety plans are part of LIBI's emergency preparedness and include ensuring that the individuals have the ability to reach exits.

## **RESPIRATORY ILLNESSES**

Respiratory illnesses can be aggravated by stress. In an emergency, oxygen and respiratory equipment may not be readily available. People with known respiratory illnesses should be referred to emergency personnel. Individuals with respiratory illnesses are urged to communicate with Ms. Houston as soon as they receive their course schedule. Members of the Commack Campus should also communicate with the Accessibility Coordinator, Karin Chang ([kchang@libi.edu](mailto:kchang@libi.edu)), as soon as feasible to discuss a long-term safety plan.

## **VISION IMPAIRED**

When assisting individuals with vision loss during an emergency, DO NOT simply grasp or grab their arm. Help guide individuals with vision loss by first asking the person if s(he) would like your assistance. If the individual agrees to the assistance, offer your arm at the elbow. Give the person verbal instructions as you guide the person, advising about steps, walking through doorways, debris, etc. Verbal directions, estimated distances, and directional terms are the most familiar tools for a person with vision loss.

It is especially important for individuals who rely on a service animal to meet with Ms. Houston and the Accessibility Coordinator, Karin Chang ([kchang@libi.edu](mailto:kchang@libi.edu); (718) 939-5100) to discuss a proper safety plan. It is important to discuss and plan for contingencies in the event the service animal becomes confused, frightened, or disoriented.

## **INVISIBLE DISABILITIES**

Not all disabilities are visible. If someone tells you during an emergency evacuation that they require assistance, ask the person how you can help them most effectively. Be calm and reassuring. If the person is not able to evacuate safely, lead the person to an area of safety outside the building, if you are able to, or to a stairwell. Assure the individual that assistance is on the way and promptly notify the College administrator conducting the evacuation or any first responder assisting with the evacuation.

**Please note:**

The Civil Rights of Students with Hidden Disabilities Under Section 504 of the Rehabilitation Act of 1973

U.S. Department of Education  
Office for Civil Rights  
Washington, D.C. 20202-1328

*“At the postsecondary level it is the student’s responsibility to make his or her handicapping condition known and to request academic adjustments. This should be done in a timely manner. A student may choose to make his or her needs known to the Section 504 Coordinator, to an appropriate dean, to a faculty advisor, or to each professor on an individual basis.”*

## REPORTING CRIMES AND EMERGENCIES PROCEDURES

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### **QUESTION: WHAT IS “REPORTABLE”?**

**ANSWER:** Any actual crime or criminal activity committed on campus or on any contiguous geographic perimeter of the campus, including public property<sup>6</sup> within or immediately adjacent to and accessible from the campus; any attempted crime or criminal activity committed on campus or on any contiguous geographic perimeter of the campus, including public property within or immediately adjacent to and accessible from the campus; or any past crime or criminal activity committed on campus or on any contiguous geographic perimeter of the campus, including public property within or immediately adjacent to and accessible from the campus. LIBI stresses the importance of accurate and prompt reporting of all criminal actions, accidents, injuries, and emergencies to the College administration and designated individuals as well as appropriate police agencies.

### **QUESTION: WHO SHOULD THE CRIMINAL ACTIVITY BE REPORTED TO?**

**ANSWER:** Any criminal activity on campus or on any contiguous geographic perimeter of the campus should be reported to the individuals who hold the titles listed below. Those individuals are considered officials who have the authority and duty to take action or respond to particular issues on behalf of LIBI.

The following individuals have a significant responsibility for student and campus activities and have the authority to institute corrective measures<sup>7</sup> for Title IX purposes under 34 CFR 106.30(a). These individuals are referred to as Campus Security Authorities (CSAs) in the rest of this document:

- **Provost** (Stacey Johnson may be contacted by students and faculty learning or teaching at any of the three locations)  
[sjohnson@libi.edu](mailto:sjohnson@libi.edu)
- **Campus Director** (Michelle Houston)  
[mhouston@libi.edu](mailto:mhouston@libi.edu)

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<sup>6</sup> For the purposes of reporting “public property” is defined as: all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. In order for this definition to apply, the property in question must satisfy all three conditions: 1) public (e.g. publicly-owned); 2) within or immediately adjacent to campus; and 3) accessible from campus. This definition excludes any private property, and may in some cases exclude areas such as property divided by a fence or wall, or property with clearly posted signs indicating that it is not part of the campus or that trespassing is prohibited. Private property where students have established regular usage – whether legal, illegal, open, or inconspicuous – that is not otherwise campus or noncampus property, is not public property for Clery reporting purposes.

- **Director of Operations and Institutional Effectiveness** (Catherine Law may be contacted by students and faculty learning and teaching at any of the three locations) [claw@libi.edu](mailto:claw@libi.edu)
- **Commack Campus Title IX Coordinator** (Audrey Sumner) [asumner@libi.edu](mailto:asumner@libi.edu)

Students, staff, and visitors should report criminal actions, accidents, injuries, or other emergency incidents to one of the Campus Security Authorities identified above. Once reported, the individual making the report will be encouraged to also report it to appropriate police agencies. If requested, the CSA or a designated and trained member of the College staff will assist a student in making the report to the police.

## WHEN TO CALL 911

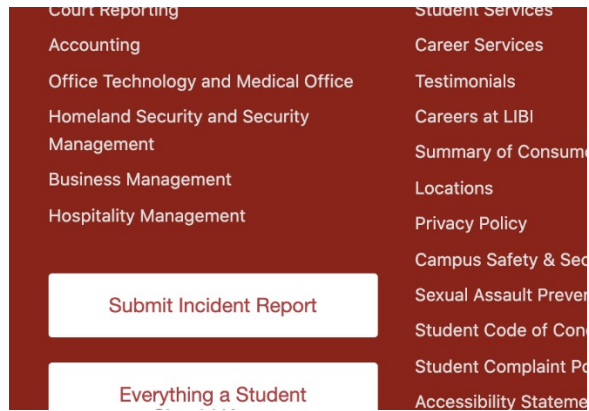
Situations that pose imminent danger or while a crime is in progress should be reported to local law enforcement by calling 911 from any campus phone or cell phone. Individuals making the call from a cell phone will need to provide the address where the emergency occurred.

## PROCEDURES FOR REPORTING CRIMES OR CRIMINAL ACTIVITY

Crimes, attempted criminal activities, or any emergency situations where safety of any member of the LIBI community is at stake should be reported by:

- Calling the emergency telephone line by dialing **(631) 808-4088**.
- Contacting and relaying the information to any member of the Safety and Security team, or to the Campus Security Authorities (CSA). Members of the Safety and Security team are: the Provost, the Director of Operations and Institutional Effectiveness, the Director of the Center for Academic Success, the Commack Title IX Coordinator, intercampus members of the faculty, and the President of LIBI. Reports can be made in writing to these individuals directly or by utilizing the incident form on the website or in person by going to the office of the Campus Director.

The incident form can be found on the footer of every page on LIBI's website ([libi.edu](http://libi.edu)) and accessed by simply clicking on the box that says **"Submit Incident Report"**. [https://docs.google.com/forms/d/e/1FAIpQLSfBft3sm\\_3snxRMuuU8KWwWo2QO85mjMfQhUGkQ-PA62xpbmjQ/viewform](https://docs.google.com/forms/d/e/1FAIpQLSfBft3sm_3snxRMuuU8KWwWo2QO85mjMfQhUGkQ-PA62xpbmjQ/viewform)



Once clicked, the form looks like this:

The form asks that a Campus or off-campus location be selected. Please select where the incident took place and not the campus you attend.



The form allows for ANONYMOUS submissions.

The form is titled "Explanation of Incident" and contains four sections:

- Last Name**: Labeled as "Optional", with a text input field and the placeholder "Your answer".
- First Name**: Labeled as "Optional", with a text input field and the placeholder "Your answer".
- Date of Incident \***: Labeled as "Date", with a date picker showing "mm/dd/yyyy" and a calendar icon.
- Time of Incident \***: Labeled as "Time", with a time picker showing "AM" and a dropdown arrow.

It is extremely important that members of the Commack Campus promptly report any incident or crime they were a victim of, or a witness to, as soon as possible. LIBI is able to react more effectively if incidents are reported promptly.

Members of the Commack Campus community also can report incidents to the designated inter-campus members of a Sexual Assault Response Team (SART). The Sexual Assault Response Team (SART) helps survivors through the maze of community services available to them. Members of the SART team can take reports regarding sexual assault where the victim wishes to remain anonymous but wants to make sure that the suspect information and the details of the incident are documented.

Members of the SART team are: Flushing Campus Registrar and faculty members who are part of the Safety and Security Committee.

- **Connie Zheng** (Registrar): [szheng@libi.edu](mailto:szheng@libi.edu)
- **Eugene Ritchie** (Member of the Faculty and Faculty Advisor): [eritchie@libi.edu](mailto:eritchie@libi.edu)
- **Mariele Hall** (Member of the Faculty): [mhall@libi.edu](mailto:mhall@libi.edu)

Direct Contact information for all enumerated individuals who serve as contacts is also listed at the end of this section.

LIBI encourages all individuals to report activities that threaten the safety and security of any member of the LIBI community without fear of punishment or retribution. Crimes and criminal activities can be reported anonymously and confidentially for the purposes of being included in LIBI's ASR (Annual Security Report) and Annual Disclosure of Crime Statistics by filling out the incident form discussed above or by E-[mailing safe@libi.edu](mailto:safe@libi.edu).

***Do all school officials have reporting obligations under the Clery Act?***

*Yes, they do. All institutional officials with significant responsibility for campus and student activities are referred to in the Clery Act as a Campus Security Authority (CSA). All CSAs have reporting obligations under the Clery Act.*

Designated individuals advising victims or bystanders are asked by the College 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. \*Victims and bystanders (witnesses) who wish to report any criminal activity on campus or contiguous areas of the campus only for the purposes of inclusion in the annual security report should do so with individuals designated as Campus Security Authorities (CSAs) but should indicate their request for confidentiality and anonymity. The receiving CSA will forward only the report of the crime, name of victim or witness will not be included, to the Director of Operations and Institutional Effectiveness for inclusion in the annual crime report.

**If a student reports an incident to a Campus Security Authority (CSA) in confidence, is the incident still reported?**

Yes. According to the Clery Act, any incident that falls in the Clery crime categories, as shown in the beginning of this document, must be recorded and the statistic must be reported in the Annual Security Report. Even if the incident is reported to the College anonymously (without revealing the identity of the victim) through a Campus Security Authority (CSA), the Director of Operations is required to record the nature of the incident, the approximate time and location to ensure accurate statistics.

**Are third party reports of crimes counted?**

Crimes that meet certain criteria and are reported to a Campus Security Authority (CSA) by a victim, a witness, or any third party, even if they did not witness the reported crime are included in the Annual Security Report. For example, a student reports to another student that he or she was the victim of a Clery crime, even if only that second student (the non-victim) reports to a CSA such as the Title IX Coordinator, there is a responsibility to report the crime in LIBI's Annual Security Report.

### How are crimes counted?

All crimes are counted by the date reported to a Campus Security Authority (CSA) or to the Campus. This date is often different from the date the incident occurred.

LIBI students, employees, visitors, vendors, or anyone else who may be on LIBI's premises or on any contiguous geographic perimeter of the campus to witness an actual crime or attempted criminal act are asked to promptly report it to College administration. Individuals with knowledge of any past criminal activity or attempted criminal activity are also encouraged to make a report to one of the designated administrators, or CSAs. The designated members of the Safety and Security team will respond without delay to the report and will make necessary notifications to the local police precinct when appropriate. Members of LIBI's Safety and Security team, the CSAs, and members of the Crisis Intervention Committee do not have the authority to make arrests.

### **CONFIDENTIALITY**

LIBI recognizes the importance of confidentiality to victims and witnesses of crimes. LIBI will not disclose the identity of the victim or the witness when providing crime statistics pursuant to the Campus Security Act. LIBI, however, cannot guarantee full confidentiality or anonymity in all other contexts. LIBI reserves the right to notify law enforcement when the designated College official handling the case believes in good faith that such reporting is necessary for the protection of the LIBI community. Whenever College-wide notifications will be necessary, those will be sent to the community without disclosing the victim's identity and will be done only for the purposes of providing a community-wide safety alert.

Members of the community who wish to alert the College about an important safety and security concern or crime but who wish to remain anonymous may call **(631) 808-4088** and leave a message. This line was set-up by the Safety and Security team to enable individuals who are unwilling to disclose their identity for any reason, but who feel that the information they have is important for LIBI to know, to be able to share that information anonymously with the College. This line is monitored by the Director of Operations and Institutional Effectiveness.

A subset of LIBI's Safety and Security team has been set-up to function as a first-response team to address behavioral situations, to identify, investigate, assess, refer, monitor and take action in response to behaviors exhibited by a member of the College community that may pose a threat. The members of this subset group form the **Crisis Intervention Committee**, or the **CIC**. The purpose of the Crisis Intervention Committee, or the CIC, is to assist all members of the LIBI community, including students, faculty, and staff with staying safe, healthy, and well. The CIC can help when the danger is not imminent or immediately life-threatening.

Any member of the LIBI community concerned about the physical or mental health of another member of the community should reach out to CIC, which is a subset of LIBI's Safety and Security team. If a student's behavior disrupts class or causes others to worry about his or her future actions, those concerned should report these concerns to the Campus Director or to the Safety and Security team as soon as possible. Help for individuals in distress is available through the CIC, which will investigate and assess the situation to determine what course of action may be best or most effective for the individual involved. Ensuring that LIBI is a safe place to learn and to work is everyone's responsibility. All members of the community are strongly encouraged to alert the College when behaviors of others become unpredictable or worrisome. Keep in mind that by reporting the situation you may have the opportunity to help someone else avoid a dangerous situation and to obtain the help they need.

***If you are witnessing or are in a life-threatening situation immediately call 911.***

*Any situations that escalate quickly and that make you feel unsafe should be directly reported to law enforcement as quickly as possible. Unless members of the Safety and Security Team are readily available or in the vicinity, do not risk putting yourself or others in further danger by looking for these individuals, immediately call 911 and direct responding law enforcement to your location. If you use your cell phone to call 911, you will need to provide the address where the emergency is occurring/has occurred.*

Any member of the LIBI community concerned about the physical or mental health of another member of the community should reach out to CIC, which is a subset of LIBI's Safety and Security team. If a student's behavior disrupts class or causes others to worry about his or her future actions, those concerned should report these concerns to the Safety and Security team or to the Provost as soon as possible. Help for individuals in distress is available through the Crisis Intervention Committee, which will investigate and assess the situation to determine what course of action may be best or most effective for the individual involved. Ensuring that LIBI is a safe place to learn and to work is everyone's responsibility. All members of the community are strongly encouraged to alert the College when behaviors of others become unpredictable or worrisome. Keep in mind that by reporting the situation you may have the opportunity to help someone else avoid a dangerous situation and to obtain the help they need.

## INVESTIGATION OF VIOLENT FELONY OFFENSES

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**LIBI does not have dormitories or residences it owns, controls, or operates. No students reside on LIBI's premises, or on any premises the College owns, controls, or operates.**

The section below discusses the obligations Colleges and universities have with respect to implementing a plan for the notification of local law enforcement of any violent felony offense occurring at or on the grounds of the institution.

Such plans shall include, but not be limited to, written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports and a requirement that the institution shall notify the appropriate law enforcement agency as soon as practicable, but in no case more than twenty-four hours after a report of a violent felony or that a student who resides in housing owned or operated by such institution is missing; provided that each institution shall:

- inform each victim of a sexual offense of their options to notify proper law enforcement authorities, including on-campus and local police;
- inform the victim of a sexual offense of the right to report or not to report such offense to local law enforcement agencies; and
- offer the option to be assisted by campus authorities in notifying such authorities, if the victim of sexual assault so chooses, all in compliance with applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code Section 1092(f).

***As used in this section, the following terms shall have the following meanings:***

- **"Local law enforcement agencies"** means any agency or agencies employing peace officers or police officers for the enforcement of the laws of the state, and which has or have jurisdiction under provisions of the criminal procedure law over offenses occurring at or on the grounds of any institution subject to the provisions of this section.
- **"Violent felony offense"** means a violent felony offense as defined in [subdivision one of section 70.02 of the penal law](#).

In accordance with New York State Education Law - EDN § 6434 (Investigation of Crimes and Crime Reporting), LIBI maintains a plan for the investigation of violent felonies, which includes coordination with appropriate local law enforcement agencies if violent felonies

occur on campus or on any of LIBI's designated geographic areas. In compliance with New York State Law and subject to applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code 1092(f) which gives the victim of a sexual offense the right-to-decide whether to report, LIBI will notify the appropriate law enforcement agency as soon as practicable, but in no case more than twenty-four (24) hours after receiving a report of a violent felony, excluding Sexual Offenses\* (see the Enough is Enough Sexual Assault Special Section for reporting policy), that has occurred on campus or in institutionally owned or controlled facilities.

*\* (1) inform each victim of a sexual offense of their options to notify proper law enforcement authorities, including on-campus and local police; (2) inform the victim of a sexual offense of the right to report or not to report such offense to local law enforcement agencies; and (3) offer the option to be assisted by campus authorities in notifying such authorities, if the victim of sexual assault so chooses, all in compliance with applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims' Bill of Rights under [Title 20 U.S. Code Section 1092\(f\)](#).*

## **HATE CRIME & BIAS-RELATED INCIDENTS BIAS NEW YORK PENAL LAW - PEN § 485.05 HATE CRIMES**

### **State**

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 intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ethnicity, ancestry, gender, gender identity, 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, gender-identity, religion, religious practice, age<sup>7</sup>, disability<sup>8</sup>, or sexual orientation of a person, regardless of whether the belief or perception is correct.

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7 For the purposes of New York Penal Law - PEN § 485.05 Hate Crimes the term "age" means sixty years old or more.

8 For the purposes of New York Penal Law - PEN § 485.05 Hate Crimes the term "disability" means a physical or mental impairment that substantially limits a major life activity.

Hate crimes have a pervasive effect. As the Legislative Findings of New York's Hate Crimes Act of 2000 state, "Crimes motivated by individual hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic processes."<sup>9</sup>

## **Federal**

Hate crimes, also sometimes referred to as bias crimes, are criminal offenses that carry penalties that range from fines to imprisonment for extensive periods of time depending on the nature of the offense, whether the offender was previously involved in a similar Hate Crime or is a hate group member, and whether violence was involved. The Department of Justice aggressively prosecutes hate crimes, which include acts of physical harm and specific criminal threats motivated by hostility or animosity based on race, color, national origin, ethnicity, religion, gender, sexual orientation, gender identity, or disability. The Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249 makes it a federal crime to willfully cause bodily injury, or attempt to do so using a dangerous weapon, **because of the victim's actual or perceived race, color, religion, or national origin. The Shepard-Byrd Act is the first statute allowing federal criminal prosecution of hate crimes motivated by the victim's actual or perceived sexual orientation or gender identity.** For example, if a victim is attacked by someone who believes that the victim is gay, the attack is a hate crime whether or not the victim is actually gay.

### ***Examples of hate crimes may include, but are not limited to:***

- Bias-related oral comments, written statements, or gestures;
- Bias-related drawings, markings, symbols, or graffiti;
- Willfully or maliciously vandalizing, destroying, damaging, or defacing property belonging to someone because of the individual's membership in a particular racial, ethnic, religious, or otherwise protected group;
- Physical assault;
- Intimidation with the intent to put another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack;

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<sup>9</sup> [https://www.nysenate.gov/sites/default/files/report\\_2017\\_update\\_to\\_hate\\_crimes\\_report.pdf](https://www.nysenate.gov/sites/default/files/report_2017_update_to_hate_crimes_report.pdf)

- Threatening phone calls;
- Hate mail (including E-mail, text messages, voice-mails);
- Stalking or causing someone to fear for their safety;
- Intentionally creating situations or conditions that have the potential to cause bodily harm to others;
- Fire bombings.

In addition to the legal ramifications from the state and federal governments, LIBI students, staff, or faculty who commit bias crimes also will be subject to LIBI's disciplinary procedures and a range of sanctions as applicable up to and including suspension, expulsion, or termination of employment. LIBI strongly encourages any member of the community who is a victim of a hate crime or witnesses it, to report it to the College in a manner described in the **Procedures for Reporting Crimes or Criminal Activity** section of this document. The College asks that victims and witnesses come forward as soon as feasible so that proper steps can be taken to handle the perpetrator(s) and to prevent future occurrences.

To effectively handle incidents of bias related crimes and to prevent them in the future, victims or witnesses of a hate crime are encouraged immediately to report incidents in the manner described above. LIBI's Student Success Advisors will assist victims of hate/bias crimes obtain access to counseling and support services.

An integral part of LIBI's mission and a key fiber of the community is the College's racial, ethnic, linguistic, and religious diversity. As a career College preparing students to enter New York City's courtrooms, LIBI's curriculum and classroom education aims to promote tolerance and diversity, multiculturalism and understanding of other cultures and identities. Active classroom emphasis on the value of multiculturalism supported by co-curricular activities that aim to deepen students' understanding of other cultures and identities helps graduates form more meaningful perspectives on LGBTQ people and other minority communities. According to New York State's Division of Criminal Justice Services Report issued in August 2016, 83% of hate crime offenders were male, and of those, the greatest concentration of offenders were under the age of 25<sup>10</sup>. Although LIBI's student demographics do not coincide with the demographics reported for hate crime offenders (As noted previously, the Commack Campus is 92% female with the average student age of 33), LIBI continues to incorporate tolerance, anti-bullying, and anti-harassment education into existing curriculum and co-curricular activities so that graduates are able to recognize and address bullying, harassment, and discrimination in their private and professional lives as part of LIBI's mandate

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10 <http://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>



to create empowered life- long learners. In addition to classroom education, LIBI provides community awareness on the Hate Crimes Law in order to raise understanding and to help individuals and communities devise strategies to address hate violence and provide guidance to victims.

**The Following Individuals were referenced in the section above and are considered LIBI'S CAMPUS SECURITY AUTHORITIES::**

- **The Provost - Stacey Johnson**  
Member of the Crisis Intervention Committee (CIC)  
**Office:** 136-17 39th Avenue, Room A107. Flushing, NY 11354  
**Phone:** (347) 368-1193  
**E-mail:** [sjohnson@libi.edu](mailto:sjohnson@libi.edu)
- **Campus Director - Michelle Houston**  
Member of the Crisis Intervention Committee (CIC)  
Member of a Sexual Assault Response Team (SART)  
**Office:** 6500 Jericho Turnpike, Commack, NY 11725  
**Phone:** (631) 499-7100  
**E-mail:** [mhouston@libi.edu](mailto:mhouston@libi.edu)
- **Commack Campus Title IX Coordinator - Audrey Sumner**  
Member of the Crisis Intervention Committee (CIC)  
Member of a Sexual Assault Response Team (SART)  
**Office:** 6500 Jericho Turnpike, Commack, NY 11725  
**Phone:** (631) 499-7100 ext. 19  
**E-mail:** [asumner@libi.edu](mailto:asumner@libi.edu)
- **The Director of Operations and Institutional Effectiveness - Catherine Law**  
Member of the Crisis Intervention Committee (CIC)  
**Office:** 232 West 40th Street, 9th floor. New York, NY 10018  
**Phone:** (212) 226-7300 ext. 349  
**E-mail:** [claw@libi.edu](mailto:claw@libi.edu)
- **The Chair of the Campus Safety and Security Committee - Julia Scalia**  
Member of the Crisis Intervention Committee (CIC)  
**Office:** 232 West 40th Street, 9th floor (Academic Success Center, Room 912) New York, NY 10018  
**Phone:** (212) 226-7300 ext. 342  
**E-mail:** [jscaliam@libi.edu](mailto:jscaliam@libi.edu)

- **The Associate Dean of Instruction - Linda Buncom**  
 Member of a Sexual Assault Response Team (SART)  
**Office:** 232 West 40th street, 9th floor, Room 909. New York, NY 10018  
**Phone:** (212) 226-7300 ext. 327  
**E-mail:** [lbuncom@libi.edu](mailto:lbuncom@libi.edu)
- **The Registrar - Connie Zheng**  
 Member of a Sexual Assault Response Team (SART)  
**Office:** 136-18 39th Avenue, Room 502. Flushing, NY 11354  
**Phone:** (728) 939-5100 ext. 143  
**E-mail:** [szheng@libi.edu](mailto:szheng@libi.edu)
- **Faculty Advisor - Eugene Ritchie**  
 Member of a Sexual Assault Response Team (SART)  
**Office:** 232 West 40th Street, 9th floor. New York, NY 10018  
**Phone:** (212) 226-7300 ext.342  
**E-mail:** [eritchie@libi.edu](mailto:eritchie@libi.edu)
- **Intercampus Title IX Coordinator - April Robinson**  
 Member of a Sexual Assault Response Team (SART)  
**Office:** 232 West 40th Street, 10th floor. New York, NY 10018  
**Phone:** (212) 226-7300 ext. 315  
**E-mail:** [arobinson@libi.edu](mailto:arobinson@libi.edu)
- **Internal Auditor - William Chong**  
 Member of the Crisis Intervention Committee (CIC)  
 Member of a Sexual Assault Response Team (SART)  
**Office:** 232 West 40th Street, 10th floor. New York, NY 10018  
**Phone:** (212) 226-7300 ext. 505  
**E-mail:** [wchong@libi.edu](mailto:wchong@libi.edu)
- **Accessibility Coordinator - Karin Chang**  
 232 West 40th Street, 9th floor (Room 915). New York, NY 10018  
**Phone:** (212) 226-7300 ext. 356  
**E-mail:** [kchang@libi.edu](mailto:kchang@libi.edu)

# REPORTING INCIDENTS OF SEXUAL HARASSMENT INCLUDING SEXUAL ASSAULT, SEXUAL MISCONDUCT, STALKING, AND DATING/INTIMATE PARTNER VIOLENCE

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LIBI's policy on harassment, sexual assault, and sexual misconduct can be found below or accessed on the College website under these links:

- **New York City Sexual Harassment Policy**  
[https://libi.edu/wp-content/uploads/2018/09/SexHarass\\_Notice-8.5x11.pdf](https://libi.edu/wp-content/uploads/2018/09/SexHarass_Notice-8.5x11.pdf)
- **Sexual Harassment - General Policy**  
<https://libi.edu/wp-content/uploads/2018/05/Sexual-Harassment-Policy.pdf>

Title IX is a federal civil rights law that prohibits discrimination on the basis of sex, including on the basis of sex stereotypes, in education programs and activities. All Colleges and universities that receive federal funds must comply with Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq. and its implementing regulations, 34 C.F.R. Part 106. Because harassment, including sexual harassment, is prohibited by federal and state laws, LIBI strictly forbids harassment of any kind, and will swiftly take appropriate action to address any violations of this policy.

