

ASR ANNUAL SECURITY REPORT 2022

FOR THE 2019, 2020, 2021 REPORTING YEARS



LIBI LONG ISLAND
BUSINESS INSTITUTE

WHO GETS THE ANNUAL SECURITY REPORT?

The Long Island Business Institute (LIBI) 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 all employees by October 1 each year.

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

As a Branch Campus, Commack publishes its own Annual Safety Report (ASR) independent of the Main Campus and the Extension Center. A copy of the Commack Campus ASR may be obtained here: https://libi.edu/wp-content/uploads/2021/10/ASR-Fall-2021-COM-MACK-F_01_10_21_singlePage.pdf

**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

The Clery Act ensures that postsecondary schools maintain transparency when reporting crimes.

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 types 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 and prevention of dating violence, domestic violence, sexual assault, and stalking. This includes LIBI's primary prevention and awareness programs for all incoming students and new employees.

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. This includes the descriptions of types of proceedings (and how they are determined). How to file a complaint as well as the steps, timelines, and decision-making processes. The standard of evidence used in LIBI's proceedings and a list of possible sanctions and the range of protective measures. An explanation of the disciplinary proceedings and the requirement for prompt, fair, and impartial process where both parties, the reporting individual and the respondent, have the same opportunities to have others present, as well as the notification processes of the result of the proceedings and appeal opportunities.

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

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.)

ALCOHOL AND OTHER DRUGS (AOD)

Every year, on or before October 1st, in compliance with the Department’s regulations at 34 CFR Part 86 and 120(a)-(d) of HEA, LIBI distributes to all current students and employees the institutional policies regarding the possession, use, and the sale of alcoholic beverages and illegal drugs, as well as policies regarding the enforcement of State underage drinking laws and Federal and State drug laws. The annual [AOD annual notification](#) is available on the college website under “Everything a Student Should Know” tab.

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. Please refer to [PRIMARY PREVENTION PROGRAMS](#).

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

“Campus” is defined in 34 CFR 668.46(a) as “(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, including residence halls; 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).”

CAMPUS SECURITY AUTHORITY

LIBI does not have campus police department or personnel in a dedicated campus security department. LIBI employees who have significant responsibility for student and campus activities are designated as Campus Security Authorities (CSAs).

A CSA is an individual to whom students and employees should report criminal offenses.

- Employees that are specified as individuals to whom students and employees should report criminal offenses are all referred to as CSAs.

LIBI officials who have significant responsibility for student and campus activities, including, but not limited to, student discipline and campus judicial proceedings are CSAs.

- 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 CSA is to report to the Registrar, who is designated by LIBI to collect crime report information, those allegations of Clery Act crimes that he or she receives.

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.

CATEGORIES OF CRIME STATISTICS

The Clery Act requires institutions of higher education 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.

CONSENT

Please refer to [AFFIRMATIVE CONSENT](#).

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.

EMERGENCY NOTIFICATION

Emergency notifications provide immediate notice to the campus community upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees. Unlike the Timely Warning*, the Emergency Notification is released by the college only when a significant emergency or event is currently occurring on campus or is imminently threatening the campus.

* Please refer to [TIMELY WARNING](#).

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. These programs aim to define said crimes and ensure that incoming students and new employees understand the definition of **consent (affirmative consent)** in reference to sexual activity as defined by New York State. Although the emphasis is on providing information on risk reduction, these programs cover the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred. Written information is provided about: importance of preserving evidence; how and to whom the alleged offense should be reported, as well as options about the involvement of law enforcement and campus authorities (see [CAMPUS SECURITY AUTHORITY](#)).

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 FLUSHING CAMPUS**



**CLERY GEOGRAPHIC AREA
LIBI NYC EXTENSION CENTER**



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.
- 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.

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.

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 will aid in the prevention of similar crimes. Although the Clery Act doesn't define "timely," the intent of a warning regarding a criminal incident(s) is to enable members of the college community to protect themselves. This means that a warning will be issued by LIBI as soon as pertinent information is available.

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

LIBI will issue a timely warning for all Clery Act crimes* that occur on your Clery Act geography** that are:

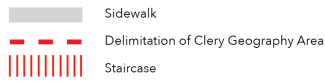
- 1) reported to campus security authorities (CSAs) or local police agencies; and
- 2) considered by LIBI to represent a serious or continuing threat to students and employees.

Although the Clery Act mandates timely warnings only for Clery Act crimes, nothing in the law prohibits timely warnings for other crimes that may pose a serious or continuing threat to the campus community. Should a serious or continuing threat that does not meet the definition of a Clery Crime pose safety concerns for the members of the community, the college may make the decision to send a timely warning.

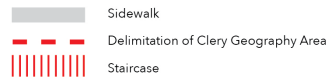
* Please refer to [CATEGORIES OF CRIME STATISTICS](#).

** Clery Act Geography: Main Campus in Flushing and the NYC Extension Center.

**CLERY GEOGRAPHIC AREA
LIBI FLUSHING CAMPUS**



**CLERY GEOGRAPHIC AREA
LIBI NYC EXTENSION CENTER**



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 2019, 2020, 2021 REPORTING YEARS

This is the 2021 Annual Security Report (ASR) for the Long Island Business Institute (LIBI). Part of LIBI's mission is to be an inclusive and diverse community. The development of the Annual Security Report (ASR) helps meet this goal by sharing the options and resources we provide to all students and employees regardless of race, gender, gender identity, national origin, ethnicity, sexual orientation, religion, disability, or any other category protected by local, state, and federal law.

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 Safety and Security Committee. Hard copies of the report are available upon request in the libraries at all three LIBI locations and from the Director of Human Resources.

WHO GETS THE ANNUAL SECURITY REPORT (ASR) AND HOW DO I ACCESS IT?

LIBI makes a copy of the annual security report available to each member of the College community by directly e-mailing the report to each individual using the College-wide e-mail system by October 1st each year. The annual security report is distributed 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.

LIBI also provides a notice to prospective students and prospective employees that includes a statement of the report's availability, a description of its contents, and an opportunity to request a printed copy. All individuals can use the exact address (URL) of the Internet website at which the report is posted to read the report.

Locations:

- Flushing Library – Main building, 4th floor, Room 412
- Commack Library – 2nd floor*
- NYC Library – 10th floor

* As a Branch Campus, Commack publishes its own Annual Safety Report. A copy of it can be obtained from the Library or the Commack Campus Director.

New and prospective employees can request printed copies from LIBI’s HR Director by emailing jrodriquez@libi.edu.

Current, new, and prospective students can request a printed copy from the Registrar by emailing szheng@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 Accessibility Coordinator by emailing kchang@libi.edu.

OVERVIEW

The 2022 Annual Security Report includes statistics for the previous three years about reported crimes that occurred on campus¹ 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.

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 Edu-

¹ 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).

cation Department (NYSED). LIBI offers degree programs in Accounting, Business Management, Homeland Security and Security Management, Hospitality Management, and Office Technology with Medical Office Option. LIBI offers adult education courses as part of its academic programs and in self-standing format that includes free ESL classes for individuals in the community who wish to one day go to College. In May 2017 LIBI was authorized to award A.S. degrees in Business and Homeland Security. The free ESL classes are offered at the main campus in Flushing. These classes are limited to approximately 30 individuals per eight-week semester. The institution offers limited weekend classes: however, students can take classes in the day or in the evening Monday through Friday. LIBI's class schedules begin at 8:30 am for day students and end at 10pm for evening students. Saturday classes are generally offered from 10am to 2pm; however, the campus is open from 9am to 4pm on Saturdays.

LIBI serves approximately 400 students at the Main Campus, 50 in Commack, and approximately 300 at the NYC Extension Center.

The College employs approximately 54 full-time faculty/staff and 63 part-time adjunct/staff members.

The main campus is located at 136-18 39th Avenue in Flushing, Queens. The campus is comprised of two buildings, the Main building (136-18 39th Avenue) housing three floors of the College, and the Annex building across the street from the main building located at 139-17 39th Avenue housing one floor of the College. The Main building is in the Flushing Professional Tower, a mixed-use 13-story modern commercial building and one of the original high-rises in Downtown Flushing. The Annex building is located in Queens Crossing on the 4th floor of a mixed-use commercial modern building.

As reported in August 2021, Queens' total population grew to 2,405,464². The borough's diversity index, a Census measure that shows the probability that two people chosen at random will be from different racial and ethnic groups, was 76.9 percent – the highest in the state³.

Spanning 108 square miles, Queens is the largest borough of New York City. Queens is densely populated with heavily trafficked sidewalks, and apartment buildings and condos built along the routes of the subway and bus lines. The Main Campus is located in the 11354 zip code where the population per square mile is slightly over 28,000⁴. Females make up 51.5% of Queens County (Borough). Queens is also the most ethnically diverse borough with the highest immigrant concentration in the city; nearly half (49%) of the borough's population

2 Parrott, Max. "Queens Outperforms Population Estimates in Census." Queens Chronicle, 19 Aug. 2021, https://www.qchron.com/editions/queenswide/queens-outperforms-population-estimates-in-census/article_b6bc1494-fc5e-11eb-9f0b-73f0acfc108a.html.

3 Parrott, Max. "Queens Outperforms Population Estimates in Census." Queens Chronicle, 19 Aug. 2021, https://www.qchron.com/editions/queenswide/queens-outperforms-population-estimates-in-census/article_b6bc1494-fc5e-11eb-9f0b-73f0acfc108a.html.

4 <https://statisticalatlas.com/zip/11354/Population>

is comprised of foreign-born individuals⁵. Nearly 45% of housing units in Queens are owner-occupied with the median value of \$481,300⁶. For comparison, NYC as a whole reports owner-occupied housing unit rate of 32.6% with \$538,700 median value of owner-occupied housing units⁷. Further, the U.S. Census Bureau reports the median household income of Queens residents as \$62,008 (in 2017 dollars)⁸ in comparison to \$57,782 median household income (in 2017 dollars) for NYC overall⁹. Additionally, the Census Bureau reports 12.2%¹⁰ of Queens residents as living in poverty in comparison to the 19.6% citywide¹¹.

As noted previously, the Main Campus is located in Flushing, Queens. The demographics around 13-618 39th Avenue (the exact location of the Main Campus) includes the following: median age is 32, 34% of residents are married, and 40% of residents have at least one child.

The median individual full-time income is about \$42,090 and about 23% of adults here have a bachelor's degree or higher. Voters in this area are 85% Democrat¹².

The closest subway access includes the 7 and 7 Express at Main Street & Roosevelt Avenue and the typical wait time for a taxi at 13618 39th Ave is approximately 20 minutes.

Flushing has a total population of 36,566. It occupies approximately 0.89 square miles. There are 1,370 street trees per square mile. Overall, expenses in Flushing are 30% higher than the National Average. Most people in the neighborhood rent their homes, with 67% of households being occupied by renters.¹³

The campus is under the jurisdiction of the 109 police precinct¹⁴. According to the New York Police Department website "overall index crime in New York City increased in July 2022, by 30.5% compared with July 2021 (11,619 v. 8,906). Six of the seven major index-crime categories saw increases, driven by a 40.6% increase in grand larceny (4,588 v. 3,262), a 37.2% increase in robbery (1,730 v. 1,261), and a 25.6% rise in burglary (1,325 v. 1,055)¹⁵. Since Covid-19 ravaged the city, "seventy-two out of the Big Apple's 77 police precincts saw crime

5 Santucci, Photo by Christina, et al. "Study finds immigrants make up larger share of Queens neighborhoods." TimesLedger, www.timesledger.com/stories/2014/2/immigrantnabes_all_2014_01_10_q.html. Accessed 17 July. 2017.

6 <https://www.census.gov/quickfacts/queenscountyqueensboroughnewyork>

7 <https://www.census.gov/quickfacts/fact/table/newyorkcitynewyork/PST045218>

8 <https://www.census.gov/quickfacts/queenscountyqueensboroughnewyork>

9 <https://www.census.gov/quickfacts/fact/table/newyorkcitynewyork/PST045218>

10 <https://www.census.gov/quickfacts/queenscountyqueensboroughnewyork>

11 <https://www.census.gov/quickfacts/fact/table/newyorkcitynewyork/PST045218>

12 <https://www.addressreport.com/report/property/queens-ny/13618-39th-ave-11354/?display=true>

13 <https://www.addressreport.com/report/property/queens-ny/13618-39th-ave-11354/?display=true>

14 <https://www1.nyc.gov/site/nypd/bureaus/patrol/precincts/109th-precinct.page>

15 "NYPD Announces Citywide Crime Statistics for July 2022." The Official Website of the City of New York, 5 Aug. 2022, www1.nyc.gov/site/nypd/news/p00056/nypd-citywide-crime-statistics-july-2022.

rise, leaving just five at 2021 levels or dipping below their figures for the same period a year earlier”¹⁶. The 109th precinct was one of the 72 where crime has gone up. According to CompStat, in August of 2022 total crime was up by nearly 77% in the 109th precinct over the same time the previous year.

