2017 Annual Security and Fire Safety Report
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2017 NYIT Annual Security Report

NYIT prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and other federal laws and regulations which require colleges and universities to publish and distribute an annual security and fire safety report containing policies and procedures as well as campus crime and fire statistics. The full text of this report can be located on NYIT’s website at nyit.edu/clery. This report is prepared in cooperation with the local law enforcement agencies surrounding our campuses, the Division of Student Affairs, and the NYIT College of Osteopathic Medicine. Each responsible entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest, and referral statistics include those reported to the Office of Campus Security, designated campus officials, and local law enforcement agencies.

Each year, an email notification is sent to all enrolled students, faculty, and staff that provides the website URL to access this report. Students, faculty, and staff at NYIT’s College of Osteopathic Medicine Jonesboro, Arkansas campus will receive notification and electronic access to both NYIT’s report and Arkansas State University’s report. Copies of this report may also be obtained at the Office of Campus Security on each campus or via the Advisory Committee on Campus Security. The 2017 report follows.

NYIT Office of Campus Security

The Office of Campus Security is responsible for the safety and security of students, staff and faculty members, and property at NYIT’s New York campuses. Service is provided campus-wide 24 hours a day, 365 days a year at NYIT’s Manhattan and Old Westbury locations. All security guards are trained in emergency response procedures (fire, bomb threat, and medical emergencies).

NYIT’s College of Osteopathic Medicine (“NYITCOM”) campus in Jonesboro, Arkansas is part of the Arkansas State University (“A-State”) campus, and the A-State University Police Department (“UPD”) is responsible for safety and security at that location. A-State UPD officers are sworn law enforcement officers with arrest powers. More information on A-State UPD can be found in A-State’s Annual Security Report.

NYIT Office of Campus Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the university. NYIT security guards have the authority to issue parking tickets, which are billed to financial accounts of students, faculty, and staff. Security officers do not possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on the campus. The Office of Campus Security maintains a highly professional working relationship with the local police forces. All crime victims and witnesses are strongly encouraged to immediately report any crime to the Office of Campus Security and the appropriate police agency. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics.

The Office of Campus Security maintains a close working relationship with the New York City Police Department, Nassau County Police Department, Old Brookville Police Department, and Old Westbury Police Department. Meetings are held between the leaders of these agencies on both a formal and informal basis. NYIT’s security staff and these agencies communicate regularly on the
scene of incidents that occur in and around the campus areas. The Office of Campus Security works closely with the investigative staff at these agencies when incidents arise that require joint investigative efforts, resources, crime-related reports and exchange of information, as deemed necessary. NYIT maintains written memoranda of understanding between the Office of Campus Security and the following agencies: Old Brookville Police Department; Old Westbury Police Department.

Community members, students, faculty, staff, and guests are encouraged to report all crime and public safety incidents to the NYIT Office of Campus Security in a timely manner.

Community members, students, faculty, staff, and guests are encouraged to report all crimes to local law enforcement agencies when the victim of a crime elects to or is unable to make such a report.

To report a crime or an emergency on an NYIT campus, call 911 first. Then call Campus Security at:

- **Old Westbury**: 516.686.7789
- **Manhattan**: 646.273.7789

To report a non-emergency security or public safety related matter, call Campus Security at:

- **Old Westbury**: 516.686.7789
- **Manhattan**: 646.273.7789

For NYITCOM at A-State, call 870.972.2093 for both emergency and non-emergency security and public safety matters occurring on that campus.

Dispatchers are available via 516.686.7789 24 hours a day to answer your call. In response to a call, Campus Security will take the required action, dispatching security personnel or asking the victim to report to Campus Security to file an incident report. Any Campus Security incident reports involving NYIT students are forwarded to the appropriate dean in the Office of Campus Life for review and potential action by the Office of Campus Life. Campus Security will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the appropriate dean in the Office of Campus Life.

If assistance is required from the local police department or the fire department, Campus Security will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including Campus Security, will offer the victim a wide variety of services.

This publication and the NYIT website have information about on-campus and off-campus resources. It is made available to provide NYIT community members with specific information about the resources that are available in the event that they become the victim of a crime. The information about “resources” is not provided to infer that those resources are “reporting entities” for NYIT.

When the victim of a crime elects to or is unable to make such a report, crimes should be reported to Campus Security to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, a crime that was reported only to the local police may not be included in the NYIT campus crime statistics.

NYIT does not have any officially recognized student organizations with off-campus locations.
Security Awareness and Crime Prevention Programs for Students and Employees

On a semi-annual schedule, students, faculty, and staff are informed of safety, security awareness, and crime prevention procedures and reminders through NYIT email. The same procedures and reminders are posted online at nyit.edu/alerts or nyit.edu/security, and similar messages are posted throughout the year on the university’s digital sign network. When time is of the essence, information is released to the university community through security alerts posted prominently throughout the NYIT website and the campuses’ digital sign network, and relayed through emergency text and voice alert services.

During orientation for new undergraduate students, information is provided about services offered by Campus Security, as well as guidance in terms of personal safety and security. Students are informed about a text service, where they can text “NYIT” to 444-999 and have important contact information for campus security and other departments automatically downloaded into their phone’s contacts.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. Campus Security has developed a list of practical tips for ensuring one’s personal safety, available here: Campus Security Precautions.

For example, among the resources made available are The Circle of 6 and NYIT’s Just in Case mobile applications.

Circle of 6 allows one to connect to friends to stay close, stay safe, and prevent violence before it happens. Through the Circle of 6 app for iPhone and Android a user may reach up to six friends to let them know their location and how they can help. For more information and to download this mobile app, go to the Circle of 6 website.

NYIT’s Just in Case mobile site supplies potentially life-saving information to NYIT students, staff and faculty. This mobile website puts vital information, including information on sexual assault, stalking and intimate partner violence, along with support options at a user’s fingertips. Just in Case is available via scanning the code below or entering http://codu.co/09fd17 on a mobile device.

For information on NYITCOM at A-State campus security awareness and crime prevention programs, please visit A-State’s Annual Security Report.
Security of and Access to Facilities

Security and fire safety considerations go into the planning and design of all campus facilities. NYIT encourages community members to promptly report to Campus Security any security concerns, including concerns about locking mechanisms, lighting, or landscaping. Campus Security works with the facilities department to ensure prompt repair of maintenance issues that pose a safety or security concern to the community.

NYIT Campus Security maintains control of access to campus facilities, monitors the issuance of keys, and administers security camera and alarm systems.

For information on NYITCOM at A-State facility security and access, please visit A-State’s Annual Security Report.

Campus Security Features

- Parking lots, sidewalks, building entrances, and all major walkways on campuses are illuminated to provide safe routes for campus community members and to deter crime.
- Proper landscaping is maintained to ensure routes remain lit and passable.
- Security cameras are strategically located throughout all campuses.
- Campus security monitors and patrols all campuses 24 hours a day.
- All university buildings can be secured by a key or card lock system.
- Campus buildings are locked at approximately 6 p.m., and after-hours access for authorized key holders is permitted until approximately 11 p.m., when buildings are closed for the night.
- After-hours access to locked academic buildings is restricted to authorized persons with key/card access.
- Blue light emergency callboxes are located around the Old Westbury campus.
- The Manhattan campus has security personnel at all building entrances.
- Students and employees must show ID cards for entrance to Manhattan campus buildings.

Campus Alone Program

Campus Alone is a program provided by the Office of Campus Security and is available to all members of the campus community who work or study during the inactive non-business hours of evenings, weekends, holidays, etc.

Individuals should call the Office of Campus Security at 516.686.7789 if concerned for their personal safety while working/studying alone. When calling, please provide:

- Your name, location, and phone number in the building if you are working in an office.
- An estimated time of departure. (If this changes, you must advise us.)
- Your mode of travel and, if applicable, a vehicle description and location where you've parked your vehicle.
- Whether you desire a walking escort to your parked vehicle or other location.

Before you leave, you must call Campus Security again to confirm that you are well and that you are departing. Campus Security may check in on you at your location, particularly if they have not received your confirmation that you have departed.
Walking Escort Service
The Office of Campus Security also provides an escort service, which offers a walking escort to and from campus buildings and parking fields. This service is available to the entire college community.

Shuttle Service
NYIT offers shuttle bus service throughout the Old Westbury campus during the fall and spring semesters. The shuttle runs weekdays until 11:30 p.m. There is also shuttle service for students residing in NYIT’s off-campus housing in Old Westbury that runs until approximately midnight on weekdays.

On Campus Residence Hall Security Features
NYIT maintained several on-campus residence halls at its Central Islip campus until closing the campus in August 2017. NYITCOM at A-State has residence halls for students that are part of the A-State campus. Information on the security features of those residence halls may be found in A-State’s Annual Security Report. Other residence halls used by NYIT students at our Old Westbury and Manhattan campuses are located off campus.

