

# 2023 Annual Security Report



**Public Safety Department**  
**145 College Road, Suffern, NY 10901**  
**[sunyrockland.edu](http://sunyrockland.edu)**  
**1-845-574-4217**



STATE UNIVERSITY OF NEW YORK

**INTRODUCTION:**

The purpose of this report is to provide our faculty, staff, and students with campus security and safety information in order that their experiences at Rockland Community College may be safe and enjoyable. The Rockland Community College Public Safety Department prepares this report and any questions regarding it should be directed to the Director of Public Safety, located in Room 5211 of the Fieldhouse, or telephone (845) 574-4781.

This report is filed as required by the Federal “Jeanne Clery Crime Awareness and Campus Security Act,” (hereafter referred to as the Clery Act) which was last amended in 1998. This report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off campus buildings or property owned or controlled by Rockland Community College, and on public property within, or immediately adjacent to, and accessible from the campus. This report also includes institutional policies concerning campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters. To get a copy of the report and crime statistics, contact the Public Safety Director, Room 5211 in the Fieldhouse (845-574-4781) or access the following website:

<https://sunyrockland.edu/services/public-safety>

These statistics can also be obtained by, accessing the U.S. Department of Education website at:

<http://ope.ed.gov/security/>

**THE DEPARTMENT OF PUBLIC SAFETY AND AUTHORITY:**

The objective of Campus Public Safety is to provide a safe environment for teaching, research and social endeavors and to protect the lives and property of the students, employees, and visitors to Rockland Community College. This objective is pursued within the framework of Rockland Community College’s rules and regulations and all local, state, and federal laws. The investigation of crimes committed on campus fall under the jurisdiction the Rockland County Sheriff’s Department with assistance from the Director of Public Safety. The Department of Public Safety maintains an excellent rapport with the local police and work closely with them to maintain a safe campus.

The College upholds the rights of students and staff to know of incidents, which occur on campus, measures taken to promote precautions, and swift effective responses to crises. The responsibility for maintaining personal and campus safety is shared by all students, faculty, and staff of the College.

Rockland Community College and the Public Safety Department recognize the necessity of a community which is open and intellectually stimulating, where the diversity of ideas is valued and every person’s safety, dignity and autonomy is respected whether they are students, faculty, or staff, and regardless of race, ethnicity, age, religion, class, national origin, gender, sexual orientation, or disability.

The safety of the campus community is a 24-hour-a-day, 365-day-a-year operation. Training for these officers and other Public Safety personnel on campus is extensive. Public Safety officers are licensed by the State of New York and receive training from the Rockland County Police Academy. These officers are not sworn and do not have arrest powers. All officers receive yearly training in public and community relations, First Aid, AED, Narcan administration, listening skills, sensitivity and diversity, report writing, patrol techniques, and fire prevention and control. The Director and Assistant Director are Certified NYS Peace Officers under Section 2.20 of the NYS Criminal Procedure Law.

**CRIME PREVENTION AND SAFETY PROGRAMS:  
ESCORT PROGRAM**

The Public Safety Department has implemented an Escort Service available to all students, employees and visitors while they are on campus. This program ensures that all members of the College Community can walk the campus as safely as possible and do not have to walk alone. The Office of Public Safety assigns a Public Safety Officer or a Student Patrol Officer to escort any person who requests it. The department provides the service 24 hours a day, 7 days a week. The Student Patrol officer is equipped with a portable radio for direct communication with Public Safety Officers and the Public Safety Dispatch Desk.

**R.A.D. COURSES**

The Public Safety Department offers a Basic and Advanced Rape Aggression Defense Systems course (R.A.D.). This course is designed to teach awareness, prevention, risk reduction, avoidance and hands on self-defense. These courses are free for students and employees and are open to the public at a cost of \$20 per person.

**BODY WORN CAMERAS**

All Public Safety Officers are equipped with Body Worn Cameras (BWC's) and will record interactions with the campus population. BWC's give officers the ability to reliably record their contacts with students, employees and the public in accordance with the law. The use of BWCs provides documentary evidence and helps defend against allegations of officer misconduct.

**MOUNTAIN BIKE PROGRAM**

Public Safety Officers, who have completed the Police Mountain Bike School patrol the campus on state of the art, specially equipped Mountain Bikes. Bike Patrol officers can respond quicker, as well as patrol areas that cannot be patrolled by vehicles. They are also environmentally friendly.

**THE CAMPUS SEX CRIMES PREVENTION ACT:**

The Campus Sex Crimes Prevention Act (section 106 of Public Law 106-39) is a federal law enacted on October 28, 2000 that provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. This law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State, concerning registered sex offenders, may be obtained. In New York, you can obtain this information by contacting the Division of Criminal Justice Services at 1-900-288-3838 or visiting their web site at <http://www.criminaljustice.state.ny.us/nsor/index.htm>. To request information, you must be at least 18 years old and must provide your name, address, and telephone number. The Information Line is open Monday through Friday from 8:00 am to 5:00 pm.; it is not open on state holidays.

**STUDENT ENROLLMENT/EMPLOYEES:**

In the Fall Semester of 2022, Rockland Community College enrolled nearly 5,751 credit students; and more than 1,230 non-credit students. In addition, the college has more than 300 full time employees and over 600 part time employees.

**SECURITY AND USE OF CAMPUS FACILITIES:**

In order to gain access to campus facilities outside of normal college hours Monday-Friday 7:00am-10:30pm, Saturday 7:00AM – 7:00PM and Sunday 7:00AM – 5:00PM, persons must arrange with Administrative Services 845-574-4481 for the use of the facilities. After permission has been obtained, the Director of Public Safety must be contacted for arrangements to gain access to the building(s). The Director of Public Safety in conjunction with other administrators will determine the need for Police presence or additional security officers to be assigned to events held at Rockland Community College. Any incidents occurring at these events should be reported to and handled by Public Safety.

**REPORTING OF ON-CAMPUS CRIMES AND INCIDENTS:**

The Director of Public Safety at Rockland Community College records crime and incident statistics throughout the year. These statistics are totaled at the end of the year and shared with the college community. These statistics are also reported to the United States Department of Education and made available to the public. The last section of this report contains campus crime statistics including arrests and disciplinary referral made to campus authorities for alcohol, drugs, and weapons possession. As defined by the Campus Safety Act, a referral is an instance when a student is formally reported in writing to a college officer for possible sanction.

As required by the Campus Safety Act, Rockland Community College must include hate crime statistics in this report. A hate crime occurs when a person is victimized intentionally because of his/her actual or perceived race, gender, religion, sexual orientation, ethnicity or disability.

Formal requests for crime statistics for areas defined as “public property” and “non-campus buildings and property” were made with local police departments for the main campus and Haverstraw location. The definitions of these offenses, which are defined in the “Uniform Crime Report” and the “Crime Awareness and Campus Security Act,” appear later in this report.

**DAILY CRIME LOG:**

The Department of Public Safety maintains a daily log of crimes and incidents occurring on campus that is available for the public to view. This information is recorded by date, time, general location, and disposition of the complaint. The daily log is available at the Public Safety Office, Fieldhouse, Room 5203 Monday through Friday from 8:00 AM to 4:00 PM. Entries or updates are made within two business days after the event occurs. Incidents or situations deemed to pose a threat to the campus community are logged as soon as possible. While most events are logged, the Director of Public Safety may determine that an incident be temporarily classified as “confidential” in order not to jeopardize a criminal investigation or the identity of a victim.

**CAMPUS SECURITY AND THEIR RELATIONSHIP WITH LAW ENFORCEMENT:**

The Rockland County Sheriff’s Department has primary law enforcement jurisdiction on the Campus and is responsible for the investigation of all crimes reported on campus.

Members of the Public Safety Department have extensive knowledge of police procedures. In addition, the following is the status of Campus Public Safety:

1. Uniformed Security Officers and Supervisors are provided twenty-four hours a day, seven days a week.
2. Uniformed security staffing levels are adjusted throughout the year as appropriate. Staffing levels are highest during the fall and spring semesters, when the college is open.
3. The Public Safety Dispatcher is on duty twenty-four hours a day, seven days a week.
4. Immediate response to emergencies is provided by Public Safety Department personnel, the Rockland County Sheriff’s Department, and other local emergency services agencies.
5. Rockland County Deputies patrol the campus Monday through Friday, during the fall and spring semesters.
6. Additional Uniformed Security Officers and/or Rockland County Deputies are provided as needed for special events.

Criminal activity at off-campus property is monitored by the Public Safety Department in cooperation with the local police. Students involved in off-campus situations involving alcohol/drug offenses or other criminal activities may be referred for campus disciplinary procedures.

### **INVESTIGATION OF VIOLENT FELONY OFFENSES & MISSING STUDENTS:**

Article 129-A of the New York State Education Law requires all public, private, community colleges and Universities in New York State to adopt and implement rules and a plan for investigating violent felony offenses committed on campus and also for the investigation of any report received of a missing student who resides on campus. Furthermore, the law requires that the plan shall provide for coordination with local enforcement agencies, and shall include written agreements with these agencies for the prompt investigation of these crimes. In compliance with this requirement, Rockland Community College has established a Memorandum of Understanding (MOU) with the Rockland County Sheriff's Department, establishing guidelines for the coordination of law enforcement efforts on the campus and the investigation of crimes, including those listed above.

### **ADVISORY COMMITTEE ON CAMPUS SECURITY:**

As required by Article 129-A of the New York State Education Law, Rockland Community College maintains an Advisory Committee on Personal Safety. This committee meets during the year to review, and recommend improvements to, RCC policies and procedures relating to a variety of security and personal safety issues. Any concerns for the committee should be directed to the Director of Public Safety

### **PERSONAL CRIME PREVENTION TIPS:**

The RCC campus is generally a safe and secure environment; however, it is a public access facility, and we cannot guarantee who is on the campus and for what purpose. You must be alert for your own safety and security. Listed below are some suggestions for your safety:

1. Pay careful attention to your personal belongings.
  - Keep purses, gym bags, book bags and wallets in your view or under lock and key.
  - Because textbooks are expensive, they may be a temptation to a thief. Put your name on each book, and do not leave your books unattended.
2. Lock your car doors each time you leave the car.
3. Leave nothing in your car within view of a potential thief. Do not, for instance, store your books on the back seat.
4. Have your car keys in hand before leaving a building?
5. Evening students in particular are encouraged to walk in groups to cars and bus stops after leaving class or the Library.
6. Members of the college community are urged to secure their valuables and be aware of their surroundings.

### **CRIME PREVENTION PROGRAMMING**

- Public Safety in conjunction with other departments hold educational programs each semester on a variety of topics including personal safety awareness, sexual assault training, anti-theft programs and rape aggression defense classes.
- Information on safety and security is provided to students and employees upon request via seminars, crime alerts, campus wide e-mail, posters, and the college student newspaper.
- During orientation, students are informed of safety programs and the safety services available on campus.
- The campus is well lighted in parking areas and pathways frequently traveled by students.
- There are Emergency Blue Light Phones strategically-located throughout the campus that connect directly with Public Safety without having to dial. These phones are for emergencies requiring immediate assistance. Directions for proper use are printed on the inside of the call box.
- By calling extension 4217, or (845) 574-4217 from an outside phone, a person may request that a Public Safety Officer escort them between buildings, to his/her automobile, or to the bus stop.
- To contact the Public Safety Department for an **emergency** dial 4911 from any college phone. If calling from an outside phone, dial (845) 574-4911.
- The Public Safety Department will assist students and staff in obtaining and enforcing **orders of protection**.



## **BIAS CRIMES INFORMATION:**

Generally, a person commits a hate crime when he or she commits a specified offense and is motivated in whole or in part by bias on the part of the offender toward the race, color, national origin, gender, religion, sexual orientation, age (sixty or older), or disability of the victim.

Penalties for bias related crimes range from monetary fines up to a minimum of twenty years in prison, depending on the nature of a specific offense. Specific information regarding hate crime offenses and related penalties may be obtained from article 485 of the New York State Penal Law.

Whenever a member of the college community becomes a victim of a bias related crime, that member shall notify the Rockland Community College Public Safety Department or the Title IX Coordinator as soon as possible. The Public Safety Department will respond, ascertain information for a report, and make the following notifications as appropriate:

- Title IX Coordinator
- President's office
- Dean of Student Personnel Services
- Police
- Counseling
- Director of Personnel (staff involved)
- Other notifications where warranted

All reports of bias crimes will be investigated and perpetrators will be subject to administrative discipline consistent with Rockland Community College policies and procedures as well as criminal prosecution as allowed by law.

The Rockland Community College Counseling Center is available to assist any individual who believes they are the victim of a bias crime. The services include not only the coordination of intervention with other campus departments, but also on campus counseling as well as referrals to off-campus agencies and services.

## **SEXUAL VIOLENCE RESPONSE POLICY:**

In accordance with the Students' Bill of Rights, reporting individuals shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

### **REPORTING:**

To disclose *confidentially* the incident to one of the following College officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential reporting is available in the Options for Confidentially Disclosing Sexual Violence Policy at <https://sunyrockland.edu/about/title-ix/options-for-confidentially-disclosing-sexual-violence>):

- **Anonymously** on the Public Safety website at <https://sunyrockland.edu/services/public-safety> or telephone anonymous reporting system at 845-574-4636;
- **Counseling Services** - *Technology Center, Suite 8220, Room 8236*  
845-574-4304  
845-574-4306 to schedule  
<https://sunyrockland.edu/services/counseling>
  - Privileged and Confidential Counselors at the Counseling Center:
    - Professor Kathy Carroll, Licensed Mental Health Counselor
    - Professor Janice Moore, Licensed Clinical Social Worker
    - Professor Inez Rivera-Pena, Licensed Clinical Social Worker

Individuals serving in a pastoral role in our Religious Life Office at the College:

- **Center for Christian Life** - *Michael VerSchneider, Catholic Campus Minister*  
*Technology Center, Room 3203*  
*845-574-4531*  
[mverschneider@sunyrockland.edu](mailto:mverschneider@sunyrockland.edu)
- **Center for Jewish Life/Hillel** - *Rabbi Dov Oliver, Director*  
*Student Union, Room 3207*  
*845-574-4422*  
[doliver@sunyrockland.edu](mailto:doliver@sunyrockland.edu)

To disclose *confidentially* the incident and obtain services from the New York State, New York City or County hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906).

Assistance can also be obtained through:

- SurvJustice: <http://survjustice.org/survivors/>;
- Legal Momentum: <https://www.legalmomentum.org/>;
- NYSCASA: <http://nyscasa.org/get-help/>;
- NYSCADV: <http://www.nyscadv.org/>;
- Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>;
- GLBTQ Domestic Violence Project: <http://www.glbtqadv.org/>;
- RAINN: <https://www.rainn.org/get-help/>;
- Safe Horizons: <http://www.safehorizon.org/>.

*(Note: These hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases.)*

To disclose the incident to one of the following College officials who can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the College from retaliation, and to receive assistance and resources from the College. These College officials will disclose that they are private and not confidential resources, and they may still be required by law and College policy to inform one or more College officials about the incident, including but not limited to, the Title IX Coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or the district attorney:

- **Title IX Coordinator and Title IX Deputy Coordinators** - 845-574-4729 or 845-574-4160
- **RCC Public Safety (available 24/7)** - 845-574-4911 or 4217
- **Coordinator of Judicial Affairs** - 845-574-4105

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

- **RCC Public Safety** - *Eugene Levy Fieldhouse, Room 5209*  
*845-574-4911 or 4217*
- **Rockland County Sheriff's Department** - *55 New Hempstead Road, New City, NY 10956*  
*845-638-5400*
- **Town of Ramapo Police Department** - *237 NY-59, Suffern, NY 10901*  
*845-357-2400*

- **State police 24-hour hotline** - to report sexual assault on a NY college campus 1-844-845-7269
- **“Spirit of Rockland” Special Victims Center** - *Good Samaritan Regional Medical Center, 255 Lafayette Avenue, Suffern, NY 10901*  
845-357-0651

To file a report of sexual assault, domestic violence, dating violence, and/or stalking, talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with Rockland Community College policy and the reporting individual’s identity shall remain private at all times, if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep his/her identity anonymous, he or she may call the Student Development Center (845-574-4306 or 845-574-4307) anonymously to discuss the situation and available options (<http://www.sunyrockland.edu/about/title-ix/options-for-confidentially-disclosing-sexual-violence>):

- **Title IX Coordinator**  
*Latoya Blount*  
*Executive Director for Student Engagement and College Live*  
*Technology Center, Room 8135*  
845-574-4729  
[lblount@sunyrockland.edu](mailto:lblount@sunyrockland.edu)

When the accused is an employee, a reporting individual may also report the incident to Human Resources (Brucker Hall, Room 6104, 845-574-4720) at the College, or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the College, College officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and College policy.

You may withdraw your complaint or involvement from the College process at any time.

Every college shall ensure that, at a minimum, at the first instance of disclosure by a reporting individual to a College representative, the following information shall be presented to the reporting individual: “You have the right to make a report to Public Safety, local law enforcement, and/or State Police or choose not to report; to report the incident to the College; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College.”

**Resources:**

To obtain effective intervention services, contact:

**On-Campus**

- **Counseling Services** *Technology Center, Suite 8220, Room 8236*  
845-574-4304  
845-574-4306 to schedule

**Off-Campus**

- **Center for Safety & Change Main Walk-In Center:**  
*9 Johnsons Lane, New City, NY 10956*  
*24-Hour Hotline: 845-634-3344*
- Sexual contact can transmit Sexually Transmitted Infections (STIs) and may result in pregnancy. Testing for STIs and emergency contraception is available at:  
**Planned Parenthood** *25 Perlman Drive, Spring Valley, NY 10977*  
845-426-7577



Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found at [http://www.ovs.ny.gov/files/ovs\\_rights\\_of\\_cv\\_booklet.pdf](http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf), or by calling 1-800-247-8035. Options are explained at <http://www.ovs.ny.gov/helpforcrimevictims.html>.