Volume 29 Number 32

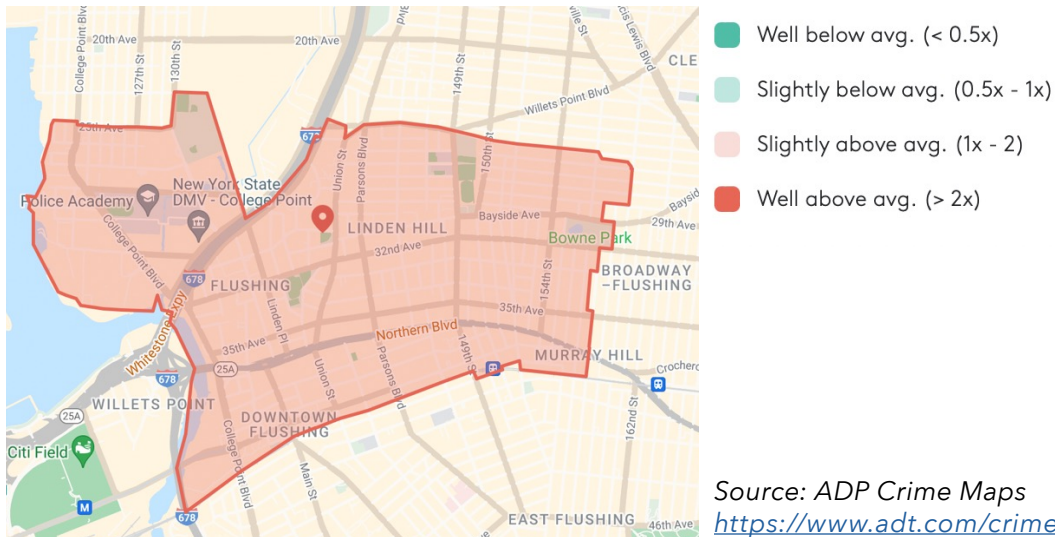
CompStat

109th Precinct

Report Covering the Week
8/8/2022 Through 8/14/2022

	Week to Date			28 Day			Year to Date*			2 Year % Chg	12 Year % Chg	29 Year % Chg
	2022	2021	% Chg	2022	2021	% Chg	2022	2021	% Chg			
Crime Complaints												
Murder	0	1	-100.0	0	2	-100.0	3	4	-25.0	50.0	-40.0	-57.1
Rape	1	0	***	5	0	***	24	14	71.4	33.3	140.0	33.3
Robbery	4	3	33.3	20	6	233.3	160	92	73.9	33.3	23.1	-77.7
Fel. Assault	7	5	40.0	42	14	200.0	205	122	68.0	22.0	46.4	-8.1
Burglary	9	4	125.0	32	19	68.4	278	204	36.3	11.2	-3.8	-81.5
Gr. Larceny	37	14	164.3	124	64	93.8	913	412	121.6	81.2	131.7	10.5
G.L.A.	11	2	450.0	27	12	125.0	142	127	11.8	61.4	-18.4	-94.3
TOTAL	69	29	137.93	250	117	113.68	1,725	975	76.92	50.00	51.05	-70.17
Transit	2	1	100.0	4	1	300.0	24	5	380.0	***	700.0	***
Housing	0	0	***	1	1	0.0	9	9	0.0	-59.1	12.5	***
Petit Larceny	58	65	-10.8	205	227	-9.7	1,738	1,163	49.4	61.7	88.9	***
Misd. Assault	24	7	242.9	64	35	82.9	434	294	47.6	36.1	-6.3	***
UCR Rape*	1	0	***	5	1	400.0	33	21	57.1	57.1	***	***
Other Sex Crimes	3	5	-40.0	7	10	-30.0	52	43	20.9	23.8	***	***
Shooting Vic.	0	2	-100.0	0	3	-100.0	4	5	-20.0	33.3	100.0	-76.5
Shooting Inc.	0	1	-100.0	0	2	-100.0	4	4	0.0	33.3	100.0	-71.4
Hate Crimes	0	0	***	1	0	***	8	8	0.0	700.0	***	***

Source: https://www1.nyc.gov/assets/nypd/downloads/pdf/crime_statistics/cs-en-us-109pct.pdf



Source: ADP Crime Maps
<https://www.adt.com/crime>

16 “Degrees of Difficulty: Boosting College Success in New York City.” Center for an Urban Future (CUF), Dec. 2017, nycfuture.org/research/degrees-of-difficulty.

Contact information for the 109th Precinct

- **Address:** 37-05 Union Street, Flushing, NY 11354-4117
- **Precinct:** (718) 321-2250
- **Neighborhood Coordination Officers:** (718) 321-2264
- **Community Affairs:** (718) 321-2269
- **Crime Prevention:** (718) 321-2343
- **Domestic Violence:** (718) 321-2279
- **Youth Officer:** (718) 321-2346
- **Auxiliary Coordinator:** (718) 321-2345
- **Detective Squad:** (718) 321-2294

EXTENSION CENTER

The Extension Center (LIBI NYC) moved to midtown Manhattan to 232 West 40th Street, New York, NY 10018 in February of 2018. LIBI NYC is now located on the 9th and 10th floors of a 12-story office building built in 1923 and situated in Times Square South on West 40th Street between 7th and 8th Avenues, diagonally across from the new headquarters of The New York Times. LIBI shares this building with Touro College and faces the City University of New York's CUNY Graduate School of Journalism directly across the street.

The building is located in the Garment District steps from Times Square, the Fashion District, and Bryant Park. The cross streets are 40th Street and 7th Avenue, NW; 40th Street and Fashion Ave, NW; West 39th Street and 8th Avenue, SE.

Public Transit/Subway	Drive	Walk	Distance
Times Square-42 Street Transit Stop (1, 2, 3, 42 St Shuttle, 7, N, Q, R)	2 min.	3 min.	0.2 mi.
42 Street-Port Authority Bus Terminal Transit Stop (A, C, E)	2 min.	3 min.	0.2 mi.
42 Street-Bryant Park Transit Stop (B, D, F, M)	1 min.	6 min.	0.3 mi.
34 Street-Penn Station (1,2,3 Line)	1 min.	7 min.	0.4 mi.
34 Street-Penn Station (A,C,E Line)	2 min.	7 min.	0.4 mi.

Commuter Rail	Drive	Walk	Distance
New York Penn Station (NJT) Commuter Rail (Northeast Corridor Line, North Jersey Coast Line, Morris & Essex Morristown Line, Montclair-Boonton Line, Morris & Essex Glad- stone Branch)	2 min.	9 min.	0.5 mi.

The zip code the building is in (10018) and covers a slightly less than average land area compared to other ZIP codes in the United States, but it has an extremely large population density. The number of people in their late 20s to early 40s is extremely large (33% are between 25-34 while an additional 23% are 35-44 years old) in this zip code while the number of seniors is small (approximately 8% are 65-85 plus). There are also an extremely large number of single adults (approximately 57% report their living status as “single” and an additional 22% report single with roommate), and an extremely small number of families (approximately 8% of the households have children). The percentage of children under 18 living in the 10018 ZIP code is extremely small compared to other areas of the country.

Most households rent. Homes in ZIP code 10018 were primarily built in 1939 or earlier or the 2000s. Looking at 10018 real estate data, the median home value of \$1,000,001 is extremely high compared to the rest of the country. It is also extremely high compared to nearby ZIP codes.



Source: ADP Crime Maps
<https://www.adt.com/crime>

Midtown South Precinct

Commanding Officer: Inspector Brendan Timoney
 357 West 35th Street, New York, NY 10001-1701
 (212) 239-9811

Crime Statistics: https://www1.nyc.gov/assets/nypd/downloads/pdf/crime_statistics/cs-en-us-014pct.pdf

Precinct: (212) 239-9811

Community Affairs: (212) 239-9846

Community Policing: (212) 239-9805

Crime Prevention: (212) 239-9835

Domestic Violence: (212) 239-9863

Youth Officer: (212) 239-9817

Auxiliary Coordinator: (212) 239-9836

Detective Squad: (212) 239-9856

Nearest NYC Police Department:

Address: 621 West 42nd Street, New York, NY 10036. (212) 239-9351

According to the NYPD, “for the month of July 2022, the number of overall shooting incidents increased in New York City compared with July 2021”.¹⁷

A comparison of July 2021 to 2022 shows an overall increase in every crime category except for rape.

Index Crime Statistics: July 2022

	July 2022	July 2021	+/-	% Change
Murder	47	35	12	34.3%
Rape	142	149	-7	-4.7%
Robbery	1730	1261	469	37.2%
Felony Assault	2531	2149	382	17.8%
Burglary	1325	1055	270	25.6%
Grand Larceny	4588	3262	1326	40.6%
Grand Larceny Auto	1256	995	261	26.2%
TOTAL	11619	8906	2713	30.5%

¹⁷ “NYPD Announces Citywide Crime Statistics for July 2022.” The Official Website of the City of New York, 5 Aug. 2022, www1.nyc.gov/site/nypd/news/p00056/nypd-citywide-crime-statistics-july-2022.

Reported Hate Crimes for July 2022 versus 2021 for New York City show a 50% increase.

(Representing July 1 – July 31 for calendar years 2022 and 2021)

MOTIVATION	2022	2021	+/-	% Change
Asian	12	12	0	0%
Black	0	1	-1	-100%
Disability	0	0	0	0%
Ethnic	2	2	0	0%
Gender	1	1	0	0%
Hispanic	1	0	1	100%
Jewish	15	7	8	114%
Muslim	0	2	-2	-100%
Religion	2	2	0	0%
Sexual Orientation	17	9	8	89%
White	4	0	4	100%
TOTAL	54	36	18	50%

Source: <https://www1.nyc.gov/site/nypd/news/p00056/nypd-citywide-crime-statistics-july-2022>

Volume 29 Number 32

CompStat

Midtown Precinct South

Report Covering the Week
8/8/2022 Through 8/14/2022

Crime Complaints

	Week to Date			28 Day			Year to Date*			2 Year	12 Year	29 Year
	2022	2021	% Chg	2022	2021	% Chg	2022	2021	% Chg	% Chg	% Chg	% Chg
Murder	0	0	***	0	0	***	5	2	150.0	400.0	***	-28.6
Rape	0	1	-100.0	2	1	100.0	14	12	16.7	0.0	133.3	-41.7
Robbery	12	13	-7.7	48	36	33.3	388	232	67.2	351.2	308.4	-75.8
Fel. Assault	9	9	0.0	42	42	0.0	268	299	-10.4	148.1	117.9	-32.7
Burglary	12	7	71.4	54	35	54.3	424	256	65.6	103.8	113.1	-74.1
Gr. Larceny	41	30	36.7	188	115	63.5	1,368	760	80.0	99.7	-2.9	-76.7
G.L.A.	0	2	-100.0	4	6	-33.3	46	31	48.4	70.4	228.6	-79.0
TOTAL	74	62	19.35	338	235	43.83	2,513	1,592	57.85	122.59	36.13	-74.24
Transit	3	4	-25.0	10	12	-16.7	113	85	32.9	20.2	34.5	***
Housing	0	0	***	0	0	***	0	0	***	***	***	***
Petit Larceny	78	42	85.7	281	173	62.4	1,979	1,294	52.9	87.4	-30.8	***
Misd. Assault	21	19	10.5	62	73	-15.1	556	557	-0.2	92.4	56.6	***
UCR Rape*	0	2	-100.0	2	3	-33.3	17	26	-34.6	-22.7	***	***
Other Sex Crimes	4	3	33.3	19	15	26.7	136	86	58.1	74.4	***	***
Shooting Vic.	0	0	***	0	0	***	4	9	-55.6	***	0.0	-42.9
Shooting Inc.	0	0	***	0	0	***	2	7	-71.4	***	-33.3	-66.7
Hate Crimes	0	1	-100.0	3	1	200.0	15	22	-31.8	400.0	***	***

Source: https://www1.nyc.gov/assets/nypd/downloads/pdf/crime_statistics/cs-en-us-014pct.pdf

Crime has been on the rise in Midtown Manhattan in part due to the homelessness problem. During Covid-19 lockdowns there were numerous high-profile incidents where homeless men attacked and stabbed passersby in Midtown. In general, violent crime in Midtown Manhattan is not as high as in other precincts, theft has increased as commuters return to offices and classrooms.

Utilizing the permissions granted by New York State Education Department to instruct remotely until the Covid-19 emergency is lifted, LIBI has been learning and working remotely. Although the rising crime rates near our Main Campus and in midtown where our Extension Center is located is troubling, the students and employees have not had to experience the post-Covid transition.

In addition to Police Officers there are Public Safety Officers who patrol the Times Square area where the extension center is located.

"Times Square Alliance Public Safety Officers are an important and positive presence within Times Square. Not only do PSOs work with the NYPD 24 hours a day, 7 days a week to help keep Times Square safe, but they also act as liaisons between the Alliance and various city agencies to help maintain quality of life throughout the district. PSOs track and refer various-conditions throughout the neighborhood to the appropriate channels."¹⁸

"Public Safety Officers assist the NYPD in deterring crime as they patrol the district on foot. PSOs are also certified in anti-terrorism training and are connected to a 24-hour dispatcher through mobile tablets and radios. They conduct the following operations to keep the district safe:

- Canine Patrols
- Vehicle Bomb Security¹⁹

As mentioned in previous ASRs, "Times Square typically has some of the heaviest foot traffic in all of New York City"²⁰. As the mandated lockdowns took affect, "Times Square saw record lows in foot traffic in 2020 due to the COVID-19 pandemic. The Times Square automated counting system - phased in between August 2011 and September 2012 - provides 24/7 data on the number of pedestrians who enter and pass-through specific counting zones of the Times Square Bowtie"²¹.