Dating Violence, Domestic Violence, Sexual Assault, and Stalking
NYIT prohibits sexual and gender-based violence, which includes the crimes of dating violence, domestic violence, sexual assault, and stalking. NYIT is committed to increasing the awareness and prevention of sexual and gender-based violence.

Educational Programs
To that end, NYIT provides a variety of educational programs to new students and facilitates an ongoing education campaign for continuing students related to sexual assault, domestic and dating violence, and stalking.

First-year and transfer undergraduate students are required to complete NYIT’s online alcohol education (AlcoholEdu) and sexual assault prevention (Haven) programs. These two-part programs require students to complete part of the training prior to the start of classes and again later in their first semester. First-year and transfer undergraduate students and incoming international students are also provided with in-person training during orientation. Officers of student organizations and student-athletes must also attend annual in-person training. First-year graduate and professional students are either provided with in-person primary prevention and awareness training during their initial arrival at NYIT, or are required to complete an online program designed for graduate students (HavenPlus). All new employees must also complete an online training course and are provided with additional information during new employee orientation. Employees are required to take an annual online refresher course on these topics.

These primary prevention and awareness programs for students and employees address: the definitions of sexual assault, domestic and dating violence, stalking, and consent, safe and positive options for bystander intervention, information on risk reduction techniques, reporting options and confidentiality.
Additional ongoing prevention and education programs are provided for all students throughout the year and are conducted by the Title IX Office and the offices of Counseling and Wellness, Residential Life, and Student Affairs. Various student organizations also participate in sponsoring relevant programming. Last year, these events included: a consent campaign where students completed their own phrase, “____ does not mean yes”, OneLove Escalation Workshop, Clothesline Project, viewing and discussion of The Hunting Ground, bystander intervention training, To Say or Not to Say for responding to disclosure of an incident by a peer, and Take Back the Night.

**Gender-Based Misconduct Policy**

NYIT’s Gender-Based Misconduct Policy, which is part of the Student Handbook, includes all information related to reporting and responding to incidents of dating violence, domestic violence, sexual assault, and stalking and is available [here](#), or may be found by visiting nyit.edu/policies/collection/gender_based_misconduct_policy. A copy of this policy is provided to any student or employee who reports that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus. Parts of the policy are referenced or excerpted below.

**Definitions**

State law defines various violent and/or non-consensual sexual acts as crimes. New York State definitions may be found [here](#) under “criminal law resources”. While some of these acts have parallels in criminal law, NYIT has defined categories of sexual or gender-based acts for which Code of Conduct charges may be brought against a student. Acts of gender-based misconduct defined below may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved.

Specific forms of Gender-Based Misconduct include but are not limited to:

**A. NONCONSENSUAL SEXUAL PENETRATION**

Committed when an individual subjects another person to sexual penetration without the consent of the person, and/or by force. Sexual penetration is defined by anal, oral, or vaginal penetration, however slight, by a penis, tongue, finger, or object.

**B. NONCONSENSUAL SEXUAL CONTACT**

Any type of intentional touching, or intentional contact with, another person's sexual or intimate parts, under or over clothing without their consent.

1. Either through force or without the person’s consent, causing the other person to touch or make contact with the perpetrator’s sexual or intimate parts.

2. Touching of other parts of the body (e.g. squeezing, grabbing or pinching) for the purpose of sexually degrading or abusing the other person or for the purpose of gratifying the perpetrator’s sexual desire.

Definition of Consent: Affirmative consent is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity.
Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Furthermore:

1. Consent of any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

3. Consent may be initially given but withdrawn at any time.

4. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

6. When consent is withdrawn or can no longer be given, sexual activity must stop.

C. SEXUAL EXPLOITATION

Taking abusive or nonconsensual sexual advantage of another. Examples include:

1. Taking or transmitting sexual photographs, videos, or audiotapes without consent, or causing or permitting others to take or transmit such photographs, videos, or audiotapes without consent.

2. Watching another engage in sexual activity or contact without consent; viewing another nude without consent (e.g. watching someone in the shower without consent); allowing a third party to observe sexual acts without a partner's consent.

D. SEXUAL OR GENDER-BASED HARASSMENT

1. Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, expressive or physical conduct of a sexual nature.

2. Other verbal, nonverbal, or physical acts, or acts of aggression, intimidation or hostility, when based on gender or gender-stereotyping.

This conduct constitutes sexual or gender-based harassment when it either substantially interferes with an individual's ability to participate in or benefit from the institution's programs or activities or creates an intimidating, hostile, or offensive environment for learning or participating in NYIT programs and activities.
Examples include:

1. Unwanted flirtation, advances, or propositions of a sexual nature.

2. Insults, humor, jokes, or anecdotes (not legitimately related to the subject matter of a course, if one is involved) that belittle or demean an individual's or a group's sexuality or gender.

3. Unwelcome comments of a sexual nature about an individual's body or clothing.

4. Physically threatening a person because of his or her gender identity or expression or sexual orientation.

**E. DOMESTIC VIOLENCE**

The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed toward:

1. A current or former spouse or intimate partner;

2. A person with whom one shares a child; or

3. Anyone who is protected from the respondent's act under the domestic or family violence laws of the state.

This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.

**F. DATING VIOLENCE**

The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual, or economic abuse directed toward a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim.

This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Dating violence can be a single act or a pattern of behavior in relationships.

**G. STALKING**

Intentionally and for no legitimate purpose engaging in a course of conduct directed at another person, on more than one occasion, that the student knows or reasonably should know is likely to cause a reasonable person to fear for his or her safety or the safety of others or causes the other person to suffer substantial emotional damage. Such behaviors and activities may include, but are not limited to:

1. Nonconsensual communication (including face-to-face, telephone calls, voice messages, electronic mail, written letters/notes, unwanted gifts).

2. Threatening or obscene gestures.
3. Pursuing or following.

4. Electronic or any form of surveillance and/or other types of nonconsensual observation.

**Procedures for Reporting**

If a student or employee has experienced dating violence, domestic violence, sexual assault, or stalking, they have the right to make a criminal report to law enforcement, and/or to make a conduct report to NYIT, but do not have to do either. It is their decision whether to make a report of any kind, but they should be aware of NYIT’s limitation on confidentiality as described in the Gender-Based Misconduct Policy. Law enforcement will also have its own obligations to pursue the matter once a report is made to them that NYIT community members should be aware of. Pending the decision to report, individuals are strongly encouraged to take immediate steps to preserve all evidence that might support a future report or an investigation by the police, by NYIT, or both. These steps are described [here](#) in the Gender-Based Misconduct Policy.

**Reporting to the Police**

Campus Security offices can assist a student in making a report to the local police department or the student may contact the police department directly.

In an emergency, call 911 first.

Old Westbury
Campus Security: 516.686.7789
Nassau County Special Victims Squad: 516.573.8055

Manhattan
Campus Security: 212.261.1536
NYPD Special Victims Division: 646.610.7272

NYITCOM at A-State
A-State University Police: 870.972.2093
Jonesboro Police: 870.935.5657

It is important to remember that the criminal justice process is separate from NYIT’s conduct process. Decisions by law enforcement regarding whether or not to arrest or prosecute an individual do not determine if a violation of NYIT policy has occurred.

**Reporting to NYIT**

NYIT's Title IX Coordinator is responsible for overseeing and coordinating the institution’s Title IX and Gender-Based Misconduct compliance efforts, including ensuring the prompt and effective investigation and response to complaints. The Title IX Coordinator also provides leadership to the Deputy Title IX Coordinators who assist in compliance efforts. NYIT's Deputy Title IX Coordinators serve as the primary Title IX officials for students.

Students and employees should contact the Title IX Coordinator or one of the Deputy Title IX Coordinators to make a report of dating violence, domestic violence, sexual assault, or stalking or to discuss questions or concerns related to the Gender-Based Misconduct Policy; however, please note that these individuals cannot guarantee confidentiality to students who report, as discussed further in the [policy](#).
A. TITLE IX COORDINATOR

Cheryl Monticciolo
Director, Compliance & Title IX Coordinator
President's Office
Tower House, Room 106
Old Westbury, NY 11568
516.686.1080
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B. DEPUTY TITLE IX COORDINATORS

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Confidentiality
All NYIT employees (faculty, staff, administrators) are expected to report incidents of dating violence, domestic violence, sexual assault, and stalking to the Title IX Coordinator immediately, though there are some limited exceptions where confidentiality may be offered, such as from the Office of Counseling and Wellness. The Gender-Based Misconduct Policy further describes the disclosure options at NYIT and who may maintain confidentiality.

