



Albert Einstein College of Medicine



Yeshiva University®

## **Annual Security Report**

**October 1, 2016**

**Albert Einstein College of Medicine**

**Jack & Pearl Resnick Campus**

**Bronx, NY**

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## **ABOUT THE ANNUAL SECURITY REPORT**

This Annual Security Report (this “Report”) is prepared by Yeshiva University (the “University”) and the Albert Einstein College of Medicine (“Einstein” or the “College”) to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) and the Campus Sex Crimes Prevention Act. This Report is updated annually by the University/College on or about October 1<sup>st</sup>. The University and College provide a notice of availability of this Report to current students and employees (and in certain circumstances also provides them with a copy), and also provides a notice of availability of this Report to prospective students and employees. This Report is also available on-line on the College’s website at: <http://www.einstein.yu.edu/administration/auxiliary-services/security>. You may request a paper copy of this Report by contacting the Einstein Security Department (718-430-2180 or [security@Einstein.yu.edu](mailto:security@Einstein.yu.edu)), the Einstein Office of Student Affairs (718-430-3060), or the University’s Human Resources Department (646-592-4335).

The Einstein Security Department is responsible for ensuring the annual publication and dissemination of this Report including compiling the required policy statements and gathering the required crime statistics from other College and University departments, the New York City Police Department (“NYPD”) and other applicable police departments and law enforcement agencies and third parties. The Einstein Security Department is in charge of operating the Security Department on the Jack & Pearl Resnick Campus of the University/College (consisting of several buildings in the Bronx) and ensures the annual publication of a security report for such campus. The Manhattan Security Department of the University is in charge of operating Security Departments on each of the three Manhattan campuses of the University: the Wilf Campus (consisting of several buildings in the Washington Heights section of Manhattan), the Israel Henry Beren Campus (consisting of several buildings in the Murray Hill section of Manhattan), and the Brookdale Center, Benjamin N. Cardozo School of Law (consisting of a building and a nearby housing facility in the Greenwich Village section of Manhattan). The Manhattan Security Department of the University also is in charge of security for the Ferkauf Graduate School of Psychology of Yeshiva University (consisting of one building in the Morris Park section of the Bronx).

The purpose of this Report is to provide the University/College community with accurate information about campus security policies, victim’s rights, and crimes occurring on and around the campus.

This Report relates to the Einstein Campus in the Jack & Pearl Resnick Campus. There is a separate annual security report for each other University campus, as well as the Ferkauf Graduate School of Psychology, which is available on-line on the University’s website at: <http://yu.edu/safety-security/reports/security>.

An Annual Fire Safety Report is also prepared and published for each of the campuses on or about October 1<sup>st</sup>. The report for the Einstein Campus is posted on-line on the College’s website at: <http://www.einstein.yu.edu/administration/environmental-health-safety/fire-safety>. The reports for the Manhattan campuses of the University are posted on-line on the University’s website at: <http://www.yu.edu/safety-security/reports/fire-safety/>.

## MESSAGE FROM THE EINSTEIN SECURITY DEPARTMENT

Campus safety and security is a shared responsibility. The best protection against campus crime is an aware, informed and alert campus community; students, faculty and staff who use reason and caution; and a proactive security presence. The vast majority of the University/College's students, faculty, staff and visitors will never experience crime during their time at the University/College. However, despite the University/College's best efforts, crimes may still occur. The University/College is committed to maintaining a safe and secure campus. If you have any concerns, questions or comments about the University/College's campus safety and security programming, please contact the Einstein Security Department at 718-430-2180.

## REPORTING CRIMES, SERIOUS INCIDENTS, AND OTHER EMERGENCIES

The University/College recognizes that it is essential for all members of the University/College community to maintain the highest ethical standards of conduct and integrity. It is important for a University/College community member to act immediately in suspected cases of abuse or other crimes, or in a circumstance where a member finds himself/herself either a victim or a witness to questionable activity. In such situations:

- If immediate emergency assistance is required, or a crime is in progress, dial 9-1-1 to call the NYPD.
- For a non-emergency situation, call the Einstein Security Department (718-430-2180, in-house Ext. 2180). The Einstein Security Department can help assess the situation and determine what other notification or action is necessary.
- Information on potential criminal activity also may be reported anonymously to the University's confidential Compliance Hotline by calling the toll free hotline at 866-447-5052 or via the web at <https://www.integrity-helpline.com/you.jsp>.

The Einstein Security Department maintains an excellent working relationship with the NYPD, the New York City Fire Department ("FDNY"), and other emergency responders. The University has a Memorandum of Understanding with the NYPD, which provides that an investigation be conducted in cooperation with the NYPD of any violent felony offense or missing student on campus. The University/College also generally reports other serious crimes to the NYPD for their assistance and follow-up investigation.

Alternatively, the following University/College departments can also be contacted to report crimes or other serious incidents. These departments will in turn contact the Einstein Security Department.

- Einstein Office of Diversity Enhancement (718-430-3091)
- Einstein Graduate Education (718-430-8682)
- Einstein Student Housing Management Office (718-430-3552)
- Einstein Office of Student Affairs (718-430-3060)
- Einstein Office of Student Activities (718-430-2394)
- Ferkauf Graduate School- Dean of Students (718-430-3941)
- University Human Resources Department (646-592-4335)
- Falk Recreation Center (718-430-4298)
- Title IX Coordinator (646-592-4336)

These departments (and their authorized personnel), as well as the Einstein Security Department, are designated as “campus security authorities,” as defined by the Clery Act.

### **Voluntary, Confidential Reporting of Crimes**

The University/College encourages any victim of a crime committed on campus to report the crime to the Einstein Security Department (718-430-2180, in-house Ext. 2180) or other campus security authorities. If requested by the victim and to the extent permitted by applicable law, the University/College will endeavor to keep confidential the identity of the victim. Reporting the crime to the University/College will enable it to keep accurate records of the number of crimes committed on campus, determine if there is a pattern of crime with regard to a particular location, method or assailant, and alert the other members of the campus community to potential danger thereby assisting the University/College’s efforts to protect the members of the campus community. Reports are counted and disclosed in the annual crime statistics for the College.

### **Pastoral and Professional Counselors**

“Pastoral Counselors” and “Professional Counselors”, when acting as such, are not considered to be “campus security authorities” and are not required to report crimes for the purpose of investigating or inclusion in the University/College’s annual crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the University/College’s annual crime statistics or otherwise to the appropriate law enforcement agency.

A “Pastoral Counselor” is defined as a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

A “Professional Counselor” is defined as a person whose official responsibilities include providing mental health counseling to members of the University/College’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the University/College, but are under contract to provide counseling at the University/College.

## **SAFETY AND SECURITY AT EINSTEIN**

### **The Einstein Security Department**

The Einstein Security Department is primarily staffed by a third party contractor carefully selected by the College. The Chief of Security is employed directly by the College, and the other members of the Einstein Security Department are employed by this third party.

Chief of Security	Neil Kaplan
Securitas Account Manager	David Bender
Securitas Operations Manager	Nestor Chavarris

The Chief of Security is on call twenty-four hours a day, seven days a week, to deal with special situations and emergencies. In addition, the Einstein Security Department is comprised of an additional approximately 70 full-time Uniformed Security Officers licensed by New York State. Einstein Security Department staff are not sworn officers and do not have arrest authority. They are assigned to both fixed and mobile posts, and patrols are conducted in vehicles and on foot across the campus. All security guards receive both pre-employment and in-service training as required by the New York State Security Guard Act. In addition, many of the Einstein Security Department staff also received CPR/AED training.

### **Working with the New York City Police Department**

The Einstein Security Department maintains a strong, collaborative working relationship with the NYPD. The Einstein Campus is located within the boundaries of the 49th Precinct of the NYPD. The Precinct is located at 2121 Eastchester Road (718-918-2000).