18 <https://www.timessquarenyc.org/about-the-alliance/public-safety-sanitation/public-safety-department>

19 <https://www.timessquarenyc.org/about-the-alliance/public-safety-sanitation/public-safety-department>

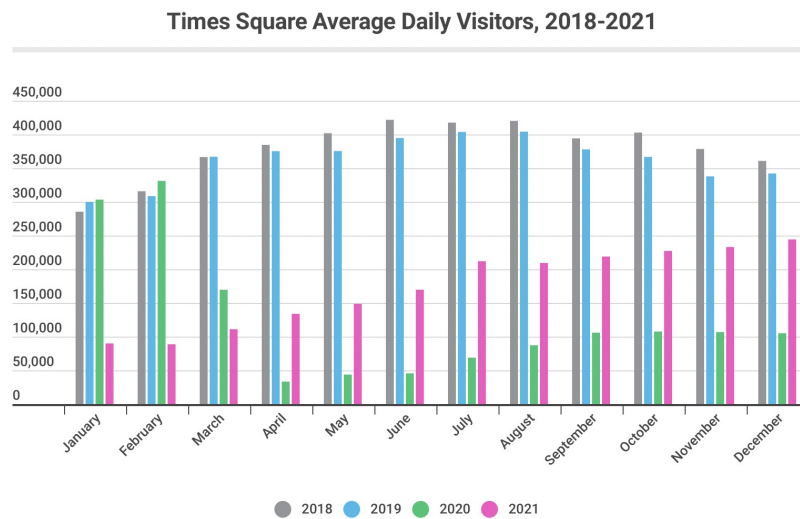
20 "Pedestrian Counts." Pedestrian Counts | Times Square NYC, 30 Mar. 2017, <https://www.timessquarenyc.org/do-business/market-research-data/pedestrian-counts>.

21 Ibid.

There are “18 cameras located on six different buildings, monitoring 35 unique locations in the area. This data allows us to estimate that:

- In a typical year, nearly 360,000 pedestrians enter the heart of Times Square each day. In 2020, roughly 125,000 pedestrians entered Times Square each day.
- On the busiest days, Times Square has pedestrian counts as high as 450,000. Since the height of the pandemic in March, 2020 peaks reached approximately 190,000.

Times Square stays busy late, with over 85,000 pedestrians entering the “Bowtie” between 7pm and 1am”.²²



Source: Time Square Alliance

<https://www.timessquarenyc.org/do-business/market-research-data/pedestrian-counts>

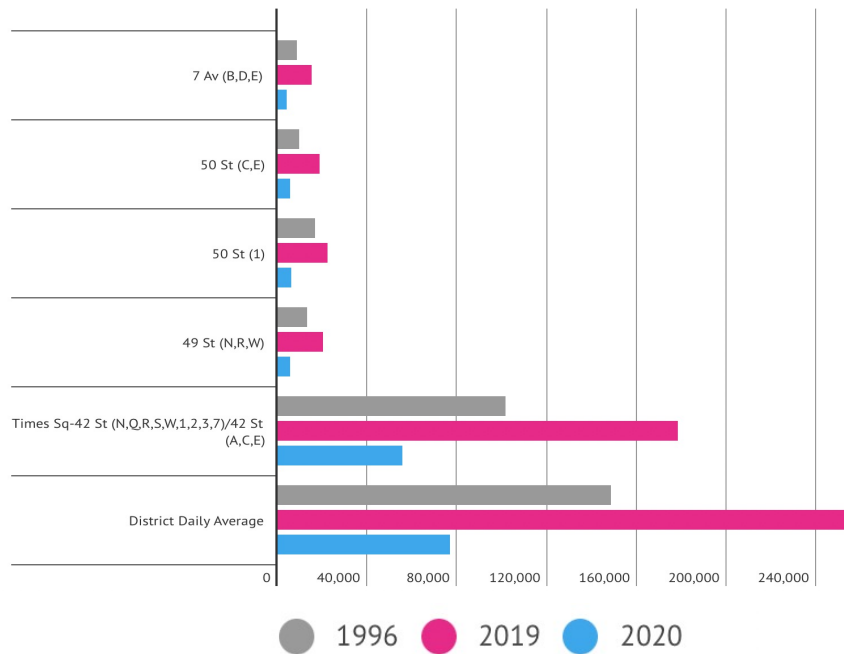
“The average daily ridership of the Times Square-42nd Street station in 2019 was 178,138. Due to the coronavirus pandemic, that number decreased by **68.72% in 2020;** however, ridership seems to be recovering closer to normal levels in 2021”.²³

The 42nd street -Times Square Station is utilized by nearly all of the students attending the Extension Center and the employees who are stationed there. The station is recovering slowly to its pre-pandemic levels.

²² Ibid.

²³ “Transit Ridership.” *Transit Ridership* | Times Square NYC, 30 Mar. 2017, <https://www.timessquarenyc.org/do-business/market-research-data/transit-ridership>.

Times Square District Average Daily Ridership



The foot traffic and the tourists are just part of the fabric of Times Square. “There are people all around the city struggling with homelessness, mental health needs, and substance abuse issues – crises that have worsened throughout the pandemic and that have disproportionately impacted communities of color. Many of those vulnerable people have found refuge in Times Square”²⁴. The Times Square Alliance has partnered with three different organizations that provide “permanent housing and transitional resources for people experiencing homelessness”²⁵. Part of learning and working in Times Square involves understanding and navigating the dichotomy of what most people refer to as **“the Crossroads of the World”, “the Center of the Universe”, and “the heart of the world”**. With all of these epithets must come the understanding that with great crowds come increased safety risks. This ASR along with safety training and awareness programming the college offers, provides the LIBI community with foundational tools for personal safety.

24 “Community First.” *Community First* | Times Square NYC, 12 May 2021, <https://www.timessquarenyc.org/community-first-a-pilot-project>.

25 Ibid.

COMMACK BRANCH CAMPUS

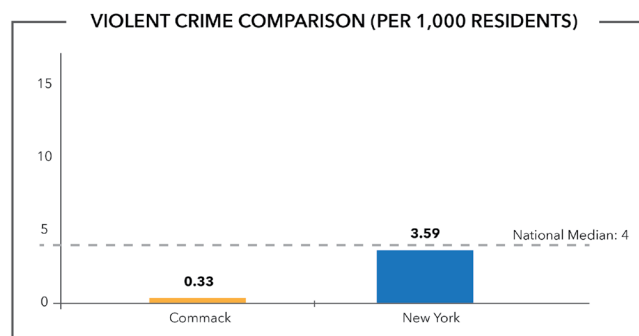
Although the Commack Campus publishes its own Annual Security Report, faculty do teach across the locations and it is prudent to highlight this location in the institutional report. The Commack Branch Campus is located at 6500 Jericho Turnpike, New York 11725. Commack is located in Suffolk County, New York. Commack has a 2020 population of 36,953²⁶. According to [salary.com](https://www.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)²⁷

In 2019, the median house/condo value (\$536,229) is above state average (\$338,700). The median age (45.4 years) is above state average (38.4 years). The Average Adjusted Gross Income (AGI) in 2012 was \$95,754 (Individual Income Tax Returns) above the state's average of \$77,0888. 10 Racial make-up of Commack is: Caucasian 91.5%; African American/Black 0.9%; Asian 5.6%; Two or more races and other races.²⁸

Percentage of residents living in poverty in Commack in 2019 were: 2.7% (2.5% for White Non-Hispanic residents, 0.2% for Black residents, 3.7% for Hispanic or Latino residents, 24.5% for other race residents, 6.1% for two or more races residents)²⁹

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.



Data from: <https://www.neighborhoodscout.com/ny/commack/crime>

²⁶ <https://worldpopulationreview.com/us-cities/commack-ny-population>

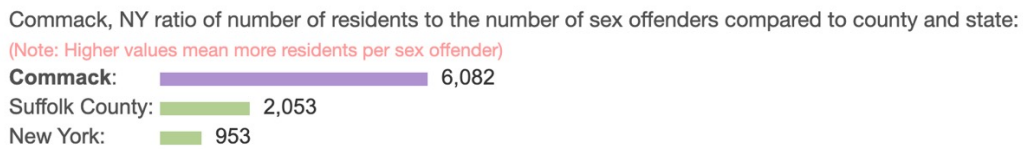
²⁷ <http://www.city-data.com/city/Commack-New-York.html>

²⁸ <http://www.city-data.com/zips/11725.html#ixzz5Fafaozlg>

²⁹ <http://www.city-data.com/city/Commack-New-York.html>

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.³⁰

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.



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

Address: 727 Veterans Memorial Hwy, Smithtown, NY 11788

Phone: (631) 854-8400

Email: SCPD.4THPRECINCT@suffolkcountyny.gov

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

³⁰ <https://www.neighborhoodscout.com/ny/commack/crime>

HELPING OTHERS: INDIVIDUALS WITH DISABILITIES

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 members of the community who require assistance evacuating to meet with the Accessibility Coordinator when their new classroom assignments for the semester are given.

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. The Accessibility Coordinator will assist any member of the LIBI community 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 meet

with the Accessibility Coordinator, Karin Chang (kchang@libi.edu), as soon as feasible to discuss a 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 the Accessibility Coordinator, Karin Chang (kchang@libi.edu; (718) 939-5100) to discuss a 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.

REPORTING CRIMES AND EMERGENCIES PROCEDURES

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 property³¹ 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” 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;
- Campus Director;
- Student Success Advisors;
- Associate Dean of Instruction;
- Campus-specific Title IX Coordinators;

³¹ 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.

- Registrar
- First Year Experience Program Coordinator
- Members of a Sexual Assault Response Team (SART);
- Faculty Advisors (to student groups);
- Victim advocate who is responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action or court cases, etc.

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.

QUESTION: HOW SHOULD I REPORT A CRIME OR CRIMINAL ACTIVITY TO LIBI?

ANSWER: LIBI asks that anyone who witnesses any criminal activity, or attempted criminal activity, emergencies, accidents, or injuries on campus or on the designated contiguous areas, should report it promptly to one of the members of the Safety and Security team, or to the Campus Security Authorities (CSA). As mentioned above, these individuals are: the Provost, Registrar, First Year Experience Program Coordinator, the Associate Dean of Instruction, the campus-specific Title IX Coordinators, or any member of the Academic Advising team (Student Success Advisors). Reports can be made in person, by contacting one of the designated individuals enumerated above directly by E-mail, phone, or in person, or by sending an anonymous E-mail to safety@libi.edu. Reports also can be made to the President of the College by E-mailing president@libi.edu. Anonymous calls can be made to **(718) 408-6644**.

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.**

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 **(718) 408-6644**.
- 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, Registrar, First Year Experience Program Coordinator
- , the campus-specific Title IX Coordinators, the Associate Dean of Instruction, and any member of the Academic Advising team. Reports can be made in writing to these individuals or in person by going to the Advising Office located on the 5th floor in room 507 in the Main Building or the Provost's Office, located on the 4th floor of the Annex Building in room A107. The designated members of a sexual assault response team (SART) are: the Registrar and the Senior Librarian. Direct Contact information for all enumerated individuals is 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 E-mailing safety@libi.edu**.
- 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** 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 Human Resources for inclusion in the annual crime report.

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 Camus 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 **(718) 408-6644** 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 Human Resources.

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 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.

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.

INVESTIGATION OF VIOLENT FELONY OFFENSES

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, age³², disability³³, or sexual orientation of a person, regardless of whether the belief or perception is correct.

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

33 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."³⁴

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;

34 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 job marketplace, 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 25.³⁵ Although LIBI's student demographics do not coincide with the demographics reported for hate crime offenders (LIBI's student population is approximately 70% female with the average student age of 29), 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

35 <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.

Special Note:

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

HOW TO REPORT A HATE CRIME/BIAS INCIDENT TO NYPD

A person reports a hate crime in the same manner as they would report any other crime. If it is a serious crime in progress, call 911. If it is a non-serious crime, or a crime that occurred in the past, call your local precinct. The responding police officers will provide whatever immediate assistance is needed, and begin the reporting process. If the situation is deemed to be a possible bias-motivated incident, the NYPD Hate Crime Task Force will be notified.

Upon notification of a possible hate crime, detectives from the NYPD Hate Crime Task Force will respond and conduct a thorough investigation. The NYPD Hate Crime Task Force is a dedicated citywide team of investigators who are responsible for investigating all hate crimes and related incidents that occur within the city. Victims of hate crimes can be assured that they will be provided with the appropriate assistance, by the local precinct's Community Affairs team and the NYPD Hate Crime Task Force. People's immigration status does not in any way prevent them from reporting Hate Crimes or receiving essential services.

Source: <https://www1.nyc.gov/site/nypd/services/law-enforcement/hate-crimes.page>

Contact Information

New York City Police Department
Hate Crime Task Force
19 ½ Pitt Street 3rd Floor
New York, NY 10002

Telephone: 1-888-440-HATE
Email: hctf@nypd.org

CAMPUS SECURITY AUTHORITIES (CSAs)

“An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.” Further, “any official...who has the authority to institute corrective measures” for Title IX purposes under 34 CFR 106.30(a).