However, as described in the Gender Based Misconduct Policy, even NYIT offices and employees who cannot guarantee confidentiality will maintain a disclosing party's privacy to the greatest extent possible. The information a disclosing party provides to a non-confidential resource will be relayed only as necessary for the institution to investigate and/or seek a resolution.

Request for Confidentiality
If a disclosing party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the disclosing party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus community and comply with federal law.

Declining to consent to an investigation shall be honored unless the institution determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community. In weighing such a request, the Title IX Coordinator will consider the factors set forth in the Gender-Based Misconduct Policy. If the institution determines that an investigation is required, it shall notify the disclosing party and take immediate action as necessary to protect and assist them.

In cases where the disclosing party requests confidentiality and the circumstances allow NYIT to honor that request, the institution will offer interim supports and remedies to the disclosing party and the community, but will not otherwise pursue formal action. This means that NYIT’s ability to remedy and respond to a reported incident may be limited if the disclosing party does not want the institution to proceed with an investigation and/or wishes to remain anonymous.

Reporting by NYIT
The Gender-Based Misconduct Policy states that NYIT is required to report incidents of dating violence, domestic violence, sexual assault, and stalking that occur on our campuses or in other
specified areas for purposes of this Annual Security Report. The policy provides that parties' identifying information and specifics of the incident will be kept confidential for such reporting purposes.

The Gender-Based Misconduct Policy also includes a statement that NYIT is required to issue timely warnings of certain crimes that occur at on-campus locations if the crime represents a serious or continuing threat to the campus community. The policy explains that NYIT will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

**Resources and Protective Measures**
The Gender-Based Misconduct Policy includes notice to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within NYIT and in the community. These resources may be found here.

The Gender-Based Misconduct Policy also provides notice to victims about options for, available assistance in, and how to request no contact orders; changes to academic, living, transportation and working situations; or other protective measures. A description of these options is available here and may include the following:

1. Issuing of no-contact orders to prevent contact between the disclosing party, the responding party, witnesses, and/or third parties to ensure the safety of all parties and the integrity of the process. These orders may be mutual or non-mutual as deemed appropriate by NYIT officials.

2. Providing the disclosing party an escort to ensure that they can move safely between classes, work, and/or activities.

3. Changing a party's on-campus housing, and providing assistance from NYIT support staff in completing the relocation.

4. Rescheduling class work, assignments, and examinations.

5. Changing work arrangements or schedules.

6. Providing academic support services, which may include alternative options for course completion or withdrawal.

7. Providing visa and immigration assistance.

8. Providing student financial aid counseling.

9. Limiting an individual or organization's access to certain NYIT facilities or activities pending resolution of the matter.

10. Interim suspension of a responding party or organization pending resolution of the matter.
As stated in the policy, NYIT will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to law enforcement or campus security. NYIT will maintain as confidential any interim or protective measures, provided confidentiality does not impair NYIT’s ability to provide the measures.

The policy also describes the availability of an order of protection (sometimes known as a "restraining order"), which is issued by state courts. While NYIT does not issue orders of protection, the institution will assist a member of the community in obtaining an order of protection. NYIT will also ensure that those impacted by an order of protection understand the availability of an order, the content and parameters of an order, and the consequences for violating an order, including but not limited to arrest, additional conduct charges, and interim suspension. Campus Security at all campuses will also provide assistance to reporting parties in calling on and assisting local law enforcement in effecting an arrest for violation of an order of protection.

**Student Conduct Proceedings**

Student conduct proceedings for cases of dating violence, domestic violence, sexual assault, and stalking will include a prompt, fair and impartial process from the initial investigation to the final result. The Code of Conduct includes provisions to ensure there are no conflicts of interest by any administrator involved in the disciplinary process.

As provided in our Gender-Based Misconduct Policy and our Student Code of Conduct, disciplinary proceedings for these incidents will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability. These trainings may be conducted in-house by the Title IX Coordinator or externally through a qualified training provider.

The Code of Conduct also provides the accuser and accused with the same opportunities to have an advisor present during all phases of a disciplinary proceeding for a Gender-Based Misconduct offense, which includes the opportunity to be accompanied by an advisor of their choice to any related meeting or proceeding. NYIT does not limit who may serve as an advisor, unless the person is also a witness in the case. However, the advisor for either party is not allowed to participate in the meetings or proceedings.

The Code of Conduct provides for simultaneous written notice to both the accuser and the accused of the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking, the procedures for the parties to appeal the result of the proceeding, any change to the result, and when such results become final.

A number of other rights are provided to both the accused and accuser in student conduct proceedings to ensure fairness, including timely notice of charges and possible sanctions, access to informational meetings and to the investigation file, and the ability to present evidence and witnesses.

All the provisions described above are excerpted below from the Student Code of Conduct, along with sections of the Code that further explain the types of disciplinary proceedings available, the steps of each including how to file a complaint, the timelines applicable to disciplinary proceedings,
the decision-making process including the applicable burden of proof, the available sanctions, and the process for appeal.

The excerpts below are only intended as a synopsis of relevant sections of the Code as of October 1, 2017. The following does not encompass NYITCOM's Student Code of Conduct, nor the entirety of the NYIT Student Code of Conduct. For the complete and updated version of the NYIT Student Code of Conduct which applies to all non-NYITCOM students at U.S. campuses, please go here. For the complete and updated version of the NYITCOM Student Code of Conduct, please go here.

Student Rights in Conduct Proceedings
A student charged with a violation of the Student Code of Conduct has the right to:

1. Clear and complete notice of the charge(s) within 15 business days (or as soon as reasonably possible) of receipt by the appropriate NYIT official of a written report or documentation of the incident (breaks, including summer, may extend this time period to 25 days).

2. The opportunity to attend an Information Meeting in which the student may review relevant information in his/her student conduct file concerning the allegations.

3. A fair and impartial hearing.

4. An opportunity to present relevant evidence and information on his/her behalf, including presenting witnesses and/or signed, written statements, unless waived for informal resolutions or where a student accepts responsibility for the charge. The student conduct officer determines the relevance of all witnesses to a student conduct hearing.

5. Question witnesses as circumstances permit. Appropriate witnesses may be called by the college to all formal hearings. Those witnesses who appear may be questioned by the student in an appropriate format determined by the student conduct officer. If a witness is called but does not appear, his/her written or recorded statements, or representation of his/her statements as obtained by an NYIT official, may be considered by the hearing body. In certain cases, where a witness refuses to participate in a hearing out of concerns for personal safety, or where it may be determined that a witness's active participation in a hearing may result in undue repercussions, witnesses may be granted the opportunity by the student conduct advisor or officer to remain anonymous in the hearing process; in such cases, an NYIT investigator will represent the statement of the witness.

6. Accompaniment by an advisor of the student's choice. The advisor may not speak, serve as a witness, or represent the student before the hearing body. The advisor may not serve as a legal representative. Students must speak for themselves. (For exemptions, see "Auxiliary Aids and Services" later in this handbook).

7. Not provide self-incriminating information. Choosing not to provide information does not constitute an admission of responsibility. However, absent a full statement, the hearing body may lend more weight to written documents and statements of witnesses. This protection from self-incrimination does not extend to student organizations or Greek letter organizations.
8. For cases involving alleged Gender-Based Misconduct, the right to exclude their own prior sexual history with persons other than the complainant, and their own mental health diagnosis and/or treatment. However, past findings of Gender-Based Misconduct by the charged student may be admissible in the sanctions phase.

9. Receive notification of the decision of the hearing, with the exception of recommendation for expulsion, within 15 business days after the final decision of the student conduct body. All hearing decisions will be communicated in writing (may also be orally provided at the discretion of the hearing body, except in cases of Gender-Based Misconduct) to the charged student and will include the hearing decision, sanctions imposed (if applicable), and the appeal process.

10. Appeal the decision, in writing, within five business days of the receipt of the hearing outcome. (See "Appeals," below.)

The complainant in cases of Gender-Based Misconduct has the right to:

1. Attend an information meeting with the conduct officer or designee.

2. Have an advisor, who is not acting as legal counsel, of the alleged victim's choice accompany him or her when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process. The advisor may not act as a legal representative.

3. Submit a complainant's impact statement to the hearing body. This information will be used only in the sanctioning phase of deliberations, if the charged student is found responsible for the charge(s).

4. Remain anonymous, if possible. A complainant who is unwilling to participate in the disciplinary proceeding needs to understand that this may compromise NYIT's ability to present its case against the respondent student. In certain cases where it is determined that the complainant's active participation in a hearing may result in undue repercussions, and the charged student's ability to respond is not unduly limited, the complainant may be granted the opportunity by the conduct officer to remain anonymous in the hearing process; in such cases, an NYIT investigator will represent the statement of the complainant. In such cases, the conduct officer (or designee) may request that the victim submit written documentation for consideration.