If the NYPD is contacted about criminal activity occurring off campus involving students of the University/College, the NYPD may notify the University/College. However, there is no official NYPD policy requiring such notification. Students in these cases may be subject to arrest by the NYPD and University/College disciplinary proceedings.

### **Crime Awareness and Crime Prevention Programming**

Prior to the start of the Fall semester, the Einstein Security Department conducts a comprehensive Security Orientation Program with all incoming M.D., Ph.D. and other graduate students designed to forge a partnership with the Einstein Security Department in preventing crime and enhancing security awareness on campus.

This program is designed to inform students about campus security procedures and practices and to encourage students to be responsible for their own security and the security of others. During the program, information concerning security awareness, crime prevention, fire safety and other campus security-related matters is distributed and discussed.

Additionally, from time to time the NYPD Community Affairs Division provides the Einstein Security Department with crime prevention tips, security advisories and other relevant information regarding conditions surrounding the campus. This information, when relevant, is forwarded by the Einstein Security Department to students and employees via an email message and/or via campus flat screens monitors.

The Einstein Security Department's website at <http://www.einstein.yu.edu/administration/auxiliary-services/security/> also includes various safety tips and other security-related material. The website is accessible to everyone, including all students and employees.

## **Security and Access to Campus Buildings, Including College Housing**

The University/College takes very seriously its responsibilities to help secure their buildings for their students, faculty, staff and visitors. Security Officers, as well as electronic devices in certain circumstance, are used to control access at open buildings, including College housing, and patrols are in place on the campus twenty-four hours a day, seven days a week. Additional personnel are provided for special events held on campus. The post assignments for Security Officers are constantly evaluated and modified, if necessary, to meet current needs.

Additionally, a security escort is available to all students and employees upon request to provide an extra measure of security when walking throughout campus, including to/from College housing. A security escort may be a foot patrol officer or an officer in a vehicle.

The Einstein Security Department office is located in the Forchheimer building, 1300 Morris Park Avenue, Room G-9. The office can be contacted by calling 718-430-2180 (in-house Ext. 2180). The Security Base, which is operational twenty-four hours a day, seven days a week, is located in the lobby of the Forchheimer building, and can be contacted by calling (718-430-2019, in-house Ext. 2019). All calls for Emergency Assistance should be made to the Security Base at **4111**. The Security Officer answering the call will dispatch security personnel to handle the situation and place calls for the NYPD, FDNY and/or EMS.

Valid College identification/access cards must be displayed to gain entrance to buildings and offices, as applicable. Visitors are checked in at the Security Desk of each building, as applicable. With respect to College housing, no one is allowed unless he/she is a resident or other authorized visitor. For further information, please refer to the applicable Guest Policy which is available on-line on the College's website at: [http://www.einstein.yu.edu/uploadedFiles/administration/Auxiliary\\_Services/Housing\\_Policies.pdf](http://www.einstein.yu.edu/uploadedFiles/administration/Auxiliary_Services/Housing_Policies.pdf). Residents must respond to the lobby to accept deliveries with the exceptions of UPS and FedEx. Cooperation with this procedure is essential.

Video surveillance cameras and intrusion alarm systems are installed at certain key locations on campus and are an integral part of the overall security monitoring system. Security personnel are equipped with portable radios for emergency communication.

## **Security Considerations in the Maintenance of Campus Facilities**

The University/College endeavors to maintain its facilities in a manner that minimizes hazardous conditions. Security Officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to the Einstein Security Department, where a report is then prepared. Reports are then routed to the appropriate department for corrective action. Members of the University/College community are encouraged to report to the Einstein Security Department (718-430-2180, in-house Ext. 2180) dangerous or hazardous conditions, or other events that could cause damage to campus facilities, and appropriate personnel will be dispatched to correct the condition.

## **Notifying the Campus About Crimes and Emergency Situations**

### **Timely Warnings**

To help prevent crimes or serious incidents, the Einstein Security Department (under the direction of the Chief of Security) will issue a warning in a timely manner (i.e., generally as soon as pertinent information is available to it or other campus security authorities) about the commission of any Clery Act Crime (i.e., those listed in the annual crime statistics disclosure) committed on campus or in the vicinity via one or more of the following: text-message, voicemail, email, the College's website, the University's hotline, and other available communication channels (which may also include campus flat screens monitors). At times, the Einstein Security Department (under the direction of the Chief of Security or designee) may also issue a timely "Security Advisory" in the event that another situation on campus or in the vicinity arises that, in its judgment, could pose an ongoing threat to the University/College community. These warnings and advisories are intended to alert the University/College community to the potential threat, and to help prevent additional crime and promote safety.

Crime prevention is of the utmost concern to everyone. In order for the University/College's efforts to be effective, security must be a responsibility shared by all members of the campus community. Anyone with information which may necessitate a timely warning or advisory should immediately report the circumstances to the Einstein Security Department (718-430-2180, in-house x2180). Warnings and advisories will withhold the names of victims as confidential. Community Education Security Memos will be periodically distributed to everyone in order to enhance campus safety and security.

The following Emergency Response Policy sets forth the procedures established to address emergency situations requiring immediate notification to the campus community.

### **Emergency Response Policy**

As required by federal law, the University has established the following procedures to address emergency situations requiring immediate notification to the campus community.

The University employs separate procedures that govern timely warnings of campus crimes that are sent to the campus community. This policy applies only in situations where the Emergency Response Group (as defined below) determines that there is an immediate threat of danger to the campus community.

### **Immediate Notification**

Immediate notification will be used in only those situations (e.g., severe weather, major fires and serious crimes) that occur on campus and involve an imminent threat to the health or safety of students or staff.

In the event of a significant emergency or dangerous event requiring immediate notification, the University will employ an alert system that includes any or all of the following: text-message, voicemail, email, the University's website, the University's hotline, and other available communication channels (which may include campus flat screens).

The University will generally provide follow-up information to the larger community as appropriate via the University's website.

The alert system is provided in addition to existing emergency notification procedures and does not replace or eliminate any other emergency notification system (e.g., fire alarms or intrusion alarm systems). If the University follows its immediate notification procedures in the case of an immediate threat, the University is not obligated to issue a timely warning based on the same circumstances.

### Emergency Response

The members of the Emergency Response Group are responsible for determining whether there is a significant emergency or dangerous situation on campus. If a member of the Emergency Response Group becomes aware of a significant on-campus emergency or dangerous situation involving an immediate threat to the health or safety of students or staff, he/she will take appropriate action to confirm the existence of the situation and (in conjunction with the other members of the Emergency Response Group) will determine the appropriate segment or segments of the campus community to receive the alert message.

The Emergency Response Group will immediately notify the Office for Communications and Public Affairs of any emergency or dangerous situation, and all public inquiries will be directed to such office.

The Emergency Response Group will, without delay, and taking into account the safety of the community, determine the content of the immediate notification and initiate the alert system, unless issuing an alert will, in the professional judgment of the Emergency Response Group or other responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency situation.

The Office of the President, as well as members of his Cabinet (including, without limitation, the Vice President for Business Affairs, the Vice President for Legal Affairs, the Provost, the Vice President for University and Community Life, the Executive Director of Communications and Public Affairs, and the Chief of Human Resources) and the Dean of Students (collectively, the "Emergency Response Notification Group"), also will be immediately notified of any emergency or dangerous situation and, as appropriate, consulted in making any such determinations.

The police and other emergency personnel will be contacted as appropriate.

## Alert System

The University maintains multiple systems for alerting students and staff about campus emergencies. The University provides alert messages to the campus community, via the YU ALERT system (a/k/a Everbridge on the Einstein Campus). On the Einstein Campus, an emergency notification through Everbridge (which may include instructions to be followed for safety purposes) may be sent via one or more e-mail, voice, and text/SMS messages. Each message format includes a receipt confirmation component. Providing multiple options helps ensure communication to all of the campus community. To receive these notifications, students and staff are strongly encouraged to register their cell phones, text devices, PDAs and land-line phones by contacting the Einstein Security Department office (Forchheimer G-9).