Further to this policy, LIBI is committed to providing a safe environment for every member of its community and to ensuring that no student, faculty, or staff member is excluded from participation in or denied the benefits of any College program or activity on the basis of sex. Accordingly, the College strictly prohibits the following forms of sex-based misconduct (sexual misconduct): harassment, sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, sexual exploitation, and stalking. The use of alcohol or other drugs will not be accepted as a defense to a violation of this policy.

LIBI prohibits retaliation against any individual for reporting an incident of sexual misconduct or for participating in any investigation or proceeding related to any such report. Members of the College community who believe that they have been subjected to any form of sexual misconduct are encouraged to report such incidents to the College and, where applicable, to local law enforcement. Pursuant to the procedures detailed below, upon receiving a report, LIBI will respond promptly and fairly. When responding to charges of harassment (sex-based or not), LIBI will take immediate and appropriate action to investigate or otherwise to determine what may have occurred. The specific steps in an investigation will vary depending upon the nature of the allegations, the age of the student or students involved, and other similar factors. In all cases, however, the inquiry will be prompt, thorough, and impartial. If the investigation reveals that discriminatory harassment has occurred, LIBI will take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile en-

vironment and its effects, and prevent the harassment from recurring. LIBI will take steps to stop further harassment and to prevent any retaliation against the person who made the complaint (or was the subject of the harassment) or against those who provided information as witnesses. LIBI will ensure that the individuals subjected to the harassment and their families know how to report any subsequent problems, conducting follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and responding promptly and appropriately to address continuing or new problems.

When responding to incidents of misconduct, LIBI will not be guided by the label used to describe the incident (e.g. bullying, sexually harassing, etc.). Rather, the nature of the conduct itself will be assessed for violation of College policies and processes, state and federal guideline violations, and civil rights implications. For instance, if the abusive behavior is on the basis of race, color, national origin, sex, or disability, and creates a hostile environment, LIBI will respond to the complaint in accordance with the applicable federal civil rights statutes and regulations enforced by the Office for Civil Rights (OCR).

## **PROHIBITED SEXUAL MISCONDUCT DEFINED**

Harassment is any verbal (can include verbal taunting, including racial and ethnic slurs) or physical conduct designed to threaten, intimidate, or coerce that, in the victim's opinion, impairs his or her access to LIBI's programs or activities. Harassing conduct may take many forms, including verbal acts and name calling; graphic and written statements, which may include use of cell phones, E-mail, social media, or the Internet in non-enumerated here ways; or other conduct that may be physically threatening, harmful, or humiliating. **Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by LIBI.** When such harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that the OCR enforces.

### **Further examples of harassment include:**

- **Verbal:** Comments that can be perceived as offensive or are unwelcomed regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body disability or appearance, epithets, slurs, or negative stereotyping.
- **Nonverbal:** Distribution, display, or discussion of any written or graphic material that ridicules, demeans, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race color, religion, age, gender, sexual orientation, pregnancy, disability, gender identity, marital, or other protected status.

**Sexual Harassment** is defined as unwelcome conduct of a sexual nature, including but not limited to sexual advances, requests for sexual favors or other physical, verbal, or visual conduct of a sexual nature, including rape, sexual assault, and sexual exploitation. **This definition prohibits conduct which is intentional and also conduct which, regardless of intent, has the effect or impact of creating an intimidating, hostile, or offensive working or learning environment on the basis of sex.** "Joking" or "teasing," will not be accepted as defense for violating this policy. Members of the community are asked to keep in mind that even if the person does not object to the alleged harassing conduct or does not request that the harassing conduct cease, it does not imply that the conduct is welcome.

**Unwelcome conduct of a sexual nature constitutes sexual harassment when:**

- submission to such conduct is made either explicitly or implicitly a term or condition of one's education, participation in community activities, or employment (quid pro quo harassment);
- submission to, or rejection of such conduct by an individual is used as the basis for employment, academic or course performance affecting such individual (quid pro quo harassment);
- such conduct has the purpose or effect of interfering unreasonably with an individual's academic performance or ability to participate in or benefit from LIBI's programs or activities, or creating an intimidating, hostile, or offensive academic or work environment that is, or would be, offensive to a person of reasonable sensitivity and sensibilities (hostile environment sexual harassment).

**Examples of sexual harassment that may cause a hostile environment include, but are not limited to:**

- subtle or persistent pressure for sexual activity;
- unwelcome touching of a sexual nature;
- impeding or blocking movements;
- requesting (or demanding) sexual favors concerning employment or academic activities;
- unwelcome or unsolicited communications (verbal, written, electronic, etc.) of a sexual nature;
- refusing to accept the termination of a consensual relationship;
- engaging in visual conduct such as staring at, gaping, gawking, or making sexual gestures;
- displaying sexually suggestive or degrading objects, pictures, cartoons, posters;

- distributing sexually suggestive, pornographic or obscene material;
- making derogatory comments on the basis of sex; discussing sexual activities; making sexual propositions; telling sexually explicit jokes or jokes concerning gender-specific traits or sexual preferences;
- making sexually explicit comments about an individual's body or clothing; comments about an individual's sexual desirability; or using sexually degrading words to describe an individual; and
- engaging in verbal or written slurs, degrading, or negative stereotyping.

When making the determination of whether the harassment created a hostile environment, the College will consider the severity, persistence, or pervasiveness of the sexual harassment. It should be noted that the College will determine whether the reported incident was severe enough that there is no need to show a repetitive series of incidents to find a hostile environment. **A single instance of sexual harassment may be sufficient to create a hostile environment.** Conversely, a series of incidents may be sufficient to determine that sexual harassment occurred even if each instance presented is not particularly severe in isolation.

## **GENDER-BASED HARASSMENT**

This type of harassment occurs when verbal or physical conduct belittles or shows hostility or aversion toward an individual because of his or her gender and that behavior substantially interferes with an individual's educational, campus life, or employment experience. Gender-based harassment includes verbal and/or physical aggression toward another individual based upon a perception that the individual fails to conform to stereotypical notions of expected characteristics for males or females.

## **STATE & FEDERAL GOVERNMENT RESOURCES**

Sexual harassment is also unlawful under state and federal law where statutes of limitations vary.

- To file a complaint with the New York State Division of Human Rights, please visit the Division's website at [www.dhr.ny.gov](http://www.dhr.ny.gov).
- To file a charge with the U.S. Equal Employment Opportunity Commission (EEOC), please visit the EEOC's website at [www.eeoc.gov](http://www.eeoc.gov).

## SEXUAL ASSAULT

### Nonconsensual Sexual Contact and Nonconsensual Sexual Intercourse<sup>11</sup>

**Nonconsensual Sexual Contact** is any “sexual contact”<sup>12</sup> or the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person” without **Affirmative Consent**.

**Nonconsensual Sexual Act** is any sexual contact, between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person against the individual’s will or without **Affirmative Consent** and/or by force.

## RAPE

**Rape** is “[t]he penetration, no matter how slight, of the vagina or anus with anybody part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”<sup>13</sup> Previously, the law defined “forcible rape,” “forcible sodomy,” “sexual assault with an object,” and “forcible fondling” separately. The new definition of rape encompasses forcible rape, forcible sodomy, and sexual assault with an object, and forcible fondling has been changed to fondling. In general, sexual assault is an umbrella term encompassing rape and fondling. LIBI’s policies have been updated to reflect this change.

### Statutory Rape

Non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 16 years old.

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11 Sex offenses under New York State law are defined in Article 130 of the NYS Penal Code. A summary of New York State Penal Code 130 sex offenses and the penalties for commission of sex offenses is which is available online at <http://codes.lp.findlaw.com/nycode/PEN/THREE/H/130>.

References to Penal Code sections are provided for information purposes only. LIBI enforces its policies and not the Penal Code provisions.

12 “Sexual contact” has the same meaning as “sexual act” and “sexual activity” as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3)

13 <http://www.justice.gov/opa/pr/attorney-general-eric-holder-announces-revisions-uniform-crime-report-s-definition-rape>.

**Examples of nonconsensual sexual intercourse include but are not limited to:**

- vaginal penetration by a penis, object, tongue, or finger;
- anal penetration by a penis, object, tongue, or finger;
- oral copulation (mouth to genital contact or genital to mouth contact).

**Sexual Exploitation** occurs when, without **Affirmative Consent**, an individual takes sexual advantage of another. Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy and voyeurism (e.g. observing or recording others engaged in sexual activity, whether in-person or through audio or video recording or streaming, without the consent of all involved);
- taking intimate pictures of another, but then distributing the pictures to others without the photographed person's consent;
- engaging in sexual activity with another while knowingly infected with a sexually transmitted disease (STD) without informing the other person of such infection;
- exposing of a person's genitals in non-consensual circumstances;
- prostitution or soliciting another community member;
- incest.

**Domestic Violence** refers to physical violence, threats of violence or acts of physical intimidation or coercion, isolation, stalking or other forms of verbal, emotional, sexual, or economic abuse directed towards

- a current or former spouse or intimate partner;
- **a person with whom one shares a child;** or
- anyone who is protected from the Respondent's acts under the domestic or family violence laws of New York. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.<sup>14</sup>

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<sup>14</sup> <https://opdv.ny.gov/learn-more-about-domestic-violence#behaviors---tactics>



**Domestic Violence Hotline  
is Available 24-Hours a Day Seven Days a Week  
1-800-621-HOPE (4673)**

**Dating Violence** refers to physical violence, threats of violence, or acts of physical intimidation or coercion committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence would include, but would not be limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of "domestic violence."

**Do You Suspect Abuse or Maltreatment?  
Report it Now!**

Call our Statewide Toll Free Telephone Number:  
**1-800-342-3720**

If you are deaf or hard of hearing, call TDD/TTY at  
**1-800-638-5163**

OR have your Video Relay System provider call  
**1-800-342-3720**

If you believe that a child is in immediate danger,  
call **911** or your local police department.

**Stalking** is a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person (a "reasonable person" is "a reasonable person under similar circumstances and with similar identities to the victim) to feel fear for her, his, or others' safety, or to suffer substantial emotional distress ("significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling). Because stalking is repetitive in nature and may occur in multiple locations, both on and off campus, LIBI strongly encourages reporting individuals to communicate with College security authorities as soon as the reporting individual becomes aware of the stalking. LIBI uses the location where the reporting individual first became aware of the stalking, or the location where the incident was perpetrated (if known), or both if both locations are known and fall within Clery-reporting geography to report incidents in the Annual Security Report.<sup>15</sup>

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<sup>15</sup> Stalking offenses under New York State law are defined in NYS Penal Code Sections 120.45-120.60, which are available online at <http://codes.lp.findlaw.com/nycode/PEN/THREE/H/120>.

Nationally, 7.5 million people are stalked every year. Stalking can happen to anyone. Approximately 1 in 6 women and 1 in 17 men have experienced stalking at some point in their lifetime. (CDC, 2015)

**Examples of stalking include, but are not limited to:**

- constantly appearing at places where the reporting individual frequents or is scheduled to be;
- persistent unwanted communication or contact whether in person, by telephone, text, or e-mail;
- persistent unwanted gifts;
- following or surveillance.

**Stalking can also include a wide array of behaviors:**

- Does someone always seem to be just around the corner when you are going to work, are out with friends, or in your neighborhood?
- Does someone keep making unwanted phone calls to your home or work?
- Do you find signs that someone has been in or near your home, your car, or your workplace when you were not there?
- Are you receiving repeated letters, gifts, cards, social media posts and/or emails even though you told the sender to stop sending them?
- Has someone tried to get information about you from a third person like a family member, friend, or co-worker?
- Is someone posting information or spreading rumors about you on the internet, in a public place, or by word of mouth?

Read more:

[https://www.safehorizon.org/get-help/stalking/?gclid=CjwKCAjwndCKBhAkEiwAgSDKQSMJSm-v6ubq72PWfhnbb1rQJyW4yz2BfxUBtu9YYkyWStcnaXk6ClBoCF3wQAvD\\_BwE#overview/](https://www.safehorizon.org/get-help/stalking/?gclid=CjwKCAjwndCKBhAkEiwAgSDKQSMJSm-v6ubq72PWfhnbb1rQJyW4yz2BfxUBtu9YYkyWStcnaXk6ClBoCF3wQAvD_BwE#overview/)

**Crime Victims Hotline is  
Available 24-Hours a Day, Seven Days a Week.  
1-866-689-HELP (4357)**

### **What Should I do If I'm Being Stalked?**

- Trust your instincts. Victims of stalking often feel pressured by friends or family to downplay the stalker's behavior, but stalking poses a real threat of harm. Your safety is paramount.
- Call the police if you feel you are in any immediate danger. Explain why even some actions that seem harmless—like leaving you a gift—are causing you fear.
- Keep a record or log of each contact with the stalker. Be sure also to document any police reports.
- Stalkers often use technology to contact their victims. Save all e-mails, text messages, photos, and postings on social networking sites as evidence of the stalking behavior.
- Get connected with a local victim advocate to talk through your options and discuss safety planning. **Call the National Domestic Violence Hotline at 1-800-799-SAFE<sup>16</sup>.**

Members of the LIBI community who are found to be engaging in any behaviors that can be classified as harassing will face disciplinary actions commensurate with the severity of their actions. LIBI will address harassment incidents about which it knows or reasonably should have knowledge of (e.g. when the harassment is in plain sight, widespread, or well known to students and staff, such as harassment occurring in hallways, during scheduled class sessions, during extracurricular activities supervised by LIBI staff, or through graffiti on LIBI's premises). In cases where the obvious signs of the harassment are sufficient to take disciplinary action against an individual, the College will do so in accordance with its written policies. If through its investigation or conduct hearing process LIBI becomes aware of misconduct or discovers additional incidents that, taken together, may constitute a hostile environment, the individual(s) involved in creating such hostile conditions or environments will be subject to separate investigations or hearings. In all cases, without exception, LIBI staff, faculty, and students are expected to familiarize themselves with all of LIBI's policies prohibiting harassment and procedures for reporting and resolving complaints that will alert the College to incidents of harassment.

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<sup>16</sup> <https://www.justice.gov/sites/default/files/ovw/legacy/2013/01/31/tips-for-victims.pdf>

It is the explicit expectation of LIBI's administration that all staff, faculty, and students will become familiar with all policies and procedures published by LIBI on harassment, gender-based violence, sexual assault, dating violence, domestic violence and stalking. Students with questions regarding any of the published materials on these topics are strongly encouraged to speak to the Commack Campus Director, the Title IX Coordinator, or to seek clarification from the Provost. Employees should seek clarification from the Director of Institutional Effectiveness, the Provost, the Campus Director, or the President of the College.

"SEXUAL HARASSMENT is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Thus, sexual harassment prohibited by Title IX can include conduct such as touching of a sexual nature; making sexual comments, jokes, or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity or performance; or circulating, showing, or creating e-mails or websites of a sexual nature."

- "SEXUAL VIOLENCE refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX."
- Students or employees who believe that they are, or have been, subject to any behaviors or conduct that can be classified as gender-based violence, harassment, stalking, or any of the broad range of behaviors directed at the victim such as actions that harass, frighten, seriously alarm, threaten, terrorize, torment, and/or force another into the life of the victim, should immediately contact one of the Title IX Coordinators. Although students, faculty, and staff may seek help from a Coordinator or the Dean, everyone is initially encouraged to seek help from the Title IX Coordinator assigned to the location where they work or attend the majority of their classes. For definition of Key Terms and further information and instructions on how to report incidents under this policy, grievance procedures, investigation process, hearing procedures, resolution, and appeal, ***please see the Student Code of Conduct and Enough is Enough Sexual Assault Special Section 1.*** Title IX also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. The Title IX obligations discussed in this letter also apply to gender-based harassment.

Gender-based harassment is discussed in more detail in the 2001 Guidance, and in the 2010 Dear Colleague letter on Harassment and Bullying, which is available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.<sup>17</sup>

## SEXUAL MISCONDUCT

Allegations and incidents of sexual harassment including sexual assault, stalking, or intimate partner violence should be reported to one of the individuals listed below:

- **Title IX Coordinator - Audrey Sumner**  
**Office:** 6500 Jericho Turnpike, Commack, NY 11725  
**Phone:** (631) 499-7100 ext. 19  
**Email:** [asumner@libi.edu](mailto:asumner@libi.edu)
- **Campus Director - Michelle Houston**  
**Office:** 6500 Jericho Turnpike, Commack, NY 11725  
**Phone:** (631) 499-7100  
**Email:** [mhouston@libi.edu](mailto:mhouston@libi.edu)
- **Director of Operations and Institutional Effectiveness - Catherine Law**  
**Office:** 232 West 40th Street. 9th floor, New York, NY 10018  
**Phone:** (212) 226-7300  
**Email:** [claw@libi.edu](mailto:claw@libi.edu)
- **The Director of the Center for Academic Success and The Chair of the Campus Safety and Security Committee - Julia Scalia**  
**Office:** 232 West 40th Street, 9th floor (*Academic Success Center*) New York, NY 10018  
**Phone:** (212) 226-7300 ext.342  
**E-mail:** [jscaliam@libi.edu](mailto:jscaliam@libi.edu)

## PROTECTING AGAINST SEXUAL ASSAULT AND OTHER VIOLENCE

Sexual assault, domestic violence, and stalking are not just women's issues and can happen anywhere and to anyone. On traditional College campuses, occurrences of sexual assault and other violence are frequently associated with alcohol, and many victims know their assailants. LIBI is a commuter College and does not have a traditional campus with dorms.

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<sup>17</sup> <http://www2.ed.gov/print/about/offices/list/ocr/letters/colleague-201104.html>

Students who study at LIBI should be aware of personal safety and wary of potentially dangerous situations in their daily lives and while commuting to LIBI.

LIBI is committed to making certain that its Commack Campus is a secure and safe environment for all members of the community including students, employees, and visitors. With this in mind, LIBI has established the following policies and practices:

- The possession, abuse, or distribution of illicit drugs and/or alcohol by students and employees on College property or as part of any LIBI activities is strictly prohibited.
- Further, individuals under the age of 21 years are prohibited from possessing or consuming alcohol on College premises or at any event sponsored by LIBI or by any College organization, department, or office, whether the event is at the College or not.
- No individual under the age of 21 years shall misrepresent or tender any false evidence of their age in order to obtain or try to obtain any alcoholic beverage or to gain access to any event or activity at which any alcoholic beverage is being sold or served. Violations of LIBI's policies on alcohol or of any related laws are subject to LIBI's disciplinary codes and policies. Sanctions which may be assessed against violators include, for students, suspension and expulsion, and for employees, termination of employment. Visitors who violate LIBI's alcohol policies may be ejected from the event, from the campus, or banned from accessing any of LIBI's policies, or may be referred to local law enforcement.
- Faculty, staff and students as well as contractors and visitors also should be aware that, in addition to LIBI's sanctions, they may be subject to criminal penalties for unlawful manufacture, possession with intent to distribute, or sale of alcoholic beverages to a person under the age of 21 years. For more information about relevant federal, state, and local alcohol laws, see the ***College's Drug Free Campus Policy***.

## **CONFIDENTIALITY**

All visitors to LIBI's buildings must sign-in at the reception desk. ALL students and employees must carry and show their ID cards to the front desk personnel. Employees must meet visitors at the main reception desk and escort their visitors to the appropriate destinations. Guests and visitors are the responsibility of the employees who invite them. **Visitors and guests never should be left alone at the campuses.**

During evening hours and when the College is officially closed, including campus holidays, all entrances to College premises remain locked. **Only employees with prior authorization are admitted to the buildings during hours when the College is officially closed.**

## SEXUAL ASSAULT

Sexual assault is any type of sexual contact or behavior that occurs **without the explicit consent of the recipient**. Falling under the definition of sexual assault are sexual activities such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape. *Please refer to the **Enough is Enough Sexual Assault Special Section document for detailed information on sexual assault, domestic violence, dating violence, and stalking.*** (<https://libi.edu/students-should-know/enough-is-enough/>)

- <https://www.rainn.org/>
- <https://www.cdc.gov/Violenceprevention/sexualviolence/index.html>
- <http://www.evawintl.org/>
- <http://victimsofcrime.org/home>
- <https://sanctuaryforfamilies.org/>

### How do I Know if What I'm Experiencing is Sexual Abuse?

New York criminalizes a wide range of conduct constituting "sexual abuse," which is generally defined as subjecting another person to sexual contact without the latter's consent. New York Penal Code Section 130(3) further defines "sexual contact" to include "any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party," and touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing.

Other related crimes include forcible touching and persistent sexual abuse. New York also punishes four degrees of aggravated sexual abuse, each of which involve the insertion of a foreign object in the vagina, urethra, penis, rectum or anus of another person. "Foreign object" means any instrument or article whose insertion into the sexual parts of a person is capable of causing physical injury. All aggravated sexual abuse offenses are felonies.

### **DRUG-FACILITATED SEXUAL ASSAULT (DATE RAPE DRUGS)**

Drug-facilitated sexual assault occurs when alcohol or drugs are used to compromise an individual's ability to consent to sexual activity. These substances make it easier for a perpetrator to commit sexual assault because they inhibit a person's ability to resist and can prevent them from remembering the assault.

A perpetrator may intentionally drug a victim, resulting in a situation where it is easy to manipulate the circumstances and commit an assault. Perpetrators use a variety of substances to incapacitate a victim.

- Alcohol is the most commonly used substance in drug-facilitated sexual assault.
- Prescription drugs like sleep aids, anxiety medication, muscle relaxers, and tranquilizers also may be used by perpetrators.
- Street drugs, like GHB, rohypnol, ecstasy, and ketamine can be added to drinks without changing the color, flavor, or odor of the beverage.<sup>18</sup>

### **How will I know if I've been drugged?**

Depending on the substance, the initial effects of a drug can go unnoticed or become apparent very quickly. If you notice any of the following warning signs in yourself or someone you know, reach out to someone you trust immediately. If you notice these symptoms in another person, you can take steps to keep that person safe.

- Difficulty breathing;
- Feeling drunk when you have not consumed any alcohol or very limited amounts;
- Loss of bowel or bladder control;
- Nausea;
- Sudden body temperature change that could be signaled by sweating or chattering teeth;
- Sudden increase in dizziness, disorientation, or blurred vision;
- Waking up with no memory, or missing large portions of memories.

### **Preserving Evidence**

If you suspect you were drugged, you can take steps to preserve the evidence for an investigation. Many of these drugs leave the body quickly, within 12 to 72 hours. If you cannot get to a hospital immediately, save your urine in a clean, sealable container as soon as possible,

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<sup>18</sup> <https://rainn.org/articles/drug-facilitated-sexual-assault>



and place it in the refrigerator or freezer. Call the National Sexual Assault Hotline at **1-800-656-HOPE (4673)** to find a hospital or medical center that can provide you with a sexual assault forensic exam and test your blood and urine for substances.<sup>19</sup>

### How Do I Find Medical Care?

Once you are in a safe place, you can call the National Sexual Assault Hotline at **1-800-656-HOPE (4673)** to be connected with a local sexual assault service provider. They will direct you to the appropriate local health facility that can care for survivors of sexual assault. They also can send an advocate to help walk you through the process of receiving medical care during this tough time. If you can, it is best to avoid showering or bathing before arrival. Bring a change of clothing with you if you are able.

In addition to receiving medical attention, you may wish to have a sexual assault forensic exam, sometimes called a “rape kit.” During this exam, someone specially trained to perform this exam, such as Sexual Assault Nurse Examiner (SANE), will collect DNA evidence that can help identify the perpetrator. You do not have to agree to a forensic exam to receive treatment, but doing so may give you a stronger case against the perpetrator if you decide to report the crime now or down the road.

There may be a risk of contracting a sexually transmitted infection (STI) during a sexual assault. The only way to know for sure if you have an STI is to get tested. Based on what happened, a healthcare professional will recommend which tests are important to have now and which may need to be repeated in the future.

### How Do I Find Legal Help?

LIBI will assist reporting individuals by referring them to legal aid or community resources (a list and map of legal aid resources in New York State is available at <http://www.suny.edu/violence-response/>, click on “Off Campus Resources” and then sort for “Legal Resources”).

LIBI will serve as a resource to students in initiating proceedings. This includes making available information sheets, links to appropriate resources, and assistance from College personnel in contacting outside resources.

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<sup>19</sup> <https://rainn.org/articles/steps-you-can-take-after-sexual-assault>

## OVERVIEW

LIBI's primary focus and priority is to ensure the safety and well-being of our students and employees.

An important component of this commitment is the prevention of substance abuse by members of the LIBI community. Substance abuse obstructs learning, teaching, and personal development. However, there are also serious criminal and disciplinary implications for students and employees who use, manufacture, or sell controlled or illicit substances on any of LIBI's properties, at LIBI-sponsored events, or while representing the College. This notification recognizes LIBI's responsibility to implement and to enforce alcohol and drug regulations that are consistent with New York State laws

### **POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY (SECTION 6442) and Article 129-B - (6439 - 6449)**

Through this policy LIBI acknowledges that use of drugs or alcohol may create life-threatening situations and aims to reduce institutional obstacles to seeking and receiving medical help in those instances. This policy enables students under the influence of drugs and/or alcohol who may be the victims of, witnesses to, or otherwise become aware of sexual misconduct or violence, including but not limited to, domestic violence, dating violence, stalking, or sexual assault, to seek medical assistance either for themselves or others, and/or to report the incident without the fear of being subject to discipline for the use of drugs or alcohol.

The health and safety of every student at the Long Island Business Institute (LIBI) is of utmost importance. LIBI 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. LIBI 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 LIBI's officials or law enforcement will not be subject to LIBI'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.

Amnesty from internal institutional violations for drug or alcohol use is provided to students reporting incidents under this provision. **Drug dealers or those who use drugs or alcohol as a weapon or to facilitate assault will not receive amnesty under this provision.**

This policy covers only personal drug use and possession whether intentional or accidental. **The point of this policy is to remove the fear of those who have, legally or illegally,**

**been using or in the presence of drugs or alcohol at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault, that the College would take conduct action related to the use of drugs or alcohol.** For the complete policy on Drug and Alcohol Amnesty, please see the *Enough is Enough Sexual Assault Special Section document*.

*\* Note that these provisions only cover the student disciplinary process. This policy is intended both to implement Article 129-B of the Education Law (which mandates drug and alcohol amnesty for those who report violence) and to incorporate New York State's Good Samaritan Law, which is designed to encourage individuals to call 911 in the event of an alcohol or drug-related emergency. Generally, the Good Samaritan Law protects persons who witness or suffer from a medical emergency involving drugs or alcohol from being arrested or prosecuted for drug or underage alcohol possession after they call 911. It does not protect against arrest or prosecution for other offenses, such as the sale of drugs. **This policy does not limit the College from seeking assistance for a student who is struggling with drug or alcohol addiction or is otherwise in danger provided that the assistance is not disciplinary in nature.** If repeated incidents of alcohol or drug use are involved, there may be issues of medical concern, which may result in parental notification (if student is a minor), medical withdrawal, and/or other non-disciplinary responses.*

The Amnesty policy does not apply to those who use alcohol or drugs as a weapon or to facilitate assault.