5. Have unrelated past behavior excluded from the hearing. The conduct officer or designee will decide if such information is unrelated. For cases involving alleged Gender-Based Misconduct, this includes the right to exclude their own prior sexual history with persons other than the charged student, and their own mental health diagnosis and/or treatment.

6. An opportunity to present relevant evidence and information, including presenting witnesses and/or signed, written statements and submitting questions to the hearing body. The student conduct officer determines the relevance of all witnesses and questions in a student conduct hearing.
7. Provide a statement to student conduct bodies in limited privacy, as long as the process does not unduly/unreasonably compromise the ability of the student who is alleged to be in violation of policy to question witnesses. Determination will be made by the conduct officer of the Student Conduct Review Board.

8. Be present throughout the entire hearing, or portions thereof. Determination will be made by the conduct officer of the Student Conduct Review Board.

9. Be notified of the conduct hearing outcome and appeals outcome. In cases of Gender-Based Misconduct, such notice will:
   - be in writing;
   - be provided at the same time notice is given to the charged student;
   - include sanctions imposed, if any.

10. Be notified of the right to appeal the hearing decision in accordance with the procedures outlined in "Appeals, section (d)," below.

11. Complainants in cases which involve alleged Gender-Based Misconduct have additional rights as set forth in the "Gender-Based Misconduct Policy," below.

Judicial Bodies and Forums
There are four types of conduct forums: warning letter without a hearing, summary resolution meeting, informal hearing, and formal hearing. Generally, students and student organizations may choose which conduct forum they would like to conduct their disciplinary case. However, the dean of students (or designee) or director for housing and residential life (or designee) reserve the right to choose the appropriate forum for administrative or case-related reasons.

A. WARNING LETTER WITHOUT A HEARING

For minor infractions of this code, the dean of students (or designee), or director of housing and residential life (or designee) may send the student a warning letter. The letter states that if the student takes full responsibility for the alleged violation, and any imposed sanctions, then the letter will act as a warning. If the student does not accept responsibility for the alleged violation of the code, then the student must schedule an information meeting to schedule an informal or formal hearing.

B. SUMMARY RESOLUTION MEETING

Summary resolution meetings are for students electing to accept responsibility for the alleged violation as presented. These meetings are not recorded and are conducted by the dean of students (or designee) as the student conduct officer, or by the director of residence life and off-campus housing (or designee) for cases related to housing and residence life.

C. INFORMAL HEARINGS

Informal hearings are for students electing to enable the determination of responsibility for the alleged violation to be made by the dean of students (or designee) as the student conduct officer, or
by the director of residence life and off-campus housing (or designee) for cases related to housing and residence life.

D. FORMAL HEARINGS

The student conduct body for formal hearings: the Student Conduct Board, comprising the dean of students (or designee) as the chair/non-voting capacity; up to four faculty members from different schools, appointed by the provost and vice president for academic affairs; up to four students appointed by the Student Government Association; and up to three administrators from different departments, appointed by the dean of students (or designee). The chair selects one faculty member, one student, and one administrator to hear each case and members serve on a rotating basis for cases that do not involve violations of the Gender-Based Misconduct Policy. For cases involving violations of the Gender-Based Misconduct Policy, students will not serve on the hearing panel. Rather, the chair will select three panel members from the appointed pool of faculty members and administrators. However, only those faculty and administrators who have completed additional training in the area of gender based misconduct will be eligible to serve in such cases. Hearings may also include an Investigator, an NYIT staff member appointed to review the case and present findings to the student conduct body. Formal hearings:

1. Require the student conduct body to call relevant witnesses to provide information regarding the alleged violation.

2. Will be held at least 5 business days after notice is received by the charged student; exceptions to be made by the student conduct officer in conjunction with the charged student who is considered in violation of policy.

3. Allow the presence of an advisor who does not act as a legal representative.

4. Will be recorded by NYIT only.

5. Require that a decision letter be sent to the student within 15 business days from the conclusion of the student conduct body’s deliberation and final decision.

**Burden of Proof Standard**

- The standard used in all conduct review cases within this Student Code of Conduct is "preponderance of the evidence." The term "preponderance of the evidence" means that the evidence, considered as a whole, indicates that it is more likely than not that the alleged behavior did violate the Student Code of Conduct.

- The burden of proof rests with the institution. The charged student is presumed to be not in violation, and his or her responsibility must be established to the satisfaction of the student conduct body by a preponderance of the evidence.

**Disciplinary Process**

A. INITIATING CHARGES

Any person may make a complaint and request a review of the alleged actions of a student that may violate the NYIT Student Code of Conduct, federal or state law, or local ordinances. A review for possible violations of the Code of Conduct may be initiated in the following ways:
1. Filing an incident report with NYIT campus security or requesting the submission of a report from another law enforcement agency to campus security. Campus security will forward all incident reports involving the conduct of students to the dean of students (or designee).

2. Providing a written and signed statement to the dean of students (or designee) or Office of Residence Life and Off-Campus Housing. In complaints involving alleged Gender-Based Misconduct, the NYIT official receiving the complaint may transcribe the complainant's verbal complaint into writing. Written statements should be sent to the appropriate office responsible for handling the incident, based on the person(s) involved or location of incident (see Section C, below). Any statement submitted in writing from an email account must come from the person's official NYIT account if the person is a member of the NYIT community. The appropriate conduct officer will determine the appropriate course of action for the complaint. The student conduct officer or student conduct body reserves the right to request additional documentation, if appropriate.

3. If the student conduct officer determines that documentation is insufficient or there are no grounds to file charges on behalf of NYIT, no charges will be filed and the individual initiating the report will be notified about the decision.

B. FILING TIME

Reports must be filed with the appropriate NYIT official within ninety (90) business days of the incident or knowledge about the incident except in cases of alleged Gender-Based Misconduct, which reports must be filed within twelve (12) calendar months of the incident or knowledge about the incident. However, NYIT reserves the right to exercise professional discretion to extend these filing times in exceptional circumstances.

C. NOTICE OF ALLEGED VIOLATION

The notice given to any student alleged to be in violation of the Student Code of Conduct will include the following:

1. Notice of the alleged violation, including specific section(s) of the Code(s) under consideration, and a brief description of alleged offense(s), within 15 business days from receipt of an incident report or written statement, except in cases of Gender-Based Misconduct, which will be noticed as follows:
   - The student will receive initial notice of the complaint and notice of the commencement of an investigation within 5 business days from receipt of an incident report or statement.
   - The student will then receive a subsequent notice within 10 business days of the completion of the investigation, which will inform them of the results of the investigation and notify them of any conduct charges against them. This notice makes the student eligible for an information meeting as described in #2, below.
   - The student will be informed of the factual allegations, including the date, time and location of the alleged offense(s), the specific alleged Code of Conduct violations, and possible sanctions, prior to the information meeting.
2. After receiving the notice(s) as described above, the student will be provided an opportunity to attend an information meeting, except in cases involving interim suspension, during which the student may review all materials to be used in his or her student conduct case, receive information regarding his or her rights and procedures used in a student conduct proceeding, and have an opportunity to select the forum in which the case will be heard (unless otherwise determined by the dean of students, director of housing and residential life, or their designee, per Section 8, Student Conduct Bodies and Forums). In addition, the student will receive information regarding the resources available to the student in preparation for his or her student conduct case.

3. If a student fails to respond to a request to schedule an information meeting and/or attend a scheduled information meeting, or 10 business days have expired since the date of the notification letter, the student waives his/her right to an information meeting, and the student conduct officer will select a hearing forum for the student and provide the student with notice of the hearing date.

D. INFORMATION MEETING

During the information meeting, the student will be provided the following:

1. Clear and complete description of the Student Code of Conduct and brief description of the allegations to be considered.

2. Information related to the student's rights and responsibilities.

3. An opportunity to understand all information in his or her student conduct file.

4. Information regarding the resources available to the student in preparation for his or her student conduct case.

5. The right to accept responsibility for all charges and enter into a summary resolution or the right to dispute the allegation and request an informal or formal meeting hearing:

   o If the student accepts the charges as presented, assumes responsibility for the violation, and agrees to a summary resolution, the student conduct officer will provide the appropriate sanction(s), in writing, to the student at that time or within 10 business days from the summary resolution. Grounds for appeal for students whose case was determined through a summary resolution is limited solely on the basis that the severity of the sanction is disproportionate with the nature of the offense.

   o If the student does not accept responsibility or disagrees with the allegation, s/he may request an informal or formal hearing be conducted on the matter.