Additional information and web-links as it relates to emergency preparedness at the Einstein Campus can be found at: <http://www.einstein.yu.edu/administration/auxiliary-services/security/campus-emergency-notification/> and <https://www.einstein.yu.edu/administration/environmental-health-safety/emergency/>.

Please see the annual security reports for the Manhattan campuses, and Ferkauf, at <http://yu.edu/safety-security/reports/security> for information about the YU alert system for those campuses and Ferkauf.

## Annual Testing

The Security Department, in conjunction with the Department of Environmental Health and Safety (as applicable), is responsible for testing the University's emergency response and evacuation procedures at least once per year. These tests may be announced or unannounced. The Security Department and/or the Department of Environmental Health and Safety (as applicable) is responsible for maintaining documentation for each test, including a description of the exercise, the date and time of the exercise, and whether the drill was announced or unannounced. The University will publicize (generally via e-mail but at times it also may use other forms of communication) its emergency response policy and emergency response procedures to all current students and staff in conjunction with at least one test per year.

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<b>Emergency Response Group*</b>	<ul style="list-style-type: none"><li>• Senior Vice President</li><li>• Executive Director for University Operations</li><li>• Director of Security</li></ul>
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## ALBERT EINSTEIN COLLEGE OF MEDICINE (EINSTEIN)

<b>Emergency Response Group*</b>	<ul style="list-style-type: none"><li>• Chief of Security</li><li>• Senior Director of Environmental Health and Safety</li><li>• Senior Director of Facilities</li><li>• Fire Safety Officer</li><li>• Business Office:     1-Executive Dean                                   2-Associate Dean for Finance and Administration</li></ul>
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\* The Emergency Response Notification Group will be notified and consulted as provided above. In the event of a vacancy in any of the positions referred to herein, the person performing the duties of such vacant position shall be substituted herein.

### Daily Crime and Fire Safety Log

The Security Department office on each campus, and Ferkauf, maintains a daily Crime Log and Fire Safety Log for such campus (on the Einstein Campus at Forchheimer G-9). The logs for the most recent 60-day period are available for public inspection, upon request, during normal business hours, Monday to Friday, and information for prior periods is available upon request to the Security Department, with at least 2 business days' prior notice. Notice of the availability of the logs can be found on the College's website at:

<http://www.einstein.yu.edu/administration/auxiliary-services/security/> and  
[http://www.einstein.yu.edu/uploadedFiles/administration/Auxiliary\\_Services/Security/Daily%20Crime%20and%20Fire%20Safety%20Log.pdf](http://www.einstein.yu.edu/uploadedFiles/administration/Auxiliary_Services/Security/Daily%20Crime%20and%20Fire%20Safety%20Log.pdf).

Information for the Manhattan campuses of the University and Ferkauf about their daily Crime and Fire Safety Logs can be found at: <http://yu.edu/safety-security/reports/security/>.

These logs include all crimes, fire-related incidents and other serious incidents reported to the Security Department that occur on the applicable campus, including non-campus buildings or properties, on public property or within the Security Department's jurisdiction, or crimes reported to the Security Department by the NYPD.

The logs set forth the incident type, date the incident is reported, date and time of occurrence, and general location of the incident, as well as the disposition of the incident (if this information is known). An incident is posted into the log by the Security Department within 2 business days of it receiving a report of an incident; provided that the Security Department may exclude reports from a log in certain circumstances as permitted by law.

### Campus Sexual Assault Policies Including Sexual Harassment, Sexual Abuse/Assault, Stalking, and Dating Violence/Domestic Violence

Respect for one another is essential to preserving the spirit of the University/College community. Membership in the community entails certain rights and responsibilities. All members of the community are afforded these rights, and are equally accountable to uphold their responsibilities. Members are also expected to abide by all Federal, New York State, and New York City laws.

The University has a comprehensive Non-Discrimination and Anti-Harassment Policy & Complaint Procedures (including Sexual Harassment, Sexual Abuse/Assault, Stalking, Domestic Violence and Dating Violence) which can be found on-line on the College's website at: <http://www.einstein.yu.edu/administration/policies.asp> and <http://www.einstein.yu.edu/hr/policies-and-procedures/>.

**The University prohibits the crimes of dating violence, domestic violence, sexual assault and stalking, as those terms are defined for purposes of the Clery Act.**

Some of the pertinent provisions of this Policy are as follows:

#### To Whom Applicable

The Policy applies to all University faculty, administration (whether supervisors, administrators, senior or otherwise, and managers), athletic personnel, and other staff, whether full-time or part-time, students, employees of contracted service providers, volunteers, and visitors, and covers their treatment of each other as well as others with whom they come into contact at the University and/or at University-sponsored and affiliated activities and events. The University's disciplinary authority may not extend to third parties who are not students or employees of the University; however, a complaint that such a person engaged in a violation of the Policy will be investigated in accordance with the Policy as will a complaint made to the University by a third party if such complaint is connected to the University's educational programs or activities.

#### Where Applicable

The Policy applies to conduct that occurs on University premises and/or at University-sponsored and affiliated activities and events, whether on University premises or at other locations. The University may also address off-campus behavior that occurs other than at University-sponsored or affiliated events if it determines that the behavior, or the continued presence of the accused perpetrator, impairs, obstructs, substantially interferes with or adversely affects the mission, processes or functions of the University.

#### Title IX Coordinator

The University has designated a trained employee, the Title IX Coordinator, to ensure its compliance with the Policy and oversee complaints under the Policy. The Title IX Coordinator for the University is currently Renee Coker (646-592-4336 or [renee.coker@yu.edu](mailto:renee.coker@yu.edu)). The Title IX Coordinator maintains records of all complaints (both formal and informal), investigations, findings (including the basis for those findings) and appeals.

#### Complaint Reporting

Complaints under the Policy may be reported by the victim or by anyone else who has knowledge of a violation of the Policy. Complaints may be made to the Title IX Coordinator, the Security Department, a Dean of Students, a member of the University's Unlawful Harassment Panel, the University's Office of Human Resources, the University's Office of the General Counsel, or the University's Confidential Compliance Hotline.

Violations also may be reported to any other campus security authorities.

There is no time limit on when a complaint can be made to the University, however, the University's ability to investigate and respond may be affected by any time delay in reporting. Therefore, the University strongly encourages victims to file complaints promptly. Prompt reporting will serve to enhance the University's ability to investigate effectively and to preserve important evidence for future proceedings, including, for example, legal and disciplinary proceedings.

In the case of an anonymous report, such complaint will be investigated to the extent possible, however, all anonymous reporters should be aware that reporting anonymously may affect the University's ability to investigate and respond effectively.

Anyone who has been the victim of a crime may initiate a complaint with the local police department as well as with the University. Notification to the police is solely the option of the victim, and the University will support that decision to the extent permitted by applicable law. Should an individual decide to file a complaint with the police, the University will support such individual in doing so. The University can help guide a victim through the process of obtaining a judicial order of protection and/or University-issued "no contact" order. The University urges those who have been the victims of sexual violence to report these crimes to both the police and the University Security Department. Reporting a sexual assault (including sexual harassment, sexual abuse/assault, stalking, domestic violence and dating violence) may help prevent another assault. Reporting the incident does not mean that the victim must proceed with a University disciplinary process or a criminal prosecution.

Regardless of whether such person wants to make a complaint to either the University or the local police, he/she should promptly seek medical attention both to address his/her own health and to collect potential evidence should he/she later decide to file charges or obtain a protective order.

The University system and police/legal system work independently from one another. Because the standards for finding a violation of criminal law are different from the University's standards, criminal investigations or reports are not solely determinative of whether or not sexual violence under the Policy has occurred. Accordingly, the University generally will not delay its investigation of a complaint and will conduct its investigation simultaneously with any police/legal system investigation.