To best preserve evidence, reporting individuals should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

## **PROTECTION AND ACCOMMODATIONS FOR REPORTING INDIVIDUALS OF SEXUAL ASSAULT**

When the accused is a student, the reporting individual has the right to:

- Have the College issue a “No Contact Order,” consistent with College policy and procedure, meaning that continuing to contact the protected individual is a violation of College policy, subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with College policy. Parties may submit evidence in support of their request;
- Have assistance from Public Safety or other College officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order;
- Have the accused, if he/she presents a continuing threat to the health and safety of the community, subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension;
- Receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a College official who can explain the order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s);
- An explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension;
- Have assistance from Public Safety in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of Public Safety or, if outside of the jurisdiction of Public Safety does not have arresting powers, to call on and assist local law enforcement in effecting an arrest for violating such an order;
- Obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referred in this policy, the Associate Vice President of Enrollment Management, located in the Technology Center, Room 8129 (845-574-4206) can serve as a point to assist with these measures;

- Protection against retaliation. No member of the College community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a sex discrimination complaint under Title IX or participates in a complaint investigation in any way. Participants who experience retaliation should report the event to the Associate Vice President of Enrollment Management.

When the accused is not a student, but is a member of the College community and presents a continuing threat to the health and safety of the community, the reporting individual has the right to:

- Request the accused be subjected to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and College policies and rules.

When the accused is not a member of the College community, the reporting individual has the right to:

- Have assistance from Public Safety or other College officials in obtaining a persona non- grata letter, subject to legal requirements and College policy.

## **STUDENT CONDUCT PROCESS:**

### **PROCEDURES GOVERNING SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING COMPLAINTS**

Conduct proceedings are governed by the procedures set forth in the Rockland Community College Student Code of Conduct, as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

1. Throughout conduct proceedings, the respondent and the reporting individual will have:
  - a. The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
  - b. The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking. Absent extenuating circumstances, review and resolution of a complaint is expected to take place within sixty (60) calendar days from receipt of the complaint. All deadlines and time requirements in the Code may be extended for good cause as determined by the Associate Vice President of Enrollment Management. Both the reporting individual and the respondent will be notified in writing of the delay, the reason for the delay, and provided the date of the new deadline or event, which shall not exceed 10 business days;
  - c. The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest;
  - d. The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific Code of Conduct provisions alleged to have been violated, and possible sanctions;

- e. The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay;
- f. The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the College);
- g. The right to present evidence and testimony at a hearing, where appropriate;
- h. The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing, or testifying with a room partition;
- i. The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in College disciplinary stage that determines responsibility. Past findings of domestic violence, stalking, or sexual assault may be admissible in the disciplinary stage that **determines sanction**;
- j. The right to ask questions of the decision-maker and via the decision-maker indirectly request responses from other parties and any other witnesses present;
- k. The right to make an impact statement during the point of the proceeding where the decision-maker is deliberating on appropriate sanctions;
- l. The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction and the rationale for the decision and any sanctions; appeal procedures; and any change to the result that may occur prior to the time that the result becomes final. If the alleged victim is deceased as a result of the crime or offense, RCC will provide the results of the disciplinary hearing to the victim's next of kin, if so requested;
- m. The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal;
- n. Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest;
- o. The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years. Contact the Associate Vice President of Enrollment Management, Technology Center, Room 8129 (845-574-4206);
- p. The right to choose whether to disclose or discuss the outcome of a conduct hearing;
- q. The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.
- r. The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the sanction(s); appeal procedures; and any change to the result that may occur prior to the time that the result becomes final. If the alleged victim is deceased as a result of the crime or offense, RCC will provide the results of the disciplinary hearing to the victim's next of kin, if so requested;

## **DISCIPLINARY SANCTIONS IMPOSED**

Disciplinary sanctions imposed shall include, but not be limited to, one or more of the following:

1. **Written Warning**  
A written warning is a letter from the Coordinator of Judicial Affairs to a student found to have violated the Code of Conduct. The specific violation is to be stated in the letter along with a rationale for why it violates the Standards of Student Conduct. A copy will be maintained by the Associate Vice President of Enrollment Management's office.
2. **Educational Assignment**  
A student may be assigned a paper, a project, and/or readings, which must be completed within a prescribed timeframe and are designed to help students who violate the Code of Conduct reflect and learn from their violations.
3. **Disciplinary Probation**  
Disciplinary probation may be imposed, for a specified period of time, on a student who has been found in violation of the Code of Conduct. Terms of disciplinary probation may include restricted access to designated areas of campus (e.g. Cafeteria, Library, etc.) and/or restricted participation in College activities. If a student violates the restrictions imposed, or becomes involved in any other violations of conduct while on disciplinary probation, additional sanctions may be imposed after a meeting with the Coordinator of Judicial Affairs, up to and including suspension or dismissal from the College. Probationary notice is to be given to the student in writing with the terms of the probation and the rationale carefully detailed.
4. **Restitution**  
Any student found in violation of the Code of Conduct that has caused an expense to the College or other members of the campus community may be required to make financial restitution to the parties involved or through an appropriate service or material replacement. Failure to do so within a specified time period may result in further disciplinary action as determined by the Coordinator of Judicial Affairs.
5. **Monetary Fines**  
Monetary fines may be imposed by the Provost and Vice President of Academic Affairs & Student Services, or designee, when deemed appropriate to a particular circumstance or situation.
6. **Community Service**  
An unpaid service for the benefit of the College or the community as a consequence for a violation of the Code.
7. **Dean's Hold**  
All academic and financial transactions with the College will be prohibited without the prior consent of the office of the Associate Vice President of Enrollment Management. This action automatically occurs within all listed sanctions with the exception of Sanction 1 (Written Warning).
8. **Confiscation of Student Identification**  
Students may be required to surrender their College identification. This action automatically occurs with Sanctions 11, 13, 14, and 15.
9. **Revocation of Driving and Parking Privileges on Campus**  
Evidence of reckless or repeated violations of traffic safety or parking regulations on College premises may lead to a revocation of driving and parking privileges on campus.
10. **Withdrawal from a Course**  
The Vice President of Student Services, or a designee assigned by the Vice President of Student Services, may withdraw a student from a course or transfer him/her to another section of the course

#### 11. Temporary Suspension

The Associate Vice President of Enrollment Management or a designee may suspend a student from the College for an interim period pending disciplinary proceedings. The specifically defined period of time, i.e., three days, two weeks, etc., in which the student will be prohibited from attending classes pending disciplinary proceedings shall be used to conduct further investigation of the alleged violation. The temporary suspension shall become immediately effective without prior notice whenever the Vice President of Student Services or a designee determines there is a reasonable basis to conclude that the continued presence of the student at the College poses a substantial and immediate threat of harm. A student suspended on a temporary basis shall be given an expedited opportunity (within three days of the notice of temporary suspension) to appear before the Vice President of Student Services or a designee for a Conduct Meeting (see Section II, B). During the Conduct Meeting the charges will be discussed and a determination will be made as to whether or not further disciplinary action will be taken. If at the time of the Conduct Meeting insufficient information has been gathered to make a final determination, the period of temporary suspension will continue and a second Conduct Meeting will be scheduled once the investigation is complete.

#### 12. Classroom Removal

A faculty member may temporarily remove a student from class who disrupts the educational environment. If the faculty member removes the student for more than one class session, he/she will submit a written report within 48 hours of the incident for review by the Coordinator of Judicial Affairs. A Conduct Meeting will be scheduled on a priority basis and a decision as to whether or not a student can return to class will be made in consultation with the faculty.

#### 13. Suspension

Suspension shall be a specific period of time in which a student is prohibited from enrolling at the institution. Ordinarily a student who is suspended will receive a "W" for all of his/her courses. In compelling circumstances, the Associate Vice President of Enrollment Management reserves the right to allow a student's instructor to issue a grade. Suspension can be accompanied by additional criteria, which the student must fulfill prior to reenrollment. For the timeframe a student is suspended, he/she is considered "Persona Non-Grata," which means his/her presence on campus is prohibited without prior approval from Public Safety.

#### 14. Expulsion

Expulsion is the immediate removal of a student from the College prohibiting future enrollment at the institution. Ordinarily a student who is expelled will receive a "W" for all his/her courses. In compelling circumstances, the Associate Vice President of Enrollment Management reserves the right to allow a student's instructor to issue a grade. When a student is expelled, he/she is designated "Persona Non-Grata," which means his/her presence on campus is prohibited without prior approval from Public Safety.

#### 15. Involuntary Withdrawal from College

Where the College has credible evidence that a student's behavior represents a direct threat of harm, the Vice President of Student Services, or a designee assigned by the Vice President of Student Services, will temporarily suspend the student, advise him/her of the charges against him/her, and will convene the Behavioral Assessment Committee (BAC) to assess the severity of risk that the student's behavior represents. The BAC will review the student's case, and may require that the student submit an objective, individualized psychiatric assessment from a licensed mental health professional (chosen or approved by the College) that allows the College to determine the nature, duration, and severity of the risk of harm; the probability that a potentially threatening injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk. As part of this determination, the student may be interviewed by the BAC. During the interview the student will have the opportunity to answer the charges against him/her and present evidence that his/her behavior does not represent a direct threat of harm. After reviewing the student's case and all

supporting documentation, the BAC will make a recommendation to the Provost and Vice President of Academic Affairs & Student Services as to what actions can be taken to minimize or eliminate the risk associated with the student's behavior. Based upon the recommendation of the BAC, the Provost and Vice President of Academic Affairs & Student Services may require any of the following: 1) the student may return immediately with or without restrictions; 2) the student must separate from the College for a prescribed period of time with specified conditions for return; 3) the student must withdraw from the College, but may have the opportunity for readmission if he/she is able to establish that his/her behavior no longer constitutes a direct or substantial threat of harm; 4) the student must withdraw from the College without the opportunity for readmission. If a student is withdrawn involuntarily, he/she is designated "Persona Non-Grata," which means his/her presence on campus is prohibited without prior approval from Public Safety.

## **STUDENTS' BILL OF RIGHTS**

The State University of New York and Rockland Community College are 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 College/University-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, 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 from the College;
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 College 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 institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
8. Be free from retaliation by the College, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the College;
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;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, visit [Options for Confidentially Disclosing Sexual Violence](#)).
- **Make a report to:**
  - **Title IX Coordinator(s)** - 845-574-4729, 845-574-4160
  - **RCC Public Safety** - 845-574-4911 or 4217



- **Coordinator of Judicial Affairs** - 845-574-4105
- **Rockland County Sheriff's Department** - 845-638-5400
- **Town of Ramapo Police Department** - 845-357-2400
- **"Spirit of Rockland" Special Victims Center** - 845-357-0651

### **BYSTANDER INFORMATION**

Bystander Intervention Options 1. Direct: Address the situation directly. Use this when the person that you're trying to stop is someone that knows and trusts you. Consider other intervention methods when drugs or alcohol are being used. 2. Distract: Distract either person in the situation to intervene. Interject yourself into a conversation where another person seems unsafe. 3. Delegate: Find others who can help you to intervene in the situation. This might include asking a friend to distract one person in the situation while you distract the other to separate the individuals, or asking someone to go sit with them and talk. 4. Delay: You may not be able to do something right in the moment. If you're feeling unsafe or if you're unsure whether or not someone in the situation is feeling unsafe, you may just want to check in with the person. In this case, you can combine a distraction technique by asking the person to use the bathroom with you or go get a drink with you to separate them and then asking them, "Are you okay?" Please remember that your safety is of the utmost importance. Contact the Department of Public Safety if you do not feel comfortable intervening. Bystander intervention resources: Step Up:

<http://www.stepupprogram.org> Bystander Intervention Toolkit:

<http://www.health.ny.gov/publications/2040.pdf> Men Can Stop Rape:

<http://www.mencanstoprape.org/Theories-that-Shape-Our-Work/bystander-intervention.html>

### **POLICY STATEMENT FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE CASES**

The health and safety of every student at Rockland Community College is of utmost importance. Rockland Community College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time a sexual violence incident occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Rockland Community College strongly encourages students to report incidents of sexual violence to campus officials. A bystander reporting in good faith or a victim/survivor reporting sexual violence to RCC officials or law enforcement will not be subject to campus conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the sexual violence.

### **GENERAL DEFINITION OF TERMS**

**Sexual Assault** is defined as any sexual contact/ intrusion/ penetration that is absent or without consent by all parties. Examples include, but are not limited to: a) touching breasts or another's genitals without their consent (through clothing or skin to skin contact), b) having sexual contact/ intrusion/ penetration with someone who is incapacitated (one who is incapable of making a rational decision; e.g. from alcohol/drug usage), c) continuing sexual activity after either party has made clear, either verbally or by conduct, that they do not wish to have physical contact.

**Dating/Domestic Violence** is the intentional use of abusive tactics and physical force in order to obtain and maintain power and control over an intimate partner.

**Stalking** is defined in general terms as engaging in a course of conduct or repeatedly committing acts towards another person, including following another person without proper authority with either: intent to place the person in reasonable fear of bodily injury, or intent to cause substantial emotional distress to the person.

### **VIOLENCE AGAINST WOMEN ACT (VAWA)**

The **Violence Against Women Act** and its proposed regulations require the inclusion of certain New York State definitions in a campus's Annual Security Report and also require that those definitions be provided in campaigns, orientations, programs and trainings for employees and students. Definitions required include: consent; dating violence; domestic violence; sexual assault; and stalking.

**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, dating violence would include the crimes listed elsewhere in this document when committed by a person in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or threat of abuse. It does not include acts covered under the definition of domestic violence.

**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.

**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, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

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

S 130.00 Sex offenses; definitions of terms.

The following definitions are applicable to this article:

1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.

2. (a) "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina. (b) "Anal sexual conduct" means conduct between persons consisting of contact between the penis and anus.

3. "Sexual contact" means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.

4. For the purposes of this article "married" means the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article against the victim.

5. "Mentally disabled" means that a person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct.

6. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.

7. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

8. "Forcible compulsion" means to compel by either:  
a. use of physical force; or  
b. a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.

9. "Foreign object" means any instrument or article which, when inserted in the vagina, urethra, penis, rectum or anus, is capable of causing physical injury.

10. "Sexual conduct" means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.

11. "Aggravated sexual contact" means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis, rectum or anus of a child, thereby causing physical injury to such child.

12. "Health care provider" means any person who is, or is required to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she were licensed or registered

in the profession of medicine, chiropractic, dentistry or podiatry under any of the following: article one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, or one hundred forty-one of the education law.

13. "Mental health care provider" shall mean a licensed physician, licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker.

S 130.05 Sex offenses; lack of consent.

1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

2. Lack of consent results from:

(a) Forcible compulsion; or  
(b) Incapacity to consent; or  
(c) 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; or

(d) Where the offense charged is rape in the third degree as defined in subdivision three of section [130.25](#), or criminal sexual act in the third degree as defined in subdivision three of section [130.40](#), in addition to forcible compulsion, 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.

3. A person is deemed incapable of consent when he or she is:

(a) less than seventeen years old; or  
(b) mentally disabled; or  
(c) mentally incapacitated; or  
(d) physically helpless; or  
(e) committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital. For purposes of this paragraph, "employee" means (i) an employee of the state department of corrections and community supervision who, as part of his or her employment, performs duties: (A) in a state correctional facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to inmates; or

(B) of supervising persons released on community supervision and supervises the victim at the time of the offense or has supervised the victim and the victim is still under community supervision at the time of the offense; or

(ii) an employee of the office of mental health who, as part of his or her employment, performs duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law in which the inmate is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such inmates; or (iii) a person, including a volunteer,

providing direct services to inmates in a state correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the state department of corrections and community supervision or, in the case of a volunteer, a written agreement with such department, provided that the person received written notice concerning the provisions of this paragraph; or

(f) committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, 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 facility. For purposes of this paragraph, "employee" means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates. For purposes of this paragraph, "employee" shall also mean a person, including a volunteer or a government employee of the state department of corrections and community supervision or a local health, education or probation agency, providing direct services to inmates in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or

(g) committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this paragraph, "employee" means an employee of the office of children and family services or of a residential facility in which such person is committed to or placed at the time of the offense who, as part of his or her employment, performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training, or direct supervision to persons committed to or placed in a residential facility operated by the office of children and family services; or

(h) a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section [130.25](#), criminal sexual act in the third degree as defined in section [130.40](#), aggravated sexual abuse in the fourth degree as defined in section [130.65-a](#), or sexual abuse in the third degree as defined in section [130.55](#), and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or

(i) a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, "employee" means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and

who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further, however, "employee" shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact.

#### S 130.10 Sex offenses; limitation; defenses.

1. In any prosecution under this article in which the victim's lack of consent is based solely upon his or her incapacity to consent because he or she was mentally disabled, mentally incapacitated or physically helpless, it is an affirmative defense that the defendant, at the time he or she engaged in the conduct constituting the offense, did not know of the facts or conditions responsible for such incapacity to consent.

2. Conduct performed for a valid medical or mental health care purpose shall not constitute a violation of any section of this article in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of section [130.05](#) of this article.

3. In any prosecution for the crime of rape in the third degree as defined in section [130.25](#), criminal sexual act in the third degree as defined in section [130.40](#), aggravated sexual abuse in the fourth degree as defined in section [130.65-a](#), or sexual abuse in the third degree as defined in section [130.55](#) in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of section [130.05](#) of this article it shall be an affirmative defense that the client or patient consented to such conduct charged after having been expressly advised by the health care or mental health care provider that such conduct was not performed for a valid medical purpose.

4. In any prosecution under this article in which the victim's lack of consent is based solely on his or her incapacity to consent because he or she was less than seventeen years old, mentally disabled, a client or patient and the actor is a health care provider, or committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital and the actor is an employee, it shall be a defense that the defendant was married to the victim as defined in subdivision four of section [130.00](#) of this article.

#### S 130.16 Sex offenses; corroboration.

A person shall not be convicted of any offense defined in this article of which lack of consent is an element but results solely from incapacity to consent because of the victim's mental defect, or mental incapacity, or an attempt to commit the same, solely on the testimony of the victim, unsupported by other evidence tending to:

(a) Establish that an attempt was made to engage the victim in sexual intercourse, oral sexual conduct, anal sexual conduct, or sexual contact, as the case may be, at the time of the occurrence; and

(b) Connect the defendant with the commission of the offense or attempted offense.



S 130.20 Sexual misconduct.

A person is guilty of sexual misconduct when:

1. He or she engages in sexual intercourse with another person without such person's consent; or
2. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or
3. He or she engages in sexual conduct with an animal or a dead human body.

Sexual misconduct is a class A misdemeanor.

S 130.25 Rape in the third degree.

A person is guilty of rape in the third degree when:

1. He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or
3. He or she 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 third degree is a class E felony.