E. HEARING NOTIFICATION

Students requesting an informal or formal hearing shall be afforded reasonable written notice, at least five business days prior to the hearing, unless the student waives his or her right and requests a hearing within five business days. Written notice shall include:
1. A statement of the time, place, and nature of the hearing.

2. A statement of the nature of the case and of the forum under which it is to be heard.

3. A brief statement of the behavior of the student alleged to be in violation of this code that serves as the basis for the violation(s) being considered. If the student fails to appear at the scheduled information meeting and fails to provide adequate written notice prior to the scheduled hearing, the hearing will be held in the student's absence. No student will be found responsible for a violation of the code solely because the student failed to appear before a student conduct body. The decision of the student conduct body will be determined based on all the documentation and testimony presented at the time of the hearing.

4. Proper notification given to the student if the college has sent the hearing notification by one of the methods set forth in "Delivery of Disciplinary Notifications and "Official Forms of Communication," below.

5. A student may request a hearing to be rescheduled once if proper notice is given, at least two business days prior to the hearing, and for reasonable cause. A student requesting to reschedule after the first time may only do so at the sole discretion of the student conduct body and under extraordinary circumstances.

F. SCOPE OF INQUIRY

A student's previous student conduct record from the NYIT student conduct process (if applicable) will only be considered at the discretion of the student conduct officer when determining whether the student has violated the Student Code of Conduct. However, after a student is found responsible for a violation of the code, any academic or previous disciplinary record may be taken into account when determining the appropriate educational sanction(s).

G. DISCIPLINARY CONSOLIDATIONS

1. Whenever possible, cases where more than one student is alleged to be in violation of the Student Code of Conduct and the students' conduct arose out of the same incident(s), each case should be heard by the same student conduct body.

2. In cases where more than one student is alleged to be in violation of the Student Code of Conduct and the students' conduct arose out of the same incident(s), a single hearing may be held for all the students charged. Such students may request their case be consolidated with the others or separated from others.

3. The student conduct officer shall make determinations regarding consolidation with the students, and, if necessary, with the party filing the complaint. The student conduct officer shall make the final decision on all consolidations.

H. ROLE OF THE STUDENT CONDUCT OFFICER

The role of the student conduct officer when presiding over a formal hearing will be to:

1. Advise the student of his/her rights under the Student Code of Conduct.
2. If an advisor is present, review the advisor's role and limitations during the hearing as outlined in "Student Rights."

3. Make all administrative decisions on matters relating to the conduct of the hearing, including matters regarding admission of relevant evidence, statements, and questions.

4. Ensure there are no conflicts of interest between any of the hearing panel members and the student parties (including the charged student and complainant, if any).

5. Ensure that all questioning of witnesses is done in an orderly and respectful fashion. The student conduct officer reserves the right to determine the method for delivery of questions between the respondent student and witnesses.

6. Maintain an orderly hearing and permit no person to be subjected to abusive treatment, intimidation, or harassment. The student conduct officer, at his/her discretion, may remove anyone who refuses to be orderly and conducts himself in a manner conducive to a learning environment.

7. Administer an appropriate oath of truthful testimony to the charged student and all witnesses.

I. HEARING PROCEDURES (FORMAL)

All formal hearings are private and closed to the public. Formal hearings are recorded by NYIT only via audio or video recording (at the sole discretion of the chair), and the recording will act as the official record of the hearing. The following procedures are applicable to formal hearings before all student conduct bodies:

1. Presentation of the incident and the sections of the code alleged to be violated by the student conduct officer (or chair of the Student Conduct Board).

2. Brief review and affirmation of student rights and responsibilities by the student conduct officer.

3. Administration of an appropriate oath of honesty and truthful testimony to the charged student prior to testimony before the hearing body.

4. Opening statement by the charged student.

5. Questions directed to the charged student by the student conduct board.

6. Administration of an appropriate oath of honesty and truthful testimony to each witness prior to testimony before the hearing body.

7. Presentation of witnesses, or witness statements by the Investigator, followed by questioning of those witnesses by the hearing body and the student, if appropriate. The student conduct officer reserves the right to determine the relevance of the questions and the method for delivery of questions by the student to the witnesses. Witnesses are then dismissed. At the discretion of the student conduct officer, witnesses may be excluded from
the hearing during the testimony of other witnesses. Written statements may not be considered evidence unless signed by the witness or witnessed by an NYIT official (a statement sent from an official NYIT email account may serve as a proxy signature). A copy of written statements will be furnished to the student and hearing body. All paperwork presented must be collected by the student conduct officer at the end of the hearing. In certain circumstances, the student conduct officer may determine that a witness may testify outside the presence of the charged student (or the written statement may not be furnished to the charged student), where there are potential repercussions to the witness of being identified to or testifying in the presence of the charged student. In such cases, the student conduct officer must take all reasonable measures to protect the rights of the charged student, including providing the student with a summary of the testimony and the opportunity to provide written questions to the witness.

8. Follow-up questions to the charged student.

9. Closing statement by the student.

10. Meeting adjournment. The student conduct officer will exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. The student conduct officer has the right to make the appropriate revisions to the hearing procedure so long as the student's rights are upheld and maintained. Any person, including the advisor, who disrupts a hearing or who fails to adhere to the facilitating of a student conduct officer, may be excluded from the proceedings.

J. DELIBERATIONS

1. Deliberations are closed, except for members of the student conduct board, and are not audio or video recorded. In cases of a formal hearing involving Gender-Based Misconduct, the student conduct officer may request the presence of the Title IX Coordinator during the hearing and deliberations. Responsibility is determined by the student conduct officer, or in cases resolved by the student conduct board, by a majority vote of the student conduct board members, except in cases involving recommendation for expulsion. The vote and final decision of the student conduct board, including the determination of responsibility and sanctions, if appropriate, are recorded and become the official record of the hearing.

2. Cases involving recommendation for expulsion must be unanimous. The vote and the final decision of the student conduct board, including the determination of responsibility and the sanctions, if appropriate, are recorded and become the official record of the hearing.

3. The student and the complainant, if any, shall be informed of the outcome of the student conduct proceeding and sanctions imposed. Witnesses will not be notified of the outcome of the hearing.

K. FINDINGS

Within 15 business days after the conclusion of deliberations, the student conduct board shall provide to the student the outcome, in writing, which will include:

1. A summary of the evidence/finding of fact used to support its determination.
2. The determination of the appropriate sanction(s).

3. The process for appealing.

The student's enrollment status shall remain unchanged pending NYIT's final decision in the matter except in cases of interim suspension or where the dean of students (or designee) determines that the safety, health, or general welfare of any individual, or any part of NYIT may be involved.

Sanctions
A. APPLICATION OF SANCTIONS

One or more of the following sanctions may apply when a student, student organization, or Greek letter organization is found responsible for violations of the Student Code of Conduct:

1. Warning Letter Without a Hearing: For minor infractions of this code, the dean of students (or designee), director of housing and residential life (or designee) may send the student a warning letter. The letter states that if the student takes full responsibility for the alleged violation, and any imposed sanctions, then the letter will act as a warning. If the student does not accept responsibility for the alleged violation of the code, then the student must schedule an information meeting to schedule an informal or formal hearing.

2. Warning: Oral or written reprimand, when appropriate, to the student or student organization that the student/student organization has violated the Student Code of Conduct and that further violation of the code will result in more serious disciplinary action.

3. Educational or Community Assignments: An educational or community sanction is a developmental task for the purpose of making a positive contribution to the student's well-being or the college community. Assignments may include, but are not limited to, attendance at educational workshops/seminars, research projects, essays, apology letters, meetings/interviews with NYIT officials, planning and implementing educational programs, special assignments, community service projects/work assignments, or other educational activities. For violations of the Policy on Alcohol and Other Drugs, an alcohol and drug education sanction is required.

4. Fine: A written warning that requires payment of a monetary sanction, not to exceed $500. Failure to pay all fines, in full, may result in a student conduct hold for registration, denial of a final grade report, diploma, and/or transcripts.

5. Restitution: Restitution for damages may be a part of any sanction, and may include monetary compensation, property replacement, or services up to the amount of the damages incurred. Failure to make restitution, in full, may result in a student conduct hold for registration, denial of a final grade report, diploma, and/or transcripts.

6. Residential Relocation: Relocation to another residential assignment, which may include relocation to a different room assignment and/or residence hall.

7. Residential Probation: A specified period of time, during which more severe student code of conduct action can be taken and/or a student's NYIT residential contract may be terminated if further violation(s) of residence policies and/or the Student Code of Conduct occur.
8. Residential Suspension: Termination of a student's NYIT residential contract. The student is prohibited from entering into or being near the vicinity of specified residence hall(s). The student is not entitled to a refund of his residential contract. A sanction of residential suspension shall set forth, in writing, the conditions that will permit the student's re-acceptance into the residence hall, if appropriate.