As mentioned in the previous section of this document, members of the College community may make reports of crimes and security incidents to College officials designated as Campus Security Authorities (CSAs). Each year, the Director of Human Resources requests data electronically from employees designated as CSAs for inclusion in this report.

LIBI’s Campus Security Authorities Are:

- **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
- **The Chair of the Campus Safety and Security Committee - Mariele Hall**
Member of the Crisis Intervention Committee (CIC)
Office: 232 West 40th Street, 9th floor. New York, NY 10018
Phone: (212) 226-7300
E-mail: mhall@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
- **The Director of Human Resources - Jessica Rodriguez**
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: jrodriguez@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: (718) 939-5100 ext. 143
E-mail: szheng@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
- **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
- **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
- **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. 13
E-mail: asumner@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

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

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
- **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.

NYC HUMAN RIGHTS LAW

The NYC Human Rights Law, one of the strongest anti-discrimination laws in the nation, protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Violators can be held accountable with civil penalties of up to \$250,000 in the case of a willful violation. The Commission also can assess emotional distress damages and other remedies to the victim, require the violator to undergo training, and mandate other remedies such as community service.

SEXUAL HARASSMENT UNDER THE LAW

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender.

SOME EXAMPLES OF SEXUAL HARASSMENT

- Unwelcome or inappropriate touching of employees or customers;
- threatening or engaging in adverse action after someone refuses a sexual advance;
- making lewd or sexual comments about an individual's appearance, body, or style of dress;
- conditioning promotions or other opportunities on sexual favors;
- displaying pornographic images, cartoons, or graffiti on computers, e-mails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender.

RETALIATION IS PROHIBITED UNDER THE LAW

It is a violation of the law for an employer to take action against you because you oppose or speak out against sexual harassment in the workplace. The NYC Human Rights Law prohibits employers from retaliating or discriminating "in any manner against any person" because that person opposed an unlawful discriminatory practice. Retaliation can manifest through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased workload or being transferred to a less desirable location. The NYC Human Rights Law protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

REPORT SEXUAL HARASSMENT

If you have witnessed or experienced sexual harassment, inform a manager, human resources, the Provost, or the President of the College as soon as possible.

Report sexual harassment to the NYC Commission on Human Rights. Call (718) 722-3131 or visit [NYC.gov/HumanRights](https://nyc.gov/humanrights) to learn how to file a complaint or to report discrimination. You can file a complaint anonymously.

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.
- To file a charge with the U.S. Equal Employment Opportunity Commission (EEOC), please visit the EEOC's website at www.eeoc.gov.

SEXUAL ASSAULT

Nonconsensual Sexual Contact and Nonconsensual Sexual Intercourse³⁶

Nonconsensual Sexual Contact is any "sexual contact"³⁷ 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."³⁸ 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

36 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.

37 "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)

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

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.

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 (iii) 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.³⁹

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."

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).⁴⁰ 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.⁴¹

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.

39 Information about New York State Domestic Violence related laws is available online at <https://www.findlaw.com/state/new-york-law/new-york-domestic-violence-laws.html>.

40 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>.

41 For example, if an individual perpetrated the stalking in Clery geography on Campus A, the victim first became aware of the stalking while in Clery geography on Campus B, and a campus security authority at each campus learned of the crime, then each campus would record one incident of stalking in its ASR.

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.

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 their assigned Academic Advisor, the Title IX Coordinators, or to seek clarification from the Provost. Employees should seek clarification from the Director of Human Resources, 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>.⁴²

- **Audrey Sumner, Commack Campus**
6500 Jericho Turnpike. Commack, NY 11725
(631) 499-7100 ext. 13
- **April Robinson, Intercampus Title IX Coordinator, NYC Extension Center**
232 West 40th Street, 10th floor. New York, NY 10018
(212) 226-7300 ext. 315

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:

- **The Registrar**
Connie Zheng
(Member of a Sexual Assault Response Team (SART))
Office: 136-18 39th Avenue, Room 502, Flushing, NY 11354
Phone: (718) 939-5100 ext. 143
E-mail: szheng@libi.edu

⁴² <http://www2.ed.gov/print/about/offices/list/ocr/letters/colleague-201104.html>

- 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. 13
E-mail: asumner@libi.edu
- The Chair of the Campus Safety and Security Committee**
Mariele Hall
Member of the Crisis Intervention Committee (CIC)
Office: 232 West 40th Street, 9th floor. New York, NY 10018
Phone: (212) 226-7300
E-mail: mhall@libi.edu
- Academic Advising Staff**
Office: 232 West 40th Street. 9th Floor. New York, NY 10018
Phone: (212) 226-7300

PUBLIC SAFETY

The main campus and its Annex building is in commercial mixed-use buildings; therefore, LIBI's contiguous geographic perimeter is adjacent to facilities accessible by the general public. The Main building has a security desk at the entrance of the building. At least one security person is assigned by the building management company to the front desk each day until 10:00 pm. Evening classes that end at 10:20 pm are only scheduled at the Annex since there is 24-hour security presence there. The buildings and the College both have surveillance cameras independent of one another. LIBI's security cameras are located in the Facilities Manager's office which remains locked. LIBI also employs full-time Visitor and Information front desk personnel from 9 am to 7pm. The Visitor and Information desk is located on the fifth floor of the Main Building. The staff issue visitor badges to individuals who are not students or employees of the College. The Annex is located on the 4th floor of the Queens Crossing Mall away from the fashion boutiques, specialty lifestyle stores, and restaurants. The only entity sharing LIBI's floor in the Annex building is North Shore LIJ Medical Group. Queens Crossing employs Security Guards to monitor the premises. There is a 24-hour security presence in the building. The security personnel provided by the building management companies at both, the Main building and in the Annex, do not have the authority to make arrests.

The garage in the basement of the Annex Building operates shuttle service to LaGuardia Airport and it is open from 6 am Monday through Friday until 2 am each day. Attendants

are on site throughout the time the garage is open. At LIBI, incidents of a criminal nature that are reported to anyone employed by the building management companies to monitor the Main building or the Queens Crossing building (which includes the Annex), are referred via the complainant to the New York Police Department. The College does not employ any security officers specific to the campus in the Main Building or in the Annex. LIBI works with the building management companies to organize fire drills, test central emergency communications systems, and LIBI's administrators, outside of select Homeland Security faculty, do not have the power, outside of the powers of private citizens, to make arrests. The IT Department oversee the electronic intrusion alarm system that protects LIBI's premises and monitor approximately 27 security surveillance cameras to ensure the safety of the College community. Supplementing these campus security systems are Emergency Fire Pull Boxes that are conspicuously located in hallways in the event of a fire or emergency requiring the response of the fire department. Campus security escort system is available to students, faculty, and staff on an individual basis. Individuals requiring a safety escort to their car or to the train 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 Director of Human Resources (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 the Director of Human Resources, Jessica Rodriguez, at jrodriguez@libi.edu; students should e-mail the Chair of the Campus Safety and Security Committee, Mariele Hall, at mhall@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 College 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 Registrar 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 safety@libi.edu or by calling **(718) 408-6644**. Reports of off-campus crimes involving students or College employees can also be made to Jessica Rodriguez at jrodriguez@libi.edu, or to Mariele Hall at mhall@libi.edu. Offenses occurring off-campus

that are classified as sexual assault should be reported to the Title IX Coordinators 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

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** is made in coordination and consultation between the Provost, the Campus Director, the College President, and the Chair of the Campus Safety and Security Committee. In an extreme emergency, the notification process will be implemented at the sole direction of the Provost, the Campus Director, the President, or a properly qualified designee.

NOTIFICATION & RESPONSE: TIMELY WARNINGS & EMERGENCY NOTIFICATIONS

	EMERGENCY NOTIFICATION	TIMELY WARNING
Scope	Significant emergency or dangerous situation.	Clery crimes, reported to CSAs.
Triggered by?	Event that is currently occurring on or imminently threatening campus.	Crimes that occurred and represent an ongoing threat.
Where event occurs?	Only on campus.	Anywhere on Clery Geography.
How soon to issue?	Immediately upon confirmation of situation.	As soon as information is available.

	EMERGENCY NOTIFICATION	TIMELY WARNING
What to expect?	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.
	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.	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.

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 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 Human Resources.

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 are issued by the Provost, the Campus Director, the President of the College, and the Safety and Security Committee, in consultation with one another or as necessary and appropriate to respond to imminent threat. The College will immediately notify the campus community upon confirmation of an immediate threat, emergency, or impending dangerous situation. This means that the individuals 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 issue an immediate notification of the security issue via the building's public-address system (at LIBI Flushing and LIBI NYC). 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, notification boards with the announcement will be placed in the lobby of each building (LIBI Flushing, Commack, and NYC), when appropriate.

The crimes that would trigger a Timely Warning include all Clery Act reportable crimes (*listed in the Appendix of this document*) 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 (UCR <https://ucr.fbi.gov/ucr>)/National Incident Based Reporting System (NIBRS <https://ucr.fbi.gov/nibrs-overview>) 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.

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), leave a recorded message on the campus phones, and post fliers in high-traffic/high-visibility areas.

WHEN & HOW ARE NOTIFICATIONS ISSUED?

Activation Procedures for the Emergency Notification System

The Emergency Notification System is activated by the decision of the President of the College, the Provost, the Campus Director, The Campus Safety and Security Committee, 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.

LIBI relies on outside sources, such as communication with the local law enforcement units, public announcements from the NYC major's office and Notify NYC updates (<https://a858-nycnotify.nyc.gov/notifynyc/Home.aspx>). News channels and radio announcements provide external information regarding threats that can potentially affect the well-being of the campus community.

LIBI follows the following NYC Emergency Management Social Media Channels:

- **Facebook:** <http://www.facebook.com/nycemergencymanagement>
- **LinkedIn:** <https://www.linkedin.com/company/nyc-emergency-management>
- **YouTube:** www.youtube.com/nycoem
- **Twitter:** <https://twitter.com/nycgov> and <https://twitter.com/NYCMayorsOffice>

All members of the College community (employees, students, and vendors) are responsible for notifying the Registrar, Provost, the Campus Director, or the President of the College of suspicious persons and/or behavior to initiate immediate response procedures.

LIBI has a streamlined process through the use of a decision matrix that reflects the factors the College has determined constitute a serious or on-going threat by which timely warnings are approved for issuance so that information gets sent more quickly and efficiently to the campus community.

If the threat is found to be general in nature, the college will issue an appropriate timely warning, as quickly as possible.

Where it is determined that the threat is specific to an area, campus, or location, a timely warning will be initiated only in that area, campus or location.

If the threat is person-specific, the Director of Human Resources, or designee, will ensure every precaution is taken to protect that individual. In consultation with the threatened in-

dividual, the Director of Human Resources, the Provost, or the Campus Director, a trespass notice may be issued.

The Director of Human Resources or designee, is responsible for ensuring that all information with respect to an alleged threat to personal safety/security is forwarded to the appropriate departments, including the College President as rapidly as possible.

In the event of a general safety/security threat, the Director of Human Resources, or designee, in consultation with either the Provost, the Campus Director, or the President, or if time permits, members of the Safety and Security Committee (Title IX Coordinators, IT Managers, Academic Department Managers) will utilize LIBI's decision matrix and implement the following procedures:

- A timely warning message describing the threat, and an outline of precautionary measures to be taken to diminish possible occurrences of the threat, will be prepared and communicated by the Director of Human Resources, or designee, to the College community.
- Timely warning messages are disseminated using multi-modal methods, including:
 - texts messages;
 - text messages prompting students to check e-mails or the website are sent if the message is too long;
 - community-wide e-mails are sent to all registered LIBI users;
 - updates on the website are placed in the banner of the main page;
 - messages are recorded on College phone lines;
 - building public address system;
 - megaphones;
 - other methods deemed necessary that may be used in the information dissemination process.

Additionally, bulletin and message boards in highly trafficked areas are utilized to post announcements and alerts.

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 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, 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 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);
- Actions one should take to help assure their own safety; and
- 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 Human Resources and the Chair of the Safety and Security Committee.

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.

SUMMARY AT A GLANCE

On activation by the College, the notification system sends messages during emergency events via e-mail and text message.

Generally, the steps are:

- The College confirms that a significant on-campus, or in contiguous campus geography, emergency exists.
- The President, the Provost, Campus Director, or a properly qualified designee is notified of this emergency and determines what methods of notification will be activated. When time or situation permits, this may be in expedient consultation with other College officials, including, but not limited to, IT Managers, or the Campus Safety and Security Committee members. The determination also will be made about the appropriate campus locations and members of the College community who should receive the notification, and what the content of the notification should be.
- The IT department will send the mass notification via text and E-mail.
- A message will be recorded on LIBI's campus specific emergency lines and on 347-827-0874.
- LIBI's website will be updated to reflect the emergency notification.
- If appropriate, the building management personnel will be asked to make announcements using the building's public address system (PA system).
- Periodic updates will be sent as information becomes available.
- When the emergency has been fully resolved, an "all-clear" alert will be issued to the campus community.