## **IF YOU'RE READY TO SEEK HELP**

### **Signs and symptoms of Drug Dependence:**

Drug dependence involves all the symptoms of drug abuse, but also involves another element: physical dependence.

- **Tolerance:** Tolerance means that, over time, you need more drugs to feel the same effects. Do they use more drugs now than they used before? Do they use more drugs than other people without showing obvious signs of intoxication?
- **Withdrawal:** As the effect of the drugs wear off, the person may experience withdrawal symptoms: anxiety or jumpiness; shakiness or trembling; sweating, nausea and vomiting; insomnia; depression; irritability; fatigue or loss of appetite and headaches. Do they use drugs to steady the nerves, stop the shakes in the morning? Drug use to relieve or avoid withdrawal symptoms is a sign of addiction.

- **Loss of Control:** Using more drugs than they wanted to, for longer than they intended, or despite telling themselves that they wouldn't do it this time.
- **Desire to Stop, But Can't:** They have a persistent desire to cut down or stop their drug use, but all efforts to stop and stay stopped, have been unsuccessful.
- **Neglecting Other Activities:** They are spending less time on activities that used to be important to them (hanging out with family and friends, exercising or going to the gym, pursuing hobbies or other interests) because of the use of drugs.
- **Drugs Take Up Greater Time, Energy and Focus:** They spend a lot of time using drugs, thinking about it, or recovering from its effects. They have few, if any, interests, social or community involvements that don't revolve around the use of drugs.
- **Continued Use Despite Negative Consequences:** They continue to use drugs even though they know it's causing problems. As an example, person may realize that their drug use is interfering with ability to do their job, is damaging their marriage, making problems worse, or causing health problems, but they continue to use. <sup>20</sup>

Suffolk County has many free and low-cost services for people with drug and/or alcohol problems.

**The Health Department's Division of Community Mental Hygiene Services** can offer additional guidance and they can be reached Monday - Friday from 9:00 a.m. to 5:00 p.m. at **(631) 853-8500**.

For assistance after hours, the **RESPONSE Hotline** is available 24 hours a day, 7 days a week, and they can be reached at **(631) 751-7500**.

## SUFFOLK COUNTY EMERGENCY PHONE NUMBERS

### CRISIS INTERVENTION SERVICES

RESOURCE	CONTACT	WEBSITE
LICADD SUBSTANCE ABUSE 24-HR. HOTLINE	631-979-1700	<a href="http://licadd.org">licadd.org</a>
DASH (DIAGNOSTIC, ASSESSMENT, AND STABILIZATION HUB)	631-952-3333	<a href="http://fsl-li.org/help-services/diagnosis-assessment-and-stabilization-hub-dash">fsl-li.org/help-services/diagnosis-assessment-and-stabilization-hub-dash</a>
TALBOT HOUSE, 24-HR. SUBSTANCE ABUSE CRISIS CENTER	631-589-4144	<a href="http://catholiccharities.cc/our-services/chemical-dependence">catholiccharities.cc/our-services/chemical-dependence</a>
RESPONSE CRISIS CENTER, SUICIDE PREVENTION	631-751-7500	<a href="http://responsecrisiscenter.org">responsecrisiscenter.org</a>
VIBS: DOMESTIC VIOLENCE, SEXUAL ASSAULT 24-HR. HOTLINE	631-360-3606	<a href="http://vibs.org">vibs.org</a>

20 <https://www.suffolkcountyny.gov/Elected-Officials/County-Executive/Suffolk-County-Substance-Abuse-Resource-Center>

**More information:** <https://longislandaddictionresourcecenter.org/suffolk-county-resources/>

## SUFFOLK COUNTY RECOVERY ADVOCACY

PROVIDER	CONTACT	ADDRESS	WEBSITE
FAMILIES IN SUPPORT OF TREATMENT (FIST)	516-316-6387	1324 Motor Parkway, Suite 102, Hauppauge, NY, 11749	<a href="http://familiesinsupportoftreatment.com">familiesinsupportoftreatment.com</a>
LONG ISLAND RECOVERY ASSOCIATION (LIRA)	631-552-5472	1324 Motor Parkway, Suite 102, Hauppauge, NY, 11749	<a href="http://lirany.org">lirany.org</a>

## SUFFOLK COUNTY NALOXONE (NARCAN) OVERDOSE PREVENTION TRAINING

PROVIDER	CONTACT	ADDRESS	WEBSITE
COMMUNITY ACTION FOR SOCIAL JUSTICE (CASJ)	866-599-7260	Hauppauge, NY, 11749	<a href="http://casj.org">casj.org</a>
LONG ISLAND COUNCIL ON ALCOHOLISM AND DRUG DEPENDENCE	631-979-1700	1324 Motor Parkway, Suite 102, Hauppauge, NY, 11749	<a href="http://licadd.org">licadd.org</a>

## SUFFOLK COUNTY MUTUAL AID AND 12 STEP PROGRAMS

PROVIDER	CONTACT	ADDRESS
AL-ANON / ALATEEN	631-669-2827	<a href="http://al-anon-suffolk-ny.org">al-anon-suffolk-ny.org</a>
ALCOHOLICS ANONYMOUS	631-669-1124	<a href="http://suffolkny-aa.org">suffolkny-aa.org</a>
CELEBRATE RECOVERY FAITH BASED	n/a	<a href="http://celebraterecovery.com">celebraterecovery.com</a>
CODEPENDENTS ANONYMOUS	516-500-2632	<a href="http://licoda.org">licoda.org</a>
FAMILIES ANONYMOUS	516-221-0303	<a href="http://familiesanonymous.org">familiesanonymous.org</a>
GAMBLERS ANONYMOUS	855-222-5542	<a href="http://longisland-ga.com">longisland-ga.com</a>
HEROIN ANONYMOUS	631-210-6297	<a href="http://smartrecovery.org">smartrecovery.org</a>
NARCOTICS ANONYMOUS	631-689-6262	<a href="http://longislandna.com">longislandna.com</a>
REFUGE RECOVERY	n/a	<a href="http://refugerecovery.org">refugerecovery.org</a>
SMART RECOVERY	440-951-5357	<a href="http://smartrecovery.org">smartrecovery.org</a>

**More information:** <https://longislandaddictionresourcecenter.org/suffolk-county-resources/>

## **Additional Resources**

- [\*Publications about Alcohol and Other Drugs\*](#)
- [\*Treatment for Alcohol Problems: Finding & Getting Help\*](#)
- [\*SAMHSA Substance Abuse Treatment Facility Locator\*](#)

Find the right drug or alcohol treatment program by going to <https://www.oasas.ny.gov/accesshelp/index.cfm> or **New York State HOPEline 1- 877-8-HOPENY**

## **Harm Reduction Services**

Harm reduction programs offer easily accessible, anonymous services for people who actively use drugs, those interested in recovery, and their family members. These programs prioritize the health and well-being of their participants and include an array of educational, rehabilitation, care coordination, and outreach components that reduce harms associated with drug use.

Learn more at <http://iduha.org/> and at <http://harmreduction.org/>.

## **CONTROLLED SUBSTANCES**

Federal law has numerous penalties for the illegal possession of controlled substances, possession of crack cocaine, and trafficking in methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl, and fentanyl analogue. Possession sentences range from up to one year imprisonment and \$1,000 fine to 20 years imprisonment and fines up to \$250,000. Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance can be a sanction for convictions. Sanctions also can include denial of federal benefits, such as student loans, grants\*, contracts, public housing tenancy, eligibility to receive or purchase firearms, and professional and commercial licenses. Federal trafficking sanctions can range from one year imprisonment and \$100 fine to life in prison and a fine of \$8 million.

All students wishing to discuss financial aid eligibility due to a drug conviction are encouraged to set up a private meeting with the Financial Aid Director or the Financial Aid System Manager as soon as feasible.

### **\*Denial of Federal Aid (20 USC 1091)**

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This

includes all federal grants, loans, federal work-study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program. Students convicted of a drug-related offense after submitting the FAFSA might lose eligibility for federal student aid, and may be liable for returning any financial aid received during a period of ineligibility. For further information see the link below:

<http://studentaid.ed.gov/eligibility/criminal-convictions#if-your-eligibility-for-federal-student-aid-has-been-suspended-due-to-a-drug-conviction>

### **NY Code - Section 220.00: Controlled substances; definitions**

Section 220 of the New York Penal Law defines those drugs considered "Controlled Substances," including narcotic drugs, narcotic preparations, hallucinogens (LSD, "hallucinogenic mushrooms," etc.), stimulants, depressants, and concentrated forms of cannabis. Individual statutes deal with the criminal possession or sale of these substances and are categorized as misdemeanors or felonies depending on the specific substance, the amount of the substance in question, or the circumstances surrounding the possession or sale of the substance. Possession or sale (or possession with intent to sell) of even a very small amount of some substances is considered a felonious offense and may result in a lengthy jail sentence; with the exception of "Criminal Possession of a Controlled Substance in the Seventh Degree" which is Federal, State and Local Legal Sanctions: Conviction of possession and sale of controlled substances carries a number and variety of penalties under New York State law. Sanctions range from fines to prison terms of 15 years to life, depending upon the nature of the substance, the criminal act and the character of the crime. Federal Trafficking Law convictions also carry a variety of penalties which range from five to 30 years in prison and substantial fines.

### **New York Penalties and Sentences**

A defendant convicted of a class A-1 felony (possession of eight or more ounces of substances containing a narcotic drug or 5,760 milligrams of methadone) may be sentenced to a term of 8 to 20 years imprisonment or a fine of \$100,000. Convictions of class B to class E felonies range from sentences of a minimum of one year to a maximum of 1.5 to 9 years or fines ranging from \$15,000 to \$30,000 for class B and class C felonies.

## Penalty Details

Marijuana and its synthetic “equivalents” are considered Schedule I hallucinogenic substances under New York Public Health Law. Synthetic equivalents include resinous extracts and derivatives with similar chemical properties.

***For more information please see:***

- New York Pub. Health §3306(d)(13)  
New York Pub. Health §3306(d)(21)  
<http://www.health.ny.gov/professionals/narcotic/>

## **LIBI’S DRUG AND ALCOHOL POLICY**

The Long Island Business Institute (LIBI) adheres to and complies with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), which require an Institution of Higher Education (IHE) to certify with the United States Department of Education that it has adopted and implemented programs to prevent the illicit use of drugs and the abuse of alcohol by students and its employees. The Drug-Free Schools Act, which has been adopted by LIBI, is published and disseminated to students and employees in writing annually and enforced under this section.

LIBI’s policies reflect the College’s educational mission, the values it holds as important, and a sense of what kind of place administrators, faculty, and students want their College to be.

LIBI’s campus prevention policies are based on a comprehensive approach to student substance use that takes into account the interplay of individual, gender, socioeconomic, and community factors that affect the scope and consequences of the problem. The goal of LIBI’s prevention policies is to establish and to maintain an environment that will **discourage student substance use**. Effectively implemented and enforced, these measures contribute to an overall safer environment and enhance LIBI’s ability to accomplish its educational mission.

On or by October 1st of each year LIBI distributes an Alcohol and Other Drugs (AOD) notification to all students, faculty, and staff. This notification serves as a reminder of the standards of conduct relating to drugs and alcohol, the health risks associated with drug and alcohol abuse, and the availability of support for those members of the LIBI community experiencing drug or alcohol problems. In addition to the information herein and for ease of access, the notification is published separately. All members of the LIBI community are expected to read and familiarize themselves with the contents of the AOD report upon receipt.

The standards of conduct under this policy apply to all students who are registered at LIBI for at least one course for any type of credit. Students who are employed by LIBI either on a part-time job basis or as part of the Federal Work Study program must adhere to both



student and employee policies. LIBI strongly supports comprehensive substance abuse prevention initiatives, including education, early intervention, and treatment programs as the most effective means to help reduce and deter alcohol and drug abuse. LIBI expressly prohibits the unlawful possession, use, or distribution of drugs and alcohol by students, faculty, or staff members while on LIBI property, while participating in LIBI-sponsored activities, or while representing LIBI at events outside of the College. All members of the LIBI community are responsible for complying with federal, state, and local laws on the possession, use, and sale of alcohol and illicit drugs. Any student of the LIBI community found to be in violation of this policy will be subject to strict disciplinary actions, up to and including dismissal from the College.

Students who arrive on campus intoxicated will not be permitted to remain in school and will face disciplinary sanctions commensurate with the level of transgression. Students, who are found to be consuming alcohol on campus, or engaging in illegal drug use, will face immediate suspension and sanctions described in the section below.

Depending on the severity of the infraction under this policy, student sanctions may include, but are not limited to: written warning to be retained in the student's file, parental notification (if student is a minor), educational sanctions (workshop attendance, research/reflection papers), disciplinary probation, referral for appropriate rehabilitation, substance abuse assessment\*, loss of privileges, suspension, dismissal, and prosecution to the fullest extent of the law.

- \* *Students whose alcohol or drug use results in harm or the threat of harm to themselves, others in the College community, or to LIBI's property, regardless of the location of the incident, may face disciplinary action by the College up to and including expulsion and/or arrest. If deemed necessary by the President, the Campus Director, the Provost, or the Student Disciplinary Hearing Committee, a student accused of violating LIBI's drug-related policies may be required to submit to testing for the presence of illegal substances. In these cases, students will be required to get drug-tested by a medical professional at the student's expense as often as deemed necessary by the College. The student will be required to submit results of the tests to the appropriate administrator. Any student whose test results indicate continued drug use may face additional disciplinary action by the College up to and including expulsion.*

All other persons who violate New York State or Federal laws including those that govern gambling activities, the use of alcohol, and the possession, distribution, or consumption of any controlled substance will be subject to arrest.

## When to call 911(from National Institute on Alcohol Abuse and Alcoholism):

### Alcohol Overdose and College Students

Thousands of college students are transported to the emergency room each year for alcohol overdose, which occurs when there is so much alcohol in the bloodstream that areas of the brain controlling basic life-support functions—such as breathing, heart rate, and temperature control—begin to shut down. Signs of this dangerous condition can include the following:

- » Mental confusion, stupor
- » Difficulty remaining conscious or inability to wake up
- » Vomiting
- » Seizures
- » Slow breathing (fewer than eight breaths per minute)
- » Irregular breathing (10 seconds or more between breaths)
- » Slow heart rate
- » Clammy skin
- » Dulled responses, such as no gag reflex (which prevents choking)
- » Extremely low body temperature, bluish skin color, or paleness

Alcohol overdose can lead to permanent brain damage or death, so a person showing any of these signs requires immediate medical attention. Do not wait for the person to have all the symptoms, and be aware that a person who has passed out can die. Call 911 if you suspect alcohol overdose.

## **PUBLIC SAFETY**

Campus security escort system is available to students, faculty, and staff on an individual basis. Individuals requiring a safety escort to their car because of a documented safety concern or because they are working late outside of the normal hours of operation for the College may obtain such assistance from LIBI by contacting the Campus Director or the Director of Operations and Institutional Effectiveness (staff and faculty) or the Chair of the Safety and Security Committee (students). Staff and faculty approved to work late or outside of LIBI's official hours of operation may request a campus safety escort to the parking lot or the train station by e-mailing Catherine Law at [claw@libi.edu](mailto:claw@libi.edu); students can e-mail Julia Scalia at [jscalia@libi.edu](mailto:jscalia@libi.edu). To ensure proper arrangements can be made, individuals anticipating the need for this service should contact the Directors above as soon as the need becomes apparent. LIBI works with the community liaisons at the local Police Departments to provide safety and security training for members of the College and to help LIBI students and employees better

understand the types of crimes being committed in the area where the campus is located, and how to keep alert and safe.

*LIBI does not have any formal written agreements, such as written memoranda of understanding between the College and such agencies for the investigation of alleged criminal offenses, but the Commack Campus maintains close relationships with the local police precincts. None of LIBI's personnel or CSAs have the authority to make arrests.*

All members of the LIBI community are encouraged to report any crimes to the CSAs, including the Director of Operations and Institutional Effectiveness who compiles institutional data, to help ensure that all crimes are included in LIBI's annual crime statistics.

LIBI does not have any officially recognized off-campus organizations; however, if anything happens on any LIBI sponsored trips or events off-campus, the College should be notified promptly by e-mail at [safe@libi.edu](mailto:safe@libi.edu) or by calling **(631) 808-4088**. Reports of off-campus crimes involving students or College employees can also be made to Michelle Houston at [mhouston@libi.edu](mailto:mhouston@libi.edu) or Catherine Law at [claw@libi.edu](mailto:claw@libi.edu). Offenses occurring off-campus that are classified as sexual assault should be reported to the Title IX Coordinator and local law enforcement.

*LIBI does not have facilities for housing students. The College does not own, operate, or control any dorms or on-or-off-campus housing. LIBI does not maintain any off-campus buildings or property. The College does not have any recognized off-campus student organizations, buildings, or property.*

# TIMELY WARNINGS TO MEMBERS OF THE COMMUNITY

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LIBI takes its duty seriously to inform students and other campus community members of threatening situations and how they can best protect themselves from harm. Information pertaining to crime-related and other potentially threatening situations is provided in an accurate and timely fashion for use by students and other College community members to reduce their chances of becoming victims. The method or methods used to notify the community will depend on the severity, location, and type of incident and the ongoing nature of the threat. The sections below outline the processes and methods of dissemination, who is responsible, and the circumstances under which a timely warning would be issued. Please read these sections carefully.

## DECISION TO ISSUE CLERY TIMELY WARNING NOTICE - RESPONSIBILITY OF THE DECISION TEAM

The decision to issue a **Clery Timely Warning** notice or an **Emergency Notification** to the Commack students and employees is made by the Campus Director in coordination and consultation between the Campus Director of Operations and Institutional Effectiveness, the Provost, and the College President. In an extreme emergency and in order to eliminate any barriers to sending information in a timely manner, the notification process may be implemented at the sole direction of the Commack Campus Director.

## NOTIFICATION & RESPONSE: TIMELY WARNINGS & EMERGENCY NOTIFICATIONS

EMERGENCY NOTIFICATION	TIMELY WARNING
When <b>there is confirmation of an immediate threat</b> to the health and safety of the campus community.	When Clery crimes reported to a campus security authority or local law enforcement pose a serious or <b>ongoing threat</b> to the campus community.
Required for <b>on-campus emergencies</b> only.	Only required for Clery crimes occurring within Clery geography that pose a serious or ongoing threat.
What will be sent out: information about the nature of the emergency and what changes one needs to make immediately as a result; evacuation procedures of necessary; assurance that an all-clear will be sent when emergency is over	The message will contain: date, nature, location of incident, prevention tips, how to report a similar occurrence.

EMERGENCY NOTIFICATION	TIMELY WARNING
<p>A determination will be made that a significant emergency exists using procedures in place. Once confirmed that a significant emergency exists, a multi-modal communication will be initiated to ensure delivery; segmentation of messaging is permitted and may be necessary, if appropriate.</p>	<p>Warning will be sent out based on a case-by-case analysis if the factors above are present. Message will be disseminated by using multi-modal system intended to reach the entire campus community; most commonly e-mails, website updates, and social media posts.</p>

**TIMELY WARNINGS VERSUS EMERGENCY NOTIFICATION**

- **TIMELY WARNINGS** are **NOT** used to simply inform, but rather to draw awareness to a potential threat.
- **EMERGENCY NOTIFICATION** is used to inform the members of the campus community to do something differently immediately (such as evacuate the area or segment of the campus you are in).
- **TIMELY WARNINGS** are designated to inform you of something that has already happened, but may have potential serious or ongoing impact on you or the College community.
- Warnings are issued for all Clery Act Crimes which represent a serious or r continuing threat to the person and well-being of students and employees. Examples include, but are not limited to:
  - Criminal Homicide;
  - Sex Offenses;
  - Domestic or Relationship Violence;
  - Robbery;
  - Aggravated Assault;
  - Burglaries (occupied rooms/offices/structures);
  - Hate Crimes;
  - Persons with weapons with intent to use;
  - Threat of violent crime;
  - Consistent pattern of violent behavior;

- Situations where suspect is not known;
- Assault (physical or sexual);
- Serious acts or threats to campus-owned or personal property.

LIBI's Emergency Response Plan is comprised of several elements. The plan outlines sample procedures for responding to various campus emergencies. It also outlines the different communication systems utilized to notify the campus community that a threat to safety, significant emergency, or dangerous situation exists. The most important element of LIBI's emergency response plan is communication. **Timely information is crucial to helping ensure everyone has the opportunity to take proper safety precautions and can protect themselves.** Students and employees are encouraged to join LIBI's notification system to receive text or voice notifications of campus emergencies. Students can sign-up with the Registrar while employees can do so with the Director of Operations and Institutional Effectiveness.

All members of the LIBI community who register to receive LIBI's Emergency Notifications will receive an alert on the cell phone number they provided to the College at the time of the sign-up. Members of the College who **affirmatively selected to opt out** of receiving Emergency Notifications **will not receive any warning messages**; however, LIBI has multi-modal alert procedures and those who opt out still will receive notification either by mass E-mail, public announcement, or LIBI's website, among other methods. All students, as well as faculty and staff are strongly encouraged to participate in LIBI's Emergency Notification system. LIBI's Emergency Notification system is intended to provide immediate and up-to-date information regarding unfolding emergency situations and imminent threats to the safety and security of the community. The system contacts individuals who have elected to receive these notifications whenever LIBI issues such warning messages. Receiving messages to cell phones allows members of the community an easy way to stay abreast of any dangerous situation and to receive updates if an emergency is occurring on campus or on one of the contiguous geographic areas of the campus. Updates will be sent as appropriate or necessary; an "all-clear" will be sent when the College believes that the immediate emergency is over and it is safe to return to regular activities. **Students and employees are urged to update their cell phone numbers with the College whenever their main contact number changes.** If no updates are submitted, **the College will use the phone number on file from when the individual signed-up originally to send emergency notifications.** **When that changes, the College should be notified immediately** so that there is no disruption in communication.

As mentioned, timely warnings may be issued by the Commack Campus Director, the Provost, the President of the College, or the Director of Operations and Institutional Effectiveness. The College will immediately notify the campus community upon confirmation of an immediate threat, emergency, or impending dangerous situation. This means that the indi-

viduals named above will work quickly to verify that a legitimate emergency or dangerous situation exists. In certain circumstances the College may release the warning even if not all of the pertinent details are known or even available.

Once the determination is made that there is an imminent threat to the safety of the community, and if it is appropriate or feasible, LIBI will co an immediate notification of the security issue using several methods. A mass text message will be sent out to **all who opted-in to the alert system**, a mass community-wide e-mail will be sent out to all registered LIBI e-mail users, and notification announcements will be placed in the lobby or where appropriate. A banner on the main page of LIBI's website will also be changed to display the announcement.

The crimes that would trigger a Timely Warning include all Clery Act reportable crimes (*listed in the beginning of this section*) that are reported to College authorities or local police agencies and are considered by the College to represent a serious or ongoing threat to the College community. Timely Warning Notices also would typically be issued for the following Uniformed Crime Reporting Program:

- <https://www.fbi.gov/services/cjis/ucr>
- National Incident Based Reporting System (NIBRS) <https://www.fbi.gov/services/cjis/ucr/nibrs> crime classifications.

At all times, Timely Warnings will be issued withholding the names and other identifying information of victims and will be issued in an expeditious manner to aid in the prevention of similar crimes.

### **Why make the distinction between Timely Warning and Emergency Notification?**

Simply put, one is used to inform campus community members to do something differently immediately such as evacuate a building (emergency notification); whereas the other is designed to inform you of something that has already happened but may have a potential serious or ongoing impact on you or the community (timely warning).

Other examples of when LIBI uses the Emergency Notification system to alert the campus community by text and community-wide E-mail are: when the operations of the College or individual campus are impacted either because of a natural disaster (any extreme/severe weather conditions), environmental disasters, nearby chemical or hazardous waste spills, gas leaks, explosions, fires, significant transport accidents, outbreak of meningitis, norovirus, or other serious illness, ongoing criminal incidents, terrorist incident, bomb threat, civil unrest or rioting, and other man-made disasters. In all cases, when the emergency message goes out, the expectation is that community members will act to secure their safety.

When situations, such as power outage, snow closures, or a string of larcenies occur that do not meet the threshold of a significant emergency or dangerous situation for the purposes of the Clery Act, the College will notify the community by sending out a community-wide E-mail, post a message on the College website ([libi.edu](http://libi.edu)), leave a recorded message on the campus phones, and post fliers in high-traffic/high-visibility areas.

## **WHEN AND HOW ARE NOTIFICATIONS ISSUED?**

### **Activation Procedures for the Emergency Notification System**

The Commack Campus community takes part in testing its emergency response and evacuation procedures on an annual basis. Furthermore, emergency tabletop exercises are conducted once per year.

The Emergency Notification System is activated by the decision of the President of the College, the Provost, Commack Campus Director, or the Director of Operations and Institutional Effectiveness, or a properly qualified designee, based on the best available information at the time of the emergency. The College will do its best to confirm the immediate or imminent threat. As a matter of practice, when evaluating a potential threat or considering an emergency notification, LIBI will err on the side of caution and issue a warning as soon as possible. The warning will be accurate and specific enough to help its recipients.

Upon being notified of an emergency on campus [through phone call or in-person reporting] the Campus Director or an appropriately qualified designee will be immediately dispatched to the reported emergency location (if on campus or in Clery geography area). The Director or designee will verify that a legitimate emergency or dangerous situation exists on campus, accomplishing confirmation. As needed, the Campus Director (the Provost, Director of Operations and Institutional Effectiveness, or the President of the College) will utilize all information resources at their disposal to confirm that there is an emergency. Confirmation may come from a number of sources, including other employees, students, or local agencies depending on the type of emergency. To evaluate the significance of the threat, the Campus Director or appropriately qualified designee may consult with experts, including but not limited to: Police Department, Fire Department, other Local Law Enforcement Officials, National Weather Service, etc. The Commack Campus Director, or designee, may confer with the Provost, the Director of Operations and Institutional Effectiveness, and/or the President of the College, if readily available, and then will, without delay and taking into account the safety of the community, determine the content of the notification, dependent on the emergency, and initiate the notification system(s). **Due to the time sensitivity of emergency alerts, the decision to initiate the alert system will be determined as quickly and thoroughly as possible.**



### Determining the Contents of the Emergency Notification:

The Commack Campus Director will develop a concise written communication to convey the appropriate message to the community. The main function of these messages is to alert and inform the community within the limit of prescribed characters available through a third-party mass-notification vendor. The Commack Campus does not use pre-written template messages; however, the content of every communication, which notifies the LIBI community of an emergency, will include:

- The specific nature and location of the event;
- Actions being taken by the Commack Campus;
- Status of those involved (when known); and
- Actions one should take to help assure their own safety.

Follow-up information will be provided to the community as well as at the conclusion of the immediate threat/emergency.

The Campus Director will retain a written record of actions and decisions taken during the emergency and submit her notes to the Director of Operations and the Chair of the Safety and Security Committee.