S 130.30 Rape in the second degree.

A person is guilty of rape in the second degree when:

1. being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or
2. he or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Rape in the second degree is a class D felony.

S 130.35 Rape in the first degree.

A person is guilty of rape in the first degree when he or she 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 eleven years old; or
  4. Who is less than thirteen years old and the actor is eighteen years old or more.

Rape in the first degree is a class B felony.

S 130.40 Criminal sexual act in the third degree.

A person is guilty of criminal sexual act in the third degree when:

1. He or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or

3. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal sexual act in the third degree is a class E felony.

S 130.45 Criminal sexual act in the second degree.

A person is guilty of criminal sexual act in the second degree when:

1. being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or

2. he or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Criminal sexual act in the second degree is a class D felony.

S 130.50 Criminal sexual act in the first degree.

A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct 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 eleven years old; or

4. Who is less than thirteen years old and the actor is eighteen years old or more.

Criminal sexual act in the first degree is a class B felony.

S 130.52 Forcible touching.

A person is guilty of forcible touching when such 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.

For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

Forcible touching is a class A misdemeanor.

S 130.53 Persistent sexual abuse.

A person is guilty of persistent sexual abuse when he or she commits the crime of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, and, within the previous ten year period, excluding any time during which such person was incarcerated for any reason, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree as defined in section 130.55 of this article, sexual abuse in the second degree, as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

Persistent sexual abuse is a class E felony.

S 130.55 Sexual abuse in the third degree.

A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and (c) the defendant was less than five years older than such other person.

Sexual abuse in the third degree is a class B misdemeanor.

S 130.60 Sexual abuse in the second degree.

A person is guilty of sexual abuse in the second degree when he or she 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 seventeen years old; or
2. Less than fourteen years old.

Sexual abuse in the second degree is a class A misdemeanor.

S 130.65 Sexual abuse in the first degree.

A person is guilty of sexual abuse in the first degree when he or she 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.

Sexual abuse in the first degree is a class D felony.

S 130.65-a Aggravated sexual abuse in the fourth degree.

1. A person is guilty of aggravated sexual abuse in the fourth degree when:

(a) He or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or

(b) He or she inserts a 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 seventeen years old.

2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the fourth degree is a class E felony.

S 130.66 Aggravated sexual abuse in the third degree.

1. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person:

- (a) By forcible compulsion; or
- (b) When the other person is incapable of consent by reason of being physically helpless; or
- (c) When the other person is less than eleven years old.

2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object 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 being mentally disabled or mentally incapacitated.

3. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the third degree is a class D felony.

S 130.67 Aggravated sexual abuse in the second degree.

1. A person is guilty of aggravated sexual abuse in the second degree when he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person:

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being physically helpless; or

(c) When the other person is less than eleven years old.

2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the second degree is a class C felony.

S 130.70 Aggravated sexual abuse in the first degree.

1. A person is guilty of aggravated sexual abuse in the first degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person:

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being physically helpless; or

(c) When the other person is less than eleven years old.

2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the first degree is a class B felony.

S 130.75 Course of sexual conduct against a child in the first degree.

1. A person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration:

(a) he or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than eleven years old; or

(b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than thirteen years old.

2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

Course of sexual conduct against a child in the first degree is a class B felony.

S 130.80 Course of sexual conduct against a child in the second degree.

1. A person is guilty of course of sexual conduct against a child in the second degree when, over a period of time not less than three months in duration:

(a) he or she engages in two or more acts of sexual conduct with a child less than eleven years old; or

(b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old.

2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

Course of sexual conduct against a child in the second degree is a class D felony.

#### S 130.85 Female genital mutilation.

1. A person is guilty of female genital mutilation when:

(a) a person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not reached eighteen years of age; or

(b) being a parent, guardian or other person legally responsible and charged with the care or custody of a child less than eighteen years old, he or she knowingly consents to the circumcision, excision or infibulation of whole or part of such child's labia majora or labia minora or clitoris.

2. Such circumcision, excision, or infibulation is not a violation of this section if such act is:

(a) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

(b) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

3. For the purposes of paragraph (a) of subdivision two of this section, no account shall be taken of the effect on the person on whom such procedure is to be performed of any belief on the part of that or any other person that such procedure is required as a matter of custom or ritual.

Female genital mutilation is a class E felony.

#### S 130.90 Facilitating a sex offense with a controlled substance.

A person is guilty of facilitating a sex offense with a controlled substance when he or she:

1. knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and

2. commits or attempts to commit such conduct constituting a felony defined in this article.

Facilitating a sex offense with a controlled substance is a class D felony.

#### S 130.91 Sexually motivated felony.

1. A person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification.

2. A "specified offense" is a felony offense defined by any of the following provisions of this chapter: assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10, gang assault in the second degree as defined in section 20.06, gang assault in the first degree as defined in section 120.07, stalking in the first degree as defined in section 120.60, strangulation in the second degree as defined in section 121.12, strangulation in the first degree as defined in section 121.13, manslaughter in the second degree as defined in subdivision one of section 125.15, manslaughter in the first degree as

defined in section 125.20, murder in the second degree as defined in section 125.25, aggravated murder as defined in section 125.26, murder in the first degree as defined in section 125.27, kidnapping in the second degree as defined in section 135.20, kidnapping in the first degree as defined in section 135.25, burglary in the third degree as defined in section 140.20, burglary in the second degree as defined in section 140.25, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, arson in the first degree as defined in section 150.20, robbery in the third degree as defined in section 160.05, robbery in the second degree as defined in section 160.10, robbery in the first degree as defined in section 160.15, promoting prostitution in the second degree as defined in section 230.30, promoting prostitution in the first degree as defined in section 230.32, compelling prostitution as defined in section 230.33, disseminating indecent material to minors in the first degree as defined in section 235.22, use of a child in a sexual performance as defined in section 263.05, promoting an obscene sexual performance by a child as defined in section 263.10, promoting a sexual performance by a child as defined in section 263.15, or any felony attempt or conspiracy to commit any of the foregoing offenses.

#### S 130.92 Sentencing.

1. When a person is convicted of a sexually motivated felony pursuant to this article, and the specified felony is a violent felony offense, as defined in section [70.02](#) of this chapter, the sexually motivated felony shall be deemed a violent felony offense.

2. When a person is convicted of a sexually motivated felony pursuant to this article, the sexually motivated felony shall be deemed to be the same offense level as the specified offense the defendant committed.

3. Persons convicted of a sexually motivated felony as defined in section 130.91 of this article, must be sentenced in accordance with the provisions of section [70.80](#) of this chapter.

#### S 130.95 Predatory sexual assault.

A person is guilty of predatory sexual assault when he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and when:

1. In the course of the commission of the crime or the immediate flight therefrom, he or she:

- (a) Causes serious physical injury to the victim of such crime; or
- (b) Uses or threatens the immediate use of a dangerous instrument;

or

2. He or she has engaged in conduct constituting the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, against one or more additional persons; or

3. He or she has previously been subjected to a conviction for a felony defined in this article, incest as defined in section [255.25](#) of this chapter or use of a child in a sexual performance as defined in section [263.05](#) of this chapter.

Predatory sexual assault is a class A-II felony.



S 130.96 Predatory sexual assault against a child.

A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of [rape in the first degree](#), [criminal sexual act in the first degree](#), [aggravated sexual abuse in the first degree](#), or [course of sexual conduct against a child in the first degree](#), as defined in this article, and the victim is less than thirteen years old.

Predatory sexual assault against a child is a class A-II felony.

S 120.45 Stalking in the fourth degree.

A person is guilty of stalking in the fourth degree when he or she intentionally, and for no 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.

For the purposes of subdivision two of this section, "following" shall include the unauthorized tracking of such person's movements or location through the use of a global positioning system or other device.

Stalking in the fourth degree is a class B misdemeanor.

S 120.50 Stalking in the third degree.

A person is guilty of stalking in the third degree when he or she:

1. Commits the crime of stalking in the fourth degree in violation of section [120.45](#) of this article against three or more persons, 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 in violation of section [120.45](#) of this article against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime, as defined in subdivision five of section [120.40](#) of this article, 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 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 third degree is a class A misdemeanor.

S 120.55 Stalking in the second degree.

A person is guilty of stalking in the second degree when he or she:

1. Commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 of this article and in the course of and in furtherance of the commission of such offense: (i) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star", dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (ii) 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 degree in violation of subdivision three of section [120.50](#) of this article against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime as defined in subdivision five of section [120.40](#) of this article, 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 as defined in subdivision four of section [120.50](#) of this article against any person; or

4. Being twenty-one 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, as defined in subdivision three of section [120.50](#) of this article, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

Stalking in the second degree is a class E felony.

S 120.60 Stalking in the first degree.

A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in subdivision three of section [120.50](#) or stalking in the second degree as defined in section [120.55](#) of this article and, in the course and furtherance thereof, he or she:

1. intentionally or recklessly causes physical injury to the victim of such crime; or

2. commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section [130.25](#), [130.40](#) or [130.85](#) of this chapter, or a class D felony defined in section [130.30](#) or [130.45](#) of this chapter.

Stalking in the first degree is a class D felony.

## **SUBSTANCE ABUSE AND SEXUAL ASSAULT**

Some Basic Facts on the criminal use of sedating substances to facilitate sexual assault:

For centuries alcohol has been used to facilitate sexual assault. Today it remains the substance most frequently associated with date rape, and the most accessible sedating substance. Other sedating drugs are increasingly being misused to commit sexual assault by spiking victims' beverages. These are referred to by a number of street names of which you should be aware. These include Liquid Ecstasy, Liquid X, Grievous Bodily Harm and Easy Lay for GHB, and Special K for ketamine. Common street names for Rohypnol include Roofies, Roachies, La Rocha and the forget pill.

The physical effects of alcohol and sedating drugs are very similar and include impaired judgment and motor coordination, dizziness, confusion and extreme drowsiness. If enough alcohol or sedating substances are consumed, an individual may fall unconscious or may not remember the details of what occurred. *Depending on the substance and the presence of alcohol and other drugs in the person's system, more dangerous and sometimes life-threatening side effects may occur.*

How to reduce the risk of being drugged and sexually assaulted:

- Do not leave beverages unattended.
- Do not take any beverages, including alcohol, from someone you do not know well and trust.
- At a bar or club, accept drinks only from the bartender or server.
- At parties, do not accept open-container drinks from anyone.
- Be alert to the behavior of friends and ask them to watch out for you. Anyone extremely intoxicated after consuming only a small amount of alcohol may be in danger.
- Limit alcohol consumption so you are better able to assess your surroundings and eat substantive food before drinking to help curb its sedating effects.
- When drinking in social settings, make arrangements with a friend so that you can leave together.

Most importantly, remember that whether you follow these tips or not, if someone sexually assaults you, it is *not* your fault. You are *never* to blame for someone's actions.

## **GENERAL PRECAUTIONS**

Even the best self-defense program cannot completely prevent sexual assault.

Be aware that everyone is a potential victim of sexual assault. The most vulnerable target is a woman alone. It is a myth that assault is provoked by a woman's dress or mannerisms. Opportunity and vulnerability are the key factors. Over 80 percent of all sexual assaults are committed by an acquaintance of the victim, but almost half of these victims tell no one about the attack. Many attacks begin with casual conversation. If your gut-level response to a stranger or friend is uneasiness, try and get out of the situation as quickly as possible, even if it means being rude or making a scene. The keys to prevention are awareness, trusting your intuition, and assertive behavior.

Take the time to think ahead what you might do in the event of an attack.

The following tips are designed to increase your awareness of personal safety and to encourage you to think ahead about how you would react if assaulted:

- **Be alert to your surroundings**
  - Know your route and stay in well-lighted areas. Walk confidently.
  - Walk with other people whenever possible.
  - Consider carrying a whistle on your key chain and use it if you find yourself in danger.
  - Know the locations of public and blue light telephones, and keep change handy.
  - If you are walking alone, don't use headphones; they distract you and prevent you from being alert.
- **If you travel by car**
  - Always keep your car locked, while you are riding and when it is parked.
  - When returning to your car, do so with your keys in your hand.
  - Check the back seat before you get in.
  - After you get in, re-lock the car immediately and keep the windows up.
  - Do not stop to assist stalled drivers. Drive on and call the police.
  - Do not accept assistance if your car is stalled. Tell anyone who offers help to call the police.
  - Do not pick up hitchhikers.
- **If you travel by bus**
  - Go to the bus stop with other people whenever possible, particularly at night.
  - Don't accept rides from strangers.
- **If you feel you are being followed**
  - Walk to the nearest occupied or well-lighted building, *not* to your car or a bus stop. If on campus, contact campus security for assistance; if off-campus, call the police. Note the appearance of the person or persons; note the license plate number of the car. Your personal safety should come before the security of belongings, such as books, bags, etc. When in doubt, leave them behind.
- **If you feel threatened**
  - Shout "Leave me alone." Others may hear you and/or the potential criminal may be frightened away.
  - Trust your instincts. If you feel in danger, you probably are; don't be embarrassed to seek assistance.
- **Blue light phones**
  - There are 49 strategically located emergency phones on campus that connect directly with Public Safety without having to dial. These phones are for emergencies requiring immediate assistance. Directions for proper use are printed on the inside of the call box in.
- **At home**, keep the doors and windows locked. Ask repair, service or delivery persons for identification or have them wait outside while you call to verify their employment.
- Learn to **defend yourself**.
- **Teach children** about the potential for sexual assault and what to do if they are ever approached inappropriately. Children should be told that they are never responsible for sexual assault and to tell a trusted adult if an assault should ever occur.

**Report all incidents** to Public Safety if on campus, to the police if off campus

## **SEXUAL HARASSMENT**

Sexual harassment includes any unwanted verbal or physical sexual advances, requests for sexual favors, sexually explicit derogatory remarks, and sexually discriminating remarks, which are offensive or objectionable to the person at whom they are directed or which cause a person discomfort or humiliation.

Sexual harassment can be as subtle as a look or as blatant as rape. Women are most often, though not solely, its victims.

Verbal harassment may include “humor” or “jokes” about women, sex, or sexual orientation, or remarks connecting a person’s sex with intellectual or academic abilities. Whether verbal or physical, sexual harassment is an act of aggression. It is a violation of both federal (Section 703 of the Civil Rights Act of 1964 and Title IX Education Amendments of 1972) and New York State Human Rights law.

Verbal harassment may include: sexual innuendos and comments and sexual remarks about clothing, body, or sexual activities; suggestive or insulting sounds; sexual propositions, invitations or other pressure for sex (“My office hours are limited. Why don’t you come by my house, or we can have dinner, and get to know each other better in privacy.”); implied or overt threats (“It’s simple; if you want to pass the course, you have to be nice to me and sex is the nicest thing I can think of. It’s up to you.”)

### **HOW TO REPORT A CRIME:**

All criminal incidents and emergencies should be reported to the Public Safety Office located in the Fieldhouse, room 5209, in person, or by telephone (845-574-4217). **Our emergency phone number is 574-4911.** If necessary, the Rockland County Sheriff’s Dept. will be informed of the incident. The Sheriff’s Dept. can be contacted directly by dialing 911 or (845-638-5400). RCC Public Safety can be contacted by picking up any Campus Blue Light Emergency Phones or by dialing (845-574-4911) from any phone or 4911 from college phones. An officer will be dispatched immediately to the site of the complaint. These phones should be used only for emergencies.

**Report Anonymously** on the Public Safety website at <http://www.sunyrockland.edu/services/public-safety> or telephone anonymous reporting system at 845-574-4636;

Campus Public Safety will record, classify, and log all reports received. Individuals reporting incidents will be informed of their rights and given an opportunity to file a police report for insurance or criminal purposes. All reported incidents are reviewed on an ongoing basis to determine patterns and required corrective action. Any incident of extreme serious nature will be immediately reported to the President or his designee. A strong working relationship between Campus Public Safety and the local police departments will be maintained. Third party reports will not be accepted by a police officer. Only persons who are involved directly in such incidents should report them.

In the event of a major emergency or anything that poses a threat to students, employees, or others, an alert will be prepared by posting notifications on all campus outer doors and distributing a campus e- mail notification.

### **CONFIDENTIAL CRIME REPORTING POLICY:**

Persons wanting to report a crime or incident can do so confidentially by contacting the Director of Public Safety, in his office (room 5211) in the Fieldhouse) or by calling 845-574-4458. The reporting person’s name will be kept confidential, but the incident may be included in the annual crime statistics report without divulging the person’s name or any other information that would infringe on his/her confidentiality.

In addition to the campus Public Safety Office, crimes or serious incidents may also be reported to individuals and officials having significant responsibility for students or campus activities, or those with responsibility for controlling access to buildings or facilities (i.e. Public Safety Department members, Deans, Directors, Coordinators of Student Activities/Life/Athletics, Faculty Advisors to student groups, Director of Athletics, Coaches, etc.). These individuals also allow victims and witnesses to report crime on a voluntary, confidential basis. Reports of this nature are filed with the Campus Public Safety for informational purposes.

Although professional counselors at the college are exempt from disclosing reported offenses when acting in their professional capacity, Rockland Community College encourages them, if and when they deem it appropriate, to inform those who they counsel of procedures for reporting crimes on a voluntary, confidential basis for inclusion in the Campus Security & Safety Report.

## **POLICY AND PROCEDURES FOR ISSUING A CAMPUS TIMELY WARNING OR AN EMERGENCY NOTIFICATION**

### **Overview**

In the event of a substantiated serious safety concern, either on college property or in the near vicinity of the campus, numerous and diligent efforts are made to advise members of the campus community. The College takes its duty seriously to inform students and campus community members of threatening situations—and how they can best protect themselves from harm. As a result, information about crime-related and other potentially threatening situations is provided in an accurate and timely fashion. The College will release information which can be used by students and other College community members to reduce their chances of becoming victims. These notices will be issued as a means of a “**Campus Timely Warning Notice**” (CTWN) or an “**Emergency Notification**” (EN).

### **Campus Timely Warning Notice Policy**

#### **What Constitutes Issuance of a Campus Timely Warning Notice (CTWN)?**

Campus Timely Warning Notice is specifically related to compliance with the federal Clery Act, which requires colleges and universities to notify students and employees whenever there is a threat that a serious crime is ongoing or may be repeated-- so that campus community members can protect themselves from harm. The Clery Act defines certain specific crimes that require a timely warning notice to be issued when crimes are reported to Campus Security Authorities (CSA's) with significant responsibility for student and campus activities, campus safety, or the local police AND the reported crime(s) are believed to have occurred on campus, in or on non- campus buildings or property, or on public property contiguous to the campus.