When the Emergency Notification system is activated, members of the community are asked to follow the directions provided in the message. These notification messages will follow the procedures outlined in LIBI's Safety and Security Plan. All members of the community are, therefore, urged to familiarize themselves with LIBI's emergency response and evacuation procedures.

Throughout the year LIBI routinely tests its emergency response and evacuation procedures and asks that all members of the College community cooperate and participate in these tests in good faith. Some tests are announced while others are not. No one is to remain in the buildings during evacuation drills regardless of the activity they are involved in.

LIBI also regularly conducts fire evacuation drills and active shooter drills, among other emergency response training. Emergency response and evacuation procedures are published and released to the community annually.

Annual Safety Reports are also available on LIBI's website.

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 Director of Human Resources, or the IT Manager (employees) 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.

Members of the community who know of a crime or other serious incident should report that incident as soon as possible to the Provost, the Associate Dean, the Campus Director, or any senior member of the administration so that a timely warning can be issued, if warranted.

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 <https://libi.edu/emergency-notifications/>. Once the form is completely filled out and submitted 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 ithelpfl@libi.edu or E-mail the registrar at szheng@libi.edu (Flushing), mhui@libi.edu (NYC), and cmattar@libi.edu (Commack).

New Students have the opportunity to sign-up for the Emergency Notification while processing all their enrollment paperwork with the Registrar. Students also receive information regarding the notification system during New Student Orientations and can sign-up to par-

ticipate at that time. New employees are given information about the

Emergency Notification system in New Employee Orientation. All new employees have the opportunity to register for notifications at that time.

Should e-mails or text messages not be found or rejected for incorrect or expired information during a live alert, the College reserves the right to delete the problem entry or to deactivate a user's account.

Special Note:

- The President will speak on behalf of the College in the event of possible media inquiries.
- The College community will receive an immediate notification unless such notice and warning compromises the containment of an emergency or likely would result in an expansion or exacerbation of an emergency. Otherwise, as stated in the Notification to Members of the Community Section, immediate notification of an emergency will take place through one - or a combination of - the following methodologies:
 - text message;
 - public announcement through the buildings' public announcement (PA) system;
 - via the building fire control system if a fire or smoke issue is detected;
 - community/campus-wide e-mail message; and/or
 - LIBI's website notice.

EMERGENCY RESPONSE AND EVACUATION FIRE DRILL TESTS

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 personal 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 use the building's Public Announcement (PA) system to advise the College community of procedures to be followed. LIBI is unable to use the PA system in the Annex building at the Flushing campus; therefore, employees and students must follow verbal evacuation instructions provided by an authorized LIBI employee or designated building representative. The Provost, the Campus Director, the Registrar, and the Director of Human Resources are authorized to make such announcements. All named authorized personnel also 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 three fire drills per 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 three (3) times per year for all campus buildings. On occasions 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. Each building has 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 Provost, the Accessibility Coordinator, and the Director of Human Resources 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>

EVACUATION OF INDIVIDUALS WITH PHYSICAL DISABILITIES

Members of the Safety and Security team and authorized College personnel will assist individuals with physical disabilities in an emergency, and will make every attempt to lead them to safety. Students with physical disabilities who anticipate having difficulties with LIBI's general evacuation procedures should inform the Registrar and Accessibility Coordinator of their individual circumstances upon arrival to campus. The Accessibility Coordinator will discuss any special emergency response accommodations needed and will draft a safety plan with the student. The student's faculty will be notified that assistance will be needed if an evacuation is necessary. The Accessibility Coordinator and the Director of Human Resources maintains a master list of all students requiring assistance during a building evacuation. In an emergency 911 should be called without delay. When calling 911 the person reporting the emergency should disclose to the dispatcher the location and specific assistance required.

Any members of the College community who do not have the ability to access stairwells without assistance should follow these directions: Go directly to the nearest stairwell - **DO NOT USE ELEVATORS**. Emergency personnel will assist you down the stairs to safety.

ADDITIONAL RESOURCES

- <https://www.usfa.fema.gov/prevention/outreach/extinguishers.html>
- <https://www.youtube.com/watch?v=fkQdmsgyHLo>
- https://www.osha.gov/SLTC/etools/evacuation/portable_use.html
- <https://www.usfa.fema.gov/prevention/outreach/>
- https://www.youtube.com/watch?time_continue=14&v=MrB0OSxj0os
- <https://www.youtube.com/watch?v=UOFbYhj3jrk>

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 recommendations⁴³, 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.
- 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.

43 https://www.dhs.gov/xlibrary/assets/active_shooter_booklet.pdf

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
- Chinese Language Version
<https://www.youtube.com/watch?v=P0xTP9Zt7Qo>
- Spanish Language Version
https://www.youtube.com/watch?v=_fUcq1M5a44
- Additional Resources in Chinese:
 - <https://www.cisa.gov/sites/default/files/publications/active-shooter-how-to-respond-chinese-508.pdf>
 - <https://www.cisa.gov/sites/default/files/publications/active-shooter-pamphlet-chinese-508.pdf>
 - <https://www.cisa.gov/sites/default/files/publications/active-shooter-pocket-card-chinese-508v2.pdf>
 - <https://www.cisa.gov/sites/default/files/publications/active-shooter-poster-chinese-508.pdf>
- Additional Resources in Spanish:
 - <https://www.cisa.gov/sites/default/files/publications/active-shooter-how-to-respond-spanish-508.pdf>

BOMB THREAT

<https://www.youtube.com/watch?v=pg7yVTBciWg>

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.cisa.gov/sites/default/files/publications/Bomb-Threat-Procedure-Checklist.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?

A link to a checklist from the U.S. Homeland Security Department is available in [Appendix C](#).

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: <https://libi.edu/emergency-notifications/>. Students also may see the Registrar, while employees may contact the Director of Human Resources.

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

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.⁴⁴

Resources

- <https://www.cdc.gov/masstrauma/preparedness/primer.pdf>
- https://www.dhs.gov/xlibrary/assets/prep_ied_fact_sheet.pdf

⁴⁴ <https://www.ready.gov/explosions>

If a bomb threat is received by handwritten note:

- Call the Director of Human Resources at **(718) 939-5100** Ext. 349
- Handle note as minimally as possible.

If a bomb threat is received by e-mail:

- Call the Director of Human Resources at **(718) 939-5100** Ext. 349
- 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](#)"TM 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."⁴⁵

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

⁴⁵ "What To Do - Bomb Threat." What to Do - Bomb Threat | Homeland Security, www.dhs.gov/what-to-do-bomb-threat#wcm-survey-target-id. Accessed 9 Sept. 2017.

- Excessive postage;
- Foreign postage;
- 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.⁴⁶

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.

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.

⁴⁶ "Ensuring Building Security." Ensuring Building Security | Homeland Security, www.dhs.gov/ensuring-building-security#2. Accessed 9 Sept. 2017.

- 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.

- Students who in good faith call for medical assistance for themselves or others and/or who receive medical assistance as a result of a call will not be disciplined for the consumption of alcohol (either if underage or if consumed in a LIBI-owned facility where alcohol consumption is prohibited) or drugs as long as there are no other violations that ordinarily would subject the student to disciplinary action. Similarly, students who may be the victims of, witnesses to, or otherwise become aware of violence or sexual harassment or gender-based harassment and who report such violence or harassment will not be disciplined for the consumption of alcohol or drugs in the absence of other violations that ordinarily would subject the student to disciplinary action. For example, disorderly behavior, violence, sexual misconduct, causing or threatening physical harm, property damage, or unlawful distribution or intent to distribute alcohol or drugs, will be treated as conduct violations and will be responded to accordingly.

Please note: The students involved will be encouraged to complete alcohol and/or drug education activities, assessment, and/or treatment, to be determined by the individual campuses.

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

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.

- **Mental Health Association of New York City - Asian LifeNet**
1-877-990-8585
Toll-free and confidential telephone hotline that provides crisis intervention, consultation, information, and referrals in Chinese for mental health and substance abuse problems.
Languages: Chinese
- **Drug-Free Workplace**
1-800-WORKPLACE (967-5752)
Website: 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/.

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.

The National Suicide Prevention Lifeline is now: 988 Suicide and Crisis Lifeline



Additional Assistance and Resources

- <http://www.suicide.org/hotlines/new-york-suicide-hotlines.html>
- **The Samaritans of New York 24 hours / 7 days
Suicide Prevention Hotline**
(212) 673-3000
- **Help-Line Telephone Services 24 hours / 7 days**
(212) 532-2400
- **Long Island Crisis Center
Middle Earth Suicide & Crisis Hotline 24 hours / 7 days**
(516) 679-1111
- **Spanish Language Help
Nacional de Prevención del Suicidio**
1-888-628-9454
- **Asian American Suicide Prevention & Education**
1-877-990-8585
Nonprofit organization which promotes education and advocacy to prevent suicide;
provides educational materials including an awareness kit to identify signs of suicide
ideation
Languages: Chinese, English, Korean, Japanese
- **Veterans Crisis Line**
1-800-273-8255
Text 838255
- **Options For Deaf + Hard of Hearing**
1-800-799-4889

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

UTILITY FAILURE POWER FAILURE

The following addresses the steps to be taken by members of the community in case of power failure.

All power failures should be immediately reported to College administration by calling (718) 939-5100 x 112. In the event of a building wide power failure, phones may not function. If no other emergency situation exists, members of the community can report the power failure to the front desk on the fifth floor of the Main building on Flushing.

In the event of loss of power in the Main Building or the Annex, emergency lights will illuminate allowing visibility during the evacuation.

A small flashlight or flashing mechanism may be helpful if there is a complete loss of power. Members of the community are encouraged to purchase and carry small flashlights on their keychains. Those may be helpful even outside of campus emergencies.

- Candles should never be used in the event of a complete power outage. Candles can cause fires.
- If power is lost during the day, roll-up any blinds and let as much natural light in as possible.
- **Faculty and students should remain in their classrooms until notified otherwise.**
- Turn off or disconnect equipment in case of a momentary power "surge" that can damage computers and other devices.
- Elevators should never be used during a power failure or possible fire. Anyone trapped in an elevator at the time of a power outage should use the emergency "Call for Help" button in the elevator to contact the main security desk of the building and provide the number of people trapped in the elevator and report any injuries or medical conditions. Individuals who are trapped in the elevator will have to be patient and wait for assistance. Remain calm. Panicking makes the situation worse. If you have a cell phone and you are able to use it, call 911 if any medical emergencies occur while you are trapped.
- Once power is restored, the building management will make an announcement using the public address (PA) system. Power failures do not always necessitate an evacuation.

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.

Resources

- 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.
- 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.ready.gov/floods>
- <https://www.floodsmart.gov/community>
- Chinese Language Resources
https://www.fema.gov/sites/default/files/2020-07/fema_help-after-disaster_chinese_trifold.pdf
- Spanish Language Resources
 - <https://www.ready.gov/es/inundaciones>
 - <https://www.floodsmart.gov/es/inicio>

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 Provost in consultation with the Facilities Manager 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.

What precautions should be taken when cleaning up mold?

Administrative staff should report any suspected mold to the Facilities Manager immediately upon suspecting that mold is present so that the trouble areas can be identified properly and swiftly and the moisture problems corrected. Offices where mold is present will be relocated temporarily. Employees should make sure that work areas are well ventilated and anyone working to clean-up the area should use hand, eye, and respiratory protection. A N-95 respirator is recommended. Discard mold damaged materials in plastic bags. Clean wet items and surfaces with detergent and water. Disinfect cleaned surfaces with 1/4 to 1 1/2 cup household bleach in 1 gallon of water. CAUTION: Do not mix bleach with other cleaning products that contain ammonia.

GAS LEAKS

If you smell natural gas:

- Cease all operations immediately.
- Do not switch lights on or off.
- Evacuate as soon as possible.
- Do not use a cell phone near a gas leak. Gas vapors can be ignited by static electricity.
- Once you are outside, call 911 and be specific regarding building name and location of suspected leak.

Alert College administration or the Facilities Manager. Do NOT use your cell phone until you are safely out of the building. It is always safest to go to the reception desk on the fifth floor in the Main building in Flushing as the personnel is able to locate and/or to get in touch with all administrators.

Why is it important to act quickly?

Predominately methane, natural gas is colorless, tasteless and, in its natural state, odorless. Transmission pipeline and utility companies add a distinctive odorant, butyl mercaptan, to natural gas so leaks can be quickly and easily identified. Natural gas is lighter than air and tends to rise, while most other flammable gases have higher vapor densities and tend to move downward. Exposure to extremely high levels of natural gas can cause loss of consciousness or even death. If a natural gas leak has occurred and is severe, oxygen can be reduced, causing dizziness, fatigue, nausea, headache, and irregular breathing. Exposure to low levels of natural gas is not harmful to your health.

BIOLOGICAL, CHEMICAL SPILL, NUCLEAR ATTACK PROCEDURES

Hazardous materials spills including biological, chemical, and radiological materials pose a serious risk if not promptly and properly responded to by the individuals who initially identify the spill and the appropriate emergency response staff.