### Determining Who Gets the Notification

Upon confirmation of a significant emergency or threat to the Commack Campus community, the Director will immediately notify the entire campus. LIBI Commack will notify the entire campus community (students not scheduled for classes on the day of the emergency will receive notifications). Notifications will be issued unless, in the professional judgement of the Campus Director or law enforcement, issuing a notification will compromise efforts to assist the victim or to contain, respond to, or otherwise mitigate the emergency.

### **WHAT IS AN IMMINENT THREAT?**

A threat is imminent **when the need for action is instant, overwhelming, and leaves no time for deliberation.** Such situations may include, but are not limited to, a hazardous materials incident requiring sheltering in place or evacuation, a hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to College owned or controlled facility, biological threat, a gas leak, an active shooter on or near campus, or a shooting incident on or near the campus. When an emergency notification (timely warning) is activated, College officials will notify campus

community members of the emergency situation, its exact location, and most likely will request community members to protect themselves by either evacuating the affected area if it is safe to do so and/or by employing the “shelter-in-place” alternative. “Shelter-in-place” means to take immediate shelter wherever you happen to be at the time the notification is issued – in the classrooms, administrative offices, library, etc. In those instances, community members should remain in a “shelter-in-place” status until the “all clear” is communicated by emergency response personnel. College authorities may instruct campus community members to shelter-in-place if a condition exists that is potentially life threatening and has an immediate threat to the health and personal safety of those on premises of the campus.

## **TEST MESSAGES**

As noted, the notification system is tested regularly throughout the year. This means that registered users will receive text messages that will indicate that the system is being tested. There is no need to do anything if the text message indicates that the system is being tested. If you signed up for text message alerts and did not receive one during a test, please contact the Registrar (students) or the Campus Director immediately. LIBI makes every effort to inform affected registered users of an emergency in a timely and appropriate manner; however, members of the LIBI community registered to receive warnings should be aware of the following:

- LIBI is not responsible for outdated or incorrect subscriber information;
- LIBI is not responsible for technical limitations such as overtaxed communications systems or transmission errors;
- LIBI is not responsible for roaming or out of range areas that may delay, block, or prevent, the communication of messages to any users;
- LIBI is not responsible for any costs incurred by registered users for any alerts received;
- LIBI is also not responsible for any actions taken or not taken by the registered user, or any third party, response to an alert.

## **PRIVACY**

LIBI is committed to respecting the privacy of all members of the LIBI community, including those registered for emergency notifications. LIBI does not collect or use any personal information provided by registrants for the Emergency Notification system for any purpose other than for the purpose that it is intended. All information provided to LIBI for the purposes of registering to receive emergency notifications will only be used by LIBI to conduct official

College business. LIBI does not, and will not, sell, trade, lease, rent, or loan any personal information provided on the Emergency Notification Form.

Members of the LIBI community may register for alerts on the College website by going to <http://libi.edu/emergency-notifications/>.

Once the form is completely filled out and transmitted to the College, the individual will be added to the list of recipients. Anyone having trouble submitting the form electronically can contact the IT department for assistance [lfhu@libi.edu](mailto:lfhu@libi.edu) or e-mail the Commack Registrar at [cmattar@libi.edu](mailto:cmattar@libi.edu).

## EMERGENCY RESPONSE AND EVACUATION FIRE DRILL TESTS

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*DON'T assume that a fire alarm is a test or that someone is burning popcorn in one of the microwaves around the campus.*

*Any alarm could be the result of a dangerous fire.*

*DON'T waste time collecting personnel items. The key is to get yourself to safety as soon as possible.*

*DON'T use the elevators during a fire emergency; always use the stairs.*

During an emergency, LIBI may not be able to use the building's Public Announcement (PA) system to advise the College community of procedures to be followed; therefore, employees and students must follow verbal evacuation instructions provided by an authorized LIBI employee or designated building representative. The Campus Director, or appropriately qualified designee, is authorized to make such announcements. Authorized personnel will assist in directing building occupants to a safe location. The building will remain unoccupied until deemed safe to re-enter by emergency personnel. LIBI conducts periodic fire drills each year. The College documents, for each test, a description of the exercise, the date, time, and whether the drill was announced or unannounced. LIBI complies with NY Educ L § 807-B (2015) law (see Appendix B) and all related fire inspection requirements.

The College conducts evacuation and fire drills each year. The drills may be unannounced.

Drills are conducted to ensure that LIBI's students, faculty, and staff are familiarized with campus evacuation procedures so that they may in a sudden emergency be able to leave the campus building in the shortest possible time and without confusion or panic. The College publishes response and evacuation procedures in conjunction with the annual drills. Procedures are also published in the Employee and Student Handbooks. There are assigned fire/evacuation floor Wardens who provide direction to the members of the College community during drills and actual emergency events. Fire Emergency Floor Wardens and searchers are designated to serve specific areas of the building. In an emergency when evacuation is warranted, the Wardens will assist with the process of clearing the campus quickly and ensuring that no one has been left behind. The Wardens are responsible for facilitating evacuations, for helping to gather members of the College community in designated safe assembly places, and for passing information to the fire safety command. All students, faculty, and staff are

required promptly to comply with their directions. When the fire alarm goes off, members of the community should not talk or make noise. Announcements will generally follow the fire alarm. If a false alarm occurs, an “all clear” announcement will follow via the public announcement system.

ALL members of the LIBI community should treat all fire alarms as real unless otherwise directed by the floor Wardens or members of the safety staff.

***WHEN THE BUILDING EVACUATION ALARM IS SOUNDED,  
ALWAYS ASSUME THAT AN EMERGENCY EXISTS.***

Any members of the College community who do not have the ability to access stairwells without assistance should meet with the Campus Director as soon as feasible upon enrollment or at the commencement of employment at the College to establish a written safety plan. Individuals who are able to assist during an emergency evacuation will help persons with disabilities to move to a safe area preferably on/or adjacent to the landing of the closest safe stairwell and notify College personnel of their location for evacuation by emergency personnel.

**Go directly to the nearest safe stairwell - DO NOT USE THE ELEVATORS.** Emergency response personnel will assist you down the stairs to safety.

**WHEN IN DOUBT - CALL 911**

An emergency is any situation that requires immediate assistance from the police, fire department, or ambulance. Examples include:

- A fire;
- A crime, especially if in progress;
- A car crash, especially if someone is injured;
- A medical emergency, especially for symptoms that require immediate medical attention;
- **If you're not sure whether the situation is a true emergency, LIBI recommends calling 911 and letting the call-taker determine whether you need emergency help.**

## YOU SHOULD CALL 911 WHEN:

(understand this is not an all-inclusive list)

- You witness a crime in progress on campus.
- You see a fire.
- You have a medical emergency, such as someone who is unconscious, gasping for air or not breathing, experiencing an allergic reaction, having chest pain, having uncontrollable bleeding, or any other symptoms that require immediate medical attention.
- You feel that you are being physically threatened by someone or something.
- You hear discussion of or see a weapon on campus.

## EMERGENCY RECAP

- Familiarize yourself with the location of stairways, fire extinguishers, fire exits, and pull boxes in the buildings.
- If a minor fire appears controllable, immediately contact College administration and locate a portable fire extinguisher. **If you don't know how to use an extinguisher do not do so, seek assistance.** If you know how to use an extinguisher, promptly direct the discharge of the fire extinguisher toward the base of the flame by squeezing the trigger and moving the hose in a side-to-side motion. Do not use water extinguishers on electrical fires. **If you are not sure how the fire got started, pull the fire alarm and call 911 (first) alert College officials (second).**
- **Do not attempt to extinguish any fire if such action is a direct threat to your safety - such as leaving you no avenue of escape.** Your personal safety is the number one priority.
- In the case of large fires that do not appear controllable, immediately activate a fire alarm and, if time permits, notify the front desk to report the exact location of the fire. If time permits, close the door of the room where the fire exists.
- When the building evacuation alarm is sounded, always assume that an emergency exists.
- Gently touch closed doors; **do not open them if they are hot.** If the door is cool, brace yourself behind the door and open it slowly. Bracing yourself behind the door prevents the door from being blown open due to the pressure created by the fire. Walk quickly to the nearest exit and alert others to do the same.

- **Do not use the elevators during a fire.**
- Smoke is the greatest danger in a fire, so stay near the floor where the air will be less toxic.
- Once outside, move to a clear area at least 100 feet away from the affected building.
- Keep streets, fire lanes, hydrants, and walkways clear for emergency vehicles and crews. These essential personnel must be allowed to do their jobs.
- Do not return to an evacuated building unless you are told to do so by the designated College official.
- If you become trapped in a building during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews. If possible, place a wet cloth at the base of doors to keep smoke from entering. Shout at regular intervals to alert emergency crews of your location. Dampen a cloth with water, place it over your nose, and breathe lightly through it. These items may not be available to you which is why it is important for you to know the escape routes and to move quickly.
- Should your clothing catch on fire, stop, drop, and roll. Rolling on the ground will help smother the fire. When clothing, hair, or other body part catches on fire, follow the rules of **STOP, DROP, AND ROLL**. STOP - do not run; DROP - to the ground or floor and cover your face; ROLL - rolling may not extinguish the flames but this action will start to smother them and slow down the burning process. **There are no guarantees that STOP, DROP, AND ROLL will prevent burns. This tactic, however, will help a person survive a clothing fire with less damage and allow for a better chance of survival.**
- If you or another person's clothing, hair, or any part of your person becomes engaged by fire, **DO NOT RUN** or allow another to run. Running actually will fan' the fire and cause the clothes, etc., to burn at an accelerated rate, creating a greater risk for the victim.

## Resources

<https://www.youtube.com/watch?v=DcFCY1OFhCw>

## HOW TO RESPOND TO AN ACTIVE SHOOTER

Quickly determine the most reasonable way to protect your own life.

If an intruder is on campus and is actively causing physical harm or presents the threat of imminent harm to those on premises, immediately seek cover and contact 911, if possible.

**Only call 911 when it is safe to do so.** When calling try to provide as much detail as possible regarding the location of the intruder, number of attackers, the weapons being utilized, the location of any victims, and other pertinent information.

The US Department of Homeland Security lists the following recommendations<sup>21</sup>, or good practices, when dealing with an active shooter who is causing deadly harm or the threat of imminent physical harm to the members of the College community on campus grounds:

- Be aware of your environment and any possible dangers.
- Take note of the two nearest exits in any facility you visit.
- If you are in an office, stay there and secure the door.
- If you are in a hallway, get into a room and secure the door.
- As a last resort, attempt to take the active shooter down. When the shooter is at close range and you cannot flee, your chance of survival is much greater if you try to incapacitate him or her.
- **CALL 911 WHEN IT IS SAFE TO DO SO!**

## REPRINTED FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY "ACTIVE SHOOTER HOW TO RESPOND"

### 1. Evacuate

If there is an accessible escape path, attempt to evacuate the premises. Be sure to:

- Have an escape route and plan in mind before you go.
- Leave your belongings behind.
- Keep your hands visible.

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<sup>21</sup> [https://www.dhs.gov/xlibrary/assets/active\\_shooter\\_booklet.pdf](https://www.dhs.gov/xlibrary/assets/active_shooter_booklet.pdf)



- Follow the instructions of any police officers.
- Do not attempt to move wounded people.
- Call 911 when you are safe to summon help for others.

## **2. Hide out**

If evacuation is not possible, find a place to hide where the active shooter is less likely to find you. Stay as calm and quiet as possible. Turn your phone and any other electronic devices to silence mode.

### ***Your hiding place should:***

- Be out of the active shooter's view.
- Provide protection if shots are fired in your direction (i.e., an office with a closed and locked door, a classroom with locked doors).
- Block entry to your hiding place and lock the doors (if possible).
- Avoid retreating into a place that can trap you or restrict your options for movement.

### ***To prevent an active shooter from entering your hiding place:***

- Lock the door.
- Blockade the door with heavy furniture.

## **3. How to Respond When an Active Shooter is in Your Vicinity**

### ***If an active shooter is nearby:***

- Lock the door.
- Silence your cell phone and/other electronic devices.
- Turn off any source of noise.
- Hide behind large items (i.e., cabinets, desks).

***Remain quiet if evacuation and hiding out are not possible:***

- Remain calm.
- Dial 911, if possible, to alert police to the active shooter's location.
- If you cannot speak, leave the line open and allow the dispatcher to listen (make sure your phone volume is low, so the shooter can't hear your phone).

**4. Taking action against the active shooter:**

Do not take action against the active shooter if your life is in imminent danger. As a last resort, and **only when your life is in imminent danger**, you may decide to confront the active shooter. If you select to do so, use all items available to you to attempt to disrupt and/or incapacitate the active shooter. If you are in a classroom you may have to use chairs, desks, books, and anything else that you may have available. If you decide to confront the shooter you will need to act as aggressively as possible against him or her by throwing items and improvising weapons.

You also may decide to play dead if others around you are. DO NOT give yourself away or stand-up until authorities call an "all-clear" signal.

***Please take a moment to watch this video:***

- RUN. HIDE. FIGHT. ® Surviving an Active Shooter Event - English  
[https://www.youtube.com/watch?time\\_continue=3&v=5VcSwejU2D0](https://www.youtube.com/watch?time_continue=3&v=5VcSwejU2D0)

**BOMB THREAT**

<https://www.youtube.com/watch?v=pgZyVTBciWg>

**Note:** Any media requests should be referred to the Office of the President for appropriate handling.

It is the policy of the College to take bomb threats or suspicious items seriously. How quickly and safely the College reacts to a bomb threat could save lives.

It is important to note that most bomb threats are ultimately unfounded; it is the policy of LIBI to follow safety protocols and to take each report seriously. LIBI thoroughly investigates any report and will consider the matter suspect until all investigative protocols have been followed and explored.

The guidance and resources listed below were obtained from the U.S. Department of Homeland Security and outline procedures for either bomb threats or suspicious items and will

help you prepare and react appropriately during these events.

Each bomb threat is unique and should be handled in the context of the environment in which it occurs. Most bomb threats are made over the phone; however, some are made in person, by e-mail or written note. Law enforcement will be in the best position to determine the credibility of the threat.

Members of the community who receive a bomb threat should follow these procedures:

- Remain calm!
- **Notify appropriate authorities immediately:** Employees should notify their supervisor immediately, and if that individual is not available, notify the highest-ranking administrator available and then call 911.

## **PROCEDURES TO FOLLOW IF THE BOMB THREAT IS CALLED IN**

**Remember:** take all bomb threats seriously; all bomb threats are real until they are proven not to be by qualified and trained law enforcement personnel.

### **If a bomb threat is received by phone:**

Since most bomb threats are received by phone, LIBI produces a quick reference checklist and asks that all administrative personnel keep it beside their phones at all times. The checklist is intended to help employees respond to a bomb threat in an orderly and controlled manner and to help provide critical information to first responders.

Act quickly, but remain calm and obtain information with the checklist provided to you by LIBI or by the Homeland Security Department available here: <https://www.dhs.gov/sites/default/files/publications/dhs-bomb-threat-checklist-2014-508.pdf> .

- Remain calm. Keep the caller on the line for as long as possible.
- DO NOT HANG UP, even if the caller does.
- Listen carefully. Be polite and show interest.
- Try to keep the caller talking to learn more information \*.
- If possible, write a note to a colleague to call the authorities or, as soon as the caller hangs up, immediately notify them yourself.
- Look at the display on your phone, copy the number and/or letters on the window display.

- Complete the Bomb Threat Checklist immediately. Write down as much detail as you can remember. Try to get exact words.
- Immediately upon termination of call, DO NOT HANG UP, but from a different phone, contact authorities immediately with information and await instructions.

**\* Information to Obtain from the Caller**

- The location of the device/where is the bomb located (building, floor, room, etc.)?
- The time, if any, the device is scheduled to detonate/when will it go off?
- What does it look like? - The appearance or type of container used for the device.
- The reason for placing the device. - Why was it done?
- The size of the bomb.
- The type of explosive used in the device. - what kind of bomb is it?
- The name of the caller or organization taking responsibility. - what is your name?
- Any additional information that might be available.

***The person receiving the call also should note the following:***

- Male or female voice.
- Time of call.
- Mood of caller (excited, nervous, calm, angry).
- Background noises that may be present at the location of the caller (background sounds, animal noises, household noises, kitchen noises, street noises, PA system, background conversation, music, was the call clear or static?).
- Approximate age of the caller.
- Any other peculiarities that may be helpful in identifying the source of the call or its purpose - did the caller have an accent? Was the caller clearing his or her throat? Coughing? Cracking voice? Crying? Deep breathing? Did the caller sound like he or she was trying to disguise their voice? Was there anything distinct about the caller? Excited Laughter? Lisp? Loud? Nasal? Normal? Rapid Speech? Raspy Voice? Slow or slurred speech? Stutter?

### ***Additional things to note:***

- Date.
- Time.
- Time Caller Hung Up.
- Phone Number Where Call Was Received.
- Is voice familiar?

Video on What You Can Do When There Is a Bomb Threat can be viewed by going to the link below:

- **Bomb Hotline: 888-ATF-BOMB (283-2662)**
- <https://www.youtube.com/watch?v=pg7yVTBciWg>
- <http://www.wikihow.com/Handle-a-Bomb-Threat-over-the-Telephone>

### **Procedures After Alerting Law Enforcement**

- Once the police department is alerted, the building may be subject to full or partial evacuation. When evacuating the building, use only the stairs. Do not use elevators.
- **Move away from the building and follow the instructions of the emergency personnel on-scene.**
- One thousand feet minimum is the recommended safe distance.
- Information will be transmitted to the College community by the Emergency Notification system. Messages will be sent to all registered users via text messaging. Community-wide e-mails notifying students and employees will also be sent through LIBI's internal e-mail system. "All Clear" announcements will be made when the situation is stabilized.
- Members who have not registered to receive text message alerts can do so by going on LIBI's website and accessing the sign-up form under the following link: <http://www.libi.edu/footer/emergency.html>. Students also may see the Registrar, while employees may contact the Director of Operations and Institutional Effectiveness.

- All members of the LIBI community should keep their information current by using the following link <http://www.libi.edu/footer/emergency.html> accessible from the College's home page at libi.edu (the form can be found under "Emergency Notifications" in the footer of the page).<sup>22</sup>

No one except the President shall call the media to ensure quick and accurate reporting.

***If there is an explosion:***

- Get under a sturdy table or desk if things are falling around you. When they stop falling, leave quickly, watching for obviously weakened floors and stairways.
- Do not use elevators.
- Stay low if there is smoke. Do not stop to retrieve personal possessions or make phone calls.
- Check for fire and other hazards.
- Once you are out, do not stand in front of windows, glass doors or other potentially hazardous areas.
- If you are trapped in debris, use a flashlight, whistle, or tap on pipes to signal your location to rescuers.
- Shout only as a last resort to avoid inhaling dangerous dust.
- Cover your nose and mouth with anything you have on hand.

**Resources**

- <https://www.cdc.gov/masstrauma/preparedness/primer.pdf>
- [https://www.dhs.gov/xlibrary/assets/prep\\_ied\\_fact\\_sheet.pdf](https://www.dhs.gov/xlibrary/assets/prep_ied_fact_sheet.pdf)

***If a bomb threat is received by handwritten note:***

- Call the Director of Operations and Institutional Effectiveness at (718) 939-5100 ext. 112.
- Handle note as minimally as possible.

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<sup>22</sup> <https://www.ready.gov/explosions>

***If a bomb threat is received by e-mail:***

- Call the Director of Operations and Institutional Effectiveness at (718) 939-5100 ext. 112.
- Do not delete the message.

**Suspicious Object/Package**

**DO NOT use two-way radios or cellular phones. Radio signals have the potential to detonate a bomb.**

"If you see something that is suspicious, out of place, or doesn't look right, say something. (Find out more about the "[If You See Something, Say Something™](#)" campaign.) A suspicious item is any item (e.g. bag, package, vehicle, etc.) that is reasonably believed to contain explosives, an improvised explosive device (IED), or other hazardous material that requires a bomb technician and/or specialized equipment to further evaluate it."<sup>23</sup>

***Examples that could indicate a bomb include:***

- unexplainable wires or electronics;
- other visible bomb-like components;
- unusual sounds, vapors, mists, or odors.

Another potential indicator for a bomb threat is the objects placement, and proximity of the item to people and valuable assets.

***Signs of a suspicious package:***

- No return address;
- Incorrect titles of individual(s) the package is addressed to;
- Excessive postage;
- Foreign postage;

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<sup>23</sup> "What To Do - Bomb Threat." What to Do - Bomb Threat | Homeland Security, [www.dhs.gov/what-to-do-bomb-threat#wcm-survey-target-id](http://www.dhs.gov/what-to-do-bomb-threat#wcm-survey-target-id). Accessed 9 Sept. 2017.

- Unexpected delivery;
- Stains;
- Strange odor;
- Strange sounds;
- Illegible or difficult to decipher handwriting;
- Misspelled words.

***Policy on handling suspicious package or letter?***

- Remain calm.
- Do not open the package or letter.
- Do not shake or empty the contents of a suspicious package or envelope.
- Do not carry the package or envelope, show it to others, or allow others to examine it.
- Put the package or envelope on a stable surface; do not sniff, touch, taste, or look closely at it or any contents that may have spilled.
- Do not touch your eyes, nose, or other body parts.
- Shut off window air conditioning units and fans.
- Isolate the package and secure the room by shutting all doors and windows.
- Thoroughly wash hands with soap and water.
- Report to supervisor and call 911.
- Advise fellow co-workers to avoid the area.
- Do not leave the area until told to by responding officers.
- Ensure that all persons who have touched the letter wash their hands with soap and water.



- Make a list of all persons who touched the letter or package and who were in the area when the letter was opened.
- After examination of package, shower with soap and water.<sup>24</sup>

***DO NOT touch or move a suspicious package.***

A suspicious looking box, package, or container in or near your work area, in the classroom, or in common areas of the campus may be a bomb or explosive material. **Do not handle or touch the object.** Do not operate any electronic devices, radios, or light (power) switches.

## **MEDICAL EMERGENCIES**

All medical emergencies occurring on campus should be immediately reported to College administration; however, if the situation is life threatening, 911 should be called without the delay of looking for an administrator. LIBI's administrators are not trained first responders and will not be able to render medical aid. In the event of an injury or the onset of sudden illness, an ambulance will be summoned. No College employee is expected to provide first aid; however, should anyone be qualified to do so and they decide to utilize first aid training, they do so only as "good Samaritans."

If the medical emergency is **life threatening, members of the LIBI community present should call 911** without delay. LIBI administrators responding to medical emergencies will call 911. The affected individual may knowingly and willingly refuse medical care once EMT arrives; however, the policy of the College is to call for medical assistance whenever a medical emergency occurs on campus. In addition to EMT protocols, if the victim refuses medical aid, the College administrator responding to the emergency will document the victim's refusal of care and have the victim sign the written record. Any refusal to sign will be documented. Any healthcare costs incurred are the responsibility of the student or employee affected.

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<sup>24</sup> "Ensuring Building Security." Ensuring Building Security | Homeland Security, [www.dhs.gov/ensuring-building-security#2](http://www.dhs.gov/ensuring-building-security#2). Accessed 9 Sept. 2017.

## REMEMBER:

- Call 911. Do not hang up until instructed to do so by the dispatcher.
- Do not move the victim unless he or she is in imminent danger.
- If in a classroom, assign someone to meet the emergency personnel at the main entrance and escort the emergency personnel to the victim's location.
- Do not give the victim anything to eat or drink.
- Try to keep the victim calm and assure him or her that help is on the way.
- Comply with all instructions given by emergency response personnel.

Members of the LIBI community have a responsibility to look out for the health and safety of one another. Accordingly, students are expected to seek medical assistance for themselves or for others in the event of a medical emergency, including emergencies related to the use of alcohol.

Any student who seeks help for him or herself, a fellow student, or a guest in medical need, will not be charged with alcohol violations even if the reporting student was involved in the alcohol violation; however, students may have to complete counseling, educational, or training programs within an agreed upon timeframe. **Students who summon help for someone whose intoxication is entirely unrelated to his or her own actions will not be required to seek education or training.** This policy affects College discipline only. It does not protect students from criminal or civil liability or prevent investigation or other action by federal, state, or local authorities. Regardless of help-seeking behavior, students will be held **accountable for misconduct accompanying or incidental to the use and/or abuse of alcohol** or other substances. For example, disorderly behavior, violence, property damage, or distribution or intent to distribute will be treated as conduct violations and will be responded to accordingly.

## Seeking Help

- **Abuse of Alcohol and Drugs (24 hours, English & Spanish)**

1-800-222-0469

- **SAMHSA's National Helpline**

1-800-662-HELP (4357)

TTY: 1-800-487-4889

Website: [www.samhsa.gov/find-help/national-helpline](http://www.samhsa.gov/find-help/national-helpline)

Also known as, the Treatment Referral Routing Service, this Helpline provides 24-hour free and confidential treatment referral and information about mental and/or substance use disorders, prevention, and recovery in English and Spanish.

- **Drug-Free Workplace**  
1-800-WORKPLACE (967-5752)  
Website: [www.samhsa.gov/workplace/resources/drug-free-helpline](http://www.samhsa.gov/workplace/resources/drug-free-helpline)
- Find treatment programs that treat addiction and dependence on opioids, such as heroin or prescription pain relievers, at [dpt2.samhsa.gov/treatment/](http://dpt2.samhsa.gov/treatment/).

## MENTAL HEALTH MEDICAL EMERGENCIES

Adjusting to the demands of College, family, and work responsibilities can be frequently challenging and stressful for students. Although LIBI does not provide professional counseling services, students are assigned Academic Advisors who are able to work with students through many academic and time management challenges they may be facing. If students are facing greater challenges and require professional counseling, LIBI's Academic Advisors are able to connect students to outside resources. The advising office in Flushing is located on the fifth floor in the Main building in room 506.

Students and staff who feel that they are in imminent danger are strongly encouraged to seek the assistance of their advisor or call **National Suicide Prevention Lifeline 1-800-273-8255**. The Lifeline provides 24/7, free and confidential support for people in distress, prevention, and crisis resources.