Types of incidents or situations that constitute a campus timely warning being sent are:

1. **All Clery Act Crimes which represent a serious or continuing threat to the person and/or property of students and employees.** Examples include but are not limited to:
  - Criminal Homicide
  - Sex Offenses
  - Robbery
  - Aggravated Assault
  - Burglary
  - Motor Vehicle Theft
  - Arson
  - Hate Crimes
2. **Emergency situations that are life threatening.** Examples include, but are not limited to:
  - Persons with weapons with intent to use
  - Threat of violent crime
  - Situations where identity or location of suspect is not known
  - Assault (physical or sexual)
3. **Any act or immediate threat of interpersonal violence.** Examples include, but are not limited to:
  - Domestic or relationship situations
  - Hate crimes
  - Consistent pattern of violent behavior
4. **Serious acts or threats to campus-owned or person**



**Timing, Content, and Decision Criteria for a Campus Timely Warning Notice:**

The warning should be issued as soon as the pertinent information is available because the intent of a campus timely warning is to alert the campus community of continuing threats, especially concerning safety, thereby enabling community members to protect themselves.

The issuing of a timely warning notice must be decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

Clery Act regulations do not specifically specify what information should be included in a timely warning. However, because the intent of the warning is to enable members of the campus community to protect themselves, the warning should include all information that would promote safety. Generally, the warning will specify the type of reported crime, the time and location at which the reported crime occurred, and specific advice to the campus community regarding steps to take to avoid becoming a victim and to protect themselves.

**The timely warning notice WILL NOT include any information that would identify the victim.**

**Decision to Issue Campus Timely Warning Notice – Responsibility:**

Responsibility: The decision to issue a Campus Timely Warning Notice is made in coordination and consultation by the Emergency Response Team. In an extreme emergency, the notification process will be implemented at the sole direction of the College's President or Designee or the Director of Public Safety or designee.

**Emergency Response Team:**

President  
Provost  
Chief Operations Officer  
Director of Communications  
Director of Human Resources  
Director of Plant Facilities  
Director of Public Safety

Note: The decision to issue a Campus Timely Warning Notice shall include a specific designation of the College office or person to be responsible for overseeing the dissemination of the warning.

**How Campus Timely Warning Notices are issued:**

1. Campus Timely Warning notices will be issued to students and employees upon the confirmation of a significant emergency, dangerous situation, incident or crime, impacting the campus community and/or the surrounding area.
2. Upon receiving pertinent information of an emergency situation that requires an immediate response, the Emergency Response Team will communicate and/or convene without delay to implement the notification process. In an extreme emergency, the notification process will be implemented at the sole direction of the President or designee or the Director of Public Safety or Designee.
3. This information may be disseminated to campus community members via a variety of mechanisms or mediums.

**Rockland Community College will use one or more of the following means:**

- Electronic mail messages
- Text messaging and calls to cell phones of those enrolled in the College's text message alert service
- Emergency Notification Line 845-574-4034.
- Emergency Message on the college website ([www.sunyrockland.edu](http://www.sunyrockland.edu))
- Public announcements
- Public address system (outdoor siren)

To sign up to receive alerts through this system, go to <https://portalv4.swiftreach.com/Portal.aspx?c=201193&l=759496>, follow the instructions and enter the requested information.

## **EMERGENCY NOTIFICATION POLICY**

### **What Constitutes Issuance of an Emergency Notification/Safety Alert?**

Rockland Community College uses an Emergency Notification to notify students and employees in a timely manner when it is determined that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. The notification to the campus community may contain only the information that is reasonably necessary to promote the safety of the campus community as dictated by the situation. An Emergency Notification will be released as soon as reasonably necessary and without delay, unless notification will compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. After the initial notification, follow-up information must be disseminated to the community via the mediums stated below. An Emergency Notification can be related to criminal activity that is not subject to the timely warning standard required by the Clery Act, but is not necessarily related to criminal activity. Examples of situations that may constitute the College's decision to issue an Emergency Notification include, but are not limited to:

1. **Situations where serious injuries may or have occurred.** Examples include, but are not limited to:
  - Building collapse
  - Train derailment
  - Fire
  
2. **Situations that cause major disruption to campus operations.** Examples include, but are not limited to:
  - Transformer fire
  - Weather-related situations
  - Power outages
  - Water emergencies
  - Serious acts or threats to campus property

### **Decision to Issue Emergency Notifications – Responsibility:**

Responsibility: The decision to issue a Campus Timely Warning Notice is made in coordination and consultation by the Emergency Response Team. In an extreme emergency, the notification process will be implemented at the sole direction of the College's President or Designee or the Director of Public Safety or designee.

### **Emergency Response Team:**

President  
Provost  
Chief Operations Officer  
Director of Communications  
Director of Plant Facilities  
Director of Public Safety

In an extreme emergency, the notification process will be implemented at the sole direction of the Director of Public Safety or designee.

Note: The decision to issue an Emergency Notification shall include a specific designation of the College office or person to be responsible for overseeing the dissemination of the warning

**How Emergency Notifications are Issued:**

1. Emergency Notification messages will be issued to students and employees upon the confirmation of a significant emergency, dangerous situation, incident or crime, impacting the campus community and/or the surrounding area.
2. Upon confirmation of an emergency situation that requires an immediate response, the Emergency Response Team will communicate and/or convene without delay to implement the notification process. In an extreme emergency, the notification process will be implemented at the sole direction of the Director of Public Safety or designee.
3. This information may be disseminated to campus community members via a variety of mechanisms or mediums. Rockland Community College will use one or more of the following means:
4. Unlike a Timely Warning Notice which must be sent campus wide, an Emergency Notification may be segmented to a specific group of individuals in a designated building/area. If an Emergency Notification is issued, there is no need to issue a Timely Warning for the same circumstance.

**Informing the Larger Community on Emergency Notifications:**

If the Emergency Response Team determines that notification of audiences other than students and employees is necessary and appropriate, Rockland Community College's procedures for disseminating emergency information to the larger community will include making pertinent information available on the College Web site ([sunyrockland.edu](http://sunyrockland.edu)), as well as use of its Emergency Notification Line (845-574-4034) and Public Safety Dispatch (845-574-4217). In addition, the College will provide emergency information to the media as appropriate.

**LOITERING:**

All visitors to the College not having an acceptable, legitimate reason for being on campus are subject to prosecution for loitering under the provisions of Section 240.35 of the New York State Penal Law.

**POLICY ON THE MARKETING OF CREDIT CARDS:**

Rockland Community College prohibits the advertising, marketing, or merchandising of credit cards on any college property; including the Haverstraw Campus or at any Extension Centers.

**SELLING, PEDDLING AND SOLICITING, ETC. ON CAMPUS:**

Selling merchandise or services, soliciting funds, advertising or distributing leaflets or flyers is strictly prohibited without prior consent from the Office of Administrative Services. Additionally, it is a violation of Rockland County Law and may result in arrest.

**WEAPONS ON CAMPUS:**

Intentional use, possession, or sale of firearms or other dangerous weapons by anyone is strictly forbidden and is a violation of state and federal law.

**CARS ON CAMPUS:**

Rockland Community College is pleased to offer free parking to students, faculty, staff and members of the general public attending events on campus. RCC assumes no liability for theft, loss or damage to vehicles on college property. We encourage you to keep your vehicle locked and to remove attractive articles from view. For a parking sticker, go to the Public Safety Office in the Technology Center. Make sure that you have your license number and your RCC student ID with you.

**LOST & FOUND:**

If you've lost something, check the Public Safety Office in Room 5209 of the Fieldhouse or call 845-574-4217. You should also check cleaning staff in any building where you have lost an item. Property may be claimed Monday through Friday during normal business hours.

## **CAMPUS SECURITY AND THEIR RELATIONSHIP WITH LAW ENFORCEMENT:**

The Rockland County Sheriff's Department has primary law enforcement jurisdiction on the Campus and is responsible for the investigation of all crimes reported on campus.

Members of the Public Safety Department have extensive knowledge of police procedures. In addition, the following is the status of Campus Public Safety:

1. Uniformed Security Officers and Supervisors are provided twenty-four hours a day, seven days a week.
2. Uniformed security staffing levels are adjusted throughout the year as appropriate. Staffing levels are highest during the fall and spring semesters, when the college is open.
3. The Public Safety Dispatcher is on duty twenty-four hours a day, seven days a week.
4. Immediate response to emergencies is provided by Public Safety Department personnel, the Rockland County Sheriff's Department, and other local emergency services agencies.
5. Rockland County Deputies patrol the campus Monday through Friday, eight hours a day, during the fall and spring semesters.
6. Additional Uniformed Security Officers and/or Rockland County Deputies are provided as needed for special events.

NOTE: All Public Safety Officers receive the eight hours of pre-employment training, sixteen hours of on the job training, and eight hours of annual refresher training as required by New York State. Additionally, all Public Safety Officers receive training from the Rockland County Police Academy that is specific to the college environment.

Criminal activity at off-campus property is monitored by the Public Safety Department in cooperation with the local police. Students involved in off-campus situations involving alcohol/drug offenses or other criminal activities may be referred for campus disciplinary procedures.

## **DRUG & ALCOHOL-FREE CAMPUS POLICY:**

**Philosophy:** Rockland Community College (the College) is committed to providing a safe work and learning environment and to fostering the well-being and health of the College community. The College recognizes that the misuse and abuse of alcohol and the use of illegal drugs negatively affect an academic community. This can be exemplified by decreased productivity of members of the community, increased physical and mental health problems, strained social interactions and various forms of violence and vandalism. Problems associated with the illicit use and abuse of alcohol and the use of illegal substances have a pervasive impact on our academic community and are not limited to a singular age level or socioeconomic group. The harmful effects of alcohol and illegal drugs can impair the process essential for learning and effective participation in the richness of the academic experience.

**Policy:** In compliance with the federal Drug-Free Schools and Communities Act (DFSCA) Amendments (Public Law 101 -226), the Drug-Free Schools and Campuses Regulations, and the Drug-Free Workplace Act of 1988; and in keeping with its mission, the College strictly prohibits the possession, use, or distribution of any controlled substance and/or alcohol on College property or at any College-sponsored function, including but not limited to off-campus activities such as during the course of College-sponsored field trips, College-sponsored social activities, or College-sponsored study abroad programs. In addition, employees are prohibited from on-the-job use of, or impairment due to the use or abuse of alcohol or controlled substances. Students are prohibited from impairment due to the use or abuse of alcohol or controlled substances, or appearing in an intoxicated or altered state on College property or at any College-sponsored function.

**Applicability:** This policy applies to all College employees, whether full or part-time, including faculty, staff, and administrators; and students, whether full or part-time. A person is identified as a student subject to this policy if they are registered for study at the College without regard to whether the course of study is for credit or credit free.

## **Exemptions to Policy:**

### **I. Authorized Prescription**

Where permitted, an employee may possess and use a controlled substance that has been properly prescribed to him/her by a physician provided such prescription does not interfere with the employee's ability to perform necessary job functions.

### **II. Non-College Event**

Beer and wine (only) may be sold or served at commercial events not sponsored by the College per guidelines as approved by the President. However, even if beer and wine is authorized to be sold or served on campus, the prohibition regarding use by individuals subject to this policy is still in effect.

**Sanctions:** The possession, use, or distribution of any controlled substances and alcohol on College property or at any College-sponsored function shall be considered a serious form of misconduct. The College will respond swiftly and promptly to any known violations of this policy. This response may include:

**Students:** Students violating this policy will be considered to be violating the Student Code of Conduct and shall be subject to disciplinary action (as described below) and referral for criminal prosecution to the fullest extent of applicable, federal, state and local law depending upon the nature and gravity of the infraction and the degree to which violation of the policy adversely affected the well-being of the community or the fulfillment of the College's mission. Penalties for these actions will be administered by the Assistant Vice President of Enrollment Management, in accordance with the rules and procedures administered by him or her. Penalties range from a warning, referral for an appropriate assistance program, confiscation, restitution, suspension, dismissal, up to and including expulsion. Students are responsible for their conduct at all times, and the fact that a student was under the influence of alcohol or a controlled substance will not be considered an excuse for their conduct or a mitigating factor in any disciplinary or academic action taken against them, except as permitted by the College's Policy for Drug and Alcohol Amnesty in Sexual Violence and Interpersonal Violence Cases (found in the Student Code of Conduct). Depending upon the particular circumstances, continued attendance at the College by students who violate this policy may be made expressly contingent upon satisfactory participation in a drug abuse assistance, counseling and/or rehabilitation program.

NOTE: A conviction for the sale or possession of illegal drugs may affect a student's eligibility for federal student financial aid. For more information students can refer to the Federal Student Aid Webpage at: <http://www.ifap.ed.gov>.

**Employees:** Employees violating this policy shall be subject to disciplinary action (as described below) and referral for prosecution, in accordance with applicable collective bargaining agreements, and subject to criminal prosecution to the fullest extent of applicable, federal, state and local law. Disciplinary action for employees include, but are not limited to, an oral or written reprimand, suspension, up to and including termination from employment, referral for an appropriate assistance program, and referral for criminal prosecution, when appropriate. Employees should refer to the collective bargaining agreement, if any, to which they are subject for additional prohibitions, penalties/sanctions and assistance information.

Students and employees are reminded that federal, state and local law provides for a variety of legal sanctions and penalties for the unlawful possession or distribution of controlled substances and alcohol. These penalties include, but are not limited to, incarceration and monetary fines.

Pursuant to the Drug-Free Workplace Act, any employee who is convicted of a violation of any criminal drug statute occurring in the workplace must submit notification to the Office of Human Resources in writing, no later than five (5) days after the criminal conviction. Notice must be received on or before the 5th day after the criminal conviction. This reporting requirement is a term and condition of employment.

**Controlled Substances Defined:** Controlled substances include the many substances covered by the Controlled Substances Act (21 U.S.C. 811). See, Schedules I – V of Section 202 of the Controlled Substance Act (21 U.S.C.812) and Schedules I-V of New York State Public Health Law Section 3306. All so-called “street drugs” (heroin, crack, cocaine, marijuana, speed, acid) are controlled substances.

**Drug Free Awareness Education and Prevention Program:** The College offers prevention education programs designed to increase awareness of the dangers of drug and alcohol abuse and available support services.

**Distribution of Policy:** In accordance with federal guidelines, notification to all students and employees will occur annually. The Assistant Vice President of Enrollment Management is responsible for distributing this policy to all students annually. The Director of Human Resources is responsible for distributing this policy to all employees annually.

**Biennial Review:** The College will conduct a biennial review of this program to determine its effectiveness and implement changes to this policy/program as needed to ensure that the disciplinary sanctions are enforced consistently.

**Appendices:** The appendices will be updated biennially, and such updating will not require approval by the College’s Board of Trustees.

A description of the applicable legal sanctions under New York State law for the unlawful possession, use or distribution of illicit drugs and alcohol is listed in *Appendix A*.

A description of the applicable legal sanctions under Federal law for the unlawful possession, use or distribution of illicit drugs and alcohol is listed in *Appendix B*.

A description of the health risks associated with the use of illicit drugs is listed in *Appendix C-1* and a description of the health risks associated with the abuse of alcohol is listed in *Appendix C-2*.

A description of available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs is listed in *Appendix D*.

**Appendix A: NYS Penal Law: Article 220 - Controlled Substances Offenses; Article 221 - Offenses Involving Marijuana; and Article 178 - Criminal Diversion of Prescription Medications and Prescriptions** (from New York State Legislature web site:

<http://public.leginfo.state.ny.us/menugtf.cgi?COMMONQUERY=LAWS>)

S 220.03 Criminal possession of a controlled substance in the seventh degree.

A person is guilty of criminal possession of a controlled substance in the seventh degree when he or she knowingly and unlawfully possesses a controlled substance; provided, however, that it shall not be a violation of this section when a person possesses a residual amount of a controlled substance and that residual amount is in or on a hypodermic syringe or hypodermic needle obtained and possessed pursuant to section thirty-three hundred eighty-one of the public health law, which includes the state's syringe exchange and pharmacy and medical provider-based expanded syringe access programs; nor shall it be a violation of this section when a person's unlawful possession of a controlled substance is discovered as a result of seeking immediate health care as defined in paragraph (b) of subdivision three of section 220.78 of the penal law, for either another person or him or herself because such person is experiencing a drug

or alcohol overdose or other life threatening medical emergency as defined in paragraph (a) of subdivision three of section 220.78 of the penal law.

Criminal possession of a controlled substance in the seventh degree is a class A misdemeanor.

S 220.06 Criminal possession of a controlled substance in the fifth degree.

A person is guilty of criminal possession of a controlled substance in the fifth degree when he knowingly and unlawfully possesses:

1. a controlled substance with intent to sell it; or
2. one or more preparations, compounds, mixtures or substances containing a narcotic preparation and said preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or
3. phencyclidine and said phencyclidine weighs fifty milligrams or more; or
4. one or more preparations, compounds, mixtures or substances containing concentrated cannabis as defined in paragraph (a) of subdivision four of section thirty-three hundred two of the public health law and said preparations, compounds, mixtures or substances are of an aggregate weight of one-fourth ounce or more; or
5. cocaine and said cocaine weighs five hundred milligrams or more.
6. ketamine and said ketamine weighs more than one thousand milligrams; or
7. ketamine and has previously been convicted of possession or the attempt to commit possession of ketamine in any amount; or
8. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid, as defined in paragraph four of subdivision (e) of schedule I of section thirty-three hundred six of the public health law, and said preparations, compounds, mixtures or substances are of an aggregate weight of twenty-eight grams or more.

Criminal possession of a controlled substance in the fifth degree is a class D felony.

S 220.09 Criminal possession of a controlled substance in the fourth degree.