In the event of a biological chemical spill, LIBI's Facilities Manager and the Director of Human Resources should be contacted at (718) 939-5100 ext. 349. When reporting, be specific about the nature of the material involved and the exact location of the spill. The Director of Human Resources or the Facilities Manager will contact the Building Manager and maintenance and the necessary specialized authorities and medical personnel.

If you are near the spill, move away from it and help keep others away. Do not walk into or touch any of the spilled substance. Try not to inhale gases, fumes, and smoke. Those who may be contaminated by the spill should avoid direct contact with others and remain in the vicinity so that they can receive necessary assistance, including first aid care, when specialized authorities arrive.

Upon receiving confirmation of an imminent or ongoing biological or chemical spill that poses health risk to members of the College community, the President or her designee will declare a campus-wide emergency. The declaration of a campus-wide emergency will, based on the advice of the appropriate authorities investigating the spill, either initiate a lockdown of the campus or its total evacuation. Notification of the emergency and instruc-

tions for action will be made via text message, College-wide e-mail, College website, and emergency line.

Members of the College community will be kept informed of changes as they develop by College officials.

The following actions will be taken if necessary:

- air handling unit (AHU), used to regulate and circulate air as part of a heating, ventilating, and air-conditioning will be turned off and intakes sealed if possible;
- campus personnel and students will be directed to enclosed areas of the building unless otherwise directed by civil authorities to provide most insulation;
- updates on emergency will be given, if practicable, by the same methodologies as described above.

Emergency response and evacuation procedures are published annually in the Annual Security Report. LIBI strongly urges members of the College community to use this report as a guide for safe practices both on and off campus. Paper copies are available by calling (718) 939-5100 ext 349 or by requesting them from the Director of Human Resources by emailing jrodriguez@libi.edu.

Special Note

Should, in the best opinion of the College or civil authorities, dissemination of information on a given emergency hinder or cause additional harm, such notification may be delayed until such time that it is safe to release it to the community.

Additional Resources

- Poison Control: (212) POISONS

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

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.⁴⁷

⁴⁷ "Winter Storm Safety." American Red Cross, www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/winter-storm#About. Accessed 4 Sept. 2017

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.

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 (**Flushing and NYC Weather Line: (718) 408-6644 / Commack: (646) 532-3190 / Report Line: (646) 532-3190**). 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. When weather affects LIBI's operating schedule, the College normally follows directions issued by the Mayor's office. If New York City Public Schools are closed, LIBI's day classes will be cancelled. If the Commack Public Schools (Suffolk County) are closed, the Commack campus will cancel day classes. Evening classes in Flushing will be cancelled if Queens College cancels classes. LIBI NYC will cancel classes if Guttman Community College cancels classes for the evening. 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. Not all locations may be affected at once and some may remain open while a decision is made to close others. 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

- <https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/winter-storm.html#About>
- https://www.weather.gov/owlie/publication_brochures
- <https://www.ready.gov/winter-weather>
- https://www.wpc.ncep.noaa.gov/wwd/winter_wx.shtml
- Chinese Language Resources
 - https://www.fema.gov/sites/default/files/2020-07/fema_help-after-disaster_chinese_trifold.pdf
- Spanish Language Resources
 - <https://www.redcross.org/cruz-roja/obtener-ayuda/tipos-de-emergencias/tormetas-de-nieve.html>
 - <https://www.ready.gov/es/invierno>

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 NYC, 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.

Additional Resources

- Chinese Language Resources
https://www.fema.gov/sites/default/files/2020-07/fema_help-after-disaster_chinese_trifold.pdf

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 New York City police precincts that are 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. This information is in the form of posters and other displays, articles in the College news magazine-LIBI Log Forever Better, and community-wide e-mail notifications. 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 Director of Human Resources provides faculty and staff with crime prevention information, along with other safety related materials, during scheduled new employee orientations. Students receive crime prevention information from designated members of the Safety and Security Committee members, 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.

The Director of Human Resources and the Chair of the Safety and Security Committee share the responsibility of providing the following:

- Information on personal safety, which includes having brochures available and featuring bulletin postings throughout the campuses.
- Topics of workshops include: personal safety and crime prevention tips, sexual assault and intimate partner violence awareness presentations offered by the Justice Center, and drug and alcohol abuse awareness and prevention.
- During the initial orientation, new students receive handouts on LIBI's policies and procedures regarding sexual assault, domestic violence, and stalking, including the victim's bill of rights, included in [Appendix D](#). More detailed information, including options for reporting, the student's bill of rights for reporting individuals, individual student rights upon entering LIBI's judicial system, and the drug and alcohol amnesty policy, are all accessible to the entire community without a login on LIBI's website in the Enough is Enough Sexual Assault Special Section document.
- A member of the Safety and Security committee attends new student orientation to provide students with an overview of the safety programs and services offered by the College.
- Annual Faculty Convocations include emergency preparedness presentations, where topics include active shooter incidents, medical emergencies, emergency evacuations, and similar type of presentations that contribute to creating a better prepared and aware campus community.
- Domestic Violence Workshops.
- Every LIBI employee participates in mandatory sexual harassment training once a year. The training concludes with a scored assessment. Low scoring employees are given additional training on the topic.

- Fire Safety Prevention Training: Fire safety training is provided to designated fire wardens on campus.
- The Safety and Security Committee conducts vulnerability assessments to identify areas of the campus that present vulnerabilities to the safety of the College community.
- Other Educational Programs: The Director of Human Resources and the Chair of the Safety and Security Committee work with faculty to provide educational programs to their classes free of charge on other safety topics not listed above, including bystander intervention, and many others. To request a presentation or special topic speakers for their classes, faculty should contact the Director of Human Resource, Jessica Rodriguez at jrodriguez@libi.edu, or by calling her at **(212) 226.7300** ext. 349.
- Regularly scheduled educational programs are sponsored by the Campus Safety and Security Committee. Faculty should contact:

Mariele Hall

***First Year Experience Program Coordinator and
Chair of the Safety and Security Committee***

Office: 232 West 40th Street, 9th floor New York, NY 10018

Email: mhall@libi.edu

- All new incoming students receive information about campus crime prevention programs at New Student Orientation and in the Freshman Seminar Course. 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

The Director of Human Resources and the Campus Director conduct on-going reviews of campus facilities along with the Facilities Managers. LIBI works closely with the Building Management personnel at each location to ensure safe accessibility to LIBI's buildings. Building maintenance staff as well as LIBI's janitorial team report health and safety issues during their normal work assignments. LIBI and Building Maintenance personnel regularly check to ensure hallways are well lighted and that egress lighting is working in stairwells.

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. Each department supervisor is responsible for assuring his or her area is secured and locked.

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 desks**

at all LIBI locations. 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. Make sure the walkways you are on are frequently traveled and not isolated. Are parking lots where you park your car well-lit and patrolled? Are there places nearby along your route where people congregate so you can seek help quickly, if you need it? If your cell phone has a speed dialer, program it with emergency numbers that include family and close friends.
- 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 your advisor numbers to your emergency contacts. Make sure a trusted friend or relative has your advisor's contact information so that he or she can contact your advisor 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!

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. 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 campus locations in Flushing, Commack, and Manhattan, are secure and safe environments 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 at the main entrance. 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 at all three locations 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.

The Flushing and NYC campuses are housed in buildings with security personnel for regular evening hours.

PERSONAL SAFETY: BE VIGILANT

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.**⁴⁸

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://libi.edu/students-should-know/enough-is-enough/>)

- <https://www.rainn.org/>
- <https://www.cdc.gov/Violenceprevention/sexualviolence/index.html>

⁴⁸ <https://www.justice.gov/sites/default/files/ovw/legacy/2013/01/31/tips-for-victims.pdf>

- <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.⁴⁹

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

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, 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.⁵⁰

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.

⁵⁰ <https://rainn.org/articles/steps-you-can-take-after-sexual-assault>

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.

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 rifle, shotgun, 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.

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 notifica-

tion 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

New York City has many free and low-cost services for people with drug and/or alcohol problems. In addition to the listings below, you can call New York City's 24-hour-a-day, seven-day-a-week hotline at:

- **1-888-NYC-WELL (1-888-692-9355)** or
- visit <https://nycwell.cityofnewyork.us/en/>.

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

For 24 hour/seven days per week information and referral, call **1-888-NYC-WELL (1-888-692-9355)**.

- See the **Syringe Exchange Schedule and Sterile Syringe Access Programs** in https://www.health.ny.gov/diseases/aids/consumers/prevention/needles_syringes/
- See the [Buprenorphine Physician Locator](https://www.samhsa.gov/medication-assisted-treatment/practitioner-program-data/treatment-practitioner-locator) <https://www.samhsa.gov/medication-assisted-treatment/practitioner-program-data/treatment-practitioner-locator>
- and brochure <https://www1.nyc.gov/assets/doh/downloads/pdf/basas/opioid-bupe-brochure.pdf>

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 <https://rb.gy/eqz1ir> and at <http://harmreduction.org/> (**Note:** Remember to click on **Accept Cookies** to display last website.)

Syringe Access and Disposal

Access to clean syringes has helped reduce the number of new HIV cases among injection drug users by 95% in the last 20 years. Using clean equipment also protects injection drug users from Hepatitis C and infections at the injection site. Find out where to get help at: https://www.health.ny.gov/diseases/aids/consumers/prevention/needles_syringes/.

Find a location to dispose of used syringes near you: <http://thepointny.org/>.

Overdose Prevention

Drug poisoning is the leading cause of injury death both in New York City and nationally. In NYC, overdose deaths rates have increased since 2011 for six consecutive years; on average there are more than 800 overdose deaths annually.

Opioid involved overdose deaths are preventable.

- <https://www1.nyc.gov/site/doh/health/health-topics/alcohol-and-drug-use-prevent-overdose.page>

and can be reversed with the medication, naloxone

- <https://www1.nyc.gov/site/doh/health/health-topics/naloxone.page>.

Medication Assisted Treatment for Opioid Use Disorder

Medication assisted treatment (MAT) is the use of certain medications (i.e., buprenorphine, methadone, naltrexone), usually along with counseling, to treat opioid use disorder. Many studies have shown that methadone and buprenorphine reduce drug use and death, and overall, achieve better long-term results compared with treatment without medication. See the [Buprenorphine Physician Locator](#).

- <https://www.samhsa.gov/medication-assisted-treatment/practitioner-program-data/treatment-practitioner-locator>

and [brochure](#) for one example <https://www1.nyc.gov/assets/doh/downloads/pdf/basas/opioid-bupe-brochure.pdf>.

Outpatient Treatment

Outpatient treatment provides a flexible option for individuals seeking help for alcohol and drug addiction. Instead of living at a treatment facility, patients have appointments that can be scheduled around work or childcare responsibilities.

Inpatient/Residential

Residential drug treatment programs provide a safe and supportive living situation to people who are trying to stop using drugs and alcohol. Individuals live inside of a drug treatment facility and receive intensive social and behavioral support related to drug and alcohol use.

Additional Resources

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

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:

<https://studentaid.gov/understand-aid/eligibility/requirements/criminal-convictions>

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/>

See Appendix For More Information On Legal Penalties.

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.

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.

<https://www.Collegedrinkingprevention.gov/media/CollegedrinkingFactSheet2021.pdf>

DRUG ABUSE

Drug abuse is defined by the National Institute of Health (NIH) as “the use of illegal drugs or the inappropriate use of prescription drugs, i.e. the repeated use of drugs to produce pleasure, alleviate stress, and/or alter or avoid reality. In research and clinical practice, the term “drug abuse” is often used diagnostically to indicate that a patient continues to use a drug despite adverse social, legal, or occupational consequences, but is not subject to drug tolerance or withdrawal.” For more information see: <http://easyread.drugabuse.gov/>

Because LIBI strongly supports comprehensive substance abuse prevention initiatives, including education, all students are highly encouraged to view the link below to better understand

“Why Are Drugs So Hard to Quit?”

<http://easyread.drugabuse.gov/quit-drugs-video.php>

DRUG ADDICTION/DRUG DEPENDENCE

Drug addiction is a complicated disease. Overcoming a drug addiction takes more than good intentions or a strong will. Addiction is widely considered a brain disease because drug use changes the structure of the brain and how it works. A key characteristic of drug addiction is the compulsive desire to seek and to use the drug despite its harmful consequences. Although many people experiment with drugs voluntarily, overtime a person’s ability to exert self-control becomes seriously compromised. Brain-imaging studies of drug-addicted individuals show actual physical changes in areas of the brain that are critical to judgment, decision-making, memory, and behavior control.⁵¹

Drugs introduced into the body through smoking or injections have an increased addictive potential. This is because both smoked and injected drugs enter the brain within seconds and produce a powerful “high”. Researchers studying addiction to smoked and injectable drugs believe that because the intense “high” from these drugs generally fades within a few minutes and produces an intense and harshly felt contrast, individuals are driven to repeated drug abuse in an attempt to recapture the euphoric feeling of pleasure.

Under the Controlled Substances Act the FDA defines addict as any individual who habitually uses any narcotic drug in a manner that endangers the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his or her addiction.