The University's first and foremost concern for anyone who has been the victim is their physical safety. Thus, if a victim is feeling physically unsafe, he/she should immediately call the University Security Department, the local police precinct or 911 for assistance.

In addition, if such person is in need of immediate medical treatment, he/she should go to the nearest hospital emergency room or call 911.

The University is well aware of the emotional trauma often suffered by a victim of sexual violence, and therefore it has designated trained counselors in its Counseling Center to serve as sexual assault coordinators for the University. They can be reached by calling 646-592-4200 and asking for a sexual assault coordinator. These counselors can offer

advice and support on a confidential basis as the victim begins to make choices regarding how to proceed post-assault. There are also many outside sources of support available to victims in these circumstances, including The NYC Alliance Against Sexual Assault (on-line at [www.svfreenyc.org](http://www.svfreenyc.org)), which has compiled numerous resources available to victims, and the SOVRI (Support for Orthodox Victims of Rape and Incest) Hotline at Beth Israel Medical Center, 888-613-1613. The latter is a confidential (no caller-ID is used) hotline that may be called anonymously for information and support.

Following a report of an incident to the Title IX Coordinator, the victim will be immediately advised of the University's policies and procedures, and may choose to proceed informally or to pursue a formal complaint. However, complaints of sexual assault, stalking, domestic violence and dating violence may not be pursued through the informal process.

The University will respond to all reported complaints promptly, thoroughly and impartially.

### Rights of Victims

***Students and employee-victims have the right (i) to make a report to the University's Security Department, local law enforcement and/or State Police or choose not to report; (ii) to report the incident to the University; (iii) to be protected by the University from retaliation for reporting an incident; and (iv) to receive assistance and resources from the University.***

See Addendum B, Student Bill of Rights, for certain rights of student victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking.

### Bystander Intervention

The University expects all members of the University community to take reasonable and prudent actions to prevent or stop an act of discrimination, harassment, or sexual misconduct, and provide assistance if an act has occurred. Taking action or providing assistance may include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

If someone suspects a friend, acquaintance, or stranger may be in a high risk situation for becoming a victim, is being victimized, or has been victimized, it is important to decide as a bystander whether there is a safe and reasonable way to intervene effectively.

#### **Do's:**

- Remind friends that affirmative consent is required and it is the difference between sex and sexual assault and that someone can be too intoxicated to consent.
- Take the initiative to help friends who aren't thinking clearly from becoming targets of violence (or) take steps to stop a friend who chooses to use violence.
- When possible, prevent an intoxicated friend/person from going to a private location with an acquaintance or friend.

- Contact the Security Department, the Title IX Coordinator or another person of authority who can assist.

### **Don'ts:**

- Let friends engage in activities, such as excessive alcohol/drug consumption, that impedes judgement and that therefore could lead to actions, including sexual advances, that are unwelcome and/or endanger the rights, safety, and well-being of others.
- Let friends walk/run alone in secluded areas or at night.
- Leave a friend or acquaintance alone at a party.
- Leave residence hall doors unlocked.
- Let friends drink to the point of impairment.
- Place yourself in a vulnerable situation where you are unable to voice consent.

### Sexual Assault Forensic Examinations (SAFE)

The University has a Memorandum of Understanding (MOU) with Mount Sinai Beth Israel - Petrie Division (Manhattan) located at First Avenue at 16th Street, New York, NY 10003 (main phone: (212) 420-2000) regarding services to sexual assault victims. The Petrie Division has a Sexual Assault Forensic Examiner Program, and is a designated SAFE Center of Excellence. Emergency care and support is available 24 hours/7 days a week, and a Victim Service Program social worker or volunteer advocate is on call at all times.

### Interim Measures

The University may take reasonable and prudent interim measures to protect the alleged victim, the reporter (if different than the alleged victim), the respondent (i.e., the person against whom a report has been filed), and all third party witnesses pending resolution of the complaint, including but not limited to, restrictions on contact, bans from areas of campus, and changes to academic or living situations. The University also will consider the safety of all others in the University community when making decisions regarding appropriate interim measures. All parties to a complaint will be informed of any interim measures taken by the University, but the University will otherwise endeavor to maintain as confidential such measures to the extent that maintaining them would not impair the ability of the University to provide the measures.

### Investigation/Hearing

Complaints will be overseen by the Title IX Coordinator. Upon receipt of a complaint or upon receiving information which the University determines on its own warrants further investigation (even if no complaint is filed or even if a complaint is filed and later withdrawn), an impartial investigation will commence and be conducted by the Title IX Coordinator, the University Security Department or another appropriate entity as determined by the University. The Title IX Coordinator (or designee) will request the complainant to provide (within 5 days) a description of all the facts that bear on the allegations, and the Title IX Coordinator will inform the

respondent of the allegations and request a response (within 5 days). The investigator will interview the relevant parties and review the evidence, and will seek to conclude the investigation as promptly as practicable, and in any event generally within 30 days after receipt of the respondent's statement regarding the allegations, and generally within 40 days after receipt of the formal complaint. The investigator will compile a neutral investigation report, and the parties will be informed of the conclusion of the investigation and be given an opportunity to review the investigation report in person and respond.

No party or witness may have legal counsel present for any step of the process; provided that for complaints under Title IX of the Higher Education Act of 1972 ("Title IX"), the alleged victim and respondent may have a personal advisor of his/her choice and at his/her expense (who may be an attorney) present during any University meeting and/or disciplinary proceeding with such party about the complaint.

Investigation reports will be referred for review by a trained hearing officer selected by the Title IX Coordinator. The hearing officer will determine, based on a preponderance of the evidence standard (i.e., more likely than not) whether the respondent has violated the Policy, and consider appropriate disciplinary sanctions. The hearing officer will schedule a hearing as soon as possible after the conclusion of the investigation (and generally within 5 days), and may question the parties and other witnesses at the hearing. Generally within 5 days of the hearing, the hearing officer will issue a written decision on whether a violation has occurred, and the parties will be informed of the decision. The parties then may submit (within 3 days of the decision) an impact statement for the hearing officer's consideration during the sanction stage. In deciding an appropriate disciplinary action, the hearing officer may consider the respondent's past violations of University policy, as well as the nature and severity of the violation(s), the impact statements of the parties, and any mitigating circumstances. The hearing officer will decide the appropriate disciplinary actions generally within 10 days of the hearing, and the parties will be informed of the sanctions.

The University expects all cases involving a finding of sexual violence, stalking, domestic violence and dating violence to involve consideration of suspension or expulsion for students, and termination of employment for employees. Additional sanctions that may be imposed include a warning, disciplinary probation, restriction from employment by the University, removal from University housing, removal from courses or activities, loss of privileges, no contact, exclusion from areas of the campus, removal or non-renewal of scholarships, a notation on the respondent's official University transcript, community service, restitution, and a fine. In addition, the respondent may also be required to undergo an assessment and treatment by a therapist or counselor, attend an intervention treatment program and/or issue a letter of apology.

### Appeal Process

Either party may appeal the decision of the hearing officer based on the following three grounds: (i) an alleged material violation of the established procedures in the Policy, (ii) evidence is now available that could not have been obtained at the time of the initial hearing; or (iii) the sanction is excessive, inconsistent or insufficient with the nature of the offense. The appeal request must be submitted to the Title IX Coordinator within 5 days of the date of the final determination letter, and the Title IX Coordinator will then inform the other party who may respond within 5 days. The appeal will be considered by an Appeal Panel consisting of two or more trained persons selected by the Title IX Coordinator. The appeal will be conducted in a fair and impartial

manner, but is not a re-hearing underlying matter. The Appeal Panel will issue its determination generally within 5 days from the date of the submission of all appeal documents by both parties. The Title IX Coordinator will notify the parties of the decision of the Appeal Panel.

Notwithstanding the foregoing, (i) findings and recommendations concerning represented employees will be subject to the provisions of the appropriate collective bargaining agreement, and (ii) findings and recommendations that involve suspension or termination of faculty members will be subject to the provisions of the appropriate faculty handbook/policy.