A person is guilty of criminal possession of a controlled substance in the fourth degree when he knowingly and unlawfully possesses:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of one-eighth ounce or more; or
2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and said preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or
3. one or more preparations, compounds, mixtures or substances containing a narcotic preparation and said preparations, compounds, mixtures or substances are of an aggregate weight of two ounces or more; or
4. a stimulant and said stimulant weighs one gram or more; or
5. lysergic acid diethylamide and said lysergic acid diethylamide weighs one milligram or more; or
6. a hallucinogen and said hallucinogen weighs twenty-five milligrams or more; or
7. a hallucinogenic substance and said hallucinogenic substance weighs one gram or more; or

8. a dangerous depressant and such dangerous depressant weighs ten ounces or more; or

9. a depressant and such depressant weighs two pounds or more; or

10. one or more preparations, compounds, mixtures or substances containing concentrated cannabis as defined in paragraph (a) of subdivision four of section thirty-three hundred two of the public health law and said preparations, compounds, mixtures or substances are of an aggregate weight of one ounce or more; or

11. phencyclidine and said phencyclidine weighs two hundred fifty milligrams or more; or

12. methadone and said methadone weighs three hundred sixty milligrams or more; or

13. phencyclidine and said phencyclidine weighs fifty milligrams or more with intent to sell it and has previously been convicted of an offense defined in this article or the attempt or conspiracy to commit any such offense; or

14. ketamine and said ketamine weighs four thousand milligrams or more; or

15. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid, as defined in paragraph four of subdivision (e) of schedule I of section thirty-three hundred six of the public health law, and said preparations, compounds, mixtures or substances are of an aggregate weight of two hundred grams or more.

Criminal possession of a controlled substance in the fourth degree is a class C felony.

#### S 220.16 Criminal possession of a controlled substance in the third degree.

A person is guilty of criminal possession of a controlled substance in the third degree when he knowingly and unlawfully possesses:

1. a narcotic drug with intent to sell it; or

2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide, with intent to sell it and has previously been convicted of an offense defined in article two hundred twenty or the attempt or conspiracy to commit any such offense; or

3. a stimulant with intent to sell it and said stimulant weighs one gram or more; or

4. lysergic acid diethylamide with intent to sell it and said lysergic acid diethylamide weighs one milligram or more; or

5. a hallucinogen with intent to sell it and said hallucinogen weighs twenty-five milligrams or more; or

6. a hallucinogenic substance with intent to sell it and said hallucinogenic substance weighs one gram or more; or

7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers with intent to sell it and said preparations, compounds, mixtures or substances are of an aggregate weight of one-eighth ounce or more; or

8. a stimulant and said stimulant weighs five grams or more; or

9. lysergic acid diethylamide and said lysergic acid diethylamide weighs five milligrams or more; or

10. a hallucinogen and said hallucinogen weighs one hundred twenty-five milligrams or more; or

11. a hallucinogenic substance and said hallucinogenic substance weighs five grams or more; or

12. one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or



13. phencyclidine and said phencyclidine weighs one thousand two hundred fifty milligrams or more.

Criminal possession of a controlled substance in the third degree is a class B felony.

S 220.18 Criminal possession of a controlled substance in the second degree.

A person is guilty of criminal possession of a controlled substance in the second degree when he or she knowingly and unlawfully possesses:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of four ounces or more; or
2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and said preparations, compounds, mixtures or substances are of an aggregate weight of two ounces or more; or
3. a stimulant and said stimulant weighs ten grams or more; or
4. lysergic acid diethylamide and said lysergic acid diethylamide weighs twenty-five milligrams or more; or
5. a hallucinogen and said hallucinogen weighs six hundred twenty-five milligrams or more; or
6. a hallucinogenic substance and said hallucinogenic substance weighs twenty-five grams or more; or
7. methadone and said methadone weighs two thousand eight hundred eighty milligrams or more.

Criminal possession of a controlled substance in the second degree is a class A-II felony.

S 220.21 Criminal possession of a controlled substance in the first degree.

A person is guilty of criminal possession of a controlled substance in the first degree when he or she knowingly and unlawfully possesses:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of eight ounces or more; or
2. methadone and said methadone weighs five thousand seven hundred sixty milligrams or more.

Criminal possession of a controlled substance in the first degree is a class A-I felony.

S 220.25 Criminal possession of a controlled substance; presumption.

1. The presence of a controlled substance in an automobile, other than a public omnibus, is presumptive evidence of knowing possession thereof by each and every person in the automobile at the time such controlled substance was found; except that such presumption does not apply (a) to a duly licensed operator of an automobile who is at the time operating it for hire in the lawful and proper pursuit of his trade, or (b) to any person in the automobile if one of them, having obtained the controlled substance and not being under duress, is authorized to possess it and such controlled substance is in the same container as when he received possession thereof, or (c) when the controlled substance is concealed upon the person of one of the occupants.

2. The presence of a narcotic drug, narcotic preparation, marihuana or phencyclidine in open view in a room, other than a public place, under circumstances evincing an intent to unlawfully mix, compound, package or otherwise prepare for sale such controlled substance is presumptive evidence of knowing possession thereof by each and every person in close

proximity to such controlled substance at the time such controlled substance was found; except that such presumption does not apply to any such persons if (a) one of them, having obtained such controlled substance and not being under duress, is authorized to possess it and such controlled substance is in the same container as when he received possession thereof, or (b) one of them has such controlled substance upon his person.

S 220.28 Use of a child to commit a controlled substance offense.

1. A person is guilty of use of a child to commit a controlled substance offense when, being eighteen years old or more, he or she commits a felony sale or felony attempted sale of a controlled substance in violation of this article and, as part of that criminal transaction, knowingly uses a child to effectuate such felony sale or felony attempted sale of such controlled substance.

2. For purposes of this section, "uses a child to effectuate the felony sale or felony attempted sale of such controlled substance" means conduct by which the actor: (a) conceals such controlled substance on or about the body or person of such child for the purpose of effectuating the criminal sale or attempted sale of such controlled substance to a third person; or (b) directs, forces or otherwise requires such child to sell or attempt to sell or offer direct assistance to the defendant in selling or attempting to sell such controlled substance to a third person.

For purposes of this section, "child" means a person less than sixteen years of age.

Use of a child to commit a controlled substance offense is a class E felony.

S 220.31 Criminal sale of a controlled substance in the fifth degree.

A person is guilty of criminal sale of a controlled substance in the fifth degree when he knowingly and unlawfully sells a controlled substance.

Criminal sale of a controlled substance in the fifth degree is a class D felony.

S 220.34 Criminal sale of a controlled substance in the fourth degree.

A person is guilty of criminal sale of a controlled substance in the fourth degree when he knowingly and unlawfully sells:

1. a narcotic preparation; or
2. a dangerous depressant or a depressant and the dangerous depressant weighs ten ounces or more, or the depressant weighs two pounds or more; or
3. concentrated cannabis as defined in paragraph (a) of subdivision four of section thirty-three hundred two of the public health law; or
4. phencyclidine and the phencyclidine weighs fifty milligrams or more; or
5. methadone; or
6. any amount of phencyclidine and has previously been convicted of an offense defined in this article or the attempt or conspiracy to commit any such offense; or
- 6-a. ketamine and said ketamine weighs four thousand milligrams or more.

7. a controlled substance in violation of section 220.31 of this article, when such sale takes place upon school grounds or on a school bus; or

8. a controlled substance in violation of section 220.31 of this article, when such sale takes place upon the grounds of a child day care or educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds. As used in this

subdivision, the phrase "the grounds of a child day care or educational facility" shall have the same meaning as provided for in subdivision five of section 220.44 of this article. For the purposes of this subdivision, a rebuttable presumption shall be established that a person has knowledge that they are within the grounds of a child day care or educational facility when notice is conspicuously posted of the presence or proximity of such facility; or

9. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid, as defined in paragraph four of subdivision (e) of schedule I of section thirty-three hundred six of the public health law, and said preparations, compounds, mixtures or substances are of an aggregate weight of twenty-eight grams or more.

Criminal sale of a controlled substance in the fourth degree is a class C felony.

#### S 220.39 Criminal sale of a controlled substance in the third degree.

A person is guilty of criminal sale of a controlled substance in the third degree when he knowingly and unlawfully sells:

1. a narcotic drug; or
2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide and has previously been convicted of an offense defined in article two hundred twenty or the attempt or conspiracy to commit any such offense; or
3. a stimulant and the stimulant weighs one gram or more; or
4. lysergic acid diethylamide and the lysergic acid diethylamide weighs one milligram or more; or
5. a hallucinogen and the hallucinogen weighs twenty-five milligrams or more; or
6. a hallucinogenic substance and the hallucinogenic substance weighs one gram or more; or
7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and the preparations, compounds, mixtures or substances are of an aggregate weight of one-eighth ounce or more; or
8. phencyclidine and the phencyclidine weighs two hundred fifty milligrams or more; or
9. a narcotic preparation to a person less than twenty-one years old.

Criminal sale of a controlled substance in the third degree is a class B felony.

#### S 220.41 Criminal sale of a controlled substance in the second degree.

A person is guilty of criminal sale of a controlled substance in the second degree when he knowingly and unlawfully sells:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and the preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or
2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and the preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or
3. a stimulant and the stimulant weighs five grams or more; or
4. lysergic acid diethylamide and the lysergic acid diethylamide weighs five milligrams or more; or
5. a hallucinogen and the hallucinogen weighs one hundred twenty-five milligrams or more; or

6. a hallucinogenic substance and the hallucinogenic substance weighs five grams or more; or

7. methadone and the methadone weighs three hundred sixty milligrams or more.

Criminal sale of a controlled substance in the second degree is a class A-II felony.

S 220.43 Criminal sale of a controlled substance in the first degree.

A person is guilty of criminal sale of a controlled substance in the first degree when he knowingly and unlawfully sells:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and the preparations, compounds, mixtures or substances are of an aggregate weight of two ounces or more; or

2. methadone and the methadone weighs two thousand eight hundred eighty milligrams or more.

Criminal sale of a controlled substance in the first degree is a class A-I felony.

S 220.44 Criminal sale of a controlled substance in or near school grounds.

A person is guilty of criminal sale of a controlled substance in or near school grounds when he knowingly and unlawfully sells:

1. a controlled substance in violation of any one of subdivisions one through six-a of section [220.34](#) of this article, when such sale takes place upon school grounds or on a school bus; or

2. a controlled substance in violation of any one of subdivisions one through eight of section [220.39](#) of this article, when such sale takes place upon school grounds or on a school bus; or

3. a controlled substance in violation of any one of subdivisions one through six of section [220.34](#) of this article, when such sale takes place upon the grounds of a child day care or educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds; or

4. a controlled substance in violation of any one of subdivisions one through eight of section [220.39](#) of this article, when such sale takes place upon the grounds of a child day care or educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds.

5. For purposes of subdivisions three and four of this section, "the grounds of a child day care or educational facility" means (a) in or on or within any building, structure, athletic playing field, a playground or land contained within the real property boundary line of a public or private child day care center as such term is defined in paragraph (c) of subdivision one of section three hundred ninety of the social services law, or nursery, pre-kindergarten or kindergarten, or (b) any area accessible to the public located within one thousand feet of the real property boundary line comprising any such facility or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising any such facility. For the purposes of this section an "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

6. For the purposes of this section, a rebuttable presumption shall be established that a person has knowledge that they are within the grounds of a child day care or educational facility when notice is conspicuously posted of the presence or proximity of such facility.

Criminal sale of a controlled substance in or near school grounds is a class B felony.

S 220.45 Criminally possessing a hypodermic instrument.

A person is guilty of criminally possessing a hypodermic instrument when he or she knowingly and unlawfully possesses or sells a hypodermic syringe or hypodermic needle. It shall not be a violation of this section when a person obtains and possesses a hypodermic syringe or hypodermic needle pursuant to section thirty-three hundred eighty-one of the public health law, which includes the state's syringe exchange and pharmacy and medical provider-based expanded syringe access programs.

Criminally possessing a hypodermic instrument is a class A misdemeanor.

S 220.46 Criminal injection of a narcotic drug.

A person is guilty of criminal injection of a narcotic drug when he knowingly and unlawfully possesses a narcotic drug and he intentionally injects by means of a hypodermic syringe or hypodermic needle all or any portion of that drug into the body of another person with the latter's consent.

Criminal injection of a narcotic drug is a class E felony.

S 220.48 Criminal sale of a controlled substance to a child.

A person is guilty of criminal sale of a controlled substance to a child when, being over twenty-one years old, he or she knowingly and unlawfully sells a controlled substance in violation of section [220.34](#) or [220.39](#) of this article to a person less than seventeen years old.

Criminal sale of a controlled substance to a child is a class B felony.

S 220.50 Criminally using drug paraphernalia in the second degree.

A person is guilty of criminally using drug paraphernalia in the second degree when he knowingly possesses or sells:

1. Diluents, dilutants or adulterants, including but not limited to, any of the following: quinine hydrochloride, mannitol, mannite, lactose or dextrose, adapted for the dilution of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purposes of unlawfully mixing, compounding, or otherwise preparing any narcotic drug or stimulant; or

2. Gelatine capsules, glassine envelopes, vials, capsules or any other material suitable for the packaging of individual quantities of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for the purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant; or

3. Scales and balances used or designed for the purpose of weighing or measuring controlled substances, under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant.

Criminally using drug paraphernalia in the second degree is a class A misdemeanor.

S 220.55 Criminally using drug paraphernalia in the first degree.

A person is guilty of criminally using drug paraphernalia in the first degree when he commits the crime of criminally using drug paraphernalia in the second degree and he has previously been convicted of criminally using drug paraphernalia in the second degree.

Criminally using drug paraphernalia in the first degree is a class D felony.

S 220.60 Criminal possession of precursors of controlled substances.

A person is guilty of criminal possession of precursors of controlled substances when, with intent to manufacture a controlled substance unlawfully, he possesses at the same time:

- (a) carbamide (urea) and propanediol and malonic acid or its derivatives; or
- (b) ergot or an ergot derivative and diethylamine or dimethyl formamide or diethylamide; or
- (c) phenylacetone (1-phenyl-2 propanone) and hydroxylamine or ammonia or formamide or benzaldehyde or nitroethane or methylamine.
- (d) pentazocine and methyl iodide; or
- (e) phenylacetonitrile and dichloroethyl methylamine or dichloroethyl benzylamine; or
- (f) diethylacetonitrile and dimethylaminoisopropyl chloride; or
- (g) piperidine and cyclohexanone and bromobenzene and lithium or magnesium; or
- (h) 2, 5-dimethoxy benzaldehyde and nitroethane and a reducing agent.

Criminal possession of precursors of controlled substances is a class E felony.

S 220.65 Criminal sale of a prescription for a controlled substance or of a controlled substance by a practitioner or pharmacist.

A person is guilty of criminal sale of a prescription for a controlled substance or of a controlled substance by a practitioner or pharmacist when: 1. being a practitioner, as that term is defined in section thirty-three hundred two of the public health law, he or she knowingly and unlawfully sells a prescription for a controlled substance. For the purposes of this section, a person sells a prescription for a controlled substance unlawfully when he or she does so other than in good faith in the course of his or her professional practice; or

2. being a practitioner or pharmacist, as those terms are defined in section thirty-three hundred two of the public health law, he or she, acting other than in good faith, while purporting to act within the scope of the power, authority and privileges of his or her license, as that term is defined in section thirty-three hundred two of the public health law, knowingly and unlawfully sells a controlled substance.

Criminal sale of a prescription for a controlled substance or of a controlled substance by a practitioner or pharmacist is a class C felony.

S 220.70 Criminal possession of methamphetamine manufacturing material in the second degree.

A person is guilty of criminal possession of methamphetamine manufacturing material in the second degree when he or she possesses a precursor, a chemical reagent or a solvent with the intent to use or knowing another intends to use such precursor, chemical reagent, or solvent to unlawfully produce, prepare or manufacture methamphetamine.

Criminal possession of methamphetamine manufacturing material in the second degree is a class A misdemeanor.

S 220.71 Criminal possession of methamphetamine manufacturing material in the first degree.

A person is guilty of criminal possession of methamphetamine manufacturing material in the first degree when he or she commits the offense of criminal possession of methamphetamine manufacturing material in the second degree, as defined in section [220.70](#) of this article, and has previously been convicted within the preceding five years of criminal possession of methamphetamine manufacturing material in the second degree, as defined in section [220.70](#) of this article, or a violation of this section.

Criminal possession of methamphetamine manufacturing material in the first degree is a class E felony.

S 220.72 Criminal possession of precursors of methamphetamine.

A person is guilty of criminal possession of precursors of methamphetamine when he or she possesses at the same time a precursor and a solvent or chemical reagent, with intent to use or knowing that another intends to use each such precursor, solvent or chemical reagent to unlawfully manufacture methamphetamine.

Criminal possession of precursors of methamphetamine is a class E felony.

S 220.73 Unlawful manufacture of methamphetamine in the third degree.

A person is guilty of unlawful manufacture of methamphetamine in the third degree when he or she possesses at the same time and location, with intent to use, or knowing that another intends to use each such product to unlawfully manufacture, prepare or produce methamphetamine:

1. Two or more items of laboratory equipment and two or more precursors, chemical reagents or solvents in any combination; or
2. One item of laboratory equipment and three or more precursors, chemical reagents or solvents in any combination; or
3. A precursor:
  - (a) mixed together with a chemical reagent or solvent; or
  - (b) with two or more chemical reagents and/or solvents mixed together.

Unlawful manufacture of methamphetamine in the third degree is a class D felony.

S 220.74 Unlawful manufacture of methamphetamine in the second degree.

A person is guilty of unlawful manufacture of methamphetamine in the second degree when he or she:

1. Commits the offense of unlawful manufacture of methamphetamine in the third degree as defined in section [220.73](#) of this article in the presence of another person under the age of sixteen, provided, however, that the actor is at least five years older than such other person under the age of sixteen; or
2. Commits the crime of unlawful manufacture of methamphetamine in the third degree as defined in section [220.73](#) of this article and has previously been convicted within the preceding five years of the offense of criminal possession of precursors of methamphetamine as defined in section [220.72](#) of this article, criminal possession of methamphetamine manufacturing material in the first degree as defined in section [220.71](#) of this article, unlawful disposal of methamphetamine laboratory material as defined in section [220.76](#) of this article, unlawful manufacture of methamphetamine in the third degree as defined in section [220.73](#) of this

article, unlawful manufacture of methamphetamine in the second degree as defined in this section, or unlawful manufacture of methamphetamine in the first degree as defined in section 220.75 of this article.

Unlawful manufacture of methamphetamine in the second degree is a class C felony.

S 220.75 Unlawful manufacture of methamphetamine in the first degree.