Costs of substance abuse in the United States (including productivity and health- and crime-related costs) exceed \$600 billion annually. Approximately \$181 billion is spent nationally because of illicit drug use, \$193 billion for drugs and \$235 billion for alcohol⁵². The information below was taken from, and is available in greater detail at: <https://www.hhs.gov/surgeongeneral/reports-and-publications/addiction-and-substance-misuse/index.html>

51 Fowler JS, Volkow ND, Kassed CA, Chang L. *Imaging the addicted human brain*. Sci Pract Perspect 3(2):4-16, 2007.

52 <https://csam-asam.org/resources/general-public/>

Commonly abused substances

Opiates and narcotics are powerful painkillers that cause drowsiness (sedation) and feelings of euphoria. These include heroin, opium, codeine, meperidine (Demerol), hydromorphone (Dilaudid), and Oxycontin.

- Central nervous system stimulants include amphetamines, cocaine, dextroamphetamine, methamphetamine, and methylphenidate (Ritalin). Caffeine and nicotine are the most commonly used stimulants. These drugs have a stimulating effect, and people can start needing higher amounts of these drugs to feel the same effect (tolerance).
- Central nervous system depressants include barbiturates (amobarbital, pentobarbital, secobarbital), benzodiazepine (Valium, Ativan, Xanax), chloral hydrate, and paraldehyde. The most commonly used, by far, is alcohol. These substances produce a soothing sedative and anxiety-reducing effect and can lead to dependence.
- Hallucinogens include LSD, mescaline, psilocybin (“mushrooms”), and phencyclidine (PCP or “Angel Dust”). They can cause people to see things that are not there (hallucinations) and can lead to psychological dependence.
- Tetrahydrocannabinol (THC) is the active ingredient found in marijuana (cannabis) and hashish. Although used for their relaxing properties, THC-derived drugs can also lead to paranoia and anxiety.

References

- Tintinalli JE, Kelen GD, Stapczynski JS, Ma OJ, Cline DM. *Toxicology and pharmacology*. In: Tintinalli JE, Kelen GD, Stapczynski JS, Ma OJ, Cline DM, eds.
- *Emergency Medicine: A Comprehensive Study Guide*. 6th ed. Columbus, OH: McGraw-Hill; 2006:section 14.
- McPherson RA, Pincus MR. *Toxicology and therapeutic drug monitoring*. In: McPherson RA, Pincus MR, eds. *Henry's Clinical Diagnosis and Management by Laboratory Methods*. 21st ed. Philadelphia, Pa: Saunders Elsevier; 2006 :chap 23.
- Sachs C, Wheeler M. *Examination of the sexual assault victim*. In: Roberts JR, Hedges JR, eds. *Clinical Procedures in Emergency Medicine*. 5th ed. Philadelphia, Pa: Saunders Elsevier; 2009 :chap 58.

MORE ABOUT COMMONLY ABUSED DRUGS

- **LSD (Acid)** is one of the strongest mood-changing drugs and has unpredictable psychological effects. With large enough doses, users experience delusions and visual hallucinations. Physical effects include increased body temperature, heart rate, and blood pressure; sleeplessness; and loss of appetite.
- **Cocaine** is a powerfully addictive drug. Common health effects include heart attacks, respiratory failure, strokes, and seizures. Large amounts can cause bizarre and violent

behavior. In rare cases, sudden death can occur on the first use of cocaine or unexpectedly thereafter.

- **MDMA (Ecstasy)** is a drug that has both stimulant and psychedelic properties. Adverse health effects can include nausea, chills, sweating, teeth clenching, muscle cramping, and blurred vision.
- **Heroin** is an addictive drug. An overdose of heroin can be fatal, and use is associated – particularly for users who inject the drug – with infectious diseases such as HIV/AIDS and hepatitis.
- Effects of **Marijuana** use include memory and learning problems, distorted perception, and difficulty thinking and solving problems.
- **Methamphetamine** is an addictive stimulant that is closely related to amphetamine but has long lasting and more toxic effects on the central nervous system. It has a high potential for abuse and addiction. Methamphetamine increases wakefulness and physical activity and decreases appetite. Chronic, long-term use can lead to psychotic behavior, hallucinations, and stroke.
- **PCP/Phencyclidine** causes intensely negative psychological effects in the user. People high on PCP often become violent or suicidal.
- **Prescription Medications drugs** that are abused or used for non-medical reasons can alter brain activity and lead to dependence. Commonly abused classes of prescription drugs include opioids (often prescribed to treat pain), central nervous system depressants (often prescribed to treat anxiety and sleep disorders), and stimulants (prescribed to treat narcolepsy, ADHD, and obesity). Long term use of opioids or central service system depressants can lead to physical dependence and addiction. Taken in high does, stimulants can lead to compulsive use, paranoia, dangerously high body temperatures and irregular heartbeat.
- **Tobacco/Nicotine** contains nicotine, which is highly addictive. The tar in cigarettes increases a smoker’s risk of lung cancer, emphysema, and bronchial disorders. The carbon monoxide in smoke increases the chance of cardiovascular diseases. Secondhand smoke causes lung cancer in adults and greatly increases the risk of respiratory illnesses in children.
- **Steroids** Adverse effects of steroid use in males may include shrinking of the testicles and breast development. In females, adverse effects may include growth of facial hair, menstrual changes, and deepened voice. Other adverse effects can include severe acne, high blood pressure, and jaundice. In some rare cases liver and kidney tumors or even cancer may develop.

- **Excessive Alcohol** consumption can lead to serious health problems, including cancer of the pancreas, mouth, pharynx, larynx, esophagus, and liver, as well as breast cancer, pancreatitis, sudden death in people with cardiovascular disease, heart muscle damage leading to heart failure, stroke, high blood pressure, cirrhosis of the liver, miscarriage, fetal alcohol syndrome in an unborn child, injuries due to impaired motor skills, and suicide.

SUBSTANCE ABUSE

How do I know if I, or someone I know, may have a problem with drugs and alcohol?

The following are behaviors that signal that someone has a problem:

- Using drugs and/or alcohol on a regular basis.
- Losing control of the amount of drugs and/or alcohol used after being high or drunk.
- Constantly talking about using drugs and/or alcohol.
- Believing that drugs and/or alcohol are necessary in order to have fun.
- Using more drugs and/or alcohol to get the same effects as in the past.
- Avoiding people in order to get high or drunk.
- Pressuring others to use drugs and/or alcohol.
- Foregoing activities that were once priorities (i.e. work, sports, spending time with family and sober friends).
- Getting into trouble at school, at work, or with the law.
- Taking risks, including sexual promiscuity and driving while intoxicated.
- Lying about things, including the amount of drugs and/or alcohol used.
- Feeling hopeless, depressed, or even suicidal.

If you suspect that you or someone you know has a problem with drugs and/or alcohol, please utilize the resources listed below.

Looking for Treatment?

If you, or someone you know or care about, should be seeking help for drug related problems, call **1-800-662-HELP (4357)** at any time to find drug treatment centers near you.

For an extensive list of local and national organizations helping individuals recover from substance abuse, students should speak to their Academic Advisor or the Registrar.

ALCOHOL USE DISORDER

- Four out of five College students admit to drinking alcohol. Approximately half of the College students who admit to drinking consume it through binge drinking.
- Alcohol consumed irresponsibly or illegally (by those under the legal drinking age) affects College communities across the nation. According to the National Institute on Alcohol Abuse and Alcoholism (NIAAA), about 18 million people in the United States have an alcohol- use disorder, classified as alcohol dependence (i.e. alcoholism).
- The following consequences of excessive alcohol consumption were reported by the NIAAA:
 - **Death:** 1,825 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries.
 - **Assault:** More than 690,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking.
 - **Sexual Abuse:** More than 97,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assault or date rape.
 - **Injury:** 599,000 students between the ages of 18 and 24 receive unintentional injuries while under the influence of alcohol.
 - **Academic Problems:** About 25 percent of college students report academic consequences of their drinking including missing class, falling behind, doing poorly on exams or papers, and receiving lower grades overall.
 - **Health Problems/Suicide Attempts:** More than 150,000 students develop an alcohol-related health problem, and between 1.2 and 1.5 percent of students indicate that they tried to commit suicide within the past year due to drinking or drug use.
 - **Drunk Driving:** 2.8 million students between the ages of 18 and 24 reported driving under the influence of alcohol.

For more information visit: <http://www.justice.gov/archive/ndic/pubs44/44731/44731p.pdf>

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 **1-877-8-HOPENY (846-7369)** or visit <https://www.ny.gov/responsible-gaming/nys-hopeline>. 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)**

BIENNIAL REVIEW

Long Island Business Institute (LIBI) conducts a biennial review of our drug and alcohol programs and policies to determine program effectiveness and consistency of policy enforcement and to identify and implement any changes needed to either.

For a detailed list of potential health problems caused by prolonged use of illicit drugs or dependence on alcohol, please carefully review LIBI's Campus Safety and Security Report.

This policy contains a short list of the types of help that are available through various organizations (largely free of charge). For a more comprehensive list of organizations, please see LIBI's Campus Safety Plan: <https://libi.edu/libi-college-safety-plan/>

The Long Island Business Institute's Drug and Alcohol Prevention Policy, as with other standards of conduct applicable to the LIBI community, is intended to further the educational mission of the College. LIBI is committed to a drug-free environment and fully complies with the U.S. Department of Education's regulations implementing the provisions of the Drug-Free Schools and Communities Act Amendments of 1989. LIBI supports all public laws and regulations regarding drugs and alcohol, and will cooperate with government authorities in their enforcement. The Drug and Alcohol Prevention Policy is intended to supplement, not limit, the provisions of LIBI's Drug-Free Workplace Policy.

LIBI's Drug and Alcohol Policy can also be accessed at https://libi.edu/wp-content/uploads/2021/10/Annual-AOD-2021-F_101421.pdf

The regulations of the Drug-Free Schools and Communities Act Amendments of 1989 require the College to distribute annually, to its students and employees, policies concerning the possession, use, or distribution of alcohol and illicit drugs on the premises owned or operated by LIBI.

LIBI demands full compliance from its students and employees with the standards of conduct regarding the use and abuse of alcohol and other drugs on the College's premises. LIBI also expects students to comply fully with all applicable local, state, and federal laws on or off College premises. Students may be subject to additional requirements and procedures based on their respective departments.* Any behavior by the students contrary to this policy will result in disciplinary actions as published in LIBI's College Catalog.

**** As a career College, LIBI trains students to enter into a wide range of fields.***

The various academic departments align their standards of behavior with the particular industry LIBI is training the students to enter. The Court Reporting and Homeland Security graduates may be subject to additional background scrutiny if they wish to enter certain sectors of their field.

Each year prior to the release of the community notification, LIBI reviews its Drug and Alcohol Prevention Policy for effectiveness and consistency of application and makes appropriate changes, as necessary.

One of the goals of supporting and implementing this policy is to provide information and skills to help members of the LIBI community make healthy decisions regarding alcohol and other drug use. LIBI's policy outlines criminal sanctions for the illegal possession and/or distribution of drugs and alcohol, provides information on how to obtain guidance regarding possible health risks associated with the use of illicit drugs and alcohol, and lists places where individuals with substance abuse problems can seek help.

Students who have concerns about the Drug and Alcohol Prevention Policy or its enforcement should write to the President of the College:

Office of the President

136-18 39th Avenue, 5th floor. Flushing, NY 11354

Email: mfoote@libi.edu

Phone: (718) 939-5100

SUBSTANCE ABUSE ASSISTANCE

LIBI strongly encourages students who may be struggling with drug or alcohol dependence to seek help before the problem escalates or begins to jeopardize the student's academic performance.

For a detailed list of potential health problems caused by prolonged use of illicit drugs or dependence on alcohol, please carefully review LIBI's Campus Safety and Security Report.

This policy contains a short list of the types of help that are available through various organizations (largely free of charge).

- **Alcoholic Anonymous**
<http://www.aa.org>
- **New York Intergroup**
Main: (212) 647-1680 / TDD: (212) 647-1649
Fax: (212) 647-1648
Site: www.nyintergroup.org
- **Oficina Central Hispana De A.A. Nueva York**
Main: (212) 348-2644
Fax: (212) 348-2689
- **Adult Children of Alcoholics**
<http://www.adultchildren.org/>
Adult Children of Alcoholics is an anonymous Twelve Step program of women and men who grew up in an alcoholic or otherwise dysfunctional home.
- **Al-Anon Family Intergroup of Greater New York**
<http://www.nycalanon.org>
- **The Al-Anon Organization**
Main: (212) 941-0094
Fax: (212) 941-6119
Helps families and friends of alcoholics.
- **New York Nar-Anon**
1-800-984-0066
The Nar-Anon organization helps families and friends of drug addicted persons.
- **Suicide Prevention**
1-800-273-TALK
<http://www.suicidepreventionlifeline.org/>

Detoxification and Outpatient/Inpatient Rehabilitation Facilities

- **Bellevue Hospital Center**
462 First Avenue
New York, NY 10016
(212) 562-4141
- **St. Luke's-Roosevelt Hospital**
1000 Tenth Avenue
New York, NY 10019
(212) 523-6491
- **Flushing Hospital Medical Center**
4500 Parsons Boulevard
Flushing, NY 11355
(718) 670-5078
- **Samaritan Village, Inc.**
144-10 Jamaica Avenue
Jamaica, NY 11435
(718) 206-1990

Information for Veterans

- **Benefits:** 800-827-1000
- **Call Center for Homeless Vets:** 1-877-424-3838
- **Medical Centers:** 1-800-827-1000
- **Persian Gulf War Helpline:** 1-800-749-8387
- **Locate the closest VAMC or VA Regional Office:** 1-877-222-8387
- **National Coalition for Homeless Veterans:** 1-800-VET-HELP (838-4357)
- **Focus on Recovery Helpline (alcohol/drugs):** 1-800-374-2800 or 1-800-234-1253
- **National AIDS Hotline:** 1-800-CDC-INFO (232-4636)
- **National Suicide Prevention Lifeline:** 1-800-SUICIDE (784-2433)
- **Travelers Aid International:** (202) 546-1127
- **Department of Health and Human Services Drug and Alcohol Treatment Referral Routing Service:** 1-800-662-4357

- **National Alliance for the Mentally Ill:** 1-800-950-6264
- **Mental Health America:** 1-800-969-NMHA

Any member of the LIBI community, who wishes to discuss this policy or to seek further clarification, should contact the office of the Provost or the Director of Human Resources.