### Timing

The University will endeavor to fully resolve all formal complaints generally within 60 days (or, in the case of a faculty complaint, such other time period as may otherwise be required by the applicable faculty handbook/policy) after receipt of the formal complaint. The 60 day time period may be extended depending on the nature of the allegations, the time of year, and any other unforeseen or extenuating circumstance.

### Transcript Notations

Students suspended or expelled for committing an act of sexual assault, stalking, domestic violence, dating violence, or a “violent crime,” as defined by the Clery Act, will have a notation placed on their transcript as follows: “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.”

### Confidentiality

Information gathered during the investigation process will be handled by the University with due diligence and care. Discreet inquiry, corrective counseling, and trust will be stressed by the University in dealing with all complaints. Records and information concerning complaints will be kept confidential to the greatest extent possible, and the University will comply with all applicable laws in maintaining the confidentiality of the investigation. However, subject to applicable laws, the University cannot guarantee complete confidentiality where it would conflict with the University’s obligations to ensure a safe, non-discriminatory and harassment-free environment. For example, under conditions of potential imminent harm to the community, the University may be required by federal law to inform the community of the occurrence of an incident of sexual violence (but would not identify the victim). In addition, consistent with law, information regarding violations of the Policy may be shared among University personnel as appropriate and necessary.

### Complainant Request for Confidentiality

The University will attempt to comply with all requests from a complainant that his/her name or identity not be revealed to the respondent and witnesses. However, the University is not able to guarantee confidentiality because doing so may limit the University’s ability to investigate the allegations and to afford the respondent a fair opportunity to respond to the allegations. Requests for confidentiality should be made to the Title IX Coordinator, and he/she will evaluate any such requests in consultation with the Office of the General Counsel. If possible, the Title IX Coordinator will make an effort to notify the complainant before disclosing the complainant’s identity to the respondent. In all instances, the University will endeavor to maintain the

complainant's and respondent's privacy and reveal the parties' identities only to those individuals who need to know it in order for an investigation to commence or continue (as applicable) and the matter to be adjudicated.

*Even University offices and employees who cannot guarantee confidentiality will maintain the complainant's privacy to the greatest extent possible. The information the complainant provides to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.*

The University takes steps to ensure that a victim's personally identifying information is protected and not included in publicly-available records, including this Report and the Daily Crime Log.

### Education/Training

The Policy is disseminated widely to the University community, and the University also mandates unlawful harassment training programs for employees and students to promote awareness and a safe and respectful University environment. Employees are required to complete a training program prior to commencement of employment, and may also receive periodic training as appropriate.

The Title IX Coordinator, hearing officers and appeal panel members also receive appropriate training, as may be required. From time to time the University has engaged an outside vendor to provide training, including with respect to the myths and dynamics of sexual assaults, and proper techniques for handling an investigation under the Policy.

### Support Resources (Confidential and Non-Confidential Support)

#### *Confidential University Resources*

A report made to the following University resources will not trigger an investigation by the University:

- University Counseling Centers - <http://www.yu.edu/student-life/counseling/>  
Beren/Cardozo Campus Counseling Center  
205 Lexington Avenue, 4th Floor  
(646) 592-4210  
counseling@yu.edu
  
- Wilf Campus Counseling Center  
500 West 185th Street, FH 520  
(646) 592-4200  
counseling@yu.edu

Counselors at these centers can offer advice and support on a confidential basis as the victim begins to make choices regarding how to proceed post-assault.

### *Non-Confidential University Resources*

A report also may be made to the Title IX Coordinator, Security Department, Dean of Students, or other “campus security authorities”, however it will trigger an investigation by the University.

### *Confidential Resources not affiliated with University*

There are also many outside sources of support available to victims. Reporting to one of these resources will not trigger an investigation by the University.

- SOVRI (Support for Orthodox Victims of Rape and Incest) Hotline at Beth Israel Medical Center, (888) 613-1613. This is a confidential (no caller-ID is used) hotline that may be called anonymously for information and support.

### *Other Resources not affiliated with the University*

- The NYC Alliance Against Sexual Assault (on-line at [www.svfreenyc.org](http://www.svfreenyc.org)) has compiled numerous resources available to victims.
- Manhattan Family Justice Center can provide a wide range of services and support. The Manhattan location is at 80 Centre Street, New York, NY 10013; Phone: (212) 602-2800; <http://www.nyc.gov/html/ocdv/html/help/fjc.shtml>
- Family Court Volunteer Lawyer Program (part of the New York State Access to Justice Program)  
900 Sheridan Avenue  
Bronx, NY 10451  
Phone: (718) 618-2150  
Hotline: (718) 618-2150
- Safe Horizon (NYC)  
2 Lafayette Street, 3rd Floor  
New York, NY 10007  
Phone: (212) 227-3000  
<http://www.safehorizon.org/>  
[help@safehorizon.org](mailto:help@safehorizon.org)  
Hotline: (866) 689-4357

### *Immigration & Visa Assistance Services for Victims of Sexual & Interpersonal Violence*

- Non-Confidential University Resource  
Yeshiva University Office of International Students and Scholars  
500 West 185th Street, Furst Hall, Room 114A  
New York, NY 10033  
(646) 592-4203  
[oiss@yu.edu](mailto:oiss@yu.edu)
- Other Resources not affiliated with the University  
  
U.S. Citizenship and Immigration Services (USCIS)  
<http://www.uscis.gov/citizenship/learners/find-help-your-community>  
USCIS Find Legal Services Webpage  
<http://www.uscis.gov/avoid-scams/find-legal-services>

Board of Immigration Appeals (BIA) (Listing of attorneys by state who provide immigration services either for free or for little cost)  
<http://www.justice.gov/eoir/probono/states.htm>

American Immigration Lawyers Association (AILA)  
Immigration Lawyer Referral Service  
<http://www.ailalawyer.org/>

American Bar Association (ABA)  
(Information on finding legal services by state)  
<http://apps.americanbar.org/legalservices/findlegalhelp/home.cfm>

### **Sexual Assault Prevention Programming**

From time to time, the University/College provides educational programs and workshops to its students to promote the awareness of sex offenses and the availability of victim counseling services. At times the University/College has also offered programs regarding domestic violence and building healthy relationships. The University/College requires all incoming M.D., Ph.D. and other graduate students to successfully complete an e-Learning workshop entitled "Lasting Choices: Protecting Our Campus From Sexual Assault" and also makes this e-Learning workshop and other e-Learning programs (including "Healthy Relationships and Dating Violence") available to all of their students. The programs and workshops are also available to its employees. The University/College continually reviews their policies, procedures and preventative education programs to ensure compliance with applicable law, including the new requirements imposed by the Violence Against Women Reauthorization Act of 2013 and New York Education Law Article 129-B.

### **Campus Sex Crimes Prevention Act**

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Clery Act and FERPA, the University/College is providing a link to the New York State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. A listing of all registered sex offenders in New York State is maintained by the New York State Division of Criminal Justice Services. Information regarding a registered sex offender can be obtained by calling the New York State Sex Offender Registry Information Line at 1-800-262-3257 or on-line at <http://www.criminaljustice.ny.gov/nsor/>. The ZIP code for the Einstein Campus is 10461.

### **ILLICIT DRUGS AND ALCOHOL POLICY**

The issue of safety touches on many other areas of campus and city life, among them the use and sale of illegal drugs, underage drinking, and abuse of alcohol. The University/College is committed not only to educating students on issues concerning alcohol and drug use but also to responding to behavior that is in violation of the University/College's policies on substance abuse and alcoholic beverages. Detailed information about the University/College's policies and

procedures regarding the use/abuse of alcohol and other drugs by students, faculty and staff can be found in "YESHIVA UNIVERSITY POLICY ON DRUGS AND ALCOHOL," which document is available on-line on the University's website at: <http://yu.edu/uploadedFiles/Offices and Services/HR/Working at YU/policies/DrugPolicy923 2014.pdf> and at: <http://www.einstein.yu.edu/administration/policies.asp> (click on the Drug Free Workplace Policy) (the "Drug and Alcohol Policy"). The Drug and Alcohol Policy is also distributed by the University/College to all students and employees.