### *Additional Assistance and Resources*

- <http://www.suicide.org/hotlines/new-york-suicide-hotlines.html>
- **Long Island Crisis Center**  
**Middle Earth Suicide & Crisis Hotline 24 hours / 7 days**  
(516) 679-1111
- **Option for Deaf + Hard of hearing**  
1-800-799-4889

### Full listing of Behavioral Health Help for Suffolk County:

- **Suffolk County Division of Community Mental Hygiene Services**  
725 William J. Lindsay Complex - Building C016  
Hauppauge, New York 11788-0099  
[https://www.suffolkcountyny.gov/Portals/0/FormsDocs/Health/MentalHygiene/Suffolk%20County%20Directory%20of%20Behavioral%20Health%20Services\\_2.16.2021.pdf](https://www.suffolkcountyny.gov/Portals/0/FormsDocs/Health/MentalHygiene/Suffolk%20County%20Directory%20of%20Behavioral%20Health%20Services_2.16.2021.pdf)

<b>EMERGENCY PHONE NUMBERS &amp; CRISIS INTERVENTION SERVICES</b>	
Suffolk County Crisis Response - DASH (Diagnostic, Assessment, and Stabilization Hub) - 90 Adams Ave., Hauppauge, NY 11788	(631) 952-3333
CPEP (Comprehensive Psychiatric Emergency Program) at Stony Brook (Psychiatric ER)	(631) 444-6050
Domestic Violence, Sexual Assault 24-hr. Hotline	(631) 360-3606
Rape Crisis/ Victims Hotline	(631) 332-9234
Violent & Hate Crimes Hotline	(631) 626-3156
Community Crisis Action Team – (Family Service League)	(888) 375-2228
Joe’s Project – Family Service League – Post-vention for families affected by suicide	(888) 375-2228
Response Hot Line - <a href="https://www.responsecrisiscenter.org/">https://www.responsecrisiscenter.org/</a>	(631) 751-7500
Suicide Prevention Lifeline	(631) 800-273-TALK (8255)
Talbot House, 24-hr. Substance Abuse Crisis	(631) 589-4144
LICADD Substance Abuse Hotline 24-hr. Hotline	(631) 979-1700
APS (Adult Protective Services)	(631) 854-3195
CPS (Child Protective Services)	(800) 342-3720
Long Island Crisis Center	(516) 679-1111
SC Department of Social Services Emergency Services-Hotline (4:30pm- 8 am)	(631) 854-9100
SC Department of Social Services Commissioner’s Response Unit (8am-4:30pm)	(631) 854-9935
Sagamore Children’s Crisis Respite House & Suffolk Crisis Respite Bed Network	(631) 370-1701
Children’s Home Based Crisis Intervention (WELLIFE Network LINK)	(631) 920-8302

<b>MENTAL HEALTH - INPATIENT PROGRAMS</b>				
Location	Program Name	Address	Phone	Pop.
Amityville	BRUNSWICK HALL (Division of Brunswick Hospital)	81 Loudon Ave Amityville, NY 11701	(631) 789-7130	Adult & Children
Amityville	SOUTH OAKS HOSPITAL	400 Sunrise Hwy Amityville, NY 11701	(631) 608-5610	Adult & Children
Dix Hills	SAGAMORE CHILDREN’S PSYCHIATRIC CENTER	197 Half Hollow Rd Dix Hills, NY 11746	(631) 370-1700	Children
Greenport	STONY BROOK EASTERN LONG ISLAND HOSPITAL	201 Manor Place Greenport, NY 11944	(631) 477-5268	
Huntington	HUNTINGTON HOSPITAL	270 Park Avenue Huntington, NY 11743	(631) 351-2434	
Northport	VETERANS ADMINISTRATION MEDICAL CENTER	79 Middleville Rd Northport, NY 11768	(631) 261-4400 x2785	
Patchogue	LONG ISLAND COMMUNITY HOSPITAL	101 Hospital Road Patchogue, NY 11772	(631) 654-7760	
Port Jefferson	JOHN T. MATHER MEMORIAL HOSPITAL	75 N Country Rd Port Jefferson, NY 11777	(631) 473-1320 x 5800 (18+) x 5820 (12-17)	Adult & Adolescents (12-17)
Smithtown	ST. CATHERINE OF SIENA MEDICAL CENTER	50 Rte. 25A Smithtown, NY 11787	(631) 862-3000	
Stony Brook	STONY BROOK UNIVERSITY HOSPITAL	101 Nichols Rd Stony Brook, NY 11794	(631) 687-8333	Adult & Children

<b>SUBSTANCE USE – OPIOID TREATMENT PROGRAMS</b>				
For more information on Suboxone Providers see Buprenorphine Practitioner Locator: <a href="http://www.samhsa.gov/medication-assisted-treatment">www.samhsa.gov/medication-assisted-treatment</a>				
<b>Location</b>	<b>Program Name</b>	<b>Address</b>	<b>Phone</b>	<b>Pop.</b>
Hauppauge	SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES, INC.  DIVISION OF COMMUNITY MENTAL HYGIENE	725 Vets Memorial Hwy, William J. Lindsay Complex, Bldg. 151, Hauppauge, NY 11788	(631) 853-6410	
Hauppauge		200 Wireless Blvd. Hauppauge, NY 11788	(631) 853-7373	
Huntington Station		689 E. Jericho Tpke. Huntington Station, NY 11746	(631) 854-4400	
Riverhead		300 Center Drive 2nd Floor Riverhead, NY 11901	(631) 852-2680	

<b>SELF HELP SUPPORT</b>	
Association for Mental Health and Wellness <i>Helpline</i> <i>PFC Joseph P. Dwyer Project (PTSD Peer- to-Peer Support)</i>	(631) 471-7242 x 2 (631) 853-8345
Alcoholics Anonymous (AA) Suffolk Intergroup Association office	(631) 654-1150
Al-Anon/Ala-teen	(888) 425-2666
Suffolk Office	(631) 669-2827
Brookhaven Hospice	(631) 758-3600
Children, Adults with ADD (CHADD)	(631) 626-6280
Co-Dependents Anonymous	(516) 500-2632
Emotions Anonymous	(651) 647-9712 – National Hotline
Good Shepard Hospice	(631) 465-6300
Hospice Care Network	(631) 666-6863
Living Hope for Mental Health	(631) 675-6831
Long Island Families Together (LIFT) Adoption Support Group	(631) 264-5438 x 103
Long Island Against Domestic Violence	(631) 666-8833
NAMI Huntington	(631) 385-0754
NAMI New York State	(800) 950-3228
Narcotics Anonymous of Suffolk	(631) 689-6262
Recovery International	(631) 724-5190
Suffolk YJCC Commack	(631) 462-9800
Sunshine Prevention Center	(631) 476-3099

<b>12 STEP PROGRAMS</b>	
Alcoholics Anonymous (AA)	(631) 669-1124
Families Anonymous	(516) 221-0303
LI Gamblers Anonymous	(855) 222-5542
Narcotics Anonymous	(631) 689-6262
Al-Anon	(631) 669-2827
Co-Dependents Anonymous	(516) 500-2632
Gam-Anon 24-hr Hotline	(718) 352-1671
Overeaters Anonymous	(505) 891-2664 – National Hotline

<b>ANGER MANAGEMENT</b>	
Long Island Center for Alcoholism and Drug Dependence (LICADD)	(516) 747-2606
The Life Center	(631) 673-5433
Bellport Hagerman East Patchogue Alliance	(631) 286-9236
Babylon Consultation Center	(631) 587-4622
Family Service League	(631) 647-3100
Islip Youth & Family Counseling	(631) 231-4333
Education & Assistance Corporation	(516) 489-7929
Parent Resource Center	(631) 360-7517
Sunrise Counseling Center	(631) 666-1615
Sunshine Prevention Center	(631) 476-3099
Batterers Intervention Program through VIBS (HALT)	(631) 360-2270

**Policy on when LIBI will intervene to initiate medical assistance for mental health cases:**

Situations where there is substantial likelihood of danger require an immediate response. Whenever an individual demonstrates or reports a risk of self-destructive or suicidal behavior, immediate assistance is needed. Mental health emergencies where LIBI feels immediate intervention is warranted include the following situations:

- A student has inflicted harm to self that a reasonable person would regard as serious.
- A student is believed to have ingested substance(s) the amount and effect of which is uncertain.
- A student has threatened harm to him or herself and has been using any alcohol/drugs.
- The extent of self-injury is unknown and the student is unresponsive.

The Campus Director or Accessibility Coordinator will be notified and will take necessary measures to ensure the student's safety and refer him or her to appropriate resources.

## **OUTDOOR SAFETY - POWER OUTAGE**

**Because every emergency is different, it is important for everyone's safety that all members of the community follow the directives of New York State and local emergency management authorities and local utilities.**

- If you must go outside during the storm, wear thick-soled shoes and watch your step. Flood waters can carry debris like broken glass and nails.
- If you must drive during severe weather, use extra caution at intersections and railroad crossings. Power outages also affect traffic signals.
- If you're in a car and an electric wire falls on it, stay inside the car, call 911 for assistance, and wait for the professionals to arrive. First responders (police, fire, OEM, EMS) should not touch the car until Long Island arrives to de-energize the power line.<sup>25</sup>

### Resources

[https://www.youtube.com/watch?time\\_continue=1&v=MzaGbHkndts](https://www.youtube.com/watch?time_continue=1&v=MzaGbHkndts)

### **TRAPPED IN AN ELEVATOR "STAY SAFE. STAY PUT."**

- If elevator gets stuck, remain calm and wait for help.
- Use the emergency call button to call for help.
- Report the number of people in the elevator and whether there are any medical emergencies.
- **Never attempt to pry the elevator doors open.**
- Follow the instructions from the building management.

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<sup>25</sup> <https://www.psegliny.com/outages/whenthepowerisout>

- Never attempt to exit a stalled elevator without the help of the building management or emergency responder (e.g. Police, Fire Rescue).
- Move to the rear center of the elevator and face the doors while waiting for help.

### **Resources**

- <https://www.youtube.com/watch?v=KkHQJc248TU>

### **Additional Tips for Elevator Safety:**

- Look down and make sure the elevator is level with the floor while entering and exiting.
- Do not exit the elevator if it stops more than 9 inches from the landing.
- Press the “door open” button to hold elevator doors open instead of using any part of your body.
- Never lean on elevator doors.
- Keep clothing items like ties and scarves clear of closing elevator doors.
- Be patient and don’t crowd the elevator. Too many people crowded into elevators can cause it to get stuck.
- Don’t jump in elevators – jumping can make an elevator uneven with the floor. You also can get stuck.

## **FLOODING AND PLUMBING ISSUES**

It is the policy of LIBI to manage emergency situations related to flooding or plumbing issues in a responsive proactive way to minimize damage and to provide a safe environment for students, staff, and visitors.

If the National Weather Service Issues Flood Watches and Warnings for the areas where LIBI’s campuses are located, the College will issue appropriate Emergency Notifications by text message and community-wide e-mail. Watch warnings are issued when flooding is possible or expected within 12 - 24 hours. Warnings are issued when flooding is imminent or occurring.



## Additional Resources

- [https://www.fema.gov/media-library-data/1409002852888-3c5d1f64f12d-f02aa801901cc7c311ca/how\\_to\\_prepare\\_flood\\_033014\\_508.pdf](https://www.fema.gov/media-library-data/1409002852888-3c5d1f64f12d-f02aa801901cc7c311ca/how_to_prepare_flood_033014_508.pdf)

## **PLUMBING**

If a toilet overflows or water pipe bursts and water is accumulating in one isolated area, **cease using all electrical equipment** and immediately notify College administration by going to the Main Building in Flushing, 5th floor reception area, or by calling the Maintenance Department at (718) 939-5100 ext. 119. If a water pipe bursts, vacate the area immediately and prevent anyone else from entering.

In the event of plumbing or water flooding proper care will be taken to clean-up as water may be contaminated with sewer. Proper personal protective clothing is worn by the maintenance department responding to a flooding or plumbing report. Any area that has been flooded, especially over the weekend when no one was available to respond, will be cleaned and treated with a microbiological cleaner (Fast Attack) to prevent mold growth. Mold can be recognized often by sight or smell. It may appear as colored woolly mats, or it may produce a foul, musty, earthy smell. Mold exposure can cause sneezing, runny nose, eye irritation, cough and congestion, aggravation of asthma, and dermatitis (skin rash). Individuals with allergies, asthma, sinusitis, or other lung diseases and individuals with weakened immune systems are at the greatest risk of health effects from exposure to mold. The College responds quickly to ensure that mold conditions do not occur. In the event that it does, the decision will be made by the Campus Director in consultation with the Building Management to properly relocate classes and administrative offices so that students and employees do not come in contact with the mold until the health hazard is properly removed and resolved.

## **SUMMARY: Evacuation and Assembly Point**

- A fire alarm can be activated because the campus building becomes uninhabitable due to an event such as a fire, flood, gas leak, contamination, extreme weather conditions, or the loss of critical services.
- The response depends on the extent of the emergency. Fire Wardens and designated College personnel will move students and employees to an Evacuation Assembly Point where designated LIBI personnel will conduct a census to establish that the evacuation is complete.
- Evacuation assembly points are published and transmitted to the College community during new student and new employee orientations. Students and faculty are urged to

familiarize themselves with the evacuation routes posted in the buildings where their classes are located. Staff should be familiar with the evacuation routes from their offices.

- If an evacuation order is issued for a building, it is expected that community members will cooperate fully with designated LIBI personnel or any authorized emergency personnel aiding with the evacuation.
- All members of the community are urged to remain calm.
- If possible, keys, wallets and essential belongings that do not hamper the evacuation should be taken when leaving the building.
- If the evacuation takes place in the winter, wear weather-appropriate clothing when leaving the building.
- Close, but DO NOT lock, the doors of the classroom once everyone has vacated.
- Evacuate in a safe and orderly fashion to the nearest Evacuation Assembly Point (as determined by College personnel) and await additional instructions.
- Move away from the building and do not return to the building until instructed to do so by authorized emergency personnel.

## **WINTER STORMS**

Severe winter storms, especially in our Commack campus, are most likely to bring ice, strong winds, and freezing rain. These storms can cause downed trees, structural damage, and power outages.

*Take immediate precautions if you hear these words on the news:*

*Winter Storm WARNING: Life-threatening, severe winter conditions have begun or will begin within 24 hours.*

*Blizzard WARNING: Sustained winds or frequent gusts of 35 miles per hour or greater, plus considerable falling or blowing snow reducing visibility to less than a quarter mile, expected to prevail for three hours or longer.<sup>26</sup>*

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<sup>26</sup> "Winter Storm Safety." American Red Cross, [www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/winter-storm#About](http://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/winter-storm#About). Accessed 4 Sept. 2017

LIBI will notify the College community using text messages, community-wide e-mail messages, by placing messages in the banner of the main page of the College's website, and by recording a message on the emergency line **(631) 808-4088**.

LIBI will notify the community that there is a winter storm watch and that severe winter weather is possible. The College will give instructions in this message as to how further communications will be handled should the storm progress as anticipated. If the National Weather Service upgrades the storm warning, LIBI will notify the College community by releasing community-wide communications containing instructions regarding early closing or campus closures using text messages, recording messages on the emergency phone line, by sending community-wide e-mails, and placing updates on the College website. As a non-residential College, occasions may occur when weather-related conditions necessitate a delayed arrival time, an early dismissal time, or closure. In all cases, employees and students must use their best judgment in determining their personal safety when traveling between home and the campus. If the Commack Public Schools (Suffolk County) are closed, the Commack campus will cancel day classes. Commack will cancel evening if Suffolk Community College cancels evening classes. However, because faculty, staff, and students travel to campus from a wide range of locations, the College may decide, independent of any state or city decision, that a delayed opening or closing is necessary. Commack will cancel evening if Suffolk Community College cancels evening classes. However, because faculty, staff, and students travel to campus from a wide range of locations, the College may decide, independent of any state or city decision, that a delayed opening or closing is necessary.

In some instances, LIBI may opt to cancel classes although the College's administrative offices remain open. LIBI's weather policy does not preclude the necessary, immediate evacuation of any campus by an authorized supervisor in the interest of safety to members of the College community. When a Declaration of Emergency or a decision about a delayed opening or early closing occurs during regular working hours, students and employees at the affected location will be notified by e-mail (and text message if they registered to receive SMS Emergency Notifications) regarding time of opening or closing. During off-duty hours (6 pm to 8 am), emergency closings or delayed openings will be transmitted using text messages, community-wide e-mail, recorded message on the emergency line, and banner messages on the main page of the College website. Decisions are made based on the best available information with the intention of not endangering any lives at any location. A decision whether to close the campus will be made between 5:30 and 6:00 am unless Public Schools make the decision to close the night before. Regardless of the decision of the College to remain open, each employee and student ultimately must decide if conditions make travel unwise. An employee who is unable to get to work because of weather-related conditions, even though LIBI is open, may use annual leave or take the day without pay.

## **Additional Resources**

- <http://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/winter-storm#About>
- <http://www.nws.noaa.gov/os/winter/>
- <https://www.ready.gov/winter-weather>

## **THUNDERSTORMS, TORNADOES, AND HURRICANES**

Thunderstorms, tornadoes, and hurricanes produce severe lightening, heavy downpours, horizontal rains, and extreme heavy wind conditions that can blow debris in the air and break windows.

***The following guidelines should be observed should these conditions occur while classes are in session or administrative offices are open:***

- Move away from the windows.
- Go to one of the elevator lobbies which have no windows, interior offices without windows, or a stairwell without windows and wait for directions from College administration.
- If the conditions are extremely dangerous, the decision may be to utilize the building basement.
- Any storm related damage or leaks should be promptly reported to the Facilities Manager.

## **EARTHQUAKES**

Although extremely unlikely in New York, earthquakes are not impossible. In the event that it occurs in New York City, remain calm and reassure others. Stay away from windows. Remain in an open area of the building, away from heavy machinery. DO NOT rush for the exits. Stairways may be broken or jammed with other people. Move immediately under an interior doorway or to an interior corner of the room. Get under desk, or table if possible. Tall furniture such as file cabinets can easily fall. Use caution around them. Watch for objects falling off desks or from shelves. Seek safety where you are and leave only when the earthquake has ended. Aftershocks are common and usually occur soon after the initial earthquake. These aftershocks can cause significant damage and should be treated the same as the initial earthquake.

## **SAFETY AWARENESS AND CRIME PREVENTION PROGRAMS**

LIBI issues safety alerts using community-wide e-mails when deemed necessary because serious crimes have occurred, or are occurring, on campus or in LIBI's contiguous geographic locations. The College maintains a relationship with the local police precinct that is responsible for the surrounding areas of the campus and for providing additional response assistance. All members of the College community who report crimes to College personnel are encouraged to report the incident promptly to the appropriate local police precinct. A record of each report made to the local precinct is maintained and included in LIBI's annual statistical report.

LIBI's goal is to help prevent criminal activity through education and awareness building. LIBI's education programs focus on helping members of the community become more aware of their surroundings, both on and off campus, and to take responsibility for their own safety and security and that of others. Various educational and awareness-building seminars are scheduled each semester and members of the College community are encouraged to participate actively. The College also provides information at the beginning of each academic term for students and employees regarding LIBI's general security procedures and practices.

### ***Special emphasis is placed on:***

- advising students and employees of the importance of reporting criminal activity;
- to whom crimes should be reported;
- being responsible for their own safety and the safety of others;
- practices regarding timely warnings and emergency notifications.
- The Campus Director provides students, faculty, and staff with crime prevention information, along with other safety related materials, during scheduled events on campus as well as through physical bulletins posted around high foot-traffic areas at the campuses.
- Regularly scheduled educational programs are sponsored by the Campus Safety and Security Committee. Faculty should contact:

#### **Julia Scalia**

***Director of the Center for Academic Success and Chair of the Campus Safety and Security Committee***

**Email:** [jscaliam@libi.edu](mailto:jscaliam@libi.edu)

- All new incoming students receive information about campus crime prevention programs at New Student Orientation. New students also receive LIBI's policies on Sexual

Harassment and Procedures Concerning Sexual Assault, Stalking, and Domestic and Intimate Partner Violence Against Students at Orientation. The Enough is Enough Sexual Assault Special Section Document contains LIBI's policies and procedure regarding sexual assault, domestic and dating violence, and stalking and is available on LIBI's website and on Canvas.

## GENERAL PHYSICAL SAFETY PROTOCOL

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The Campus Director conducts on-going review of campus facilities. LIBI works closely with the Building Management personnel to ensure safe accessibility to LIBI's buildings.

### WHAT CAN THE COMMUNITY DO TO PROMOTE SAFETY?

Students and employees are asked to be alert and not to circumvent practices and procedures that are meant to preserve their safety and that of others.

#### *Things to keep in mind:*

- Do not prop doors open or allow strangers into campus buildings that have been secured;
- Do not bring non-students on campus and do not leave them unattended;
- Do not input restroom security codes for anyone you do not know to allow them access to LIBI's restrooms.

Keys to the offices or any other areas on campus will be issued to employees only as needed and after receiving the proper authorization.

Employees must adhere to policies regarding unauthorized access to school facilities, theft of, or damage to, school property, or other criminal activity. In particular, abusing any fire prevention or detection equipment is prohibited. Violation of these policies may lead to disciplinary action, up to and including termination and the filing of charges with law enforcement authorities.

Employee and student identification cards should be used to verify the identity of persons suspected to be on campus without permission.

All visitors and guests are expected to carry themselves in a manner consistent with an academic environment. **Guests must identify themselves to the front desk reception desk.** Front desk personnel will request a valid identification and the guests will be signed in and given a visitor's badge. Guests and visitors will be allowed in only if they have official business. All individuals visiting LIBI are subject to the instructions of College administrative staff. A guest or a visitor attending an event will be asked to leave if they appear to be intoxicated or refuse to follow directives given by administrative staff.

Safety is everyone's responsibility. If you observe any unusual activity or someone acting suspiciously, please report it immediately to the reception desks staff. It is always better to over investigate than to put members of the College at risk.

## WHAT CAN STUDENTS DO TO PROMOTE SAFETY?

- Familiarize yourself with the campus and adjacent areas. Avoid short-cuts and walking alone at night.
- Find and use the safest routes between the campus and your home or work. Avoid routes that take you through desolate areas – even if those routes are the quickest way to get you to your destination. If you are walking, make sure the walkways you are on are frequently traveled and not isolated.
- Be alert when you get out of your car.
- Try installing an app such as **Watch Over Me**.
- This app tracks your GPS location and can alert your emergency contacts if you don't arrive home safely or if you leave the designated GPS area. There's also an emergency alarm and recording camera that are triggered if your phone is shaken vigorously, such as if someone is trying to grab you. <https://watchovermeapp.com>
- Try installing an app like Circle of 6 (<https://www.circleof6app.com>). This app lets users designate six people that they want to reach in case of an emergency and in two clicks, you can notify these six people if you need help. This app can work to protect you when you're stuck in the dark and need assistance walking to and from your night classes.
- There are always new apps coming out to help keep you safe at night and in dangerous situations, so if you're enrolled in night classes, consider making your smartphone safer.
- When you're outside at night alone, you may want to talk to someone on the phone to distract yourself or so they know you're safe. But doing so actually makes you less aware of your surroundings and more vulnerable to the unexpected. Instead, stay conscious of what's around you.
- Create a "buddy" system. Whenever possible, travel in groups after daylight hours. Share your schedule with your parents, a roommate, and close friends you trust. Advise your close contacts or leave a timed and dated note if you intend to change your normal schedule, particularly if you will not be returning in the evening. Give the Campus Director your emergency contacts. Make sure a trusted friend or relative has a way of contacting the Campus Director in case you have an emergency that needs to be communicated to the College.



- Be sure to review LIBI’s photo agreement and release. The College does not want to publish any pictures of you if you are uncomfortable having your pictures disseminated in campus publications.
- Never leave your valuable possessions (e.g. identification cards, driver’s license, wallet, checks, or credit cards) in open view.
- Know who you are interacting with or “befriending”. Do not disclose personal information or place yourself in a vulnerable situation until you know people well.
- Promptly report suspicious activities or unlawful conduct. Doing so can make a difference!
- No matter where you are, on or off campus, you must always be aware of your surroundings. The more you are familiar with the area the less you become a target for criminals. Remember: Criminals look for the easiest target—that is generally someone who preoccupied, unsure, and generally unaware of who or what is around them. Always walk with confidence, like you know where you are going.
- Hopefully nothing happens, but it’s always a good idea to speak to your emergency contact in case anything does. Have a conversation about what to do if you don’t make it home at your usual time without giving a heads up or if your emergency contact hasn’t heard from you in a while. Establishing this process before something happens will make it easier to act in an emergency, if it ever arises.

## **WEAPONS ON CAMPUS**

No one within the College community (including visitors) pursuant to authorization of the LIBI’s President, may have in his or her possession a firearm, or any other dangerous weapon or item that may be used as a weapon, or material that can be used to inflict bodily harm on an individual, damage the campus, or the areas connected to the campus.

## **COMMACK CAMPUS DRIVERS:**

Because nearly all Commack students and employees drive to the campus, driving under the influence of alcohol or drugs is a topic of particular importance that needs to be addressed in this ASR.

## **Driving While Intoxicated and Driving with Ability Impaired by Drugs**

Alcohol or drug-related driving offenses in New York State carry criminal, penal, civil, or administrative consequences. The criminal consequences may include all or some of the following: court-imposed fines and surcharges, a sentence of probation or conditional discharge with a condition that you install and maintain an Ignition Interlock Device (IID) in all vehicles you own or operate, and imprisonment. If the IID detects alcohol on the driver's breath, the engine will not start.

A driver causing a death or serious injury as a result of a traffic accident while intoxicated or impaired by alcohol or drugs may face additional criminal charges under the Penal Law for vehicular assault, aggravated vehicular assault, vehicular manslaughter, and aggravated vehicular homicide, punishable by up to 15-25 years in prison.

The civil or administrative consequences will include fines, mandatory surcharges, and related fees levied by the Department of Motor Vehicles ("DMV"), and the suspension or revocation of your driver's license by DMV.

Convictions under these statutes may lead to fines, legal fees, and increased insurance premiums.

Furthermore, conviction under a misdemeanor drug or alcohol-related driving offense results in a criminal record which may have to be reported when seeking employment, applying to other College programs, and applying for financial aid.

## **How many drinks make you legally intoxicated?**

In New York State, you are legally intoxicated when your BAC reaches .08%. You are considered to be driving while ability impaired ("DWAI") when your BAC is more than .05%, but less than .08%.

Alcohol consumption in any amount affects the judgment and coordination of a driver. The degree of impairment depends on four basic factors: (a) how much is consumed; (b) how long the person drinks; (c) how much food is eaten before or during drinking, as food slows absorption of alcohol; and (d) the person's body weight.

A 12-ounce can of beer, a 5-ounce glass of wine, or a shot of 86-proof liquor all contain the same amount of alcohol. Your body metabolizes about one drink each hour. Only time will truly sober you up, not coffee, a walk, or a cold shower.

## PREVENTION THROUGH EDUCATION

LIBI strongly believes that education and awareness are the best methods of preventing alcohol and drug abuse. As such, periodically throughout the year, LIBI offers workshops and speakers on the dangers of drug and alcohol abuse. LIBI also distributes and makes available, through the library and the Academic Success Center, informational materials dealing with drug and alcohol consumption. All LIBI students are strongly urged to attend these seminars and to read the informational materials provided. To obtain more information regarding the dangers and health risks associated with alcohol or chemical substance consumption and dependency, please visit the LIBI library or speak to an Academic Advisor or the Registrar.