Additional References

- Student Handbook
https://libi.edu/wp-content/uploads/2021/10/2020-2022-Student-Handbook-032821_spread.pdf

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
- Employees should consult the Employee Handbook and the Faculty Handbook for a complete listing of all policies.

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 Academic Advising staff, to the Academic Directors, or to the Provost. The College handles matters of student discipline through the Provost's Office 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 Human Resources.

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 Advising staff, 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 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.

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 Report](#))**. 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 miscon-

duct 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 Provost and the Campus Director.

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 be-

havior 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, 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 a range of penalties. The severity of the penalties varies based on the

type of transgression. The following includes the range of penalties employees may face: warning, written warning, restitution, fine (not exceeding those permitted by law), enrollment in educational or rehabilitation programs, investigatory leave (suspension with/without pay pending a hearing), termination of employment after the hearing, termination of employment without a hearing, and/or arrest by the civil authorities, among others. 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 Title IX Coordinators, the Provost, the Associate Dean, or the Campus Director, as appropriate. If the infraction is one of academic dishonesty the Provost or the Campus Director should be alerted. Upon receiving the allegation, the Provost or the Campus Director (if the alleged violation occurs in Commack) will designate a member of the Safety and Security Committee to 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 probe determines that the allegation merits a Student Conduct Hearing, then the Provost or the Campus Director will proceed to name and assign an impartial investigator to the case. Once the investigator is named, the Provost or the Campus Director will no longer be involved. 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.

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 investigators or the individuals designated by the Provost or Campus Director, 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.

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 <https://libi.edu/student-services/student-complaint-policy/>

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 order 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
sjohnson@libi.edu

- **Michelle Houston, Commack Campus Director**
 Commack Campus
 6500 Jericho Turnpike, Commack, NY 11725
 (631) 499-7100
mhouston@libi.edu
- **Mariele Hall, Institutional Title IX Coordinator and Chair of the Safety and Security Committee**
 NYC Extension Center
 232 West 40th Street, 9th floor. New York, NY 10018
 (212) 226-7300 ext. 347
mhall@libi.edu
- **Audrey Sumner, Title IX Coordinator**
 Commack Campus
 6500 Jericho Turnpike, Commack, NY 11725
 (631) 499-7100
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

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 information 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 rape⁵³. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.⁵⁴

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.
- **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.

53 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."

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

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.⁵⁵

- **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.
- **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.

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

- **Statutory Rape** - Nonforcible sexual intercourse with a person who is under the statutory age of consent.⁵⁶

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.⁵⁷

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;
- 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.⁵⁸

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

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

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

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.⁵⁹

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.

⁵⁹ <https://www.justice.gov/file/29836/download>

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.
- 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:

- **Mariele Hall, Institutional Title IX Coordinator and Chair of the Safety and Security Committee**
232 West 40th Street, 9th floor. New York, NY 10018
(212) 226-7300
mhall@libi.edu
- **Audrey Sumner, Commack Campus Title IX Coordinator**
Commack Campus
6500 Jericho Turnpike, Commack, NY 11725
(631) 499-7100
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

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: <https://system.suny.edu/sexual-violence-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

- <https://www.facebook.com/glbtdvp/>

- 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:
<https://opdv.ny.gov/advocates>
- **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 pro-

ceeding 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 reporting individual and the respondent 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.

STANDARD OF EVIDENCE & WRITTEN DETERMINATION

As mentioned in the previous section, LIBI uses the Preponderance of Evidence Standard to determine responsibility in Title IX cases. To explain this very simply, in the Preponderance of Evidence Standard, the level of persuasiveness must be greater than 50% to establish responsibility. LIBI applies the same standard of evidence for all formal complaints of sexual harassment whether the respondent is a student or an employee (including faculty member).

The decision-maker (who will not be the same person as the Title IX Coordinator or the investigator) will issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

The written determination will be sent simultaneously to the parties along with information about how to file an appeal.

INVESTIGATIONS AND HEARINGS TITLE IX Cases Based on the Department's Final Ruling

LIBI will make reasonable efforts to ensure that the investigation and resolution of allegations of Sexual Misconduct are carried out within reasonably prompt timeframes. While some allegations may require more extensive investigation, when possible, the investigation of allegations of Sexual Misconduct (including completion of the investigative report) must be completed within one hundred-twenty (120) days of the receipt of the allegations.

Any member of the LIBI community who participates in a Title IX investigation or hearing because they are a **"complainant"** (an individual who is alleged to be the victim of conduct that could constitute sexual harassment) or because they are a **"respondent"** (an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment), will be entitled to the following:

- LIBI will send written notice of any investigative interviews, meetings, or hearings.
- LIBI will send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, **with at least 10 days for the parties to inspect, review, and respond to the evidence.**
- LIBI will send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.

*LIBI will not access or use either party's medical, psychological, and similar treatment records unless the college obtains the party's voluntary, written consent to do so. LIBI will objectively evaluate all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness. Further, in compliance with the Final Rule which provides **rape shield protections** for complainants, LIBI will deem irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.*

The Department's Final Rules mandate that, the school's grievance process must provide for a live hearing:

- At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. - Only relevant cross-examina

tion and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.

- If a party does not have an advisor present at the live hearing, LIBI must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.

A Federal court order vacated the following language in 34 C.F.R. § 106.45(b)(6)(i): "If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility." *Victim Rights Law Center et al. v. Cardona*, No. 1:20-cv-11104, 2021 WL 3185743 (D. Mass. July 28, 2021), appeals pending (1st Cir.). The Department will no longer enforce this portion of the provision.

- Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
- Schools must create an audio or audiovisual recording, or transcript, of any live hearing.

In compliance with the Final Rule, LIBI will treat complainants equitably by providing remedies any time a respondent is found responsible. LIBI will also treat respondents equitably by not imposing disciplinary sanctions without following the grievance process prescribed in the Final Rule. In compliance with the Final Rule, LIBI will note that there is to be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

As stated previously, the remedies that LIBI will provide to a complainant when a respondent is found responsible will maintain the complainant's equal access to education and may include the same individualized services and supportive measures. Such remedies burden the respondent.

It is LIBI's responsibility to require and ensure that Title IX personnel (Title IX Coordinators, investigators, decision-makers, people who facilitate any informal resolution process) be free from conflicts of interest or bias for or against complainants or respondents. It is also LIBI's responsibility to ensure that training of Title IX personnel includes training on the definition of sexual harassment in the Final Rule, the scope of the school's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

LIBI must also ensure that decision-makers receive training on any technology to be used at a live hearing. It is further LIBI's responsibility to train decision-makers and investigators on issues of relevance, including how to apply the rape shield protections provided only for complainants. As noted above, the Title IX's rape shield protections relate to a complainant's sexual history and provide that questions and/or evidence about the complainant's sexual predisposition or prior sexual behavior are presumptively not relevant and should not be considered. For more information on Rape Shield Protections, *please see Appendix*.

LIBI's website includes materials used to train Title IX personnel for members of the public to inspect.

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 staff in the Student Success Center, the Provost, the Campus Director, and the Director of Human Resources. 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 safety@libi.edu to report an incident or call **(718) 408-6644**. 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 immediately⁶⁰.**

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.

⁶⁰ <https://www.womenshealth.gov/a-z-topics/date-rape-drugs>

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, 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.

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 Title IX Coordinators, and the Chair of the Safety and Security Committee. 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 selects 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 Chair of the Safety Committee, the Director of Human Resources, 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 campus, 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 programming 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 Chair of the Safety and Security Committee, and the Director of Human Resources. 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://libi.edu/wp-content/uploads/2018/05/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 support 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 Human Resources 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 Human Resources 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 NYC and NYS laws.
- 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 Human Resources 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 but 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 are strongly encouraged to bring their orders of protection to the attention of the Director of Human Resources, while students should bring these to the attention of 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 Human Resources and accessible only to the Director. In the case of a workplace emergency, if the Direc-

tor of Human Resources is unavailable to obtain the document, the Title IX Coordinator will have access to the cabinet where the document is locked.

- The Director of Human Resources (employees) and the Title IX Coordinator (students) 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 armpit 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 Human Resources, 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 Human Resources, 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

<https://www.cisa.gov/sites/default/files/publications/Bomb-Threat-Procedure-Checklist.pdf>

APPENDIX D

College Safety Plan Security Report 2016

<https://libi.edu/libi-college-safety-plan/>

APPENDIX E

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.**

APPENDIX F

USEFUL PHONE NUMBERS

- **Arson Hotline:** 888-ATF-FIRE (283-3473)
- **Bomb Hotline:** 888-ATF-BOMB (283-2662)
- **FBI New York:** (212) 384-1000
Report any suspicious activities or crimes.
Fax: (212) 384-4073 / (212) 384-4074
E-mail: ny1@ic.fbi.gov
<https://www.fbi.gov/contact-us/field-offices/newyork>
- **National Domestic Violence Hotline:** 800-799-SAFE (7233) / TTY:
800-787-3224
<http://www.thehotline.org/>
- **National Sexual Assault Hotline:** 800-656-HOPE (4673)

Free confidential help is available 24 hours a day 7 days a week.

- **The National Sexual Violence Resource Center:**
<http://www.nsvrc.org>
- **Stalking Resource Center:** <http://stalkingawarenessmonth.org>
- **Office on Violence Against Women, U.S. Department of Justice:**
Phone: (202) 307-6026
<https://www.justice.gov/ovw>
- **New York State Coalition Against Domestic Violence:**
Phone: (518) 482-5464
Toll-Free English: 800-942-6906
Toll-Free Spanish: 800-942-6908
E-mail: nyscadv@nyscadv.org
- **New York State Coalition Against Sexual Assault:**
Phone: (518) 482-4222
E-mail: info@nyscasa.org

APPENDIX G

RAPE SHIELD PROTECTIONS

For the use by decision-makers and investigators handling Title IX Cases

- A. Title IX personnel and investigators must keep in mind rape shield protections when assessing evidence. Every relevance analysis in the Title IX formal grievance process must include a consideration of rape shield protections.
- B. Title IX's rape shield protections relate to a complainant's sexual history and provide that questions and/or evidence about the complainant's sexual predisposition or prior sexual behavior are presumptively not relevant and should not be considered.
- C. However, there are two, narrow exceptions to this rule. Questions and/or evidence about a complainant's sexual predisposition or prior sexual history may be considered when:
 - 1. The questions and/or evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or
 - 2. The questions and/or evidence relate to specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Common Scenarios that Require Analysis of Rape Shield Protections

- A. When evidence of a complainant's "reputation" is offered: Evidence of a complainant's "reputation" as sexually promiscuous, prude, or anything in between is not relevant.
 - 1. *Example:* A respondent cannot present evidence that a complainant is "easy" or frequently "sleeps around" to prove that the respondent and complainant had a consensual sexual encounter.

- B.** When evidence of a complainant's relationship with respondent is offered: Evidence relating to the complainant and respondent's prior sexual relationship may be considered.
 - 1.** *Example:* A respondent can offer her previous, sexually-explicit text messages with the complainant to prove that the complainant consented to the sexually- explicit text messages that he alleges to be sexual harassment.
- C.** When evidence of a complainant's relationship with another person is offered: Evidence of a complainant's sexual relationship with another person is generally not relevant.
 - 1.** *Example:* Evidence that the complainant engaged in certain sexual acts with other people cannot be offered to show to that the complainant consented to these same sexual acts with the respondent.
- D.** When evidence is offered to show someone other than the respondent committed the conduct: Evidence that someone other than the complainant committed the alleged sexual harassment may be considered.
 - 1.** *Example:* A respondent can offer evidence that an ex-boyfriend of the complainant, who had stalked the complainant and left sexually-graphic notes in the complainant's locker, was the perpetrator of alleged stalking and harassment, not the respondent.

Source: <https://district.maricopa.edu/sites/default/files/documents/Helpful%20Hints%20About%20Rape%20Shield%20Protections%20Handout.pdf>

**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.

**LONG ISLAND BUSINESS INSTITUTE
THREE YEAR CAMPUS CRIME STATISTICS**

January 1, 2021 - December 31, 2021

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	0	0	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	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 cannot determine if the statistics we obtained from local/or state law enforcement agencies are for our Clerygeography.

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