Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act

The Memorial College of Nursing and the Samaritan Hospital School of Nursing collect data and prepare this report in order to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the local law enforcement agencies responsible for surveillance of our main campus and surrounding areas. On, or before, October 1st of each year, an email is sent to all current students and employees notifying them of the existence, and location, of where to access and review the current Campus Security Report. A copy of this report is also sent via email and paper copies are distributed to students during new student orientation.

In accordance with recent updates to the Clery Act, data representing criminal activity is presented in this report. You may find this data at the US Department of Education web page at http://www.ope.ed.gov/security. These data represent crime activity both on campus and on streets adjacent to campus property. Reported on campus offenses include offenses reported on campus property and in campus buildings. The total number of crimes committed on campus is reported under “On Campus Property”. The other category presented in this chart is “Public Property” which includes thoroughfares, streets, sidewalks and parking facilities immediately adjacent to the campus. Not presented in this chart is “Non Campus Property” which includes properties owned by student organizations officially recognized by the institution and those owned by the university outside the campus boundaries, because they are not applicable at the present time. Crime statistic reporting also includes arrests and disciplinary referral made to law enforcement or hospital authorities for alcohol, drugs, and weapons possession. In addition, Samaritan and Memorial schools of nursing are required to report hate/bias crimes or incidents in this report.

Crime on Campus

All members of the campus community are urged to promptly report criminal incidents, emergencies, and suspicious activity to the hospital security department and local law enforcement. The number to call in the event of an emergency is 911 (9-911 hospital land line). 911 or 9-911 can be used to report all fire and police emergencies. At the Memorial campus, within the medical office building lot (East wing lot) there is a blue light station attached to the security booth. This is a ‘push and talk’ to the security staff and has a blue light attached to it that will flash upon activation. In the employee lot across Shaker Road there are two blue light activation stations (poles 8 & 10) and when pushed, send an alarm to security for them to respond (no talk feature) and they both have an attached blue light that will flash upon activation. On the Samaritan campus, in the roadway near the Emergency Room, there is a blue light station attached to the pole. This is a push and talk to the on duty operator (who will notify security) and has an attached blue light that will flash upon activation. In the employee lot (cage) there are two blue light stations (attached to light poles). They are a ‘push and talk’ to the on duty operator who will notify security. They also have a blue light attached to them that will flash upon activation.

The hospital security on each campus maintains crime statistic logs, which are available to view upon request. A daily log of crimes and incidences that occur on campus are also accessible at the school of nursing main offices.

Conduct on Campus

Conduct of students, faculty, staff and visitors will promote maintenance of public order. Violence, interference with academic freedom or freedom of speech, theft, willful destruction of property,
obstruction of normal functions of the school, obscene behaviors or harassment, or any other situation which recklessly or intentionally endangers the mental or physical health will not be tolerated. Appropriate disciplinary action will be taken as well as any other penalty pursuant to penal law.

Drug and Alcohol Abuse Prevention and Education

The use, possession, sale, or distribution of illegal drugs by students in the school or hospital setting, or during school functions is prohibited and will have sanctions imposed upon school participation. Use or possession of alcohol by a minor is prohibited. Student behavior which suggests the influence of drugs or alcohol will result in relief from class responsibilities and appropriate screening. We acknowledge that drug and alcohol abuse is an illness and will focus on support and rehabilitation.

Sexual Harassment and Sexual Assault

Sexual harassment adversely affects the learning environment, therefore, it will not be tolerated and all allegations will be investigated immediately. Sexual harassment includes unwanted sexual advances, requests for sexual favors, or visual, verbal or physical contact of a sexual nature. Disciplinary action will be taken against the harasser. Students are encouraged to report any incidence of sexual assault to the Director, Student Services, the Sexual Assault and Crime Victims Assistance Program and/or local law enforcement authorities.

NYS Law contains the following legal provisions defining the crimes related to sexual assault:

Section 130.20 – Sexual Misconduct. This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.

Section 130.25/.30/.35 – Rape. This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

Section 130.40/.45/.50 – Criminal Sexual Act. This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

Section 130.52 - Forcible Touching. This offense involves the forcible touching of 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. Forcible touching includes the squeezing, grabbing, or pinching of such other person’s sexual or other intimate parts. The penalty for violation of this section includes imprisonment for a period of up to one year in jail.

Section 130.55/.60/.65 – Sexual Abuse. This series of offenses includes sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due to physical helplessness, or due to
the person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.

**Section 130.65-a/.66/.67/.70 – Aggravated Sexual Abuse.** This series of offenses occurs when a person inserts a finger or a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.

**Section 130.90 – Facilitating a Sex Offense with a Controlled Substance.** This offense is possessing or administering any controlled substance or compound to another person without their consent with the intent to commit a Rape, a Criminal Sexual Act, Sexual Abuse Third or Aggravated Sexual Abuse. The penalty for violating this section includes imprisonment for a period not to exceed 7 years.