- Help is available 24-hours a day, 365 days a year for alcoholism, drug abuse and problem gambling – call **877-8-HOPENY (846-7369)** or visit <http://www.oasas.ny.gov/pio/needhlp.cfm>. All calls are toll-free, anonymous and confidential
- Help is also available through the **Substance Abuse and Mental Health Services Administration (SAMHSA)**. Call the SAMHSA Treatment Referral Helpline: **1-800-662-HELP (4357) / 1-800-487-4889 (TDD)**
- To report synthetic drug abuse, sale, manufacturing, distribution or possession call **1- 888-99-SALTS (997-2587)**

# STUDENT CODE OF CONDUCT SECTION

## CODE OF CONDUCT

- The Student Code of Conduct can be found in the College catalog which is available on the College website and on Canvas. The interactive version of the Student Code of Conduct can be found here: [https://issuu.com/longislandbusinessinstitute/docs/student\\_code\\_of\\_conduct\\_policy\\_2018](https://issuu.com/longislandbusinessinstitute/docs/student_code_of_conduct_policy_2018)
- Employees should consult the Employee Handbook and the Faculty Handbook for a complete listing of all policies.

Members of the College community must understand that their membership is based upon certain core values, including **responsible citizenship, integrity, accountability, and mutual respect**. It is the responsibility of each individual to protect and support the College, its community members, and its mission as a learning community by following the Student Code of Conduct and the Employee Code of Conduct, as applicable.

All students are urged to review the Code of Conduct carefully and to ask questions about any portion of the conduct requirements that are unclear to them. Questions can be directed to the Commack Campus Director. The College handles matters of student discipline through the Director of Operations and Institutional Effectiveness and the faculty-staff disciplinary hearing boards. All members of the College community are required by LIBI's policies to meet promptly all College requirements; to use the property of the institution with care and economy; to obey all applicable city, state, and federal laws; and to conform to requests and orders of duly established College authorities fulfilling their job responsibilities.

Employees are expected to follow the Code of Conduct published in the manuals (Faculty Handbook and Employee Handbook). Questions regarding policies and expectations should be directed to the employee's direct supervisor or the Director of Operations and Institutional Effectiveness.

LIBI does not own or lease any off-campus housing nor does the College supervise the use of such by student groups. Incidents that occur off-campus involving allegations of sexual assault, dating, domestic violence, or stalking should be reported to the College promptly. More information regarding reporting and student and employee rights when allegations involve sexual misconduct can be found in the ***Enough is Enough Sexual Assault Special Section document***.

LIBI is responsible for investigating complaints of sexual misconduct brought by students and employees. Students can speak with the Title IX Coordinators, the Provost, the Campus Director, or the Director of Operations and Institutional Effectiveness if they feel they have

been or are subject to behavior that can be classified as sexual misconduct or harassment. All the individuals mentioned are able to receive harassment complaints.

Every member of the College community is responsible for compliance with LIBI's anti-harassment and sexual misconduct policies and for ensuring that LIBI is a conducive environment to working and learning free from sexual harassment or coercion. LIBI's supervisory personnel has the responsibility to prevent and to eliminate conduct inconsistent with institutional anti-harassment and sexual misconduct policies and to immediately address any concerns or complaints that are brought to their attention. The College takes the security and protection of our students and employees very seriously.

Members of the College community are expected to exercise responsibility appropriate to their position and delegated authority. They are responsible to the College community for their actions and their decision not to act. Employees are responsible for prompt reporting of any suspected violations of LIBI's Employee Code of Conduct, or any other instances of reasonably suspected legal violations, inappropriate, demeaning behavior, or malfeasance through the individual's chain of command at the College or through the **incident reports available electronically** ([Incident w22](#)). Students should report violations to the Provost, the Academic Directors, or submit an electronic incident **report located on the College website**. Violations of the Code of Conduct may result in termination of employment for employees or student disciplinary action, including dismissal without recourse for students.

No employee or student shall retaliate, in any manner, against an individual who in good faith reports a perceived violation, wrongdoing, or conflict of interest matter pursuant to this policy.

## **DROPPING COURSES PRIOR TO A STUDENT CONDUCT HEARING**

A student charged with academic misconduct may not change registration in the course (e.g. drop the course) in which a charge is pending or in which a finding of academic misconduct has been made. The privilege of being a student at the Long Island Business Institute carries with it the responsibility of following standards of conduct appropriate to our institutional vision and shared values of intellectual honesty and personal integrity. The sections below provide guidelines for standard behavior expected of all students attending LIBI. These sections articulate behaviors that are prohibited or unacceptable at LIBI and which carry disciplinary sanctions up to, and including, permanent separation of the student from the College. Because all students are obligated to follow the standards set forth by LIBI, all violations will be taken seriously and handled in a manner deemed appropriate through the Student Conduct hearing process directly overseen by the Director of Operations and Institutional Effectiveness and the Provost.

## CONDUCT VIOLATIONS AND SANCTIONS

LIBI aims to make the conduct process educative first and punitive second; therefore, sanctions under the Student Code of Conduct are imposed for their educative, not punitive, effect. Students who enter LIBI's conduct process are asked to examine the motives for and consequences of their actions. At the conclusion of the process, it is the hope of the College that the student will understand the effect of his or her behavior on other members of the community.

It is also the hope of the College that by participating in the disciplinary process, the student will:

- demonstrate ethical development;
- commit to complying with institutional policies;
- understand that committing further violations of policy will result in further sanctions, including potentially dismissal;
- demonstrate a fuller understanding of LIBI's values rejected in College policies;
- demonstrate a fuller understanding of the purpose of institutional policies;
- achieve a better understanding of the importance of personal integrity;
- gain a better understanding of the consequences and potential consequences of personal actions;
- demonstrate that he/she will employ more effective critical thinking and problem-solving skills if confronted with future potential conduct situations;
- ultimately obtain a degree. With this in mind, sanctions are given with the intent to help the student accept accountability and to learn from the process. When the student is found responsible for violating the Student Code of Conduct, a formal sanction will be assigned. All the sanctions listed below may be imposed on groups and organizations as well as individuals.

### **Possible sanctions include, but are not limited to:**

- **Reprimand** - A formal admonition on behalf of the LIBI community. Transgressions warranting a Reprimand do not rise to the level of a formal warning but are nevertheless unacceptable and cannot be overlooked. It is intended to document clearly in a student's file that his or her behavior has been deemed unacceptable. No other specific action is taken unless further misconduct occurs.

- **Revocation of Privileges** - Privileges normally afforded to students may be revoked as an appropriate response to a student's behavior. This can include denial of the use of certain College facilities or the right to participate in certain activities, events, programs, or to exercise certain privileges for a designated period of time. A violation of the restriction will result in further sanctions.
- **Restitution** - A student may be required to make payment to an individual or to the College related to the misconduct for damage, destruction, defacement, theft, or unauthorized use of property.
- **Fines** - LIBI reserves the right to impose fines, as appropriate, in addition to requiring payment for costs resulting from or associated with the offenses.
- **Contact Restrictions** - Directives to students issued by the College that restrict the contact and/or communication between or among designated parties. Contact Restrictions may be the result of a student conduct process, remedies-based resolution, or put in place temporarily. Contact Restrictions prohibit all forms of communication between designated parties, direct or indirect, including in person, social media, text messaging, e-mail, mail, and through the use of friends, family, or acquaintances making requests on the individual's behalf. These restrictions are not legal protective orders as those are issued by a court of law.
- **Interim Suspension** - Temporary suspension of certain rights or privileges while a conduct case is pending. Interim suspension may be broad and all-inclusive, involving the student's removal from campus until the hearing, or may be restricted to a specific location and/or function and is based on the determination that the safety and well-being of the College community or specific persons are at risk.
- **Warning** - A conduct warning is the result of a Standards violation that calls into question the student's full understanding of the conduct expected of a student at the College. Students who receive a warning will be asked to examine the source of their behavior and ways to refocus themselves to return to good standing. Students who violate the Code of Conduct while on warning will face more serious sanctions. No other specific action is taken unless further misconduct occurs. A Conduct Warning will be maintained as part of a student's educational record until graduation.
- **Disciplinary Probation** - This action constitutes a change in status between good standing and suspension or expulsion from the College. The student is permitted to remain enrolled and to continue attending classes at the College under certain stated conditions depending upon the nature of the violation. If a student violates the Student Code of Conduct further while on conduct probation, the student may be subject to suspension or expulsion. Probation may extend beyond one semester and may be imposed for the duration of the student's studies at LIBI.

- **Disciplinary Conduct Suspension** - Conduct suspension is a separation of the student from the College (including its premises and activities) for a specified period of time. This sanction is instituted when a period away from the College may be necessary and sufficient in reconciling the student to the College community's values and goals. Depending on the timing of the suspension, all fees and academic credits for the semester during which the suspension occurs may be forfeited. A student who wishes to return to LIBI after his or her suspension period has concluded must make that request to the Provost or designee and will be asked to demonstrate willingness to abide by LIBI's Student Code of Conduct. Conduct Suspension is maintained as a part of a student's educational record indefinitely.
- **Educational Referrals** - LIBI reserves the right to impose counseling or substance assessments or other required educational sanctions.
- **Disciplinary Conduct Expulsion** - Conduct expulsion is a permanent separation of the student from the College (including all College premises and activities). This sanction is given to students who have proven themselves incapable of following the Student Code of Conduct and are unable to demonstrate an understanding of the ethical values held by the institution. This sanction is usually given because of continued pattern of violations that directly threaten the safety or well-being of the members of the College community. Record of the expulsion will appear in the student's file maintained by the Registrar and will be kept indefinitely. Students who are dismissed may request a refund for tuition for the semester in which the dismissal is imposed only in accordance with the refund policy and schedule published in the College Catalog. All fees and academic credits for the semester during which the expulsion occurs are forfeited.
- **Revocation of a Degree or Certificate** - This sanction would be the result of the College discovering that the credential was awarded based, in whole or in part, upon the student's satisfying the academic requirements for the award of the credential by or through actions which constitute academic dishonesty; The credential was awarded based, in whole or in part, upon the student's satisfying the academic requirements for the award of the degree, diploma, and/or certificate by or through actions which involve falsification, misrepresentation, fabrication, or other mischaracterization of the nature of or number of credit hours or degrees earned at other institutions of higher education for which LIBI had awarded transfer credit; The credential was awarded based, in whole or in part, upon the student's obtaining a waiver of the academic requirements for the award of the credential by or through actions which involve falsification, misrepresentation, fabrication or other mischaracterization of the reasons for such waiver of the academic requirements for the award of the credential or the forgery, falsification, fabrication, or mischaracterization of the necessary approval of such waiver of the academic requirements for the award of the credential; The credential was awarded despite the student's failure to satisfy the academic requirements for the award of the



degree, diploma, and/or certificate in existence at the time the credential was awarded and without regard to whether or not the student's conduct contributed, in whole or in part, to the erroneous award of the degree, diploma, and/or certificate.

- **Transcription Notation** - Any time a student is found responsible for committing a violent act, including but not limited to sexual misconduct, Education Law Article 129-B requires a notation be made on the student's transcript. The notation may read, "suspended after finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." If a student withdraws from the institution while conduct charges are pending, and declines to complete the disciplinary process, as outlined above, a notation will be made on the transcript indicating the student "withdrew with conduct charges pending." Students suspended from the College for acts of violence, including but not limited to, sexual misconduct, have the right to request that disciplinary notation be removed from the transcript, one year from the date of their return to the College from suspension. This request needs to be made, in writing, to the Provost, and is not a guarantee the notation will be removed. If a finding of responsibility is vacated, for any reason, any such transcript notation shall be removed.
- **Other Sanctions** - Educational Tasks: Examples of educational tasks include, but are not limited to, essays, assignments, community development initiatives, educational workshops provided by the College or outside entities, etc. The student will be required to submit proof of completion of the educational task from a source deemed appropriate by the College. Other sanctions may include programs related to the nature of the violation, including, but not limited to, alcohol/substance education, including alcohol/substance assessment and treatment. Withholding or deferral of issuance of degree or revocation of alumni privileges (if the respondent graduates prior to the conclusion of the disciplinary process).
- **Non-Compliance with Sanctions** - Sanctions imposed through the Student Conduct process are official actions of LIBI. Failure to comply with sanctions that are imposed by hearing panels, or to comply with specific conditions related to the safety and security of any parties while a case is pending, will likely result in additional charges through the Student Conduct process. Students who are going through a conduct process are placed "on hold" by the Office of the Registrar (i.e. affecting the student's ability to register for classes, ability to obtain transcripts, etc.). Non-compliance with sanctions may result in immediate suspension or dismissal from the College.

## **FACTORS CONSIDERED WHEN DETERMINING SANCTIONS**

The following information pertains only to non-sexual assault cases, domestic violence, dating violence, or stalking. For information specific to those categories, please see the ***Enough is Enough Sexual Assault Special Section***.

Sanctions are commensurate with the nature and scope of the violation. Subsequent violations generally result in more serious disciplinary sanctions. The College considers previous violations, and other factors such as the ones listed below when determining appropriate sanctions:

- The nature of the violation;
- The student's scope of involvement;
- The severity of violation(s) and the actual harm caused by the respondent's conduct/behavior;
- The respondent's intentions;
- The impact on the individual(s) involved;
- The impact on the College community;
- The pervasiveness of the behavior;
- The respondent's demonstrated understanding of the transgression and how the behavior violates College policies and values;
- The respondent's acknowledgement of responsibility for improper conduct and sincere remorse;
- The respondent's disciplinary history;
- The respondent's level of cooperation and compliance with directives during the hearing process.

This list is not intended to be exhaustive and is only a partial enumeration of the factors considered when determining appropriate sanctions. LIBI evaluates each student's situation individually when considering other mitigating and aggravating factors.

## **TEMPORARY REMOVAL OF STUDENT FROM COLLEGE PREMISES**

Disruptive behavior includes conduct that distracts or intimidates others in a manner that interferes with instructional activities, fails to adhere to a faculty member's appropriate classroom rules or instructions, or interferes with the normal operations of the College. Students

who engage in disruptive behavior or threatening behavior may be directed by the faculty member to leave the classroom or by an authorized College official to leave the College premises. Students who refuse to leave the campus after being requested to do so will face additional disciplinary sanctions. When effecting an emergency suspension, the College official responsible for campus safety will direct the student to leave the College premises immediately and will further direct the student not to return until contacted by the Conduct Officer. In emergency or extraordinary circumstances, immediate suspension will be effectuated pending a hearing within seven (7) business/school days. Full compliance with this policy is expected from every LIBI student.

## **REMOVAL FROM CLASS**

A faculty member may remove a student from class meetings for disciplinary reasons. If an instructor removes a student for more than one class period, the faculty member will notify the Provost or the Campus Director in writing of the problem, action taken by the faculty member, and the faculty member's recommendation. If an acceptable resolution of the problem cannot be reached by the faculty member and the student, the faculty member will refer the case to the Provost, who may in turn refer the case to the Student Conduct Hearing panel. In instances where the faculty member recommends permanent removal of the student from the course, the student will be required to meet with the Student Conduct Hearing panel (usually comprised of administrators and faculty members who are selected on a rotational basis with the aim of choosing faculty who have not had the student in their courses).

## **DISCIPLINARY SANCTIONS: EMPLOYEES**

Any full-time or part-time employee (including all classifications of members of the faculty) engaging in conduct prohibited by LIBI's employment procedures and policies, including policies on sexual misconduct, dating violence, domestic violence, and stalking, will be subject to the following range of penalties: warning, written warning, restitution, fine (not exceeding those permitted by law), Investigatory leave (suspension with/without pay pending a hearing), termination of employment after the hearing, and/or arrest by the civil authorities. Employees engaging in conduct prohibited under LIBI's Drug and Alcohol Policies may be required to participate and complete satisfactorily an appropriately licensed drug treatment or rehabilitation program.

### **Definitions**

- **Warning** - An oral (or written) statement to the offender that he or she has violated College rules. Warning will include a notice that continuation or repetition of the wrongful

conduct, within the stated time frame of the warning, will constitute a more severe disciplinary action.

- **Written Warning** - Written reprimand for violation of specified policies. Written warning includes the possibility of more severe disciplinary sanctions in the event of any further violation of any College regulation within a period stated in the letter of reprimand.
- **Restitution** - Reimbursement for damage to, or misappropriation of, property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
- **Investigatory Leave** - Suspension with/without pay pending a hearing. An employee may be placed on an investigatory leave, with or without notice, to permit to review or investigate actions, including dishonesty, theft or misappropriation of company funds or property, workplace violence, acts endangering others, insubordination, or any other conduct that warrants removing the employee from the campus. The leave will be confirmed in writing, stating the reason and the expected duration of the leave. Upon conclusion of the investigation, the employee will be informed in writing of the actual dates and pay status of the leave.
- **Termination: Employment at LIBI is classified as “at will”; employees may be terminated without warning for actions deemed appropriately severe.**

## **RIGHTS OF THE ACCUSED STUDENT**

### **Investigation**

Upon witnessing or receiving a report regarding alleged violation(s), the individual receiving this information must promptly alert the Director of Operations and Institutional Effectiveness or the Provost if the infraction is one of academic dishonesty. Upon reviewing the allegation, the Director of Operations and Institutional Effectiveness will conduct a preliminary probe to augment what has been presented to determine if there is sufficient information to proceed with the student conduct process.

If the Director of Operations and Institutional Effectiveness determines that the allegation merits a Student Conduct Hearing, then the Director of Operations and Institutional Effectiveness will proceed to name and assign an impartial investigator to the case. Once the investigator is named, the Director of Operations and Institutional Effectiveness will no longer be involved in the fact-gathering stage unless asked by the investigator or the Conduct Officer to assist in the process. While the investigator conducts further inquiry into the case, the Conduct Officer will work with the accused student(s) to ensure that each accused student

receives the protections afforded to him/her by the policies printed in the College catalog.

**Special Note:**

In cases not involving allegations of sexual assault or sexual misconduct, the accused student may specifically petition for an open hearing. Even if allowable by the nature of the allegations, the request for an open hearing will be denied if any other participant objects.

## **PROCEDURES FOR PRE-HEARING NOTICE TO STUDENT**

All conduct related communications will be sent to the physical address and/or e-mail on file in the Registrar's Office. It is the responsibility of every LIBI student to keep the Registrar informed of all addresses and contact information changes. The Conduct Officer will send written "Notice" to the student of the following:

- The nature of the conduct in question and the basis for the allegation, including a brief statement of the preliminary alleged charges against the student, along with references to LIBI's policies/regulations allegedly violated.
- If a hearing was deemed necessary by the Director of Operations and Institutional Effectiveness, then a general description of the Student Conduct Committee procedures, including the student's right to tell his or her side of the story, will be provided to the student. The investigator and the Conduct Officer will be the primary contacts for the accused student until the Student Conduct Hearing panel renders a written decision. At the end of the investigation and

## **HARASSMENT & GENDER-BASED DISCRIMINATION**

Title IX is a federal civil rights law that prohibits discrimination on the basis of sex, including on the basis of sex stereotypes, in education programs and activities. All colleges and universities that receive federal funds must comply with Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq. and its implementing regulations, 34 C.F.R. Part 106. Because harassment, including sexual harassment, is prohibited by federal and state laws, LIBI strictly forbids harassment of any kind, and will swiftly take appropriate action to address any violations of this policy.

Harassment is any verbal (can include verbal taunting, including racial and ethnic slurs) or physical conduct designed to threaten, intimidate, or coerce that, in the victim's opinion, impairs his or her access to LIBI's programs or activities. Harassing conduct may take many forms, including oral statements and name calling; graphic and/or written statements, which

may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by LIBI. When such harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that the Office for Civil Rights (OCR) enforces.

LIBI students who are found to be engaging in any behavior that can be classified as harassing will face disciplinary actions commensurate with the severity of their actions. Students are explicitly expected to familiarize themselves with all LIBI's policies prohibiting harassment, and procedures for reporting and resolving complaints that will alert the College to incidents of harassment. Policy are available in the College Catalog for students to read, print, and download at <http://www.libi.edu/footer/policies-information.html>

### **Steps in the Investigation of Harassment**

When responding to harassment, LIBI will take immediate and appropriate action to investigate or otherwise determine what may have occurred. The specific steps in an investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student (if a minor), students involved, and other similar factors. In all cases, however, the inquiry will be prompt, thorough, and impartial. If the investigation reveals that discriminatory harassment has occurred, LIBI will take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. LIBI will take steps to stop further harassment and prevent any retaliation against the person who made the complaint (or was the subject of the harassment) or against those who provided information as witnesses. When responding to incidents of misconduct, LIBI will not be guided by the label used to describe the incident (e.g. bullying, sexually harassing etc.). Rather, the nature of the conduct itself will be assessed for violation of College policies or processes, state and federal guideline violations, and civil rights implications. For instance, if the abusive behavior is on the basis of race, color, national origin, sex, or disability, and creates a hostile environment, LIBI will respond to the complaint in accordance with the applicable federal civil rights statutes and regulations enforced by OCR. It is the explicit expectation of LIBI's administration that all staff, faculty, and students will become familiar with all policies and procedures published by LIBI on stalking, harassment, and gender-based violence. Students with questions regarding any of the published materials on these topics are highly encouraged to speak to their Academic Advisor or to seek clarification from the Registrar. Colleges and universities receiving Title IV funding are required to provide additional services to the student who is reporting being harassed in or

der to end the harassment. Some acceptable approaches on behalf of the institution include separating the accused harasser and the target, providing counseling for the target and/or harasser, and/or taking disciplinary action against the harasser. Unless no other feasible alternatives exist, or the safety and security of the student is a concern, LIBI will attempt to minimize the burden on the target's educational program (e.g. avoiding requiring the target to change his or her class schedule).

Title IX Requirements Related to Sexual Harassment and Sexual Violence New York State's Sexual Assault Prevention and Security Act requires colleges to provide students with information relating to sexual assault prevention. The Long Island Business Institute is committed to maintaining a safe learning and work environment for all members of the LIBI community. Any behavior on the part of a member of the College community, its guests, or its visitors that constitutes a sexual offense is in violation of LIBI's regulations. All reports of sexual assault will be treated with appropriate gravity and promptly investigated.

Sexual Misconduct as defined in LIBI's policy, including sexual harassment and sexual assault, stalking, domestic and dating/intimate partner violence, as defined in the LIBI's Policy and as defined under the Clery Act and New York State Law, are strictly prohibited. Allegations of sexual misconduct, including sexual assault, sexual harassment, stalking, or domestic, dating, and intimate partner violence should be reported to one of individuals listed below.

- **Stacey Johnson, Provost**  
Flushing Campus - Annex Building  
136-17 39th Avenue. 4th floor - Room A107. Flushing, NY 11354  
(347) 368-1193 ext. 103
- **Audrey Sumner, Title IX Coordinator**  
Commack Campus  
6500 Jericho Turnpike, Commack, NY 11725  
(631) 499-7100  
[asumner@libi.edu](mailto:asumner@libi.edu)
- **April Robinson, Intercampus Title IX Coordinator**  
232 West 40th Street, 10th floor. New York, NY 10018  
(212) 226-7300 ext. 347  
[arobinson@libi.edu](mailto:arobinson@libi.edu)

Title IX Coordinators are located at each LIBI location: Although students, faculty, and staff may seek help from a coordinator or the Provost, everyone initially is encouraged to seek help from the Title IX Coordinator assigned to the location where they work or attend the majority of their classes. ***For more information and definition of Key Terms and further infor-***

*mation and instructions on how to report incidents under this policy, grievance procedures, investigation process, hearing procedures, resolution, and appeal please, see Appendix J in the College Catalog.*

## **PROCEDURES CONCERNING SEXUAL ASSAULT, STALKING, & DOMESTIC & INTIMATE PARTNER VIOLENCE**

### **Definitions:**

Sexual assault can happen to anyone regardless of race, ethnicity, national origin, age, sexual orientation, gender, gender identity, or religion. Sexual assault affects people of all socioeconomic backgrounds and education levels, and it can occur regardless of whether the victim and perpetrator are currently or formerly married, living together, dating, friends, or strangers.

Sexual Assault is any type of sexual contact or behavior that occurs without consent of the recipient. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, molestation, incest, fondling, and attempted rape<sup>27</sup>. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.<sup>28</sup>

### ***The Federal Definitions of Sex Offenses are as follows:***

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity.
- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

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<sup>27</sup> Beginning in 2013, rape is defined for Summary UCR purposes as, "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."

<sup>28</sup> <https://www.justice.gov/file/29836/download>



- **Rape** - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

#### ***New York State:***

- **Sexual Misconduct** - A person is guilty of sexual misconduct when:
  - He or she engages in sexual intercourse with another person without such person's consent; or
  - He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or
  - He or she engages in sexual conduct with an animal or a dead human body. Sexual misconduct is a class A misdemeanor.

New York criminalizes a wide range of conduct constituting "sexual abuse," which is generally defined as subjecting another person to sexual contact without the latter's consent. New York Penal Code Section 130(3) further defines "sexual contact" to include "any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party," and touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing. Other related crimes include forcible touching and persistent sexual abuse. New York also punishes four degrees of aggravated sexual abuse, each of which involve the insertion of a foreign object in the vagina, urethra, penis, rectum or anus of another person. "Foreign object" means any instrument or article whose insertion into the sexual parts of a person is capable of causing physical injury. All aggravated sexual abuse offenses are felonies.<sup>29</sup>

- **Forcible Rape** - The carnal knowledge of a 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 because of his or her temporary or permanent mental or physical incapacity or because of his or her youth.
- **Forcible Sodomy** - Oral or anal sexual intercourse with 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 because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.

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<sup>29</sup> <https://statelaws.findlaw.com/new-york-law/new-york-sexual-assault-laws.html>

- **Sexual Assault with an Object** - Is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of 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 because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- **Forcible Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, 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 because of his or her youth or because of his or her temporary or permanent mental incapacity. Forcible fondling includes "indecent liberties" and "child molesting." Nonforcible sex offenses are incidents of unlawful, nonforcible sexual intercourse.
- **Incest** - Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - Nonforcible sexual intercourse with a person who is under the statutory age of consent.<sup>30</sup>

Domestic Violence is a pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, or wounds someone.<sup>31</sup>

**Domestic Violence is defined as a felony or misdemeanor crime of violence committed:**

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;

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30 <http://ypdcrime.com/penal.law/article130.htm>

31 <https://www.justice.gov/file/29836/download>

- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating Violence is violence and abuse committed by a person to exert power and control over a current or former dating partner. Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence covers a variety of actions, and can include physical abuse, physiological and emotional abuse, and sexual abuse. It can also include "digital abuse", the use of technology, such as smartphones, the Internet, or social media, to intimate, harass, threaten, or isolate a victim.<sup>32</sup>

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking is dangerous and can often cause severe and long-lasting emotional and psychological harm to victims. Stalking can escalate over time and can lead to domestic violence, sexual assault, and even homicide. Stalking can include frightening communications, direct or indirect threats, and harassing a victim through the Internet.<sup>33</sup>

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32 <https://www.justice.gov/file/29836/download>

33 <https://www.justice.gov/file/29836/download>

**Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:**

- fear for the person’s safety or the safety of others; or
- suffer substantial emotional distress.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

This policy specifically covers sexual assault, domestic and intimate partner violence, and stalking committed against students on and off-campus. Through this policy LIBI seeks to inform all victims of sexual assault, stalking, and domestic and intimate partner violence that LIBI has designated employees who are able to assist students who are or have been victims to obtain help, including medical care, counseling, and other essential services. If the alleged perpetrator is also a member of the LIBI community, the College will take prompt action to investigate, and, where appropriate, to discipline and to sanction the alleged perpetrator. All victims are strongly advised to seek immediate help in accordance with the guidelines outlined in this policy. Victims should be assured that LIBI will handle all confidential information related to the incident as discreetly and confidentially as feasible without further endangering the complainant.