A person is guilty of unlawful manufacture of methamphetamine in the first degree when such person commits the crime of unlawful manufacture of methamphetamine in the second degree, as defined in subdivision one of section [220.74](#) of this article, after having previously been convicted within the preceding five years of unlawful manufacture of methamphetamine in the third degree, as defined in section [220.73](#), unlawful manufacture of methamphetamine in the second degree, as defined in section [220.74](#) of this article, or unlawful manufacture of methamphetamine in the first degree, as defined in this section.

Unlawful manufacturer of methamphetamine in the first degree is a class B felony.

S 220.76 Unlawful disposal of methamphetamine laboratory material.

A person is guilty of unlawful disposal of methamphetamine laboratory material when, knowing that such actions are in furtherance of a methamphetamine operation, he or she knowingly disposes of, or possesses with intent to dispose of, hazardous or dangerous material under circumstances that create a substantial risk to human health or safety or a substantial danger to the environment.

Unlawful disposal of methamphetamine laboratory material is a class E felony.

S 220.77 Operating as a major trafficker.

A person is guilty of operating as a major trafficker when:

1. Such person acts as a director of a controlled substance organization during any period of twelve months or less, during which period such controlled substance organization sells one or more controlled substances, and the proceeds collected or due from such sale or sales have a total aggregate value of seventy-five thousand dollars or more; or

2. As a profiteer, such person knowingly and unlawfully sells, on one or more occasions within six months or less, a narcotic drug, and the proceeds collected or due from such sale or sales have a total aggregate value of seventy-five thousand dollars or more.

3. As a profiteer, such person knowingly and unlawfully possesses, on one or more occasions within six months or less, a narcotic drug with intent to sell the same, and such narcotic drugs have a total aggregate value of seventy-five thousand dollars or more.

Operating as a major trafficker is a class A-1 felony.

S 220.78 Witness or victim of drug or alcohol overdose.

1. A person who, in good faith, seeks health care for someone who is experiencing a drug or alcohol overdose or other life threatening medical emergency shall not be charged or prosecuted for a controlled substance offense under article two hundred twenty or a marihuana offense under article two hundred twenty-one of this title, other than an offense involving sale for consideration or other benefit or gain, or charged or prosecuted for possession of alcohol by a person under age twenty-one years under section sixty-five-c of the alcoholic beverage control law, or for possession of drug paraphernalia under article thirty-nine of the



general business law, with respect to any controlled substance, marihuana, alcohol or paraphernalia that was obtained as a result of such seeking or receiving of health care.

2. A person who is experiencing a drug or alcohol overdose or other life threatening medical emergency and, in good faith, seeks health care for himself or herself or is the subject of such a good faith request for health care, shall not be charged or prosecuted for a controlled substance offense under this article or a marihuana offense under article two hundred twenty-one of this title, other than an offense involving sale for consideration or other benefit or gain, or charged or prosecuted for possession of alcohol by a person under age twenty-one years under section sixty-five-c of the alcoholic beverage control law, or for possession of drug paraphernalia under article thirty-nine of the general business law, with respect to any substance, marihuana, alcohol or paraphernalia that was obtained as a result of such seeking or receiving of health care.

3. Definitions. As used in this section the following terms shall have the following meanings:

(a) "Drug or alcohol overdose" or "overdose" means an acute condition including, but not limited to, physical illness, coma, mania, hysteria or death, which is the result of consumption or use of a controlled substance or alcohol and relates to an adverse reaction to or the quantity of the controlled substance or alcohol or a substance with which the controlled substance or alcohol was combined; provided that a patient's condition shall be deemed to be a drug or alcohol overdose if a prudent layperson, possessing an average knowledge of medicine and health, could reasonably believe that the condition is in fact a drug or alcohol overdose and (except as to death) requires health care.

(b) "Health care" means the professional services provided to a person experiencing a drug or alcohol overdose by a health care professional licensed, registered or certified under title eight of the education law or article thirty of the public health law who, acting within his or her lawful scope of practice, may provide diagnosis, treatment or emergency services for a person experiencing a drug or alcohol overdose.

4. It shall be an affirmative defense to a criminal sale controlled substance offense under this article or a criminal sale of marihuana offense under article two hundred twenty-one of this title, not covered by subdivision one or two of this section, with respect to any controlled substance or marihuana which was obtained as a result of such seeking or receiving of health care, that:

(a) the defendant, in good faith, seeks health care for someone or for him or herself who is experiencing a drug or alcohol overdose or other life threatening medical emergency; and

(b) the defendant has no prior conviction for the commission or attempted commission of a class [A-I](#), [A-II](#) or [B felony](#) under this article.

5. Nothing in this section shall be construed to bar the admissibility of any evidence in connection with the investigation and prosecution of a crime with regard to another defendant who does not independently qualify for the bar to prosecution or for the affirmative defense; nor with regard to other crimes committed by a person who otherwise qualifies under this section; nor shall anything in this section be construed to bar any seizure pursuant to law, including but not limited to pursuant to section thirty-three hundred eighty-seven of the public health law.

6. The bar to prosecution described in subdivisions one and two of this section shall not apply to the prosecution of a class A-I felony under

this article, and the affirmative defense described in subdivision four of this section shall not apply to the prosecution of a [class A-I](#) or [A-II felony](#) under this article.

## **NYS Marijuana Offenses**

\*S 221.00 Marihuana; definitions.

Unless the context in which they are used clearly otherwise requires, the terms occurring in this article shall have the same meaning ascribed to them in article two hundred twenty of this chapter. Any act that is lawful under [title five-A of article thirty-three of the public health law](#) is not a violation of this article.

\* NB Effective until July 5, 2021

\*S 221.00 Marihuana; definitions.

Unless the context in which they are used clearly otherwise requires, the terms occurring in this article shall have the same meaning ascribed to them in article two hundred twenty of this chapter.

\* NB Effective July 5, 2021

S 221.05 Unlawful possession of marihuana.

A person is guilty of unlawful possession of marihuana when he knowingly and unlawfully possesses marihuana.

Unlawful possession of marihuana is a violation punishable only by a fine of not more than one hundred dollars. However, where the defendant has previously been convicted of an offense defined in this article or article 220 of this chapter, committed within the three years immediately preceding such violation, it shall be punishable (a) only by a fine of not more than two hundred dollars, if the defendant was previously convicted of one such offense committed during such period, and (b) by a fine of not more than two hundred fifty dollars or a term of imprisonment not in excess of fifteen days or both, if the defendant was previously convicted of two such offenses committed during such period.

S 221.10 Criminal possession of marihuana in the fifth degree.

A person is guilty of criminal possession of marihuana in the fifth degree when he knowingly and unlawfully possesses:

1. marihuana in a public place, as defined in section [240.00](#) of this chapter, and such marihuana is burning or open to public view; or
2. one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than twenty-five grams.

Criminal possession of marihuana in the fifth degree is a class B misdemeanor.

S 221.15 Criminal possession of marihuana in the fourth degree.

A person is guilty of criminal possession of marihuana in the fourth degree when he knowingly and unlawfully possesses one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than two ounces.

Criminal possession of marihuana in the fourth degree is a class A misdemeanor.

S 221.20 Criminal possession of marihuana in the third degree.

A person is guilty of criminal possession of marihuana in the third degree when he knowingly and unlawfully possesses one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than eight ounces.

Criminal possession of marihuana in the third degree is a class E felony.

S 221.25 Criminal possession of marihuana in the second degree.

A person is guilty of criminal possession of marihuana in the second degree when he knowingly and unlawfully possesses one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than sixteen ounces.

Criminal possession of marihuana in the second degree is a class D felony.

S 221.30 Criminal possession of marihuana in the first degree.

A person is guilty of criminal possession of marihuana in the first degree when he knowingly and unlawfully possesses one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than ten pounds.

Criminal possession of marihuana in the first degree is a class C felony.

S 221.35 Criminal sale of marihuana in the fifth degree.

A person is guilty of criminal sale of marihuana in the fifth degree when he knowingly and unlawfully sells, without consideration, one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of two grams or less; or one cigarette containing marihuana.

Criminal sale of marihuana in the fifth degree is a class B misdemeanor.

S 221.40 Criminal sale of marihuana in the fourth degree.

A person is guilty of criminal sale of marihuana in the fourth degree when he knowingly and unlawfully sells marihuana except as provided in section 221.35 of this article.

Criminal sale of marihuana in the fourth degree is a class A misdemeanor.

S 221.45 Criminal sale of marihuana in the third degree.

A person is guilty of criminal sale of marihuana in the third degree when he knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than twenty-five grams.

Criminal sale of marihuana in the third degree is a class E felony.

S 221.50 Criminal sale of marihuana in the second degree.

A person is guilty of criminal sale of marihuana in the second degree when he knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than four ounces, or knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing marihuana to a person less than eighteen years of age.

Criminal sale of marihuana in the second degree is a class D felony.

S 221.55 Criminal sale of marihuana in the first degree.

A person is guilty of criminal sale of marihuana in the first degree when he knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than sixteen ounces.

Criminal sale of marihuana in the first degree is a class C felony.

## **CRIMINAL DIVERSION OF PRESCRIPTION MEDICATIONS AND PRESCRIPTIONS**

S 178.00 Criminal diversion of prescription medications and prescriptions; definitions.

The following definitions are applicable to this article:

1. "Prescription medication or device" means any article for which a prescription is required in order to be lawfully sold, delivered or distributed by any person authorized by law to engage in the practice of the profession of pharmacy.

2. "Prescription" means a direction or authorization by means of a written prescription form or an oral prescription which permits a person to lawfully obtain a prescription medication or device from any person authorized to dispense such prescription medication or device.

3. "Criminal diversion act" means an act or acts in which a person knowingly:

(a) transfers or delivers, in exchange for anything of pecuniary value, a prescription medication or device with knowledge or reasonable grounds to know that the recipient has no medical need for it; or

(b) receives, in exchange for anything of pecuniary value, a prescription medication or device with knowledge or reasonable grounds to know that the seller or transferor is not authorized by law to sell or transfer such prescription medication or device; or

(c) transfers or delivers a prescription in exchange for anything of pecuniary value; or

(d) receives a prescription in exchange for anything of pecuniary value.

S 178.05 Criminal diversion of prescription medications and prescriptions; limitation.

1. The provisions of this article shall not apply to:

(a) a duly licensed physician or other person authorized to issue a prescription acting in good faith in the lawful course of his or her profession; or

(b) a duly licensed pharmacist acting in good faith in the lawful course of the practice of pharmacy; or

(c) a person acting in good faith seeking treatment for a medical condition or assisting another person to obtain treatment for a medical condition.

2. No provision of this article relating to the sale of a prescription medication or device shall be deemed to authorize any act prohibited by article thirty-three of the public health law or article two hundred twenty of this chapter.

S 178.10 Criminal diversion of prescription medications and prescriptions in the fourth degree.

A person is guilty of criminal diversion of prescription medications and prescriptions in the fourth degree when he or she commits a criminal diversion act.

Criminal diversion of prescription medications and prescriptions in the fourth degree is a class A misdemeanor.

S 178.15 Criminal diversion of prescription medications and prescriptions in the third degree.

A person is guilty of criminal diversion of prescription medications and prescriptions in the third degree when he or she:

1. commits a criminal diversion act, and the value of the benefit exchanged is in excess of one thousand dollars; or
2. commits the crime of criminal diversion of prescription medications and prescriptions in the fourth degree, and has previously been convicted of the crime of criminal diversion of prescription medications and prescriptions in the fourth degree.

Criminal diversion of prescription medications and prescriptions in the third degree is a class E felony.

S 178.20 Criminal diversion of prescription medications and prescriptions in the second degree.

A person is guilty of criminal diversion of prescription medications and prescriptions in the second degree when he or she commits a criminal diversion act, and the value of the benefit exchanged is in excess of three thousand dollars.

Criminal diversion of prescription medications and prescriptions in the second degree is a class D felony.

S 178.25 Criminal diversion of prescription medications and prescriptions in the first degree.

A person is guilty of criminal diversion of prescription medications and prescriptions in the first degree when he or she commits a criminal diversion act, and the value of the benefit exchanged is in excess of fifty thousand dollars.

Criminal diversion of prescription medications and prescriptions in the first degree is a class C felony.

S 178.26 Fraud and deceit related to controlled substances.

1. No person shall willfully:

(a) obtain or attempt to obtain a controlled substance, a prescription for a controlled substance or an official New York state prescription form,

(i) by fraud, deceit, misrepresentation or subterfuge; or

(ii) by the concealment of a material fact; or

(iii) by the use of a false name or the giving of a false address;

(b) make a false statement in any prescription, order, application, report or record required by article thirty-three of the public health law;

(c) falsely assume the title of, or represent himself or herself to be a licensed manufacturer, distributor, pharmacy, pharmacist, practitioner, researcher, approved institutional dispenser, owner or employee of a registered outsourcing facility or other authorized person, for the purpose of obtaining a controlled substance as these terms are defined in article thirty-three of the public health law;

(d) make or utter any false or forged prescription or false or forged written order;

(e) affix any false or forged label to a package or receptacle containing controlled substances; or

(f) imprint on or affix to any controlled substance a false or forged code number or symbol.

2. Possession of a false or forged prescription for a controlled substance by any person other than a pharmacist in the lawful pursuance of his or her profession shall be presumptive evidence of his or her intent to use the same for the purpose of illegally obtaining a controlled substance.

3. Possession of a blank official New York state prescription form by any person to whom it was not lawfully issued shall be presumptive evidence of such person's intent to use same for the purpose of illegally obtaining a controlled substance.

4. Any person who, in the course of treatment, is supplied with a controlled substance or a prescription therefor by one practitioner and who with the intent to deceive, intentionally withholds or intentionally fails to disclose the fact, is supplied during such treatment with a controlled substance or a prescription therefor by another practitioner shall be guilty of a violation of this article.

5. The provisions of subdivision one of section thirty-three hundred ninety-six of the public health law shall apply to this section.

Fraud and deceit related to controlled substances is a class A misdemeanor.

## **Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance**

### **21 U.S.C. 844 (a)**

1<sup>st</sup> conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000 or both.

Special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000 or both if:

- (a) 1<sup>st</sup> conviction and the amount of crack possessed exceed 5 grams.
- (b) 2<sup>nd</sup> crack conviction and the amount of crack possessed exceed 3 grams.
- (c) 3<sup>rd</sup> or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

### **21 U.S.C. 853(a)(2) and 881(a)(7)**

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack).

### **21 U.S.C. 881 (a) (4)**

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

### **21 U.S.C. 844 a**

Civil fine of up to \$10,000 (pending adoption of final regulations).

### **21 U.S.C. 853a**

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

### **18 U.S.C. 922(g)**

Ineligible to receive or purchase a firearm.

### **Miscellaneous**

Revocation of certain Federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

**Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)**

<b>Schedule</b>	<b>Substance/Quantity</b>	<b>Penalty</b>	<b>Substance/Quantity</b>	<b>Penalty</b>
II	Cocaine 500-4999 grams mixture	<p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
<b>Substance/Quantity</b>		<b>Penalty</b>		
Any Amount of Other Schedule I & II Substances		<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p>		
Any Drug Product Containing Gamma Hydroxybutyric Acid		<p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>		
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount of Other Schedule III Drugs		<p><b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>		
Any Amount of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>		
Any Amount of All Schedule V Drugs		<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		



**Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances**

<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	<p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)  1 to 49 marijuana plants</p>	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	

# Controlled Substances-----Uses and Effects

U.S. Department of Justice,  
Drug Enforcement Administration

	Class	Trade or Other Names	Medical Uses	Dependence (Physical/Psycho.)		Tolerance	Duration Hours	Usual Method of Administration	Possible Effects	Effects of Overdose	Withdrawal Syndrome
<b>NARCOTICS</b>											
<b>Opium</b>	IIIIIV	Devers powder, Paregoric,	Analgesic, antidiarrheal	High	High	Yes	3-6	Oral, smoked	Euphoria,	slow and	Watery eyes,
<b>Morphine</b>	IIIII	Morphine, MS-Contin, Roxanol, Roxanol-SR	Analgesic, antitussive	High	High	Yes	3-6	Oral, smoked, injected	drowsiness, respiratory depression,	shallow breathing, clammy skin,	runny nose, yawning, loss of appetite,
<b>Codeine</b>	IIIIIV	Tylenol w/Codeine, Empirin w/Codeine, Robitussin A-C, Florinal w/Codeine	Analgesic, antitussive	Mod.	Mod.	Yes	3-6	Oral, injected	constricted pupils, <b>nausea</b>	convulsions, coma, possible death	irritability, tremors, panic, <b>cramps, nausea</b> chills, sweating
<b>Heroin</b>		Diacetylmorphine, Horse, Smack	None	High	High	Yes	3-6	Injected, sniffed, smoked			
<b>Hydro-morphone</b>	II	Dilaudid	Analgesic	High	High	Yes	3-6	Oral, injected			
<b>Meperidine (Pethidine)</b>	II	Demerol, Mepergan	Analgesic	High	High	Yes	3-6	Oral, injected			
<b>Methadone</b>	II	Dolophine, Methadone, Methadose	Analgesic	High	High-low	Yes	12-24	Oral, injected			
<b>Other narcotics</b>	I IIIII I V V	Numorphan, Percodan, Percocet, Tylox, Tussionex, Fentanyl, Darvon, Lomotil, Talwin	Analgesic, antidiarrheal, antitussive	High-low	High-low	Yes	Varies	Oral, injected			
<b>DEPRESSANTS</b>											
<b>Chloral Hydrate</b>	IV	Noctec	Hypnotic	Mod.	Mod.	Yes	5-8	Oral	Slurred	shallow	Anxiety, insomnia,
<b>Barbiturates</b>	IIIIII IV	Amytal, Butisol, Florinal, Lotusate, Nembutal, Seconal, Tuinal, Phenobarbital	Anesthetic, anticonvulsant, sedative, hypnotic, veterinary euthanasia agent	High-mod.	High-mod.	Yes	1-16	Oral	speech, disorientation, drunken behavior without odor of alcohol	respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	<b>tremors,</b> delirium, convulsions, possible death
<b>Benzodiazepines</b>	IV	Ativan, Dalmane, Diazepam, Librium, Xanax, Serax, Valium, <b>Tranxene, Verstran, Versed,</b> Halcion, Paxipam, Restoril	Antianxiety, anticonvulsant, sedative, hypnotic	Low	Low	Yes	4-8	Oral			
<b>Methaqualone</b>		Quaalude	Sedative, hypnotic	High	High	Yes	4-8	Oral			
<b>Glutethimide</b>	III	Doriden	Sedative, hypnotic	High	Mod.	Yes	4-8	Oral			
<b>Other depressants</b>	IIII IV	Equanil, Milltown, Naludar, Placidyl, Valmid	Antianxiety, sedative, hypnotic	Mod.	Mod.	Yes	4-8	Oral			