9. Campus Access Restrictions: Termination of a student's or student organization's privilege to enter into and be near the vicinity of one or more campus buildings. A student may also lose the privilege to enter onto campus grounds entirely.

10. Disciplinary Probation (Individual Student): A specified period of time during which a student has an opportunity to demonstrate the ability to be a responsible member of the NYIT community. A student on probation may be prohibited from holding an office or being elected to any honorary organization; may be required to complete additional educational activities; and may be restricted from participation in certain specified events/activities; from entering certain facilities, classes, or offices; or from contacting/communicating (verbal, nonverbal, physical, or electronic) with specific individuals or groups. Any further violation of the Student Code of Conduct places the student's or student organization's status with the college in jeopardy. Disciplinary probation may be extended beyond a previously specified time for prior violation of the Student Code of Conduct.

11. Disciplinary Probation (Student Organization/Greek Letter Organization): A specified period of time during which a student organization's membership has an opportunity to demonstrate their ability to be responsible members of the NYIT community. A student organization may be required to complete additional educational activities and may be restricted from recruitment activities; participation in certain specified events/activities; entering certain facilities, classes, or offices; or contacting/communicating (verbal, nonverbal, physical, or electronic) with specific individuals or groups. Any further violation of the Student Code of Conduct places the student organization's status with the college in jeopardy.

12. No Contact (Individual Student): A mandate to refrain from contact with a designated student or students. Contact may include, but is not limited to, communication through email, phone, voicemail, websites, or friends.

13. Suspension (Individual Student): Suspension from academic enrollment and revocation of other privileges or activities, and the privilege to enter all NYIT campuses for a period of time not to exceed two years. Conditions that will permit the student's readmission, if appropriate, will be specifically outlined in writing. Any communications with the institution and student during the period of suspension will be directed to the dean of students (or designee).

14. Suspension (Student Organization/Greek Letter Organization): Suspension from and revocation of all privileges or activities for a period of time not to exceed two years. Conditions that will permit the student organization's reinstatement, if appropriate, will be specifically outlined in writing.

15. Recommendation for Expulsion (Individual Student): If the student conduct body recommends expulsion, the recommendation will be sent to the vice president for student affairs (or designee) for review of the file. If the vice president for student affairs or designee agrees with the finding of the student conduct body, the student will receive notification of
expulsion from the college. If the vice president for student affairs (or designee) does not agree with the recommendation, the case will be sent back to the student conduct body for re-sanctioning. In this situation, the student will be notified of the final decision of the student conduct body.

16. Expulsion (Individual Student): Complete termination of student status and academic enrollment for any indefinite period of time. This sanction may be recommended by any NYIT student conduct body, but shall be imposed by the vice president for student affairs (or designee). Conditions that will permit the student's readmission, if appropriate, will be specifically outlined in writing. Any communications with the institution and student during the period of expulsion will be directed to the vice president for student affairs (or designee).

17. Expulsion (Student Organization/Greek Letter Organization): Complete termination of a student organization's status and recognition by NYIT and revocation of all privileges and activities for an indefinite period of time. This sanction may be recommended by any NYIT student conduct body but shall be imposed by the vice president for student affairs. Conditions that will permit the student organization's reinstatement, if appropriate, will be specifically outlined in writing.

B. COUNSELING ASSESSMENT

Referral for assessment at the Counseling and Wellness Center or a certified/licensed agency may be required for alcohol/drug cases, general mental health, or other mental health issues. In cases of probation, suspension, or expulsion, counseling assessment conditions that permit the student's satisfactory completion of the probationary status or readmission to NYIT will be specifically outlined in writing.

Appeals

Any student found responsible for a violation of the Student Code of Conduct, or any complainant in a case involving Gender Based Misconduct may request a review of the determination and/or of the sanction(s) imposed by the student conduct board, subject to "Section C. Grounds for Appeal," below.

A. BURDEN OF PROOF

The burden of proof at the appellate level rests with the student to clearly show that an error has occurred during the conduct process; this is not a re-hearing of the student conduct case but rather a review of the specified error as outlined in “Section C. Grounds for Appeal,” below.

B. APPELLATE FORUMS

1. Decisions of the residence hall director/area coordinators or assistant director for housing and residential life will be appealed to the director of housing and residential life.

2. Decisions of the director of housing and residential life, or director or senior director of campus life (or designee), will be appealed to the dean of students (or designee).
3. Decisions of the dean of students (or designee) and decisions of a student conduct board that do not involve violations of the Gender-Based Misconduct Policy will be appealed to the vice president for student affairs, with the exception of expulsion.

4. Decisions of the dean of students (or designee) and decisions of a student conduct board that involve violations of the Gender-Based Misconduct Policy will be appealed to an appellate review panel as determined by the vice president for student affairs, with the exception of expulsion.

5. For cases not involving violations of the Gender-Based Misconduct Policy in which the final decision of the student conduct board is expulsion, the appeal will be decided by the president of the university (or designee).

6. For cases involving violations of the Gender-Based Misconduct Policy in which the final decision of the student conduct board is expulsion, the appeal will be decided by an appellate review panel as determined by the president of the university (or designee).

C. GROUNDS FOR APPEAL

Failure to describe the nature of the evidence in full detail in the appeal letter will result in the denial of an appeal. Appeal considerations are limited to:

1. A violation of student's rights (see "Student Rights") or other procedures occurred that substantially affected the outcome of the hearing. Appeals based on this consideration will be limited solely to a review of the record and recording of the conduct hearing.

2. New evidence, which was not available at the time of the original hearing and could have substantially affected the outcome. The nature of the evidence must be described in full detail in the appeal letter.

3. The sanction(s) imposed were disproportionate to the violation of the Student Code of Conduct for which the student was found to be responsible.

4. The grounds for appeal for students whose case was determined through a summary resolution is solely that the severity of the sanction is disproportionate to the nature of the offense.

5. Failure to attend a hearing, if proper notice was given as set forth in this code, is not sufficient grounds for an appeal.

D. APPELLATE REVIEW PROCESS

1. Initiating Appeal: A written appeal must be submitted within five business days of the receipt of the written decision, to the appropriate appellate body listed above in "Section B. Appellate Forums." If the student conduct board decision is not appealed within that time frame, that decision of the student conduct board becomes final.
2. Record of Appeal: The record of appeal will consist of and be limited to the written appeal, written decision of the student conduct board, and any documentation relevant to the grounds for appeal.

E. APPELLATE REVIEW PANEL

The appellate body may convene an appellate review panel at its sole discretion.

F. THE APPELLATE BODY

The appellate body may:

1. Affirm the decision previously rendered by the student conduct board.

2. Return the case to the student conduct board for further review and adjudication.

3. Reverse the decision rendered by the student conduct board and/or dismiss the case.

4. Modify the decision rendered.

5. Modify the sanctions (reduce or increase the sanctions imposed).

G. THE APPELLATE DECISION

The appellate decision is sent in writing to the student, and to the complainant, where appropriate or required, within five business days of an appellate review unless notification is given that additional time is necessary for consideration of the record on appeal.

**Timely Warnings and Emergency Notifications**

In the event that a crime occurs on campus that in the judgment of NYIT constitutes an ongoing or continuing threat to the NYIT community, a campus-wide “timely warning” will be issued by the Office of Campus Security. Campus Security will, depending upon the circumstances, typically work with the Office of Communications and Marketing and the Vice President for Information Technology and Infrastructure to develop the content of the message and disseminate it appropriately.

Timely warnings are usually issued for major incidents of arson, criminal homicide and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis after reviewing the facts and deciding whether there is a continuing danger to the campus community and the information known by Campus Security. The timely warnings will be issued through some or all of the following systems: the college email system, text message alert system, posting to the NYIT home page and at nyit.edu/alerts, and/or posting internally on the MyNYIT portal for all faculty, staff, and students. The warning may also be posted on NYIT’s digital sign network throughout its campus(es).

Anyone with information warranting a timely warning should report the circumstances to the Office of Campus Security by phone (516.686.7789 - Old Westbury, 646.273.7789 – Manhattan) or in person at the Office of Campus Security.
Information on Timely Warnings, Emergency Notifications, and Evacuation Procedures at the NYITCOM at A-State campus may be obtained from A-State’s Annual Security Report.

Notifications in the Event of an Emergency

As required by law, NYIT has a comprehensive emergency operations plan that details immediate response and evacuation procedures for all emergencies that may occur on or off campus and that are not limited to Clery Act crimes. The institution will, without delay, and taking into account the safety of the community, determine the content of the notification system and initiate the notification system unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

The Office of Campus Security has the responsibility of responding to and summoning the necessary resources to mitigate, investigate and document any situation that may constitute an emergency or dangerous situation. When a serious incident occurs that causes an immediate threat to campus, the first responders are typically Campus Security and the local police and/or fire departments who work together to manage the incident.