If you are sexually or otherwise assaulted on campus:

- Get to a safe place as soon as you can.
- Try to preserve all physical evidence; do not bathe, douche, or change your clothes.
- Call law enforcement.
- Report to the Emergency Department immediately to be evaluated by an MD and/or Sexual Assault Nurse Examiner.

**Weapons on Campus**

Firearms and dangerous weapons, including ammunition, fireworks, explosives or any lethal weapon, are not permitted 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 as well as a violation of the student Code of Conduct in Student Manual.

**Hate/Bias Crimes or Incidents**

For this reporting, a hate crime is a crime of violence which is defined as property damage, threats and assault that is motivated in whole or in part by an offender’s bias based on race, religion, ethnicity, national origin, gender, disability and sexual orientation. Hate or bias incidents involve behavior that is motivated by bias based on race, religion, ethnicity, national origin, gender, disability and sexual orientation. Unlike hate crimes, these incidents do not involve criminal conduct such as assault, threats or property damage. Bias-motivated degrading comments often are considered to be bias incidents. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (Penal Law Article 485).

**Timely Warnings**

In the event that a situation arises that constitutes an ongoing or continuing threat either on or off campus, a campus-wide “timely warning” will be issued by the Director(s) of the nursing program. Immediate
notification of the campus community will be made by these same procedures upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and staff on campus. The warning will be issued to all students, faculty, and staff via a posting on MESA and via a message on Regroup.

**Campus Emergency Drills**

Drills are valuable learning tools that permit both campuses to test the disaster plans, identify improvement opportunities and amend the plan while allowing staff to participate in disaster/emergency situations. They also help ensure that faculty and students are familiar with the each participant’s role. The security department at both Samaritan Hospital and Albany Memorial Hospital are responsible for conducting fire and lockdown drills at the college/school of nursing. Debriefing after each drill allow identification of areas needing improvements or issues raised during each event. Debriefing forms will be filed at the schools of nursing.
Crime Statistics 2012-2014

<table>
<thead>
<tr>
<th>Memorial CRIME statistics*</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sex offenses, forcible (total)</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>- Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>- Fondling</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sex offenses, non-forcible (total)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>- Incest</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>- Statutory rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Burglary (total)</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ARRESTS 2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor Law Arrests</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Law Arrests</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Illegal Weapons Possession Arrests</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REFERRED FOR DISCIPLINARY ACTION 2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor Law Violations</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Law Violations</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Illegal Weapons Possession Violations</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

* Green column is on-campus property / Yellow column is Public Property

<table>
<thead>
<tr>
<th>Samaritan CRIME statistics*</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sex offenses, forcible (total)</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>- Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>- Fondling</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sex offenses, non-forcible (total)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>- Incest</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>- Statutory rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Burglary (total)</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ARRESTS 2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor Law Arrests</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Law Arrests</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Illegal Weapons Possession Arrests</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REFERRED FOR DISCIPLINARY ACTION 2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor Law Violations</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Law Violations</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Illegal Weapons Possession Violations</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

*Green column is on-campus property/Yellow column is Public Property

There were no hate crimes for 2012, 2013, or 2014 on either the Memorial or the Samaritan campus.  
Note: There are no residential facilities for students nor are there any non-campus buildings or property.
In Compliance with Title 20 of the US Code Section 1092: The Advisory Committee on Campus Safety is providing you with the campus crime statistics as reported to the United States Department of Education. The United States Department of Education’s web site for access to campus crime statistics is http://ope.ed.gov/security.

REPORTING CRIMES PREVENTS CRIMES

If you have been a victim of a crime or are aware of an actual or potential crime, you should report it to one of the following offices:

Security Offices:

Samaritan Hospital: 518-271-3300
St. Mary's Hospital: 518-268-5304
Albany Memorial Hospital: 518-471-3255

Main Offices:

Samaritan Hospital School of Nursing: 518-268-5010
Memorial College of Nursing: 518-271-3260

Student Services Offices:

Samaritan Hospital School of Nursing: 518-268-5137
Memorial College of Nursing: 518-471-3215

In Case of Emergency Dial 911 (cell phone) or 9-911 (hospital landline)

If you are in the parking lot, activate the nearest Security Alarm button.
Student Rights and Responsibilities

**Student Responsibility:** Upon matriculation, each student becomes a voluntary member of the academic community. Participation in this community is dependent upon the student's understanding not only of their rights and privileges but of their responsibilities as well. Therefore, it is understood that each student accepts the obligations of this relationship.

**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 or sexual assault treated seriously
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution.
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations
7. Describe the incident to as few institution representatives as practical and not be required to unnecessarily repeat a description of the incident
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances with the jurisdiction of the institution
9. Access to at least one level of appeal of a determination
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the institution.