## Controlled Substances-----Uses and Effects

	Class*	Trade or Other Names	Medical Uses	Dependence (Physical/Psycho.)		Tolerance	Duration Hours	Usual Method of Administration	Possible Effects	Effects of Overdose	Withdrawal Syndrome
<b>STIMULANTS</b>											
<b>Cocaine</b>	II	Coke, Flake, Snow, Crack	Local anesthetic	Possible	High	Yes	1-2	Sniffed, smoked, injected	Increased alertness, excitation, euphoria,	Agitation, increase in body temp., hallucinations,	Apathy, long periods of sleep, irritability, depression, disorientation
<b>Amphetamines</b>	II	Biphetamine, Delcobese, Desoxyn, Dexedrine, Obetrol	Attention deficit disorders, narcolepsy, weight control	Possible	High	Yes	2-4	Oral, injected	increased pulse rate & blood pressure, insomnia, loss of appetite	convulsions, possible death	
<b>Phenmetrazine</b>	II	Preludin	Weight control	Possible	High	Yes	2-4	Oral, injected			
<b>Methylphenidate</b>	II	Ritalin	Attention deficit disorders, narcolepsy	Possible	Mod.	Yes	2-4	Oral, injected			
<b>Other stimulants</b>	III IV	Adipex, Cylert, Didrex, Ionamin, Melfiat, Plegine, Sanorex, Tenuate, Tepanil, Prelu-2	Weight control	Possible	High	Yes	2-4	Oral, injected			
<b>HALLUCINOGENS</b>											
<b>LSD</b>		Acid, Microdot	None	None	Unknown	Yes	8-12	Oral	Illusions and hallucinations,	Longer and intense "trip"	Withdrawal syndrome not reported
<b>Mescaline, Peyote</b>		Mexc, Buttons, Cactus	None	None	Unknown	Yes	8-12	Oral	poor perception of time and distance	psychosis, possible death	
<b>Amphetamine variants</b>		2.5-DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB	None	Unknown	Unknown	Yes	Varies	Oral, injected			
<b>Phencyclidine</b>		PCP, Angel Dust, Hog	None	Unknown	High	Yes	Days	Smoked, oral, injected			
<b>Phencyclidine analogues</b>		PCE, PCPy, TCP	None	Unknown	High	Yes	Days	Smoked, oral, injected			
<b>Other hallucinogens</b>		Bufotenine, Iogaine, DMT, DET, Psilocybin, Psilocybin	None	None	Unknown	Possible	Varies	Smoked, oral, injected			
<b>CANNABIS</b>											
<b>Marijuana</b>		Pot, Acapulco Gold, Grass, Reefer, Sinsemilla, Thai Sticks	None	Unknown	Mod.	Yes	2-4	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disorientated behavior	Fatigue, <b>paranoia</b> , possible psychosis	Insomnia, hyperactivity and decreased appetite
<b>Tetrahydro-cannabinol</b>	I II	THC, Marino!	Cancer chemotherapy, anti-nauseant	Unknown	Mod.	Yes	2-4	Smoked, oral			
<b>Hashish</b>		Hash	None	Unknown	Mod.	Yes	2-4	Smoked, oral			
<b>Hashish oil</b>		Hash Oil	None	Unknown	Mod.	Yes	2-4	Smoked, oral			

\*Class refers to schedules of controlled substances.

**DRUG or ALCOHOL COUNSELING, TREATMENT or  
REHABILITATION or RE-ENTRY PROGRAMS**

**CAMPUS RESOURCES**

**STUDENTS**

**ROCKLAND COMMUNITY COLLEGE COUNSELING CENTER** **845-574-4306**  
Student Development Center, Suite 8220, Technology Center

The Counseling Center at the Student Development Center can offer assistance, support and referral services. Licensed counselors include Professor Kathy Carroll, Professor Janice Moore and Professor Inez Rivera.

**EMPLOYEES**

**ROCKLAND COUNTY EMPLOYEE ASSISTANCE PROGRAM** **845-364-2300**  
Building F, Yeager Health Center, Pomona, NY 10970

EAP is a voluntary program designed to offer a highly professional, confidential source of help for people who need assistance with personal problems or concerns. The program is available to all Rockland County employees and their families to provide professional assistance in dealing with a broad range of problems, including, but not limited to: abuse of alcohol or other drugs, emotional or behavioral disorders, childcare and eldercare issues, family and marital discord, work-related problems and a relationship in which you are being harmed.

**COMMUNITY RESOURCES**

**CANDLE** **845-634-6677**  
(Community Awareness Network for a Drug-Free Life & Environment, Inc.)  
120 North Main Street, Suite 301, New City, NY 10956  
**website:** [www.candlerockland.org](http://www.candlerockland.org)

CANDLE provides substance abuse and violence prevention education to youth of all ages, prevention strategies to their adult allies, and support programs for youth at risk.

**GOOD SAMARITAN HOSPITAL** **845-368-5242**  
255 Lafayette Avenue, Suffern, NY 10901  
**website:** [www.Charity.bonsecours.com](http://www.Charity.bonsecours.com)

Good Samaritan Hospital offers inpatient detoxification and rehabilitation services for the chemically dependent adult. Each patient receives a comprehensive medical exam upon admission and a psychiatric exam when indicated. Based on this information, the multi-disciplinary staff creates a recovery plan to meet the patient's needs. Peer group support and the therapeutic milieu enhances the trust and values necessary for the recovery process to begin. Other services include: treatment programs for patients with both mental illness and chemical dependency, methadone maintenance, and services for HIV/AIDS patients.

**HAVERSTRAW REACH OUT****845-429-5731**

50 West Broad Street, Haverstraw, NY 10927

The Haverstraw Center offers Village of Haverstraw residents a comprehensive center that will enhance the quality of youth and family development through specialized services.

**LEXINGTON CENTER FOR RECOVERY, INC.****845-369-9701**

100 Route 59, Suite L-1, Airmont, NY 10901

website: [www.lexingtonctr.org/](http://www.lexingtonctr.org/)

The Lexington Center for Recovery offers a range of services to those in alcohol and drug dependency recovery utilizing a holistic approach to treatment. In addition, the Center offers services to those dealing with a Gambling Addiction. Services include comprehensive assessments, psychiatric evaluation and monitoring, individual, family and group counseling.

**MADD – ROCKLAND COUNTY****COMMUNITY ACTION SITE****800-245-6233/518-785-6233**

146 Barrett Street, Suite #3, Schenectady, NY 12305

website: [www.madd.org](http://www.madd.org)

HOT LINE: 1-877-MADD-HELP

Mothers Against Drunk Driving's mission is to stop drunk driving, support the victims of this violent crime and prevent underage drinking. MADD educates and raises awareness on the issues involving Drunk Driving and Underage Drinking. MADD is a 501 (c) (3) non-profit grass roots victim advocacy organization offering free victim services.

**NYACK HOSPITAL****RECOVERY CENTER for CHANGE. OUTPATIENT SERVICES****845-348-6760**

160 No. Midland Avenue, Nyack, NY 10960

website: [www.nyackhospital.org](http://www.nyackhospital.org)

Nyack Hospital Recovery Center for Change (also known as Chemical Dependency Outpatient Clinic) is a treatment center in Nyack, New York that focuses on substance abuse services by providing substance abuse treatment and detoxification services. The programs offered are designed for men, women, and DUI / DWI offenders. Nyack Hospital Recovery Center for Change offers sliding fee scale to help cover the cost of treatment. Payment forms including self- payment, Medicaid, Medicare, state insurance (other than Medicaid), and private health insurance are accepted.

**RECOVERY SERVICES at****MENTAL HEALTH ASSOCIATION OF ROCKLAND, INC.****845-267-2172**

140 Rt. 303 Suite A, Valley Cottage, NY 10989

website: [www.mharockland.org](http://www.mharockland.org)

The Mental Health Association (MHA) of Rockland helps people living with mental illness and/or addiction to embrace life and re-define themselves. MHA offers support and assistance to families, friends, employers and colleagues who care about those struggling with these issues.

MHA offers a range of services for adults, teens, children and families. Some of these services include: Adult and child case management services, Assertive Community Treatment (ACT), Personalized Recovery Oriented Services (PROS), recovery services, residential services, social, vocational services, parent-teen support groups and community education services.

**ROCKLAND COUNCIL on ALCOHOLISM  
and OTHER DRUG DEPENDENCE, INC.**

**845-215-9788**

25 Smith Street, Nanuet, NY 10954

website: [www.rcadd.org](http://www.rcadd.org)

The Rockland Council on Alcoholism and other Drug Dependence, Inc. is a not-for-profit agency that provides FREE & CONFIDENTIAL assessments and referrals to treatment for individuals and families affected by the diseases of addiction to alcohol and other drugs. RCADD is dedicated to raising public awareness through intervention, education and advocacy. Trained staff interventionists assist family members to intervene in the lives of loved ones who are in denial about the life-threatening consequences of their addictions. In addition, the Council offers a Family Education Series and professional training/re-credentialing programs.

**ROCKLAND COUNTY DEPARTMENT of HEALTH  
PUT IT OUT ROCKLAND**

**845-364-2651**

50 Sanatorium Rd., Building J, Pomona, NY 10970

Email: [ferraram@co.rockland.ny.us](mailto:ferraram@co.rockland.ny.us)

website: [www.putitoutrockland.com](http://www.putitoutrockland.com)

This service offers an Eight Week (FREE) Smoking Cessation Program. Nicotine replacement products are provided free to those who medically qualify. Programs meet twice a week for the first two weeks and once a week thereafter. Programs are offered in a structured group support format using Behavioral Modification techniques. Professionally-trained Cessation Specialists facilitate the program. Individual counseling is also offered.

**SELF HELP PROGRAMS**

Alcoholics Anonymous	845-352-1112	<a href="http://www.rocklandnyaa.org">www.rocklandnyaa.org</a>
Nicotine Anonymous	877-TRY-NICA	<a href="http://www.nicotine-anonymous.org">www.nicotine-anonymous.org</a>
Marijuana Anonymous	845-405-6649	<a href="http://www/marijuana-anonymous.net">www/marijuana-anonymous.net</a>
Narcotics Anonymous	212-929-7117	<a href="http://www.rocklandna.org">www.rocklandna.org</a>
Al-Anon Family Groups	845-727-2050	<a href="http://www.rockland-al-anon.org">www.rockland-al-anon.org</a>
JACS* Groups	212-632-4600	<a href="http://www.jacsweb.org">www.jacsweb.org</a>

\*JACS: Jewish Alcoholics, Chemically Dependent Persons and Significant Others

### **SMOKE & MARIJUANA FREE CAMPUS:**

Tobacco and marijuana use is prohibited in all Rockland Community College facilities and outdoor areas. The preponderance of evidence and the trends reflected in that evidence all indicate that tobacco and marijuana use, smoking and exposure to second hand tobacco and marijuana smoke are significant health hazards. Under the Environmental Protection Agency (EPA) Guidelines, second hand smoke is a Group A carcinogen (cancer-causing agent), known to cause heart disease, cancer, respiratory issues and irritation of the eyes and nose.

Rockland Community College has been, and continues to be, committed to the health and well-being of its staff, faculty, administrators and students. The college not only has a vested interest in the vitality of its students and those who administer and operate programs here, but also a role to play in the promotion and advancement of the general health of our society as a whole.

Out of respect for the environment and in keeping with Rockland Community College's commitment to protect the health of its employees, students, visitors and all other constituencies, effective September 1, 2009, Rockland Community college became a Tobacco-Free institution. No consumption of tobacco, or tobacco products or marijuana is permitted on any college property or in any college facility; this includes but is not limited to all buildings, grounds, pathways and thoroughfares within the campus property. The sale or sample distribution of cigarettes or other tobacco products are also prohibited. This applies to marijuana products as well.

The full text of the policy can be found at:

<http://www.sunyrockland.edu/about/college-policies/general-administration-policies/smoke-free-campus-policy>

### **STUDENT ID:**

Don't leave home without your RCC ID! You may be asked to show your ID to an administrator or to Public Safety. You'll need your ID to use the pool, take out library books, view videotapes, use campus computers, or to enter special events held at the College.

To get an ID, check the RCC college website or RCC Public Safety Facebook page for dates and times when we perform these duties. The Public Safety Office is located in room 5209 or the fieldhouse. Just bring your paid tuition receipt. They'll take your picture, so look nice! Your first ID is free. Each time you lose your ID a new one will cost you five (5) dollars. Call 845-574-4217 for more information.

### **EMERGENCIES ON CAMPUS:**

All criminal incidents and emergencies should be reported to the Campus Public Safety Office located in the Fieldhouse, Room 5209, in person, or by telephone. **Our emergency phone number is 845-574-4911.** When necessary, the Fire Department, EMS or Rockland County Sheriff's Department will be informed of the incident. You may also use the Campus Blue Light Emergency Phones or dial 845-574-4911 from any phone to report an emergency. These phones should be used only for emergencies.

### **EMERGENCY RESPONSE AND EVACUATION PROCEDURES:**

If a significant emergency is reported at Rockland Community College, Public Safety Officers will be dispatched to confirm the report. They will provide information to the Director of Public Safety regarding the reported emergency. If a significant emergency is confirmed, Rockland Community College will, without delay, and taking into account the safety of the community, notify the campus community, unless the notification will, in the professional judgment of the Director of Public Safety or local emergency response agencies, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

If a notification will be issued, the Director of Public Safety, or his designee's will contact the Director of Communications, or designee, and inform them of the details of the emergency. They will jointly determine who to notify, the contents of the notification, and the most appropriate channels to utilize in issuing the notification (alert

system activation, e-mail, college website, Facebook, Twitter, etc.). Once determined, the notification will be issued without delay. If warranted by the circumstances, the Director of Public Safety and his designee's have the authority to activate the RCC Emergency Alert System immediately and without consultation.

The Director of Public Safety and Director of Communications, or their assistants, have primary responsibility for issuing emergency notifications for Rockland Community College. Emergency Notifications may be issued by any of the following means: voice notification by Public Safety Officers, campus-wide email, notices placed on external doors on all buildings, voice mail, Intranet web site, Facebook, Twitter or the RCC Emergency Alert System.

In addition to testing the alert system, the college conducts unannounced evacuation drills at the beginning of each semester and summer session. The drills are conducted during both the day and evening and are observed by the College Administration whenever possible. The results of the drills are documented and maintained in the Public Safety Department.

### **BUILDING EVACUATIONS:**

A building evacuation, for fire or other reasons, is an event that may directly affect the life and/or safety of persons on our campus. As such, building evacuations and building evacuation drills require the active participation and support of all college employees and should be carried out by each of you in a manner befitting a representative of Rockland Community College. Evacuation drills are conducted at the beginning of each semester, both during the day and evening, and at the beginning of summer session.

In the event of a building evacuation, the Rockland Community College Public Safety Department has primary responsibility to initiate and coordinate an appropriate response, including notification of emergency services and the college administration. Public Safety Officers will be dispatched to assist in effecting an orderly and efficient evacuation and will provide specific instructions to building evacuees as appropriate. Additionally, there are Evacuation Coordinators throughout the campus who have received specific training in how to assist in the event of a fire or evacuation. Any responding Evacuation Coordinator may be identified by the lime green safety vest they will wear in the event of an emergency. You must comply with instructions given by Public Safety Officers and Fire Marshals.

Your primary responsibility in the event of a building evacuation is to immediately, safely and efficiently exit the building via the shortest safe route. ALL evacuation alarms must be treated as real, even if there are multiple alarm activations within the same day. Additionally, your adherence to the following simple guidelines is necessary to help ensure the safety of all building occupants during an evacuation:

- If you see a fire, **immediately** pull the nearest fire pull station to initiate the fire evacuation alarm.
- If you receive an unconfirmed report of fire or smell smoke, immediately call the RCC Emergency number at extension 4911 from any campus phone, or 574-4911 from an outside line. Public Safety will be dispatched to investigate the report.
- Once an evacuation is initiated, make sure to immediately exit the room and proceed to the nearest safe building exit.
- Close the door as the last person exits and proceed to the nearest building exit.
- If you see an open door as you are exiting the building, close the door and continue to the nearest safe building exit. Do not deviate from the shortest safe exit route to do this.
- If you see any occupants in the building who do not appear to be evacuating, inform them there is an evacuation and that they must exit the building immediately.
- If you are aware of occupants who you believe did not evacuate the building as required, notify the nearest Evacuation Coordinator, Public Safety Officer or Emergency Services Person immediately upon exiting the building. Inform them of how many persons and where they were last seen.



## **EVACUATION INSTRUCTIONS:**

In the event of a Fire Alarm or other evacuation:

- Remain **CALM**
- **WALK, DO NOT RUN**, to the nearest exit.
- Go to the nearest exit, taking the shortest possible safe route.
- **NEVER USE ELEVATORS AS A FIRE EXIT**
- Once outside, remain at least 100 feet away from the building, more if directed.
- **DO NOT** re-enter the building until **“ALL CLEAR”** is announced by the Fire Department.
- If you are wheelchair-bound at ground level, or otherwise mobility-impaired, exit the building immediately.
- If you are above or below ground level, ask someone to escort you to the nearest enclosed stairwell landing and close the door. The escort should identify someone who will tell Evacuation Coordinators, Public Safety or Firefighters the location of the stairwell in which you are located. Those professionals will then evacuate you if necessary.

## **FIRE INSTRUCTIONS:**

**In case of fire, pull the nearest alarm.** This will activate an audible and visual alarm within the building which rings directly to the Public Safety Dispatcher. The Dispatcher on duty will call the local fire department, telling them the fire location and giving them other relevant information.

When a fire alarm sounds, **evacuate the building immediately. Walk - do not run, do not use elevators.** Close doors to classrooms and offices, leaving lights on, and exit from the nearest enclosed stairwell. Take your belongings with you. **Do not try to fight the fire.**

If you are wheelchair-bound at ground level, or otherwise mobility-impaired, exit the building immediately. If you are above or below ground level, ask someone to escort you to the nearest enclosed stairwell landing and close the door. The escort should identify someone who will tell Evacuation Coordinators, Public Safety or Firefighters the location of the stairwell in which you are located. Those professionals will then evacuate you if necessary.