The Vice President for Information Technology and Infrastructure, or their designee, has the authority to confirm a significant emergency or dangerous situation and to work with Campus Security and Communications and Marketing in developing the content of the notification, determining the appropriate segment(s) of the campus community to receive the notification, and initiating the notification system.

In the event of emergencies or campus delays/closures, NYIT contacts students, faculty, and staff via text message (SMS) or voice messages. Notifications are also posted at nyit.edu/alerts and displayed prominently throughout the NYIT website, and may also be distributed through the university’s digital sign network and/or the My NYIT online portal.

Evacuation Policies and Procedures

Emergency procedures for specific incidents may be found here.

In the event of an emergency in an NYIT-operated building, an immediate response is critical. The time between recognition of an emergency and evacuation response can be the difference between life and death. Every case will be different. In some cases, individual departmental staffs have specific evacuation guidelines based upon the needs of that area. (Departments with such guidelines should provide these plans to the Office of Campus Security).

Examples of emergencies requiring evacuation include:

- Fire, smoke (visible or smell).
- Smell of gas (natural or vehicular).
- Bomb threat or explosion.
- Natural disaster or hazardous weather.
- Terrorism, threat, or violent incident.

Preparedness

All community members/departments should:

- Know the locations of alarm pull stations, fire extinguishers, and emergency exits.
Consider potential escape routes.
Make sure all hallways and escape routes are clear.
Place Office of Campus Security phone number stickers on their phone.
Carry a laminated NYIT emergency information card with them at all times.
Develop an emergency phone chain (with home and cell phone numbers).
Designate an off-campus evacuation meeting place.
Make the Office of Campus Security aware of individuals within their department who may need special assistance during an emergency.
Make the Office of Campus Security aware of any chemicals or other items that may be of concern during an emergency.

Office of Campus Security will:

- Know and clearly mark designated locations of alarm pull stations, fire extinguishers, and emergency exit doors.
- Identify any individuals who may require special attention such as persons with disabilities and their locations on campus.
- Identify location of chemicals or other items that may be of concern during an emergency.
- Develop emergency location posts for individuals to move toward in the event of evacuation (100 feet from building).
- Maintain clear hallways and escape routes in all buildings.
- Identify and train fire evacuation wardens.

Objective
Rapidly and safely evacuate all individuals from the building.

Notification
Follow the established chain of primary responders. If the situation has caused loss of life or lives are threatened, immediately call 911. The Office of Campus Security will be the first NYIT responders in all emergency events and should be notified immediately. If Campus Security decides to evacuate a building, its officers and/or the emergency evacuation wardens will act to secure building occupants.

Procedures
For building occupants:

- Activate building fire alarm system.
- If the situation has caused loss of life or lives are threatened, immediately call 911.
- Call the Office of Campus Security/local law enforcement:
  - Old Westbury: 516.686.7789
  - Manhattan: 646.273.7789
  - Old Westbury residences (non-campus): 516.876.3333
  - Manhattan residences (non-campus): 911
- Move people who require special attention, such as persons with disabilities, to a secure area near the stairwells, and make emergency responders aware of their location immediately upon arrival at the scene.
- Exit building, move at least 100 feet from building, and wait for further instructions.
For primary responders:

- Respond to scene; initiate emergency response phone chain by calling vice president of information technology and infrastructure.
- Notify all building occupants of the emergency and the need to evacuate the building.
- Identify any individuals with special needs and provide assistance as necessary.
- Advise evacuees to use staircases for escape. Prohibit use of elevators.
- Move evacuees toward designated emergency location posts (100 feet from building). Identify alternative locations if designated locations are blocked or impacted by the emergency.

Evacuation of Persons with Disabilities

The following guidelines should be considered in evacuating persons with disabilities:

- Communicate the nature of the emergency to the person.
- Ask the person how you can assist.
- If possible, evacuate mobility aids with the person (i.e., crutches, wheelchairs).

Visual Impairments

Describe the nature of the emergency and offer to guide the person to the nearest emergency exit. Have the person take your elbow and escort him or her, advising of any obstacles such as stairs, narrow passageways, or overhanging objects. When you have reached safety, orient the person to where you are, and ask if further assistance is needed.

Hearing Impairments

Most buildings are not equipped with flashing light alarms, and persons with impaired hearing may not perceive that an emergency exists. Communicate with the person by writing a note or using simple hand gestures.

Persons Using Wheelchairs

Ask the person what method of assistance he or she prefers. Some people have minimal ability to move, and lifting them may be dangerous. Some persons using wheelchairs have respiratory complications; remove them from smoke or fumes immediately. If the disabled person wants to be moved in the wheelchair, keep the following considerations in mind:

- Ask if he/she wants to move forward or backward down stairs.
- Wheelchairs have many movable or weak parts.
- Some persons have no upper trunk or neck strength.
- Power wheelchairs have very heavy batteries; an evacuation chair may be needed and the chair retrieved later.
- If a seatbelt is available, use it.
- Do not attempt to move a person in a wheelchair by yourself; seek help.
- Ask how to remove him or her from the wheelchair.
- Ask whether to move the person’s extremities or not.
- Ask whether the seat cushion or pad should be brought.
- Ask what is necessary for aftercare.
Testing
On at least an annual basis, NYIT will conduct tests of its emergency response and evacuation procedures. During these tests, students and employees learn the locations of the emergency exits in the buildings, the direction they should travel when exiting each facility, and their designated rallying points. These tests may be announced or unannounced. In conjunction with at least one test per year, NYIT will publicize its emergency response and evacuation procedures. Campus Security and Facilities Offices are responsible for coordinating the tests. For each specific test, NYIT will document a description of the exercise, the date, time, and whether the test was announced or unannounced.

How to Report Criminal Offenses
All students and employees are encouraged to accurately and promptly report all crimes to campus security and local law enforcement.

In an emergency, call 911 first. Then call Campus Security at:

Old Westbury: 516.686.7789
Manhattan: 646.273.7789

In a nonemergency, call Campus Security at:

Old Westbury: 516.686.7789
Manhattan: 646.273.7789

For NYITCOM at A-State, call 870.972.2093 for both emergency and non-emergency security and public safety matters occurring on that campus.

Local Police Department Contact Information
Old Westbury
- Old Westbury Police Department: 516.626.0200
- Old Brookville Police Department: 516.626.1300
- Nassau County Police Department, 2nd Precinct: 516.573.6200
- Nassau County Police Department, 3rd Precinct: 516.573.6300

Manhattan
- NYPD 20th Precinct – Main Campus: 212.580.6411
- NYPD 9th Precinct – Loeb Center Residence: 212.477.7811
- NYPD 24th Precinct – Riverside Residence: 212.678.1811
- NYPD 26th Precinct – Manhattan School of Music Residence: 212.678.1311

NYITCOM at A-State
- Jonesboro Police Department: 870.935.5657
If you feel more comfortable, report the incident to the dean of campus life (Old Westbury: 516.686.7635 or Manhattan: 212.261.1682) or the director of residential life and off-campus housing (Old Westbury: 516.686.1402 or Manhattan: 212.261.1727). For NYITCOM at A-State, you may report to Assistant Dean for Students at 870.680.8805 or A-State residence life staff at 870.972.2042.

**How to Confidentially Report a Crime**

Persons wanting to report a crime or incident can do so confidentially by contacting the Office of Campus Security at:

**Old Westbury:** 516.686.7789  
**Manhattan:** 646.273.7789

Persons wishing to remain confidential should begin the conversation with the Office of Campus Security personnel by stating that confidentiality is requested. The reporting person’s name, if provided, will be kept confidential in appropriate circumstances. Confidentiality under certain circumstances cannot be guaranteed.

For students at NYITCOM at A-State wishing to report crimes on a voluntary and confidential basis, they can do so by using the form at [http://www.astate.edu/a/police/online-forms/silent-witness.dot](http://www.astate.edu/a/police/online-forms/silent-witness.dot).

Statistics for all reportable crimes will 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, if applicable.

**Counselors and Confidential Crime Reporting**

Campus "Professional Counselors," when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics.

**Definition of a Professional Counselor**

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who functions within the scope of his/her license or certification.

**Accommodations**

NYIT will maintain as confidential any accommodations or protective measures provided to victims of crimes to the extent that maintaining such confidentiality does not impair the ability of the institution to provide the accommodations or protective measures.