For further information, please refer to Section 6443 of Article 129-B of New York State Education Law.
PARKING LOT SECURITY

Lock your car when unattended. Park vehicles in designated, well-lit areas. Lock any valuables out of sight. Do not leave your keys in the car. If you are leaving campus alone, call and request a security escort to your vehicle; they are available 24hrs/day, 7 days/week.

NYS SEX OFFENDER REGISTRY

Available is a sex offender registry within the NYS Division of Criminal Justice Services. As part of the Registry, the SORA requires the Division of Criminal Justice Services to maintain a Subdirectory of High-Risk (Level 3) Sex Offenders. The Registry also contains information on low-risk (Level 1) and moderate-risk (Level 2) sex offenders. The referenced site provides free public access to the database of Level 3 sexual offenders only. You may however, access information on Level 1 and Level 2 offenders for a fee. To access the New York State Sexual Offender registry go to the following Web address:

http://www.criminaljustice.ny.gov/nsor/index.htm
VICTIM SUPPORT PROGRAMS

Sexual Assault 24-hour hotline
(518) 271-3257

NYS Domestic and Sexual Violence Hotline
English: 1-800-942-6906
Spanish: 1-800-942-6908

EAP (Employee Assistance Program)
Free, confidential counseling, information
& referral services
(518) 271-3372

National Suicide Prevention Hotline 24/7
1-800-273-8255

SPAN (Statewide Peer Assistance for Nurses)
For nurses coping with chemical dependency
1-800-724-6976

NYS Crime Victim Board
1-800-247-8035
http://www.cvb.state.ny.us/home.asp
1. Federal Laws

a) 18 U.S.C. 245 Hate Crimes Prevention Act of 1999 - This act prohibits persons from interfering with an individual's Federal right (e.g. voting or employment) by violence or threat of violence due to his or her race, color, religion or national origin. This act allows for more authority for the Federal government to investigate and prosecute hate crime offenders who committed their crime because of perceived sexual orientation, gender, or disability of the victim. It also permits the Federal government to prosecute without having to prove that the victim was attacked because he or she was performing a federally protected activity.

b) Violent Crime Control and Law Enforcement Act of 1994 - As part of the 1994 Crime Act, the Hate Crimes Sentencing Enhancement Act provides for longer sentences where the offense is determined to be a hate crime. A longer sentence may be imposed if it is proven that a crime against person or property was motivated by "race, color, religion, national origin, ethnicity, gender, disability or sexual orientation."

c) 28 U.S.C. 534 Hate Crime Statistics Act of 1990 - This act requires the Department of Justice to collect data on hate crimes. Hate crimes are defined as "manifest prejudice based on race, religion, sexual orientation or ethnicity." These statistics are compiled by the FBI using the Uniform Crime Reporting system. The Crime Act of 1994 also required the FBI to collect data on hate crimes involving disability.

d) The Violence Against Women Reauthorization Act of 2013 – imposes obligations on colleges and universities under its Campus Sexual Violence Ace provision, Section 304. Colleges and universities are required to

- Report domestic violence, dating violence, and stalking beyond crime categories the Clery Act already mandates;
- Adopt certain student discipline procedures, such as notifying purported victims of their rights; and
- Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.

2. New York State Law

a) Hate Crimes Act of 2000, Penal Law Art. 485 - This law enhances criminal penalties for a long list of enumerated crimes when perpetrators intentionally select a target based on the victim's actual or perceived race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation. The law also requires the state to collect, analyze and annually report on data regarding hate crime throughout the state.

b) N.Y. Civil Rights Law §40-c - Prohibits discrimination or harassment based on race, creed, color, national origin, sex or disability. Violation of this provision shall constitute a class A misdemeanor and subjects the perpetrator to a civil action brought by the victim for damages.
c) N.Y. Penal Law §240.30 - Covers aggravated harassment against a person "because of a belief or perception regarding person's race, color, national origin, ancestry, gender, religion, religious practice, age, sexual orientation, regardless of whether the belief or perception is correct."

d) N.Y. Penal Law §240.31 - Enhances penalty for aggravated harassment.

e) New York State Article 129 A and B – On an annual basis, these academic institutions certify institutional compliance with Article 129 A of the Education Law relating to

§6430 General provisions

§6431 Advisory Committee on Campus Security

§6432 Sexual Assault Prevention Information

§6433 Campus Crime Reporting and Statistics

§6434 Investigation of Violent Felony Offenses

§6435 Appointment of Private College Security Officers

§6436 Bias-related Crime Prevention Information

§6437 Prohibition on the Marketing of Credit Cards

Article 129 B requires these academic institutions to implement a uniform prevention and response program, supported by policies and procedures relating to sexual assault, domestic violence, dating violence, and stalking.