The University/College has other policies and prohibitions regarding both illegal substances and alcohol use which can be found on the College's website. It should be noted that it is unlawful to sell, furnish or provide alcohol to a person under the age of 21 in New York State.

Copies of the Drug and Alcohol Policy are available in the Einstein Security Department office (Forchheimer G-9).

In summary, the Drug and Alcohol Policy provides:

- The unlawful possession, manufacture, dispersing, use, or distribution of illicit drugs at any University facility or in connection with any University activity is prohibited.
- Being under the influence of illicit drugs during working hours, or when classes are in session, or while engaged in any University activity is prohibited.
- Persons under the age of 21 years are prohibited from possessing or consuming any alcoholic beverage at any University facility or in connection with any University activity.
- Undergraduate students, regardless of age, are prohibited from possessing or consuming alcoholic beverages at any University facility or in connection with any University activity.
- All students are prohibited from being under the influence of alcohol while engaged in any University activity.
- Employees are prohibited from being under the influence of alcohol during working hours or while engaged in any University activity.
- Except for a limited exception, employees are prohibited from bringing alcoholic beverages into, or consuming alcoholic beverages in, any University facility or bringing/consuming alcoholic beverages in connection with any University activity.
- Violators of the Policy will be disciplined, up to and including expulsion or termination from the University.

The Drug and Alcohol Policy also describes legal sanctions for the misuse of alcohol and the unlawful possession, use or distribution of illicit drugs, as well as the health risks associated with illicit drug and alcohol use, and counseling resources.

## **MISSING STUDENTS POLICY**

As required by federal law, the University has established the following policies and procedures to address situations when a student who resides in on-campus housing is determined to have been missing for 24 hours.

The policy applies only to students who reside in YU's on-campus housing, which is defined as housing that is (1) owned or controlled by YU or located on property that is owned or controlled by YU, and (2) located within the reasonably contiguous geographic area that makes up a YU campus.

The policy does not apply to students residing in apartments or other residences not leased or licensed from YU.

The policy is also available on-line on the College's website at: <http://www.einstein.yu.edu/administration/policies.asp>.

## **A. Policies**

### Definition of a Missing Student

A student is considered to be "missing" when a student who resides in on-campus housing has been absent from YU for more than 24 hours without any known reason.

### Reporting Missing Students

All reports of missing students should be directed to YU's Security Department, the Dean of Students, or the Housing Department, in each case for the campus in question.

Any reports made to the Dean of Students or the Housing Department will be referred immediately to YU's Security Department for the campus in question.

### Designation of a Contact Person

All undergraduate students who apply for student housing must designate on their application for housing a contact person whom YU will notify within 24 hours of the determination that the student is missing.

All graduate students are given the opportunity to designate such a contact person on their application for student housing.

The Housing Department for the applicable campus will keep information about a student's designated contact person confidential. The information will be disclosed only to authorized campus officials and to law enforcement personnel, but only when it is necessary to further a missing persons investigation.

### Mandatory Notifications

Students under the age of 18 (who are not emancipated) should be aware that YU is legally required to notify a parent or guardian within 24 hours of the determination that the student is missing. In such cases, YU will notify both the parent/guardian and any additional contact person that has been designated by the student.

In addition, all students should be aware that YU will notify the New York City Police Department ("NYPD") within 24 hours of a determination that any student is missing, regardless of that student's age or whether that student has designated a contact person.

## **B. Procedures**

### Immediate Response

Once it has been determined that a student who resides in on-campus housing has been missing for 24 hours, YU will take the following immediate steps:

1. The Security Department personnel designated by the Chief of Security for the applicable campus will respond to the scene and interview the individual who reported the student missing and any other witnesses to obtain all pertinent facts, including an accurate description of the student, what he or she may be wearing, and the location and time where and when he or she was last seen.
2. The Security Department personnel responding to the scene as provided above will notify the Chief of Security for the applicable campus of all pertinent facts prior to initiating any additional action.
3. The applicable Chief of Security, or his or her designee, will:
  - a. Contact the applicable Director or Assistant Director of the Housing Department, or such other personnel as they may select, to determine if he or she is aware of the student having left campus for other reasons;
  - b. Contact the applicable Dean of Students, and such other personnel as they may select (which may include the applicable Finance Department, Office of the General Counsel and Dean's Office, and, in the case of students of the Albert Einstein College of Medicine, the Associate Dean for Finance & Administration), and
  - c. Obtain copies of the student's ID cards from the applicable Security Office and distribute copies to all guard posts at the applicable campus.
4. If the location where the student was last seen was a YU building, a search team will be formed to perform a thorough search of the building and the outside perimeter. The search team will then broaden its search to the rest of the campus buildings and grounds.
5. The Security Department for the applicable campus will notify supervisory personnel at other YU campuses about the missing student.
6. The Security Department for the applicable campus will contact the following appropriate local police precinct to inquire if the missing student has been the subject of any police action.

Resnick Campus (Einstein) - 49th Precinct – (718) 918-2000

7. The Security Department for the applicable campus will prepare an Incident Report.

### Response Within 24 Hours

Within 24 hours of making the determination that a student who resides in on-campus housing is missing, YU will take the following steps:

1. The applicable Security Department, the Dean of Students, or the Housing Department will notify the student's designated contact person (if the student has designated one) that the student is missing.
2. If the student is under the age of 18 (and not emancipated), the applicable Security Department, the Dean of Students, or the Housing Department will notify the student's parent or guardian that the student is missing.
3. The applicable Security Department, the Dean of Students, or the Housing Department will notify the NYPD.

### Cooperation with the New York City Police Department

Once the NYPD has been notified, YU will cooperate with the NYPD as follows:

- The applicable Security Department will advise the NYPD of all actions taken by the Security Department and other YU personnel up to that point.
- The applicable Security Department will provide the NYPD with an office near the applicable campus Security Office to be utilized as a police headquarters.
- The applicable Security Department will work with the NYPD to ascertain whether the NYPD Missing Persons Squad has any information about the student.
- The applicable Security Department will request that the Precinct Detective Squad be notified for appropriate response.
- The applicable Security Department will request that the NYPD Communications Division broadcast a description of the missing student to patrol units.
- The applicable Security Department will request that the NYPD enter the missing person into the Federal N.C.I.C. system at the conclusion of the NYPD investigation.

If the Security Department, the Dean of Students, or the Housing Department is properly notified that a missing student has been located, they may inform the student's parent or guardian (in the case of students under the age of 18 who are not emancipated) and/or the student's designated contact person (if any).

## **WEAPONS POLICY**

The possession of any weapon (as defined in local, state and federal statutes, and includes, without limitation, firearms, knives and explosives) on any University campus is strictly prohibited. This prohibition applies to all facilities owned, leased or otherwise controlled by the University, and whether academic, residential or otherwise. Failure to comply with this Policy may result in disciplinary action by the University (up to and including, in the case of a student, suspension or expulsion and, in the case of an employee, termination of employment) and also may result in criminal prosecution. In addition, the University reserves the right to confiscate the weapon. This Policy applies to all members of the University community as well as all visitors and guests, and regardless of whether the possessor is licensed to carry that weapon.

Exceptions to this Policy may only be made with the written permission of the Chief/Director of Security of the applicable campus, in consultation with the University's Executive Director for University Operations or, in the case of the Resnick campus (Albert Einstein College of Medicine), with the written permission of the Associate Dean for Finance and Administration, in consultation with the Executive Dean.

## **CRIME STATISTICS FOR EINSTEIN CAMPUS**

The Clery Act requires the University to publish statistics for certain crimes that have taken place as a matter of information and record. The following statistics reflect those crimes that were reported to the Security Department and the other campus security authorities during the indicated period relating to the Einstein Campus. (Additional copies of this report are available at the Einstein Security Department office, Forchheimer G-9).