To promote a safe College environment and to prevent sexual assault and other forms of violence involving members of the LIBI community, the College provides appropriate prevention educational programs and campaigns and ensures that students have access to vital support services.

**To achieve these goals LIBI is committed to the following:**

- To provide students with clear procedures to follow if they or someone they know is the victim of a sexual assault, domestic/intimate partner violence, or stalking;
- To assist victims of sexual assault or abuse in obtaining necessary medical care, counseling, or other appropriate assistance;
- To provide students with information through sponsored educational programs and workshops about how to identify situations that involve sexual assault, domestic and intimate partner violence, or stalking, ways to prevent these forms of violence, and how to obtain assistance if they occur;
- To educate and to train College employees, including student services staff and faculty, to assist victims of sexual assault, of domestic/intimate partner violence, or of stalking;

- To follow disciplinary procedures as outlined if the alleged perpetrator is another LIBI student or employee.

The Long Island Business Institute (LIBI) seeks to create and to maintain a safe environment in which all members of the College community can learn and work free from the fear of sexual assault and other forms of violence. For employees, all of LIBI's policies on Workplace Violence and Domestic Violence apply to all acts of violence (including the crimes of dating violence, domestic violence, sexual assault, and stalking) that occur in the workplace or that may spill over into the workplace. LIBI's Sexual Harassment Policy available in the Employee Handbook prohibits many forms of unwelcome conduct, including but not limited to, physical conduct of a sexual nature.

LIBI's Student Code of Conduct strictly prohibits sexually violent acts, commonly referred to as "sexual misconduct". Sexual misconduct includes all forms of sexual assault, including non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, interpersonal relationship violence (domestic violence and dating violence), stalking, and sexual harassment.

**LIBI will provide written notification to the reporting individual which includes:**

- The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- How and to whom the alleged offense should be reported;
- Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to:
  - Notify proper law enforcement authorities, including on-campus and local police;
  - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
  - Decline to notify such authorities.
- Where applicable, the rights of victims and the institution's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution.

Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will handle Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and maintain as confidential any accommodations or protective measures provided to the

victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The written notification also will include information of their rights and options of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community, and the availability of changes to academic, living, transportation, and working situations, or protective measures regardless of whether the victim reports to law enforcement.

### **STUDENTS' BILL OF RIGHTS (SECTION 6443)**

The "Students' Bill of Rights" is part of LIBI's Code of Conduct and is distributed annually to students. It is also made available on LIBI's website and is posted in high traffic areas at all LIBI locations. The Students' Bill of Rights includes links and information to file a report and to seek a response, as well as the options for confidential disclosure. Please read this section very carefully and seek clarification from your Academic Advisor if you have any questions about this section.

#### **All students have the right to:**

- Make a report to local law enforcement and/or state police.
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution.
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available.
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident.
- 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.

- Access to at least one level of appeal of a determination.
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process. And
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

You have the right to make a report to College police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.

#### **Students can report incidents to the following designated Title IX Coordinators:**

- **Audrey Sumner, Commack Campus Title IX Coordinator**  
6500 Jericho Turnpike, Commack, NY 11725  
(631) 499-7100  
[asumner@libi.edu](mailto:asumner@libi.edu)
- **April Robinson, Intercampus Title IX Coordinator**  
232 West 40th Street, 10th floor. New York, NY 10018  
(212) 226-7300 ext. 347  
[arobinson@libi.edu](mailto:arobinson@libi.edu)

Students who decide to report an incident have three options in accordance with the Clery Act, 20 U.S.C § 1092(f)(8) (B)(iii)(III)(aa)-(cc):

- notify proper law enforcement authorities, including on-campus and local police.
- be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
- decline to notify such authorities.

This subdivision of the Bill of Rights means that LIBI must be neutral in providing these options and neither encourage or discourage students from choosing a specific option. It is important for reporting individuals to understand that they control their own decision-making, not the College.

Although LIBI does not have on-campus police, the New York State Police have statewide jurisdiction and have created a special unit dedicated to college and university sexual and interpersonal violence prevention and response. If a reporting individual decides to inform law enforcement, LIBI will assist by calling 911 in an emergency situation, or by contacting New York State Police.

To report sexual assault, dating violence, domestic violence, and/or stalking within a college campus in New York State, call 1-844-845-7269. **In an emergency contact 911.**

### **Information for Local Law Enforcement - NYPD Precincts:**

- **LIBI Flushing  
109th Precinct**  
37-05 Union Street, Flushing, NY, 11354-4117  
(718) 321-2250  
**Domestic Violence:** (718) 321-2279
- **LIBI NYC  
14th Precinct** (the Midtown South Precinct)  
357 West 35th Street, New York, NY, 10001-1701  
(212) 239-9811  
**Domestic Violence:** (212) 239-9863
- **LIBI Commack  
Fourth Precinct**  
727 Veterans Memorial Hwy Smithtown, NY 11787  
(631) 854-8400  
**Domestic Violence:** (631) 854-7520

LIBI will provide reporting individuals access to medical and counseling resources available in the community or through statewide or national organizations.

All students have the right to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, and impartiality. This policy also guarantees the respondent (the accused student) the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made pursuant to the provisions of this article and LIBI’s policies and procedures.

LIBI’s students have emergency access to a Title IX Coordinator and other appropriate officials trained in interviewing victims of sexual assault who will be available upon the first



instance of disclosure by a reporting individual to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. The Title IX Coordinator or other appropriate official also will explain whether he or she is authorized to offer the reporting individual confidentiality or privacy, and shall inform the reporting individual of other reporting options. New York State Education Law §6444 (1)(b).

## **PRIVILEGED & CONFIDENTIAL RESOURCES**

Consistent with the definitions in Section I of this document and Section 6446(5)&(6) of Education Law Article 129-B, the following section will help you understand which privileged and confidential resources reporting individuals may contact regarding, domestic violence, dating violence, stalking, or sexual assault.

Individuals who are confidential resources will not report crimes to law enforcement or College officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. Off campus options do not provide any information to the campus.

## **NON-PROFESSIONAL COUNSELORS & ADVOCATES**

Non-professional counselors and advocates also can assist you without sharing information that could identify you. These individuals will report the nature, date, time, and general location of an incident to the Title IX Coordinator, but will consult with you to ensure no personally identifying details are shared without your consent. These individuals are not considered confidential resources as discussed above.

## **PRIVACY VERSUS CONFIDENTIALITY**

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

## REQUESTING CONFIDENTIALITY

How LIBI will evaluate and respond to the request for confidentiality: Students who disclose an incident to a LIBI employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the College's request to initiate an investigation, must understand that the Title IX Coordinator has an obligation to assess the request against LIBI's obligation to provide a safe, non-discriminatory environment for all members of our community, including the student making the report.

LIBI will assist the reporting student with any appropriate or necessary academic adjustments, connecting the student with organizations that can help with shelter, transportation, employment, and other reasonable accommodations through several College offices. The following office serves as the primary point of contact at each LIBI location:

- **FLUSHING CAMPUS**

- **Advising Offices**

- 136-18 39th Avenue, 5th floor. Flushing, NY 11354  
(718) 939-5100 ext.114

- **COMMACK CAMPUS**

- 6500 Jericho Turnpike, 2nd floor. Commack, NY 11725  
(631) 499-7100 ext. 12

- **NYC EXTENSION CENTER**

- 232 West 40th Street, Room 915. New York, NY 10018  
(212) 226-7300 ext. 331 / 345 / 355

A team of attorneys from public and private colleges developed a resource to assist colleges in complying with the requirement of educating about the different standards of proof and evidence. The resource may be accessed as a Word or PDF at this site: <http://system.suny.edu/sexualviolence-prevention-workgroup/College-and-Criminal-Resource/>.

LIBI's Title IX Coordinators are on campus from 9 am to 7 pm. Contact information for these individuals, including office locations are published throughout this document, in the College Catalog, and on LIBI's website. Students who have been assaulted outside of regularly scheduled campus hours are asked to seek immediate assistance from law enforcement or a Victim/Witness Liaison (emergency access officials) at one of the following:

- **In NYC**

- 1-800-621-HOPE (4673) or dial 311  
TDD: 1-800-810-7444 / TTY: 1-866-604-5350

- **New York State Hotline for Sexual Assault and Domestic Violence**  
1-800-942-6906
- **The National Domestic Violence 24-Hour**  
1-800-799-7233 / TTY: 1-800-787-3224
- **GLBTQ Domestic Violence Project**  
1-800-832-1901  
<http://www.glbtqdv.org/>  
This national resource supports GLBTQ victims and survivors through a 24-hour domestic violence hotline, emergency safe home, legal services, crisis intervention and safety planning, housing and employment advocacy, sexual assault case management, and ongoing supportive services.
- **National Sexual Assault**  
1-800-656-HOPE(4673)  
<https://ohl.rainn.org/online>
- To locate a **Crisis Center** near you, go to: <http://nyscasa.org/get-help/>
- For information on what to expect from a **Victim/Witness Liaison** please visit:  
<http://www.opdv.ny.gov/help/victims/advocate.html>
- **New York State Police Campus Sexual Assault Victims Unit**  
<https://consentfirst.troopers.ny.gov/>
- **Non-Emergency Hotline**  
1-844-845-7269

LIBI will make all possible efforts to protect reporting individuals from having to repeat their description of what occurred unnecessarily. The reporting individual will be asked to repeat the events only for legitimate reasons, which may include a Title IX investigation, prior to student conduct charges, interviews with law enforcement, etc. The College will ensure that those instances are as few as practicable not as few as possible, since repetitions may be necessary in some legitimate situations.

Through its Student Code of Conduct, LIBI strictly prohibits any form of retaliation. Students who are involved in reporting any incident, whether related to sexual misconduct, sexual discrimination, or any other wrongdoing will be protected from retaliation from the College or from any member of the LIBI community. Where retaliation is found to have occurred by someone within the institution's jurisdiction, the College will take appropriate measures to address the situation through disciplinary actions or other necessary remedies.

Consistent with the Clery Act and the Enough is Enough legislation, LIBI provides equal opportunities for the accuser and accused to have others present during proceedings, including an advisor of their choice. The advisor may assist and advise a reporting individual, accused or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process. LIBI does, however, have the right to restrict the advisor's role. By LIBI's policies, advisors are:

- prohibited from speaking during the proceedings;
- are not permitted to address the disciplinary hearing panel; and
- are not permitted to question witnesses directly. LIBI may remove or dismiss advisors who become disruptive or who do not abide by the restrictions on their participation. LIBI will inform all parties of any limitations on the advisor's participation before a proceeding is scheduled so that both parties understand and respect these limitations. Please refer to the Enough is Enough Sexual Assault Special Section for detailed information about this process and other relevant information related to reporting and responding to sexual misconduct allegations.

All students have the right to exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution. LIBI will not create situations that force students to choose between their religion and participating in the hearing or investigative process. For example, LIBI shall not tell an Orthodox Jewish student that the hearing will be held on Friday at 7:00 pm or tell a Muslim student that the only time the Title IX Coordinator can meet with them is just before sunset during Ramadan (when they have been fasting all day). Additionally, LIBI will never force students to undergo medical procedures that they say are forbidden by their religion. LIBI will work with participants to ensure they do not have to choose between participating in the judicial process and practicing their religion.

When a student or employee reports to the College that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, LIBI will provide the student or employee a written explanation of the student's or employee's rights and options.

Furthermore, when the accused or respondent (covered person) is a student, LIBI will issue a "No Contact Order," consistent with College policy and procedure. This means that intentionally continuing to contact the reporting/protected individual is a violation of College policy subject to additional conduct charges; if the accused or respondent and a reporting individual/protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with LIBI policies. Parties

may submit evidence in support of their request. LIBI may establish an appropriate schedule for the accused and respondents to access applicable institutional property at a time when the property in question is not being accessed by the reporting individual.

- Reporting individuals have the right to seek assistance from LIBI officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order. Consistent with Section 2265 of Violence Against Women Act, under 18 U.S. Code § 2265, LIBI will treat the process and award of an out-of-state court document equivalent to a New York State Order of Protection.
- Individuals have the right to receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a College official who can explain the order and answer questions about it, including information from the Order about the accused's responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
- LIBI is responsible for explaining the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension. Both covered or protected person may request assistance and an explanation.

## **FOLLOWING AN ALLEGATION**

LIBI will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. LIBI will make accommodations or provide protective measures if the reporting individual/victim requests them and if they are reasonably available, regardless of whether the reporting individual/victim chooses to report the crime to campus police or local law enforcement. LIBI is obligated to comply with a student's reasonable request for (a living and/or) academic situation change following an alleged sex offense.

Factors that LIBI may consider during the process to determine whether the request is *reasonable* include, but are not limited to, the following: the specific need expressed by the complainant; the age of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the complainant; whether the complainant and alleged perpetrator share the same class(es), transportation or job location; and whether other judicial measures have been taken to protect the complainant (e.g. civil protection orders).

Protective measures offered by LIBI will aim to minimize the burden on the victim. Although not exhaustive, below is a list of the range of examples of protective measures LIBI may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking:

- orders of protection, including no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court, or by the institution;
- transportation assistance or security escorts;
- modifications to academic requirements or class schedules; and/or
- changes in living or working situations.

If the individual making the complaint and the alleged perpetrator share the same class or classes, LIBI will not, as a matter of course, remove the victim from the class while allowing the alleged perpetrator to remain without carefully considering the facts of the case.

Please see the ***Enough is Enough Sexual Assault Special Section Document*** for the complete statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking and that: describes the disciplinary proceedings used by LIBI; the steps, anticipated timelines, and decision-making process for the disciplinary proceedings; how to file a disciplinary complaint; and how LIBI determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking.

## **FOLLOWING THE HEARING**

LIBI will simultaneously notify, in writing, both the accuser and the accused of

- the result\* of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
- of LIBI's procedures for the accused and the reporting individual (the victim) to appeal the result of LIBI's disciplinary proceeding;
- any change to the result;
- when such results become final.

\* "Result" is defined as any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within LIBI.

***Please refer to the Enough is Enough Sexual Assault Special Section for more information.***

In explaining the rationale for the result and sanctions, LIBI will explain how it weighted the evidence and information presented during the proceeding, and explain how the evidence and information support the result and sanctions. LIBI also will describe how the College's standard of evidence was applied. LIBI's standard of evidence is Preponderance of Evidence (more likely than not).

***For more information see the Enough is Enough Sexual Assault Special Section.***

## **ARE YOU AT RISK?**

**If a LIBI student or employee is being stalked, is in a sexually abusive relationship, or is sexually assaulted, the College urges the individual to seek assistance as soon as possible.**

There are various individuals at the College who are able to assist members of the community by connecting victims to appropriate sources of help and intervention. These individuals are the Academic Advisors, the Provost, the Campus Director, the Director of Operations and Institutional Effectiveness, and Faculty Advisors. These individuals are able to provide assistance to survivors with respect to contacting law enforcement, to obtain medical attention, including immediate medical help by calling EMS to ensure the student's safe passage to a SAFE (Sexual Assault Forensic Examiner) hospital if the student was a victim of physical assault or rape; to connect the student with counseling services and emotional support groups; to assist the victim with making any changes to his or her schedule or academic program; to help make arrangements for the victim to get to and from campus safely; to assist the victim with filing a report with law enforcement and obtaining an order of protection against the perpetrator; and to assist victims throughout LIBI's disciplinary process if the student chooses to file a complaint against another student in connection with the incident. LIBI urges any student who has been the victim of a sexual assault or other acts of violence or abuse, or any student or employee who has witnessed a sexual assault or other act of violence against a student, to report the incident to the College administration immediately, or directly to one of the LIBI employees listed above, if the attack occurred on-campus, or to call 911, or go to the local NYPD precinct if the incident took place off-campus. Students can refer back to their New Student Orientation packets for a comprehensive listing of individuals to contact to report an incident that takes place on campus. Students may also e-mail [safe@libi.edu](mailto:safe@libi.edu) to report an incident or call. It is critically important for students who were victims of any physical assault to seek immediate medical assistance as soon as possible after the attack so that comprehensive medical tests can be administered. Physical evidence must be collected in a timely manner by a certified medical facility. Students who have been victims of sexual assault should understand that preservation of evidence of the attack are vital to any criminal investigation and should, therefore, seek immediate medical attention to ensure as much evidence can be gathered by trained professionals at SAFE hospitals as possible

without worrying about their physical appearance or trying to “clean themselves up”.

Victims should **NOT** shower or bathe before seeking medical attention. Victims should not change clothes (if clothes worn during the attack are changed, they should be retained in a brown paper bag – not plastic). **Victims should NOT:**

- douche;
- brush your teeth;
- wash your hands;
- eat or drink;
- use the toilet, if possible;
- smoke;
- clean the bed, linens, or area where they were assaulted.

LIBI urges victims to seek help proactively whether the incident takes place on campus or off-campus. If the incident takes place off campus, call 911 or have a trusted friend take you to the hospital. Do not be afraid to call the police. Seek medical attention immediately and then call the police from the hospital. Tell the police exactly what you remember. Be honest about all your activities. Remember, nothing you did – including drinking alcohol or doing drugs – can justify rape.

To file a criminal complaint with local law enforcement and/or state police:

**State police 24-hour hotline to report sexual assault on a NY College campus:  
1-844-845-7269.**

***NYPD Precincts:***

- **LIBI Flushing  
109th Precinct**  
37-05 Union Street, Flushing, NY, 11354-4117  
(718) 321-2250  
**Domestic Violence:** (718) 321-2279
- **LIBI NYC  
14th Precinct** (the Midtown South Precinct)  
357 West 35th Street, New York, NY, 10001-1701  
(212) 239-9811  
**Domestic Violence:** (212) 239-9863



- **LIBI Commack  
Fourth Precinct**  
727 Veterans Memorial Hwy Smithtown, NY 11787  
(631) 854-8400  
**Domestic Violence:** (631) 854-7520

Even if the victim does not opt for forensic evidence collection, a health care provider should be seen as soon as possible so that any injuries can be treated and steps can be taken to address concerns of pregnancy and/or sexually transmitted diseases. If a student believes that she or he may have been given a date rape drug and then assaulted, she or he should go directly to a hospital to receive a toxicology examination. Date rape drugs are drugs that are sometimes used to assist a sexual assault. Because of the effects of these drugs, victims may be physically helpless, unable to refuse sex, and/or unable to remember what happened. The drugs often have no color, smell, or taste and are easily added to flavored drinks without the victim's knowledge. It is imperative that students understand that all date rape drugs are dangerous, regardless of whether they are consumed in small or large doses, and can cause death when high doses or improperly mixed drugs are ingested, or if they are consumed in conjunction with other drugs (including alcohol). **Because date rape drugs do not remain in the system for a long time, LIBI advises victims to seek medical attention immediately.**

## **STALKING**

Victims of stalking should save evidence such as:

- E-mails;
- Text messages;
- Voice e-mail messages;
- Phone calls;
- Notes;
- Videos;
- Photos;
- Social media messages and postings (Facebook, Twitter, etc.);
- Computer screenshots;
- Any other form of evidence that would be helpful.

Students should keep in mind that as time passes, evidence may become hard to locate or become lost or unrecoverable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining orders of protection related to the incident more difficult.

**KEY THINGS TO NOTE:** LIBI makes available to all students a list of local hospitals where students can seek assistance; the list identifies hospitals that are designated as SAFE (Sexual Assault Forensic Examiner) hospitals. SAFE hospitals are set up specifically to assist sexual assault victims and have staff who are trained to gather evidence from sexual assaults. Rape crisis advocates at emergency rooms are also trained to handle domestic violence complaints. When a student notifies LIBI that he or she was a victim of a sexual assault, the LIBI employee helping the student will assist the student to gain access to medical care. This may involve calling EMS that will be directed to bring victims to a SAFE hospital at the student's request/consent. Because emotional support and professional counseling are important elements of recovery for victims of sexual assault, stalking, and intimate partner violence<sup>34</sup>, LIBI employees helping students reporting these acts will ensure that the victims are connected to appropriate organizations that can provide ongoing counseling services. Students who are victims of sexual assault, stalking, or domestic or intimate partner violence can report any such incident to any senior member of the College. When a report is received by an employee who is not a designated advocate, that employee will ensure that the student is connected to the correct individual immediately.

**Special Note:**

LIBI recognizes that confidentiality is important to victims of sexual assault, domestic and intimate partner violence, and stalking. If the victim seeks counseling with a licensed professional outside of LIBI and/or works with an advocate from the campus to secure a counselor, those communications will be confidential. LIBI recognizes the benefits of ongoing therapy and counseling in recovery and urges all student victims to seek such assistance. It must be noted that although LIBI will make every effort to maintain confidentiality by restricting communications about the case to those who have a "need to know", complete confidentiality cannot be guaranteed. In general, if the victim does not want to report a sexual assault or incident of domestic/intimate partner violence or stalking to the police, LIBI will not force the report. The College, does, however, reserve the right to notify the police when it believes that such reporting is necessary for the protection of the LIBI community.

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34 <https://www.womenshealth.gov/files/assets/docs/fact-sheets/date-rape-drugs.pdf>

If the College determines that it must notify law enforcement, such notification generally will be done without disclosing the identity of the victim. Similarly, when LIBI determines that it is necessary to alert the College community because the incident poses a threat to other members of the College, LIBI will not disclose or release the victim's identity. Student victims must bear in mind that the College must comply with various legal mandates, including specific obligations under Title IX, medical reporting laws, the Crime Awareness and Campus Security Act of 1990, the specific requirements Violence Against Women Reauthorization Act of 2013 made to the Clery Act, and the "Enough is Enough" New York State sexual assault law. One of these mandates requires LIBI to compile an annual report documenting certain categories of crimes, including sexual assault. In order to compile an accurate annual report, LIBI maintains a log of all incidents reported by victims and bystanders. The College does not disclose any personal information in the report that could identify the victim or anyone involved in the incident or crime.

If the alleged victim is deceased as a result of such crime, the next of kin of the victim shall be treated as the alleged victim for the purposes of disclosure under this policy.

## **WHO WILL HELP?**

LIBI has designated the following individuals as points of contact and advocacy for students who are victims of sexual assault, stalking, and domestic and intimate partner violence: the advising staff in the Student Success Center, the Campus Director, the Director of Operations and Institutional Effectiveness, and the Faculty Advisor. Student victims will work with an advocate who will:

- explain to the student victim his or her rights and options about reporting or not reporting the incident to law enforcement;
- provide guidance regarding medical care and assist with access;
- provide guidance in obtaining crisis intervention;
- provide a referral to obtain services or assistance that may be necessary but are not available on campus;
- assist victims throughout LIBI's disciplinary process if the victim elects to file a complaint against another student in connection with the incident.
- assist victims with academic program changes, if necessary or appropriate to the situation. When LIBI receives a report or complaint of sexual assault, stalking, or domestic and intimate partner violence, LIBI will act without delay to assist the victim and to determine whether the alleged perpetrator was another member of the LIBI community. LIBI will follow the procedures in place for investigating complaints published in the

College catalog and the Employee Handbook. If the investigation yields sufficient reasons or evidence to warrant formal charges against another member of the LIBI community (student, faculty, or member of the staff), then such charges will be brought in accordance to published College policies. If the alleged perpetrator is another LIBI student, the individuals will receive the charges in writing and will have the opportunity to discuss the charges with the Conduct Officer directly before the hearing commences.

Once the hearing commences, both the complainant and the respondent will be entitled to the same opportunities to have others present and to be informed of the outcome of the proceedings. The College will inform the complainant that he or she is entitled to receive a report of the proceedings, and will make the report available at the complainant's request. If the respondent is a student and is found guilty of a sexual assault, stalking, or other act of violence in violation of LIBI's policies after all evidence is considered at the hearing, the respondent will face disciplinary penalties that may include suspension, expulsion, or permanent dismissal. Should the respondent, or anyone connected to the individual acting on his or her behalf, contact the complainant during the investigation or in the course of the disciplinary hearing process to harass, intimidate, threaten, or coerce the complainant in any way, LIBI reserves the right to bring additional disciplinary action against the person(s) involved.

Nothing in this section may be construed to prohibit an educational institution from disclosing information provided to the institution under section 14071 [2] of title 42 concerning registered sex offenders who are required to register under such section.

Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

## **IMPLEMENTATION**

Through the work of the Director of Operations and Institutional Effectiveness and the Director of the Center for Academic Success, the President, the Provost, and the Campus Director ensure that staff at all three LIBI locations are trained, and understand how to implement this policy. The Directors ensure staff at all locations have access to the most up to date information and resources about prevention and victim assistance as they relate to sexual assault, stalking, and domestic/intimate partner violence.

## **PUBLICATION & DISTRIBUTION**

LIBI makes this policy easily accessible by publishing it on the College website. Students receive this policy in Orientation and via community-wide e-mail. LIBI's policies on sexual

assault, stalking, and domestic/intimate partner violence are published in the Student Handbook. Copies of this policy are also physically available through the library, and are posted around the campus by the Safety and Security bulletin boards, in the Student Success Office, and in Career Services.

## **ON-GOING EDUCATIONAL PROGRAMS**

LIBI strives to provide useful and relevant risk reduction and prevention workshops and programming. Members of the College community have access to educational programs that help individuals better understand the nature and dynamics of sexual assault, stalking, and domestic/intimate partner violence, and the means to reduce their occurrence and ways to prevent them from happening. By inviting and working with organizations such as the Justice Center, Womankind, and OneLove Foundation, LIBI strives to offer prevention education that provides relevant information, including education on bystander intervention, the importance of peer support, counseling help, and the importance of encouraging responsibility within the community. LIBI incorporates information about prevention education in the New Student Orientation and in the Freshman Seminar class. Information about prevention programs is freely available for students to take from designated areas around the campuses, including by the Safety and Security bulletin boards, Student Success Center, Career Services, and the Library. Additionally, through LIBI's participation in the OneLove Foundation students are encouraged to participate in "the Escalation Workshop" which is a film-based discussion about the warning signs of relationship abuse. The workshop consists of a film, Escalation, which is guided by one of LIBI's trained facilitators. LIBI's involvement in OneLove aims to help students better understand and recognize unhealthy and dangerous relationship behaviors if/when they start to see them developing. The premise behind this program is to better educate the community on an ongoing basis throughout the academic year, to start conversations about the differences between healthy and unhealthy relationships, and to empower members of the LIBI community to refuse to become a statistic in relationship abuse reports.