**Disclosure**

In addition, NYIT will, upon written request, disclose to an alleged victim of a crime of violence or non-forcible sex offense the report on the results of any conduct proceeding against the alleged perpetrator. No written request is required when a violation of NYIT’s Gender-Based Misconduct Policy has occurred. If the alleged victim is deceased as a result of such crime or offense, the next of kin of the victim will be treated as the alleged victim for purposes of this paragraph.
Alcoholic Beverages and Illegal Drug Possession

NYIT, as part of its mission to provide career-oriented professional education to its students, recognizes the importance of providing an environment that is conducive to learning and free of substance abuse. The U.S. Department of Education has issued regulations for implementation of the provisions of the Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). To comply with these regulations, NYIT annually distributes in writing to each student the following information:

- Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students on NYIT property or as part of any NYIT activities.
- Description of applicable local, state, and federal legal sanctions pertaining to the unlawful possession, use, or distribution of illicit drugs and alcohol.
- Description of health risks associated with the use of illicit drugs and the abuse of alcohol.
- Description of available substance abuse counseling and treatment programs on and off campus.
- Clear statement of the disciplinary sanctions that NYIT will impose on students who violate the standards of conduct.

The laws and policy included apply to domestic students. Students at NYIT’s campuses outside of the United States must be aware of and follow the applicable campus policies and laws of their respective countries.

NYIT conducts a biennial review of its drug and alcohol abuse policy and program to determine its effectiveness, implement necessary changes, and assure that disciplinary sanctions are consistently enforced. The review is conducted by the Alcohol and Other Drug Task Force.

NYIT’s policy and procedures for responding to an alcohol or other drug emergency are published online.

The NYIT Alcohol and Other Drug Policy may also be found online under Policies and Procedures.

Students and employees at NYITCOM at A-State are subject to NYIT’s Alcohol and Other Drug Policy and at times may also be subject to A-State’s Alcohol and Other Drug Policy, if conduct occurs on the A-State campus. This may be found in A-State’s Annual Security Report.

Prevention Programs

NYIT has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals, and college disciplinary actions. The Division of Student Affairs coordinates the bulk of these programs through the offices of Campus Life and Counseling and Wellness, and the Department of Athletics.

All incoming undergraduate students are required to complete an online course on drug and alcohol abuse prevention, entitled AlcoholEdu. Examples of additional programs regularly provided to students include: National Collegiate Alcohol Awareness Week, Great American Smoke Out, National Drunk and Drugged Driving Month, Safe Spring Break, and Substance-Abuse Awareness presentations infused into the curriculum.
Local, State, and Federal Drug and Alcohol Laws

In addition to NYIT’s policy prohibiting the consumption, possession, distribution, use, sale, or supply of alcohol on all NYIT property, or as part of any college activity—on or off campus—regardless of the individual's age, the States of New York and Arkansas set 21 as the minimum age to purchase or possess any alcoholic beverage. These state laws regarding underage drinking are also enforced at all domestic NYIT campuses. The NYIT Alcohol and Other Drug Policy provides information on additional state laws regarding alcohol.

NYIT’s policy strictly prohibits the possession, usage, and sale of illegal drugs on its campuses. Federal, state, and local laws pertaining to the use and sale of illegal drugs, narcotics, and other controlled substances also apply on all NYIT owned or leased property, including all residence halls.

A violation of any law regarding alcohol or illegal drugs is also a violation of NYIT’s Alcohol and Other Drug Policy and will be treated as a separate disciplinary matter by NYIT.

Missing Student Notification Policy and Procedures

If a member of the NYIT community has reason to believe that a student who resides in on-campus housing is missing, he/she should immediately notify A-State UPD, who will work with A-State Residence Life staff to initiate an investigation.

Students residing in on-campus housing will be asked to identify confidentially an individual to be contacted by A-State UPD in the event the student is determined to be missing for more than 24 hours. A student’s confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

After investigating a missing person report, should A-State UPD determine that the student has been missing for 24 hours, it will notify law enforcement and the student’s emergency contact no later than 24 hours after the student is determined to be missing.

Similar procedures are in place for students residing in off-campus housing at our Old Westbury and Manhattan campuses who are believed to be missing.

Please visit the A-State Annual Security Report for additional information.

Sex Offender Registration

Information regarding a registered sex offender can be obtained by calling the New York State Sex Offender Registry Information Line at 1.800.262.3257 or online. Arkansas sex offender information can be found here.
Statement on Non-Discrimination

NYIT does not discriminate in admissions or access to, or operation of, its programs and activities on the basis of race, color, national origin, religion, creed, ethnicity, disability, age, marital status, sex/gender, sexual orientation, gender identity, or veteran status, or any other legally protected status.

NYIT complies in full with Title IX of the Education Act of 1972 and the implementing regulations which prohibit discrimination on the basis of sex in all educational programs and activities. Any inquiries concerning Title IX may be referred to NYIT’s Title IX Coordinator (identified on page 10) or to the Assistant Secretary for the U.S. Department of Higher Education, Office of Civil Rights.

NYIT provides reasonable accommodations to any person who has a temporary or permanent disabling condition. If you need to discuss an accommodation or a barrier to your full participation in NYIT programs and services contact Accessibility Services: Student Activity Center, third floor, Old Westbury, NY 11568-8000; Phone: 516.686.7376

Clery Act Crime Statistics

The following statistics were reported to the U.S. Department of Education in the 2017 "Campus Safety and Security Survey," in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. An institution must disclose statistics for reported Clery crimes that occur within its Clery-defined geography (on campus, on public property within or immediately adjacent to the campus, and in or on non-campus buildings or property owned or controlled by the institution). Statistics were obtained from local police departments and other institutions, as well as from Campus Security, the Title IX Office, and the Student Affairs Offices at each campus.

Statistics for the Jonesboro, Arkansas campus include all incidents occurring on the A-State campus and surrounding public property, except for those residence halls where NYIT students were not living in 2016. Statistics for the non-campus portion of the Old Westbury campus include all incidents occurring on the State University of New York (“SUNY”) Old Westbury campus (where NYIT residence halls are located), except for those residence halls where NYIT students were not living in 2016.
New York Institute of Technology Crime Statistics – Central Islip Campus

(note this campus is no longer operational)

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Hate Crimes: None of the crimes listed above were bias motivated.

1 The Higher Education Opportunity Act of 2008 requires universities to report incidents of larceny, intimidation, simple assault and vandalism if those crimes were determined to be bias motivated.
### New York Institute of Technology Crime Statistics – Manhattan

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**Hate Crimes**

None of the crimes listed above were bias motivated.
## New York Institute of Technology Crime Statistics – Old Westbury

### On Campus Non-campus** Public Property On Campus Residence Halls

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**These numbers include incidents occurring on the SUNY Old Westbury campus, where the NYIT residence halls are located, except for incidents occurring in those residence halls where NYIT students were not living in the indicated years. This means the numbers for alcohol, drug, and weapons offenses, as with the other crimes listed, include non-NYIT individuals.**
## New York Institute of Technology Crime Statistics – Jonesboro, Arkansas*

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Hate Crimes: None of the crimes listed above were bias motivated.

* These numbers include incidents occurring on the A-State campus and its surrounding public property, except for those residence halls where NYIT students were not living in 2016. This means the numbers for alcohol, drug, and weapons offenses, as with the other crimes listed, include non-NYIT individuals.
NYIT 2017 Fire Safety Report

NYIT had on-campus student housing at its Central Islip site until that site’s closing in August 2017. Currently, NYIT maintains housing for students at its Jonesboro, Arkansas campus. These residence halls are part of Arkansas State University facilities. In 2016, two residence hall facilities were utilized by NYITCOM students at the A-State campus. For information on the following required fire safety policies and procedures, please refer to A-State’s Annual Fire Safety Report:

Fire Safety Systems at NYIT’s Student Housing Facilities
Fire Safety and Education
Fire Drills
Non-Permitted Items, Open Flame, and Smoking Policies
Fire Safety Education and Training
Evacuation Procedures for Student Housing in Case of Fire
Reporting a Fire
Future Improvements in Fire Safety

Fire Statistics: NYIT On-Campus Student Residential Facilities

Central Islip
The only building continuously occupied with students during 2016 was Heritage Hall. The address

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<th>Residential Facilities</th>
<th>Total Fires in Each Building</th>
<th>Cause of Fire</th>
<th>Number of Injuries Requiring Treatment at a Medical Facility</th>
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for all buildings on campus was 300 Carleton Ave., Central Islip, NY 11722. No buildings are currently used by NYIT, following closure of the Central Islip campus in August 2017.

### Jonesboro, Arkansas

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Appendices

Additional policies and procedures related to campus safety are available on NYIT's website, at nyit.edu/policies.

A. Advisory Committee on Campus Security Policy
B. Security and Emergency Procedures
C. Bias/Hate Crimes
D. Alcohol and Other Drugs Policy
E. Gender-Based Misconduct Policy