The statistics are printed as reported to the Security Department. The statistics were valid at publication, but may not reflect current trends.

### **Clery Act Crime Definitions**

#### 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

##### Forcible Sex Offenses

- *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 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* - 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 or physical incapacity.

### Non-Forcible Sex Offenses

- *Incest* - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory rape* - Non-forcible 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 a 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 a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking and all attempts to commit any of the aforementioned acts.

### 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 Crimes

- Any of the aforementioned offenses and larceny/theft, simple assault, threat/intimidation, vandalism, and any other crime involving bodily injury reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. Categories of bias are:
  - 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, whites).
  - Gender. A preformed negative opinion or attitude toward a group of persons because those persons are male or female. Gender bias is also a Clery Act specific term, not found in the FBI's Hate Crime Data Collection Guidelines.
  - 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, Muslim, Protestants, atheists).
  - Sexual orientation. A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
  - Gender Identity/National Origin. Involves intentional selection of a victim based on actual or perceived characteristics.
  - Ethnicity/national origin. A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
  - Disability. A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## Other Offenses

- *Liquor law violations* - The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)
- *Drug abuse violations* - Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- *Weapon law violations* - The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to

minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

### **Definitions of Crimes that Must Be Reported Pursuant to VAWA**

The Violence Against Women Reauthorization Act of 2013 (“VAWA”), added additional categories of crimes to the Clery Act that Colleges and Universities are now required to report.

“**Domestic Violence**” includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

- New York State has multiple laws addressing domestic violence, and the definition is broad. Generally, domestic and intimate partner violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic and intimate partner violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.

“**Dating violence**” means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

- *Like domestic violence, dating violence includes a pattern of abusive behavior that one person intentionally uses to gain or maintain power and control over another person. Dating violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.*

“**Stalking**” means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

- Stalking generally refers to repeated behaviors that harass or threaten the victim, such as following a person, appearing at a person's home or place of business, making repeated and/or harassing calls, leaving written messages or objects, or contacting someone repeatedly via electronic means (i.e. the internet or text messaging).
- Unlike other crimes, which normally consist of a single illegal act, stalking is a series of actions that, when taken individually, may be perfectly legal. For instance, sending a birthday card or flowers or standing across the street from someone's house is not a crime. When these actions are part of a course of conduct that would cause a reasonable person to be afraid or to feel emotional distress, they are illegal.

## Clery Act Geography Definitions

- *On Campus* - (1) 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 (2) any building or property that is within or reasonably contiguous to 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).
- *Student Housing Facility* - Any student housing facility that is owned, controlled or rented by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This includes any student housing for student groups such as fraternity or sorority houses.
- *Non Campus Building or Property* – (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) 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.
- *Public Property* - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**Statistics-Einstein- (Includes Affiliate Hospitals- See Notes Below)**

<b>Offense</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>Non-Campus Property</b>	<b>Public Property</b>	<b>On-Campus Student Housing Facilities*</b>
Murder/Non-Negligent Manslaughter	2015	0	0	<b>0</b>	<b>0</b>
	2014	0	0	0	0
	2013	0	0	0	0
Negligent Manslaughter	2015	0	0	<b>0</b>	<b>0</b>
	2014	0	0	0	0
	2013	0	0	0	0
Sex Offense, Forcible	2015	1 See Notes	2 See Notes	<b>0</b>	<b>0</b>
	2014	1	2	0	0
	2013	1	0	0	0
Sex-Offense, Non-Forcible	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Robbery	2015	0	2 See Notes	<b>0</b>	<b>0</b>
	2014	0	0	1	0
	2013	0	0	0	0
Aggravated Assault	2015	1 See Notes	7 See Notes	<b>0</b>	<b>0</b>
	2014	1	1	0	0
	2013	0	0	0	0
Burglary	2015	5	3 See Notes	<b>0</b>	<b>3</b>
	2014	4	4	0	0
	2013	9	0	0	1
Motor Vehicle Theft	2015	0	1 See Notes	<b>0</b>	<b>0</b>
	2014	0	0	0	0
	2013	0	0	3	0
Arson	2015	0	0	<b>0</b>	<b>0</b>
	2014	0	0	0	0
	2013	0	0	0	0
Arrests: Weapons: Carrying, Possessing, Etc.	2015	0	0	<b>0</b>	<b>0</b>
	2014	0	0	1	0
	2013	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, Etc.	2015	0	0	<b>0</b>	<b>0</b>
	2014	0	0	0	0
	2013	0	0	0	0
Arrests: Drug Abuse Violations	2015	0	0	<b>5</b>	<b>0</b>
	2014	0	0	1	0
	2013	0	0	1	0
Disciplinary Referrals: Drug Abuse Violations	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Arrests: Liquor Law Violations	2015	0	0	<b>0</b>	<b>0</b>
	2014	0	0	0	0
	2013	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2015	0	0	<b>0</b>	<b>0</b>
	2014	0	0	0	0
	2013	0	0	0	0

\* The "On-Campus Student Housing Facilities" category is a subset of the "On-Campus Property" category.

## Hate Crimes

There were no reported Hate Crimes for the years 2013, 2014 or 2015.

### Statistics-Einstein

Offense	Year	On-Campus Property	Non-Campus Property	Public Property	On-Campus Student Housing Facilities <sup>†</sup>
Domestic Violence	2015	0	4 See Notes	0	0
	2014	1	1	0	1
Stalking	2015	0	1	0	0
	2014	0	1	0	0
Dating Violence	2015	0	0	0	0
	2014	0	0	0	0

#### **Notes: 2015 Einstein Affiliate Hospitals**

The following indicates the affiliate hospital where the listed crime took place:

<b>Sexual Assaults:</b>	Weiler Hospital - Classified as campus (1) Montefiore Medical Center (Moses Campus) (2)
<b>Robbery:</b>	Montefiore Medical Center (Wakefield Campus) (1) St. Barnabas Hospital (1)
<b>Aggravated Assault:</b>	Weiler Hospital - Classified as campus (1) Montefiore Medical Center (Moses Campus) (2) St. Barnabas Hospital (2) Maimonides Medical Center (2)
<b>Burglaries:</b>	St. Barnabas Hospital (1) Maimonides Medical Center (2)
<b>Motor Vehicle Thefts:</b>	Montefiore Medical Center (Wakefield Campus) (1)
<b>Stalking</b>	Montefiore Medical Center (Moses Campus) (1)
<b>Domestic Violence</b>	Montefiore Medical Center (Moses Campus) (1) Maimonides Medical Center (1) St. Barnabas Hospital (2)

<sup>†</sup> The "On-Campus Student Housing Facilities" category is a subset of the "On-Campus Property" category.

## **SECURITY POLICIES AND CRIME STATISTICS FOR YUI**

The University's affiliate, Caroline and Joseph Gruss Institute of Yeshiva University in Israel (Registered Amuta)("YUI"), owns a facility in Israel at 40 Duvdevani St., Bayit VeGan, Jerusalem. The facility is comprised of four buildings: three are used for residence halls and one is used for classrooms, administrative offices, a dining room and other non-residential purposes. YUI's administrative offices are located there, and from time to time University students may stay there when they are in Israel for service learning programs, internships and the like. Students from RIETS and other third-party educational institutions also use the facility.

YUI employs a security officer who is responsible for security at the campus and reports on all such matters to YUI administration. The third party security company carefully selected by YUI hires security guards for the campus, and regularly meets with the YUI security officer and other administrators to discuss issues and ways to improve services. The security company also maintains a dialogue with local police and fire departments, and Israeli government security organizations.