Creating a safe, healthy, legitimizing, and empowering environment involves a multitude of factors, including ongoing educational programs, support, and assistance. LIBI takes a holistic approach to creating a non-judgmental environment where students can seek help when they need it, and where everyone feels supported in their own journey to independence and empowerment. One factor that LIBI has recognized to be correlated to domestic/intimate partner abuse, stalking, and sexual assault is the presence of, or abuse of, drugs and alcohol when these incidents take place. LIBI's Alcohol and Other Drugs Committee (AOD Committee) takes an active role in bringing information and educational programs to LIBI. The AOD Committee administers anonymous surveys to determine the level of alcohol and illicit drug use by members of the community with the intent to offer more targeted educational pro-

graming and to make assistance available to those who are ready to get help. The Safety and Security boards include extensive information about the harmful effects of alcohol and drug abuse, speakers are invited throughout the academic year, and general education courses include topics aimed at raising greater community awareness and to provide avenues that allow those who need assistance to seek it. Pamphlets are available in various languages prevalent on campus to encourage the community to read and educate themselves further on the destructive and dangerous effects of alcohol and drug consumption. In order for LIBI to ensure that students attending its three locations receive the same level of support and assistance, the College provides ongoing training for staff and interested faculty about the prevention and handling of sexual assaults, stalking, and domestic/intimate partner violence. Student Services staff, including Academic Advisors, Career Services staff, the Directors of these departments, the Faculty Advisor, the Librarians, the Provost, and the Academic Directors are all trained to intervene and assist. Other interested members of the community, including faculty, are invited to participate in all training available to the trained staff. The offices of the President and the Provost jointly monitor compliance with this policy at all three LIBI locations through the direct oversight of the Campus Director, the Faculty Advisor, and the Director of Operations and Institutional Effectiveness. These individuals are responsible for ensuring that all three LIBI locations are provided with all relevant educational materials and that those materials are readily available to the students at each location. The members of the Safety and Security Committee and the AOD Committee review the safety and drug and alcohol awareness activities in quarterly meetings and make recommendations for changes, as necessary or appropriate. LIBI officially reviews its policies and procedures once per annually and republishes any changes. Changes are e-mailed to the community and published on LIBI's website.

For the full policy please go to:

- <http://www.libi.edu/footer/procedures-concerning-sexual-assault-stalking-and-domestic-and-intimate-partner-violence-against-students.pdf>

## **SAFE AND POSITIVE OPTIONS FOR BYSTANDER INTERVENTION**

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Additional areas considered for bystander intervention include the witnessing or having knowledge about discrimination, medical emergency, alcohol-related incident, and acts of discrimination.

Intervening can be difficult, however. Even when a bystander encounters an abuser or a victim of abuse, they may not believe they can do anything to help. Many bystanders ignore the situation because they do not want to get involved, or fail to report the situation because they are afraid of retaliation from the perpetrator.

Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, and overcoming barriers to intervening. It is important to be aware of what is going on around you and behavior that seems out-of-place or concerning.

There is no single “right” way to intervene, and what is appropriate depends on the situation and the individuals involved. Bystanders should notice the emergency, interpret it as such, assume personal responsibility for acting, choose a strategy, and implement that strategy. A strategy could be as simple as saying something to the potential violator to stop the action, calling someone to help such as a College employee or building security, or **if safe to do so**, step in before the situation escalates.

Here are four basic steps you can take to be an engaged bystander when a harmful event is occurring. We all **C.A.R.E.**!

- **C:** Create a Distraction

Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.

If you are in a group and a situation is escalating, cut off the conversation with a diversion like, “Let’s go grab something to eat, I’m starving”.

Start an activity that draws other people in, like a game or sharing fun posts on social media.

- **A:** Ask Questions

Talk directly to the person who might be in trouble.

Ask questions like, “Who did you come here with?” or “Would you like me to stay with you?”

- **R:** Refer to an Authority

Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like a College employee or a member of the building staff or building security.

Talk to the person about your concerns. It is in their best interest to ensure that students are safe, and they usually will be willing to step in.

**Don’t hesitate to call 911 if you are concerned for someone else’s safety.**

- **E:** Enlist Others

It can be intimidating to approach a situation alone. Enlist another person to sup-

port you. Ask someone to come with you to approach the person at risk. When it comes to expressing concern, sometimes there is power in numbers. Ask someone to intervene in your place.

Bystander training begins at Orientation for incoming students and new employees and continues throughout the year during faculty trainings and student workshops.

## **DOMESTIC VIOLENCE IN THE WORKPLACE POLICY**

LIBI ensures that the College's personnel policies and procedures do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

In accordance with New York state law, LIBI will not penalize an employee who, as a victim or witness of a criminal offense, is appearing as a witness, consulting with a district attorney, or exercising his or her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law. The law requires employers to allow time off for victims or subpoenaed witnesses to exercise his or her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law [Penal Law §215.14]. Employees should provide the College with one day prior notice. Employees should contact the Director of Operations and Institutional Effectiveness with questions regarding leave that must be granted under this law to victims or subpoenaed witnesses.

In 2010, New York State established that victims of domestic violence are a protected class in the employment provisions of the NYS Human Rights Law. This law prevents an employer from firing or refusing to hire any individual based on their status as a victim of domestic violence and prevents discrimination in compensation or in the terms, conditions, or privileges of employment. LIBI will not make inquiries about a job applicant's current or past domestic violence victimization, and employment decisions will not be based on any assumptions about or knowledge of such exposure.

### ***Further to this policy:***

- LIBI will not make inquiries about a job applicant's current or past domestic violence victimization, and employment decisions will not be based on any assumptions about or knowledge of such.
- The Director of Operations and Institutional Effectiveness will assist the employee to determine the best use of his or her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee



requests time off to care for and/or assist a family member who has been a victim of domestic violence, the College will evaluate the employee's request for leave for eligibility under existing law.

- The College understands that victims of domestic violence may lack the required documentation or have difficulty obtaining the required documentation to justify absences without compromising their safety. In these cases, the Director of Operations and Institutional Effectiveness will consult with the employee to identify what documentation she or he might have, or be able to obtain that will not compromise his or her safety-related needs and will meet the documentation requirement of the College satisfactorily.
- In cases in which an employee's work performance suffers and the difficulties are determined to be the result of being a victim of domestic violence, the said employee shall be afforded proactive measures outlined in this policy, and shall be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, special care will be taken to consider all aspects of the victimized employee's situation. LIBI will utilize all reasonable available options to resolve work-related performance problems, and may make a referral to the Employee Assistance Program.
- If reasonable measures have been taken to resolve domestic violence-related work performance problems of victimized employees, but the performance problems persist and the employee is terminated or voluntarily separates from employment due to these domestic violence-related issues, and the employee conveys to the College that the separation is due to these domestic-violence issues, LIBI will inform the employee of his or her potential eligibility for unemployment insurance and respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits §593 of NYS Labor Law.
- Employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), shall be allowed to make reasonable changes in benefits at any time during the calendar year where possible, in accordance with statute, regulation, and policy.

## **WORKPLACE SAFETY PLANS**

As part of LIBI's efforts to compile and to make available to all members of the College community a comprehensive safety and security plan, LIBI makes employees aware of their options and available resources with respect to domestic violence.

- LIBI complies and assists with enforcement of all known court orders of protection, particularly orders in which abusers have been ordered to stay away from the workplace. If requested by the survivor of domestic violence or law enforcement, LIBI will provide information in its possession concerning an alleged violation of an order of protection. Employees/students are strongly encouraged to bring their orders of protection to the attention of the Director of Operations and Institutional Effectiveness or the Title IX Coordinator. Once the order of protection has been brought forward, it will be retained in a locked file cabinet in the Office of the Director of Operations and Institutional Effectiveness and accessible only to the Director. In the case of a workplace emergency, if the Director of Operations and Institutional Effectiveness is unavailable to obtain the document, the Title IX Coordinator will have access to the cabinet where the document is locked.
- The Director of Operations and Institutional Effectiveness or the Title IX Coordinator will discuss with the employee/student a plan on how best to proceed to ensure that the safest possible work environment for the employee/student and the College community. With permission of the employee/student, information may be shared, examples include: sharing the perpetrator's photo with supervisors and/or front desk personnel or with College administrators/colleagues who could assist by preventing the perpetrator from entering the workplace; temporary or permanent relocation to another campus; changes in work schedule; or providing an escort for entry into and exit from campus.
- LIBI maintains an emergency security response plan, which includes procedures for contacting appropriate personnel and other appropriate law enforcement entities. This response plan provides employees with clear instructions about what to do and who to contact if they observe anyone engaging in threatening behavior.
- LIBI will respect the victim's requests for confidentiality, to the extent legally possible. Should a victim of domestic violence request to remain anonymous, the College will act within the parameters and limitations under New York State law.
- As part of an emergency security response plan, LIBI will take actions to assist in mitigating reoccurrence of domestic violence in an effort to protect all employees including the victim. These actions may include, but are not limited to, advising co-workers of the situation; setting up procedures for alerting Campus Security Authorities; temporarily relocating the victim to a secure area; providing an option for voluntary transferring or permanently relocating to another campus; changing of work schedule; escorting to and exit from the campus; and keeping a photograph of the perpetrator and/or a copy of any existing court order of protection in a confidential onsite location, and providing copies to front desk reception. The College will address any additional concerns raised by a situation in which both the victim and perpetrator are employed by LIBI.

## **EMPLOYEES WHO ARE OFFENDERS**

LIBI will hold employees accountable for engaging in the following behavior:

- using College resources to commit an act of domestic violence;
- committing an act of domestic violence from or at the workplace or from any other location while on official College business; or
- using their job-related authority and/or College resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.
- In cases in which the College finds that an employee has threatened, harassed, or abused an intimate partner at the workplace using College resources such as work time, workplace telephones, e-mail, mail, or any other means, that employee will be subject to corrective or disciplinary action which may include probation, referral to Employee Assistance, or termination of employment.
- In cases in which LIBI has verification that an employee is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, LIBI will take steps to determine if corrective action is warranted, in accordance with existing statutes and regulations.

## **CONTAGIOUS DISEASE POLICY**

This policy applies to all employees, students, visitors, and contractors, and is intended to provide guidance for preventing the spread of contagious or communicable diseases at the College.

### **Definition**

A contagious disease is a pathological process, the causative agent of which may be passed on or carried from one person to another directly or indirectly. Contagious diseases include, but are not limited to, all diseases and conditions deemed reportable by the Center for Disease Control in conjunction with local health officials.

## **Policy**

It is the goal of LIBI, during any period of quarantine or infectious disease outbreak, to operate effectively and to ensure that all essential services are continuously provided to our students and that employees are safe within the workplace.

LIBI reserves the right to exclude any person with a contagious disease from all facilities, programs, and functions if LIBI makes a determination that the restriction is in the best interests of the College community.

Persons shall not be so excluded solely on the basis that they have a contagious disease. Factors that will also be considered in determining whether to exclude persons with communicable diseases include whether the disease is contagious in ordinary public association, the nature of the disease, including the typical risks to other persons in good health, the public health situation in the region, the nature of the person's duties at the College, and whether LIBI is required by law to exclude persons with the disease.

## **LIBI works to ensure a healthy campus.**

We all can play a proactive role in fostering a healthy learning environment. LIBI reserves the right to require a written statement from a person's physician indicating that the person is no longer contagious.

LIBI has a commitment to treat all employees, students, visitors, and vendors openly. This policy represents the intention to inform all members of the LIBI community about the risk of exposure to communicable diseases. This policy also represents a commitment to strive to preserve and protect the confidentiality of employees, students, contractors, and visitors who have developed a communicable disease. LIBI protects those affected from discriminatory or imposed isolation from the workforce community if possible. LIBI assumes that informed employees, students, contractors, and visitors take necessary steps to protect themselves from infection.

## **Education**

The major focus for protection from disease is to educate all personnel, students, visitors, and vendors. Education efforts may include timely warning messages, informational brochures, invited knowledgeable speakers, and class/community discussions. Employees, students, visitors, and vendors are informed of methods to avoid contracting the disease and are encouraged to take responsibility for their actions.

Should a communicable disease approach epidemic proportions or is judged to be a threat to the College community, LIBI will initiate a program of education on that disease. Information makes both employees, students, visitors, and vendors aware of incidence rates of the disease, methods of transmission, known methods of prevention and/or cures, and the employment of universal precautions.

### **Employee Responsibility**

Proactive steps will be taken to protect the workplace in the event of an infectious disease outbreak. Employees are encouraged to engage in good hygiene practices while at work, especially hand washing with soap and water or, if water is not available, using alcohol-based disposable hand wipes or gel sanitizers.

Each employee has a responsibility to prevent the spread of communicable diseases when they are aware or suspect that they are or could be asymptomatic of a communicable disease. Awareness is showing or feeling signs of illness, such as coughing, sneezing, fever, joint aches, overall ill feeling (malaise) or a report of a communicable disease from a health care provider.

Awareness also includes known exposure to someone with a known or suspected communicable disease.

Good judgment skills by all employees are critical in safeguarding the health of the students, co-workers, the public and others.

### **Employee Requirements**

Employees must adhere to the recommendations issued by the CDC (Center for Disease Control) for specific illnesses and diseases. In addition, employees are required to reduce the spread of communicable diseases in the workplace by the following minimum actions:

- Stay home if you have or suspect you have a communicable disease. Seek help from an appropriate medical professional as soon as you feel symptoms.
- Employees who are well but who have an ill family member may continue to report to the workplace. They must monitor their health on a daily basis to ensure they remain free of the communicable disease.
- Employees must practice proper hygiene in the workplace by covering their mouth and nose when coughing or sneezing with a tissue or handkerchief. If this is not possible, then the arm pit or hand can be used for coughs and sneezes, with immediate hand washing or sanitizing of hands.

- Employees should avoid touching their eyes, nose, or mouth. If not possible, wash hands frequently.

Employees should avoid close contact with sick individuals encountered on campus when possible. If unavoidable due to job responsibilities, proper personal protective equipment should be worn or immediate hand washing or other proactive actions as necessary.

### **Supervisor Responsibilities**

A supervisor always has the responsibility to manage his or her department in an appropriate manner. If the supervisor notices or receives a report that an employee is exhibiting signs of a communicable disease, the supervisor will send the employee home if a reasonable person could conclude that a person appears to have a communicable disease and the spread of that disease is probable. If the supervisor is unsure after consulting with the employee, others, such as the Director of Operations and Institutional Effectiveness, the Provost, or the President of the College may be consulted. As a standard operating procedure, supervisors should come visually into contact with those they supervise, when possible, before making a determination.

Employees determined to have symptoms of a communicable disease are asked to consult with their health care providers and report to work only after symptoms have subsided.

### **Administrative Response**

When a disease is identified by CDC or NYS Health Department to be a threat to the community, the Director of Operations and Institutional Effectiveness, the Provost, or the President of the College in consultation with health officials, makes reasonable accommodation on a case-by-case basis.

All contracted personnel are expected to adhere to the policy and guidelines established on communicable diseases by the CDC or the NYS Health Department.

All applicable federal, state, and local laws apply and recommendations of the Center for Disease Control are followed.

A LIBI Disaster Preparedness Team will be designated to monitor and coordinate events around an infectious disease outbreak, as well as to create work rules that could be implemented to promote safety through infection control. The LIBI Disaster Preparedness Team is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for and posters, as well as the required steps to be taken in the event of an illness or outbreak.

Paid sick leave is provided in an effort to make all reasonable attempts to ensure that employees are able to stay home while displaying symptoms of illness or if subject to quarantine directives by local authority.

In the event that an illness becomes classified as an epidemic or receives pandemic status, LIBI will monitor the information released by CDC and NYS Health Department closely and will release appropriate updates to the LIBI community via the Disaster Preparedness Team.

# APPENDIX A

## DEFINITIONS OF REPORTABLE CRIMES

The following crimes as defined below represent the incidents that are reflected in the annual report and the daily crime and fire log:

- **Criminal Homicide:**
  - **Murder and non-negligent manslaughter** - The willful (non-negligent) killing of one human being by another.
  - **Negligent manslaughter** - The killing of another person through gross negligence.
- **Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - **Rape** - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity.
  - **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory rape** - Sexual intercourse with a person who is under the statutory age of consent.
- **Robbery** - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence, and/or by putting the victim in fear.



- **Aggravated Assault** - An unlawful attack by one person upon another 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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)
- **Burglary** - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.)
- **Arson** - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- **Hate Crime** - A crime reported to local police agencies or to campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim. Hate crimes are reported for the following categories of crimes:
  - All the crimes listed above.
  - **Larceny/Theft** - The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc. are excluded.
  - **Simple Assault** - An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury,

severe laceration or loss of consciousness.

- **Intimidation** - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property (Except "Arson")** - To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- **Relationship Violence Offenses Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - For the purposes of this definition:
    - o Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - o Dating violence does not include acts covered under the definition of domestic violence.
- **Domestic Violence** - A felony or misdemeanor crime of violence committed:
  - By a current or former spouse or intimate partner of the victim;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - By a person with whom the victim shares a child in common;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- **Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress.

### Other Offenses

- **Liquor Law Violations** - The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages. (Drunkenness and driving under the influence are not included in this definition.)
- **Drug Abuse Violations** - 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.
- **Weapons (Carrying, Possessing, etc.)** - 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.

# APPENDIX B

## **2015 New York Laws EDN - Education**

Title 1 - GENERAL PROVISIONS

Article 17 - (801 - 816) INSTRUCTION IN CERTAIN SUBJECTS

807-B - College fire inspections.

Universal Citation: NY Educ L § 807-B (2015) 807-b.

College fire inspections.

- 1.** It shall be the duty of the college authorities in general charge of the operation of any public or independent college to cause the buildings under the jurisdiction of such college containing classroom, dormitory, fraternities, sororities, laboratory, physical education, dining or recreational facilities for student use to be inspected at least annually for fire hazards which might endanger the lives of students, teachers and employees therein.

Inspections of all public and independent college buildings, with the exception of those within a city having a population of one million or more, shall be conducted by the state office of fire prevention and control or a designee of the state fire administrator. An inspection report shall be produced by the inspecting agency for each building inspected.

- 2.** The annual fire inspection for public and independent Colleges shall be made when the College is in session.
- 3.** The office of fire prevention and control is authorized to adopt rules and regulations establishing minimum standards for the content and frequency of such inspections in order to ensure compliance with applicable fire safety standards. In the event violations of applicable codes, rules, and regulations pertaining to fire safety are found during inspections, the office of fire prevention and control is authorized to take appropriate actions to ensure that violations are promptly remedied.

4. The state fire administrator shall prescribe the format of the fire inspection report. In prescribing such format the state fire administrator shall consider standards for fire safety set forth in the uniform fire prevention and building code and other applicable fire safety standards.
5. Within ninety days of completing such inspection, the office of fire prevention and control or its designee shall file a copy of the report with the office of the College authorities and with the commissioner. All such reports so filed shall be kept as records for at least three years after which period they may be destroyed. A copy of such report shall also be filed with the chief, or other comparable officer, of any fire department or fire corporation which has the regular duty of fighting fire in the building inspected.
6. The office of fire prevention and control or its designee shall make recommendations to the College authorities with respect to any problems relating to building fire safety noted in such reports. The commissioner may inspect or cause to be inspected at any reasonable time for fire prevention and fire protection purposes the buildings required to be inspected by this section. The commissioner may impose a fine of up to five hundred dollars per day upon any public or independent college which fails to remedy, to the satisfaction of the office of fire prevention and control, any violation noted in a report within thirty days of receiving a copy of such report.
7. Every public or independent college building required to be inspected by the office of fire prevention and control or its designee may also be examined for fire protection purposes at any reasonable time by:
  - a. the chief of the fire department of the city, town, village or fire district in which the College building is located,
  - b. the chief of a fire corporation having its headquarters outside a village or fire district, if the College building is located in the area described in the certificate of incorporation of such company,
  - c. the chief of the fire department or fire company affording fire protection to a fire district, fire protection district, or fire alarm district pursuant to a contract, if the College building is located in any such district,
  - d. the member of any fire department or fire company listed in paragraphs a, b or c of this subdivision assigned by the chief.

8. Any person, or any public or other corporation for which any such person acts, shall not be liable for any error, omission, or lack of thoroughness in the making of the inspection and report required or permitted by this section
9. The term "college authorities", as used in this section, means the board of trustees, board of directors, or other governing board in general charge of the operation of any such College.
10. The term "public College" shall mean and include "state-operated institutions", "statutory or contract colleges" and "community Colleges" as defined in section three hundred fifty of this chapter.
11. The term "independent College" shall mean colleges other than those included within subdivision ten of this section.

# APPENDIX C

## DRUG AND ALCOHOL POLICY

### Legal Sanctions

Legal Sanctions Federal and New York State laws make it a criminal offense to manufacture, distribute, dispense, possess with intent to distribute, or simply possess a controlled substance.

Such substances include **heroin, cocaine, methamphetamine, ecstasy, LSD, PCP, marijuana, and a number of common pharmaceutical drugs if unlawfully obtained.** The sanctions for violation of these laws, ranging from community service and monetary fines to life imprisonment, depend upon the particular offense, the drug type, and the drug quantity. Students convicted under these statutes may also forfeit federal financial aid eligibility. Note that an individual need not be in actual physical possession of a controlled substance to be guilty of a crime.

**The unlawful presence of a controlled substance in an automobile is presumptive evidence of knowing possession of such substance by each passenger unless the substance is concealed on the person of one of the occupants.**

Similarly, the presence of certain substances in plain view in a room can sometimes be presumptive evidence of knowing possession of such substance by anyone in close proximity.

### Further, pursuant to New York State law:

1. Any person under age 21 who is found to be in possession of alcohol with the intent to consume it may be punished by a fine and/or required to complete an alcohol awareness program and/or to provide up to 30 hours of community service. Alcoholic Beverage Control Law, § 65-c.

2. **Giving or selling an alcoholic beverage to a person less than age 21 is a Class A misdemeanor** punishable by a sentence of imprisonment up to one year. Penal Law § 260.20
3. Any person who operates a motor vehicle while intoxicated or while his ability to operate such vehicle is impaired by the consumption of alcohol or drugs, is subject to suspension or **revocation of driving privileges in the State, monetary fines up to \$1,000, and imprisonment for up to one year.** Vehicle and Traffic Law § 1192
4. **A person under 21 who presents false written evidence of age for the purpose of purchasing or attempting to purchase any alcoholic beverage may be punished by a fine, community service and/or completion of an alcohol awareness program. Alcoholic Beverage Control Law § 65-b (1).**

**Possessing such false evidence may also be criminal possession of a forged instrument, which is a felony in New York, punishable by a fine of up to \$5000, imprisonment up to 7 years, or both.** Penal Law §170.25. 5. Appearing in public under the influence of narcotics or a drug other than alcohol to the degree that a person may endanger him or herself or other persons or property, or annoy persons in his vicinity, is a violation, punishable by a fine and imprisonment up to 15 days. Penal Law § 240.40

Health Risks The following is a brief summary of some of the health risks and symptoms associated with use of many of the most-publicized drugs, including alcohol and tobacco. **This information was obtained from the National Institute on Drug Abuse (part of the National Institutes of Health of the U.S. Department of Health and Human Services), and the Mayo Clinic.**



**LONG ISLAND BUSINESS INSTITUTE  
THREE YEAR CAMPUS CRIME STATISTICS**

**January 1, 2018 - December 31, 2018**

CRIMES	On-Campus			Non-Campus			Public Property		
	Flushing	NYC	Commack	Flushing	NYC	Commack	Flushing	NYC	Commack
Homicide	0	0	0	0	0	0	0	0	0
Murder & Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0
Forcible	0	0	0	0	0	0	0	0	0
Non-forcible	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Property Destruction (damage or vandalism)	0	0	0	0	0	0	0	0	0
Any other crime involving bodily injury	0	1	0	0	0	0	0	0	0
Larceny-theft	1	1	0	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Intimidation	0	8	0	0	0	0	0	1	0
CRIMES	On-Campus			Non-Campus			Public Property		
	Flushing	NYC	Commack	Flushing	NYC	Commack	Flushing	NYC	Commack
Race	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING	On-Campus			Non-Campus			Public Property		
	Flushing	NYC	Commack	Flushing	NYC	Commack	Flushing	NYC	Commack
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**Caveat: as of Oct 1, 2019 – Not available. We made a good-faith effort to obtain statistics from local and/or state law enforcement agencies, but the agencies did not comply with our request.**

**LONG ISLAND BUSINESS INSTITUTE  
THREE YEAR CAMPUS CRIME STATISTICS**

**January 1, 2019 - December 31, 2019**

CRIMES	On-Campus			Non-Campus			Public Property		
	Flushing	NYC	Commack	Flushing	NYC	Commack	Flushing	NYC	Commack
Homicide	0	0	0	0	0	0	0	0	0
Murder & Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0
Forcible	0	0	0	0	0	0	0	0	0
Non-forcible	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Property Destruction (damage or vandalism)	0	0	0	0	0	0	0	0	0
Any other crime involving bodily injury	0	2	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Intimidation	1	2	0	0	0	0	0	1	0
CRIMES	On-Campus			Non-Campus			Public Property		
	Flushing	NYC	Commack	Flushing	NYC	Commack	Flushing	NYC	Commack
Race	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING	On-Campus			Non-Campus			Public Property		
	Flushing	NYC	Commack	Flushing	NYC	Commack	Flushing	NYC	Commack
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

***Caveat: as of Oct 1, 2020 – Not available. We made a good-faith effort to obtain statistics from local and/or state law enforcement agencies, but the agencies did not comply with our request.***

**LONG ISLAND BUSINESS INSTITUTE  
THREE YEAR CAMPUS CRIME STATISTICS**

**January 1, 2020 - December 31, 2020**

CRIMES	On-Campus			Non-Campus			Public Property		
	Flushing	NYC	Commack	Flushing	NYC	Commack	Flushing	NYC	Commack
Homicide	0	0	0	0	0	0	0	0	0
Murder & Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0
Forcible	0	0	0	0	0	0	0	0	0
Non-forcible	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Property Destruction (damage or vandalism)	0	0	0	0	0	0	0	0	0
Any other crime involving bodily injury	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Intimidation	1	1	0	0	0	0	0	0	0
CRIMES	On-Campus			Non-Campus			Public Property		
	Flushing	NYC	Commack	Flushing	NYC	Commack	Flushing	NYC	Commack
Race	0	0	0	0	0	0	0	0	0
Gender	1	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING	On-Campus			Non-Campus			Public Property		
	Flushing	NYC	Commack	Flushing	NYC	Commack	Flushing	NYC	Commack
Domestic Violence	0	1	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**Caveat: as of Oct 1, 2020 – Not available. We cannot determine if the statistics we obtained from local/or state law enforcement agencies are for our Clerygeography.**

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