Everyone who has exited the building should stay at least 100 feet away from building entrances until an **"all clear"** is announced by the fire department.

**INJURIES AND OTHER MEDICAL EMERGENCIES: Report all classroom accidents to the professor immediately.**

Report all injuries to **Public Safety** 845-574-4217, located in the Fieldhouse, Room 5209, staffed by trained and Certified First Responders.

If you should witness a medical emergency, call for assistance and then stay with the patient until professional help arrives. **Do not move the victim or injured person** unless there is immediate danger to yourself and/or the patient.

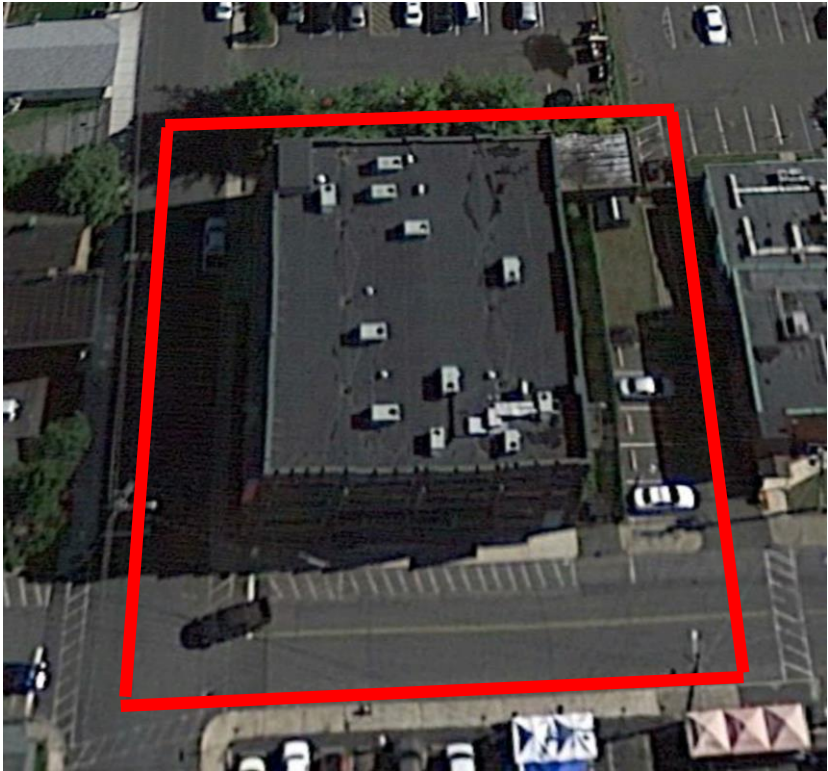
The **Good Samaritan Regional Medical Center** is the closest hospital, located 3 miles from RCC on RT. 59 in Suffern. Its main switchboard is 845-368-5000.

On Campus Property - Suffern Campus  
145 College Road  
Suffern, New York 10901

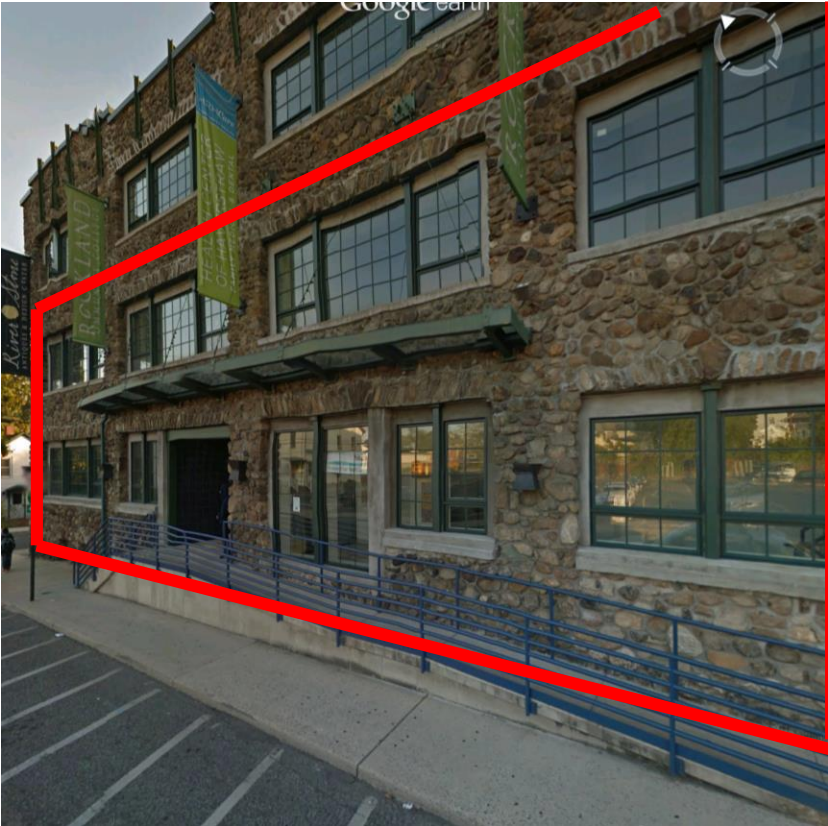




**On-Campus Property – Haverstraw, NY**  
**37 West Broad Street,**  
**Haverstraw, New York 10927**



**First & Second Floors**



**On-Campus Property- Orangeburg, NY**  
**Herbert Kurz Automotive Center**  
**37 Ramland Drive**  
**Orangeburg, NY 10962**







**Nyack Satellite Campus**  
**70 Main St.**  
**Nyack, NY 10960**

## **Clery Offenses:**

### **Clery Act Reportable Crimes (Section 1)**

**Murder:** The willful (non-negligent) killing of a human being by another. Note: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Manslaughter:** the killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

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

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **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 by force or threat of force or violence and/or by putting the victim in fear. The taking of personal property in the possession of another, from his/her immediate presence, and against his/her will, accomplished by means of force or fear. (Includes attempts)

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed. An unlawful assault upon the person of another for the purpose of inflicting severe or aggravated bodily injury. (Includes attempts, and whether or not an injury occurred.)

**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.

**Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are 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.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; (1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. (2) For the purpose of this definition – (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such

abuse; (ii) Dating violence does not include acts covered under the definition of domestic violence. The term “dating violence” means violence committed by a person -

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship.
  - b. The type of relationship.
  - c. The frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** (1) A felony or misdemeanor crime of violence committed – (i) By a current or former spouse or intimate partner of the victim; (ii) By a person with whom the victim shares a child in common; (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) By a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws or the jurisdiction in which the crime of violence occurred.

**Stalking:** (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (i) Fear for the person's safety or the safety of others; or (ii) Suffer substantial emotional distress. (2) For the purpose of this definition – (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. (iii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

### **Clery Act Reportable Arrests and Referrals (Section 2)**

**Drug/Narcotic 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, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine). (Drug/narcotic violations referred for campus disciplinary action under the Campus Code need not be reported to the Police Department).

**Alcohol Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.) -Alcohol violations referred for campus disciplinary action under the Campus Code need not be reported to the Police Department). The Clery Act does not require the reporting of public drunkenness or driving while under the influence offenses.

**Weapons Violation:** the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

### **Clery Act Reportable Hate Crimes (Section 3)**

**Hate Crimes:** A crime involving one or more of the above listed crimes (in Section 1), the crimes of theft, simple assault, intimidation and/or vandalism (see below) 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 against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

- **Larceny-Theft** (Except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
- **Simple Assault**: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation**: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property**: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.



Rockland Community College  
SUFFERN CAMPUS

**CRIMINAL OFFENSES – ON CAMPUS**

Criminal Offense	Total Occurrences On Campus		
	2020	2021	2022
a. Murder/Non-negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex Offenses – Forcible	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	0	0	0
g. Burglary	0	0	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0

**CRIMINAL OFFENSES – PUBLIC PROPERTY**

Criminal Offense	Total Occurrences On Public Property		
	2020	2021	2022
a. Murder/Non-negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex Offenses – Forcible	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	0	0	0
g. Burglary	0	0	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0

**HATE CRIMES – ON CAMPUS**

Criminal Offense	Occurrences of Hate Crimes						
	Category of Bias for Crimes Reported in 2022						
	2022 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

Rockland Community College  
SUFFERN CAMPUS

**HATE CRIMES – ON CAMPUS**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2021							
Criminal Offense	2021 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

**HATE CRIMES – ON CAMPUS**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2020							
Criminal Offense	2020 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

Rockland Community College  
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**HATE CRIMES – PUBLIC PROPERTY**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2022							
Criminal Offense	2022 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

**HATE CRIMES – PUBLIC PROPERTY**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2021							
Criminal Offense	2021 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

Rockland Community College  
SUFFERN CAMPUS

**HATE CRIMES – PUBLIC PROPERTY**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2020							
Criminal Offense	2020 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

**ARREST – ON CAMPUS**

Number of Arrests			
Law Violation	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

**ARREST – PUBLIC PROPERTY**

Number of Arrests			
Law Violation	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

**DISCIPLINARY ACTIONS – ON CAMPUS**

Number of Persons Referred for Disciplinary Actions			
Law Violation	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

Rockland Community College  
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**DISCIPLINARY ACTIONS – PUBLIC PROPERTY**

Law Violation	Number of Persons Referred for Disciplinary Actions		
	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

Violence Against Women Act (VAWA) Crimes\*

**ON CAMPUS**

Law Violation	Number of Persons Referred for Disciplinary Actions		
	2020	2021	2022
a. Stalking	0	0	0
b. Dating Violence	0	0	0
c. Domestic Violence	0	0	0

**NON-CAMPUS**

Law Violation	Number of Persons Referred for Disciplinary Actions		
	2020	2021	2022
a. Stalking	0	0	0
b. Dating Violence	0	0	0
c. Domestic Violence	0	0	0

**PUBLIC PROPERTY**

Law Violation	Number of Persons Referred for Disciplinary Actions		
	2020	2021	2022
a. Stalking	0	0	0
b. Dating Violence	0	0	0
c. Domestic Violence	0	0	0

Rockland Community College  
HAVERSTRAW CAMPUS

**CRIMINAL OFFENSES – ON CAMPUS**

Criminal Offense	Total Occurrences On Campus		
	2020	2021	2022
a. Murder/Non-negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex Offenses – Forcible	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	0	0	0
g. Burglary	0	0	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0

**CRIMINAL OFFENSES – PUBLIC PROPERTY**

Criminal Offense	Total Occurrences On Public Property		
	2020	2021	2022
a. Murder/Non-negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex Offenses – Forcible	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	0	0	0
g. Burglary	0	0	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0

**HATE CRIMES – ON CAMPUS**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2022							
Criminal Offense	2022 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

Rockland Community College  
HAVERSTRAW CAMPUS

**HATE CRIMES – ON CAMPUS**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2021							
Criminal Offense	2021 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

**HATE CRIMES – ON CAMPUS**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2020							
Criminal Offense	2020 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

Rockland Community College  
HAVERSTRAW CAMPUS

**HATE CRIMES – PUBLIC PROPERTY**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2022							
Criminal Offense	2022 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

**HATE CRIMES – PUBLIC PROPERTY**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2021							
Criminal Offense	2021 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0



Rockland Community College  
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**HATE CRIMES – PUBLIC PROPERTY**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2020							
Criminal Offense	2020 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

**ARREST – ON CAMPUS**

Law Violation	Number of Arrests		
	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

**ARREST – PUBLIC PROPERTY**

Law Violation	Number of Arrests		
	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

**DISCIPLINARY ACTIONS – ON CAMPUS**

Law Violation	Number of Persons Referred for Disciplinary Actions		
	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

Rockland Community College  
HAVERSTRAW CAMPUS

**DISCIPLINARY ACTIONS – PUBLIC PROPERTY**

Law Violation	Number of Persons Referred for Disciplinary Actions		
	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

Violence Against Women Act (VAWA) Crimes\*

**ON CAMPUS**

Law Violation	Number of Persons Referred for Disciplinary Actions		
	2020	2021	2022
a. Stalking	0	0	0
b. Dating Violence	0	0	0
c. Domestic Violence	0	0	0

**NON-CAMPUS**

Law Violation	Number of Persons Referred for Disciplinary Actions		
	2020	2021	2022
a. Stalking	0	0	0
b. Dating Violence	0	0	0
c. Domestic Violence	0	0	0

**PUBLIC PROPERTY**

Law Violation	Number of Persons Referred for Disciplinary Actions		
	2020	2021	2022
a. Stalking	0	0	0
b. Dating Violence	0	0	0
c. Domestic Violence	0	0	0

Rockland Community College  
ORANGEBURG CAMPUS

**CRIMINAL OFFENSES – ON CAMPUS**

Criminal Offense	Total Occurrences On Campus		
	2020	2021	2022
a. Murder/Non-negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex Offenses – Forcible	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	0	0	0
g. Burglary	0	0	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0

**CRIMINAL OFFENSES – PUBLIC PROPERTY**

Criminal Offense	Total Occurrences On Public Property		
	2020	2021	2022
a. Murder/Non-negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex Offenses – Forcible	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	0	0	0
g. Burglary	0	0	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0

**HATE CRIMES – ON CAMPUS**

Criminal Offense	Occurrences of Hate Crimes						
	Category of Bias for Crimes Reported in 2022						
	2022 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

Rockland Community College  
ORANGEBURG CAMPUS

**HATE CRIMES – ON CAMPUS**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2021							
Criminal Offense	2021 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

**HATE CRIMES – ON CAMPUS**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2020							
Criminal Offense	2020 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

Rockland Community College  
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**HATE CRIMES – PUBLIC PROPERTY**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2022							
Criminal Offense	2022 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

**HATE CRIMES – PUBLIC PROPERTY**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2021							
Criminal Offense	2021 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

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**HATE CRIMES – PUBLIC PROPERTY**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2020							
Criminal Offense	2020 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

**ARREST – ON CAMPUS**

Law Violation	Number of Arrests		
	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

**ARREST – PUBLIC PROPERTY**

Law Violation	Number of Arrests		
	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

**DISCIPLINARY ACTIONS – ON CAMPUS**

Law Violation	Number of Persons Referred for Disciplinary Actions		
	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

Rockland Community College  
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**DISCIPLINARY ACTIONS – PUBLIC PROPERTY**

	Number of Persons Referred for Disciplinary Actions		
Law Violation	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

Violence Against Women Act (VAWA) Crimes\*

**ON CAMPUS**

	Number of Persons Referred for Disciplinary Actions		
Law Violation	2020	2021	2022
a. Stalking	0	0	0
b. Dating Violence	0	0	0
c. Domestic Violence	0	0	0

**NON-CAMPUS**

	Number of Persons Referred for Disciplinary Actions		
Law Violation	2020	2021	2022
a. Stalking	0	0	0
b. Dating Violence	0	0	0
c. Domestic Violence	0	0	0

**PUBLIC PROPERTY**

	Number of Persons Referred for Disciplinary Actions		
Law Violation	2020	2021	2022
a. Stalking	0	0	0
b. Dating Violence	0	0	0
c. Domestic Violence	0	0	0

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**CRIMINAL OFFENSES – ON CAMPUS**

Criminal Offense	Total Occurrences On Campus		
	2020	2021	2022
a. Murder/Non-negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex Offenses – Forcible	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	0	0	0
g. Burglary	0	0	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0

**CRIMINAL OFFENSES – PUBLIC PROPERTY**

Criminal Offense	Total Occurrences On Public Property		
	2020	2021	2022
a. Murder/Non-negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex Offenses – Forcible	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	0	0	0
g. Burglary	0	0	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0

**HATE CRIMES – ON CAMPUS**

Criminal Offense	Occurrences of Hate Crimes						
	Category of Bias for Crimes Reported in 2022						
	2022 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0



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**HATE CRIMES – ON CAMPUS**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2021							
Criminal Offense	2021 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

**HATE CRIMES – ON CAMPUS**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2020							
Criminal Offense	2020 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

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**HATE CRIMES – PUBLIC PROPERTY**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2022							
Criminal Offense	2022 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

**HATE CRIMES – PUBLIC PROPERTY**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2021							
Criminal Offense	2021 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

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**HATE CRIMES – PUBLIC PROPERTY**

Occurrences of Hate Crimes							
Category of Bias for Crimes Reported in 2020							
Criminal Offense	2020 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
a. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0
c. Sex Offenses – Forcible	0	0	0	0	0	0	0
d. Sex Offenses – Non-Forcible	0	0	0	0	0	0	0
e. Robbery	0	0	0	0	0	0	0
f. Aggravated Assault	0	0	0	0	0	0	0
g. Burglary	0	0	0	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0	0	0	0
i. Arson	0	0	0	0	0	0	0
j. Simple Assault	0	0	0	0	0	0	0
k. Larceny – Theft	0	0	0	0	0	0	0
l. Intimidation	0	0	0	0	0	0	0
m. Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0

**ARREST – ON CAMPUS**

Law Violation	Number of Arrests		
	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

**ARREST – PUBLIC PROPERTY**

Law Violation	Number of Arrests		
	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

**DISCIPLINARY ACTIONS – ON CAMPUS**

Law Violation	Number of Persons Referred for Disciplinary Actions		
	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

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**DISCIPLINARY ACTIONS – PUBLIC PROPERTY**

	Number of Persons Referred for Disciplinary Actions		
Law Violation	2020	2021	2022
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug Abuse Violations	0	0	0
c. Liquor Law Violations	0	0	0

Violence Against Women Act (VAWA) Crimes\*

**ON CAMPUS**

	Number of Persons Referred for Disciplinary Actions		
Law Violation	2020	2021	2022
a. Stalking	0	0	0
b. Dating Violence	0	0	0
c. Domestic Violence	0	0	0

**NON-CAMPUS**

	Number of Persons Referred for Disciplinary Actions		
Law Violation	2020	2021	2022
a. Stalking	0	0	0
b. Dating Violence	0	0	0
c. Domestic Violence	0	0	0

**PUBLIC PROPERTY**

	Number of Persons Referred for Disciplinary Actions		
Law Violation	2020	2021	2022
a. Stalking	0	0	0
b. Dating Violence	0	0	0
c. Domestic Violence	0	0	0