The campus is surrounded on all sides by a fence, and video surveillance cameras, intercoms and emergency LED lights are installed throughout the campus, allowing for full perimeter visibility. The main entrance to the campus is staffed by a security guard twenty four hours a day, seven days a week, and the guard also controls access to two other campus entrances which are locked and monitored via video cameras: one for deliveries and one for pedestrian traffic. All visitors must enter the campus via the main entrance, and must present proper identification and be approved admission by the guard. All guards are armed with handguns. Intercoms with direct access to the main security desk are installed at certain key locations in the residence halls.

The following statistics reflect the specified crimes relating to the YUI campus that were reported to the University during the indicated period. The statistics were valid at publication, but may not reflect current trends.

## Statistics-YUI

Offense	Year	On-Campus Property	Non-Campus Property	Public Property	On-Campus Student Housing Facilities‡
Murder/Non-Negligent Manslaughter	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Negligent Manslaughter	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Sex Offense, Forcible	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Sex-Offense, Non-Forcible	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Robbery	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Aggravated Assault	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Burglary	2015	10	0	0	10
	2014	0	0	0	0
	2013	0	0	0	0
Motor Vehicle Theft	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Arson	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Arrests: Weapons: Carrying, Possessing, Etc.	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, Etc.	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Arrests: Drug Abuse Violations	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Arrests: Liquor Law Violations	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0

**Hate Crimes** There were no reported Hate Crimes for the years 2013, 2014 or 2015.

‡ The “On-Campus Student Housing Facilities” category is a subset of the “On-Campus Property” category.

Statistics-YUI

Offense	Year	On-Campus Property	Non-Campus Property	Public Property	On-Campus Student Housing Facilities <sup>§</sup>
Domestic Violence	2015	0	0	0	0
	2014	0	0	0	0
Stalking	2015	0	0	0	0
	2014	0	0	0	0
		0	0	0	0
Dating Violence	2015	0	0	0	0
	2014	0	0	0	0

Note: YUI’s Bylaws pursuant to the Prevention of Sexual Harassment Law can be found at:  
[http://yu.edu/uploadedFiles/Jewish Living and Learning/YU in Israel/Home/YUI%20Sexual%20Harassment%20Prevention%20Bylaws.pdf](http://yu.edu/uploadedFiles/Jewish_Living_and_Learning/YU_in_Israel/Home/YUI%20Sexual%20Harassment%20Prevention%20Bylaws.pdf)

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<sup>§</sup> The “On-Campus Student Housing Facilities” category is a subset of the “On-Campus Property” category.

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**Important telephone numbers and e-mail addresses:**

- **EMERGENCY- 911**
- Einstein Security Department  
Neil Kaplan, Chief of Security  
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Fax: 718-430-8738  
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- Einstein Office of Student Affairs  
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Fax: 718-430-4123  
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- Einstein Office of Diversity Enhancement  
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- Einstein Student Housing Management Office  
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- Einstein Human Resources Department  
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- Title IX Coordinator  
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Sr. Director, Talent Management & Title IX Officer  
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- Institute for Psychotherapy  
Department of Psychiatry & Behavioral Sciences  
Montefiore Medical Center  
111 East 210th Street  
Bronx New York 10467  
Director: Andrea Weiss, MD  
Telephone: 718-920-7921
- Cognitive Behavior Therapy Program for Anxiety and Depression  
Ferkauf Graduate School of Psychology  
1165 Morris Park Avenue  
Bronx, New York 10461  
Director: Lata K. McGinn, Ph.D.  
Telephone: 718-430-3965

- Max & Celia Parnes Psychological and Psycho educational Services Clinic  
Ferkau Graduate School of Psychology  
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Director: Bill Salton, Ph.D.  
Telephone: 718-430-3852

*Yeshiva University has a long-standing commitment to equal opportunity and affirmative action. We apply every good faith effort in achieving nondiscrimination and equality of opportunity in employment and in all spheres of academic life. All University-wide decisions with regard to faculty, staff and students are based on equitable and equally applied standards of excellence. Unlawful Harassment procedures have been established, both as a legal obligation under applicable law and as a visible and formal expression of institutional policy. The University's policy is designed to insure that recruitment, hiring, training, promotion, and all other personnel actions take place, and all programs involving students, both academic and non-academic, are administered without regard to race, religion, creed, color, national origin, sex, age, disability, veteran or disabled veteran status, genetic predisposition/carrier status, marital status, sexual orientation, gender identity or citizenship status as those terms are used in the law. In addition, University policy is designed to maintain a work and academic environment free of harassment and intimidation. If you have any questions relating to equal opportunity, affirmative action or if you wish the University to pursue a possible violation of University policy, you should contact the University's Title IX Coordinator, Ms. Renee Coker at (646) 592-4336, or a member of the University's Panel on Unlawful Harassment.*

## **Addendum A**

### **New York Crime Definitions**

The Violence Against Women Act (VAWA) and its regulations requires the University to include certain New York State definitions in its Annual Security Report and also requires that these definitions be provided in other materials disseminated by the University. Relevant New York definitions are set forth below.

**CONSENT:** Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

**CONSENT, ABBREVIATED:** Clear, unambiguous, and voluntary agreement between the participating to engage in specific sexual activity.

**DATING VIOLENCE:** New York State does not specifically define "dating violence." However, under New York Law, intimate relationships are covered by the definition of domestic violence when the crime is committed by a person in an "intimate relationship" with the victim. See "Family or Household Member" for definition of "intimate relationship."

**DOMESTIC VIOLENCE:** An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

**FAMILY OR HOUSEHOLD MEMBER:** Person's related by consanguinity or affinity; persons legally married to one another; person formerly married to one another regardless of whether they still reside in the same household; persons who have a child in common regardless of whether such

persons are married or have lived together at any time; unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”; any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

**PARENT:** means natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.

**SEXUAL ASSAULT:** New York State does not specifically define sexual assault. However, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape.

**SEX OFFENSES; LACK OF CONSENT:** Whether or not specifically stated, it is an element of every sexual act committed without consent of the victim.

**SEXUAL MISCONDUCT:** When a person (1) engages in sexual intercourse with another person without such person’s consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person’s consent; or (3) engages in sexual conduct with an animal or a dead human body.

**RAPE IN THE THIRD DEGREE:** When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**RAPE IN THE SECOND DEGREE:** When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

**RAPE IN THE FIRST DEGREE:** When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**CRIMINAL SEXUAL ACT IN THE THIRD DEGREE:** When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3)

with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

**CRIMINAL SEXUAL ACT IN THE SECOND DEGREE:** When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

**CRIMINAL SEXUAL ACT IN THE FIRST DEGREE:** When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**FORCIBLE TOUCHING:** When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. It includes squeezing, grabbing, or pinching.

**PERSISTENT SEXUAL ABUSE:** When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

**SEXUAL ABUSE IN THE THIRD DEGREE:** When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

**SEXUAL ABUSE IN THE SECOND DEGREE:** When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

**SEXUAL ABUSE IN THE FIRST DEGREE:** When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

**AGGRAVATED SEXUAL ABUSE:** For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

**AGGRAVATED SEXUAL ABUSE IN THE FOURTH DEGREE:** When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

**AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE:** When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

**AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE:** When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

**AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE:** When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty-one years old or older.

**STALKING IN THE FOURTH DEGREE:** When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

**STALKING IN THE THIRD DEGREE:** When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

**STALKING IN THE SECOND DEGREE:** When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, sligshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol,

revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

**STALKING IN THE FIRST DEGREE:** When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

## **Addendum B**

### **Student Bill of Rights**

The University is committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in University-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. 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;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. 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;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. 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;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

For more information about preventing and addressing sexual assault, domestic violence, dating violence, and stalking at the University, see the University's Non-Discrimination and Anti-Harassment Policy and Complaint Procedures available on the University's website at: <http://yu.edu/student-life/resources-and-services/standards-policies/>; <http://yu.edu/hr/policies/>; and <http://yu.edu/ogc/policies/> (among other places). This policy includes information about filing a report, seeking a response and options for confidential disclosure.