



# Crime Awareness and Campus Security Report and Brochure

## *Jeanne Clery Act*

PACIFIC COLLEGE OF ORIENTAL MEDICINE NEW YORK CAMPUS





# PACIFIC COLLEGE of HEALTH AND SCIENCE

## NEW YORK CAMPUS

### Crime Awareness and Campus Security Report and Brochure *Jeanne Clery Act*

September 2021

#### Introduction

Federal Public Law 102-26 (Jeanne Clery Act) and its extension in Public Law 110-315 of the Higher Education Opportunity Act of 2008 requires that colleges and schools disclose security policies and procedures and campus crime statistics to prospective and enrolled students. This brochure establishes policies and procedures for the New York campus of Pacific College of Oriental Medicine. Additional information about the Jeanne Clery Act can be found at the U.S. Department of Education website: <http://ed.gov/admins/lead/safety/campus.html>

Pacific College of Oriental Medicine is committed to maintaining a safe and secure environment for students and staff. This brochure provides guidelines and advice that can contribute to this aim and encourage trust and effective communication in our educational community.

Pacific College of Oriental Medicine has adopted policies and procedures to be in compliance with the “Enough is Enough” law of the state of New York. Those specific policies are outlined in the “Policy on Sexual Misconduct” document which can be found on the PCOM website.

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# I. Campus Security and Reporting Crimes

Crime awareness and prevention starts with effective communication. Students and staff are encouraged to report dangerous conditions, suspicious activity and criminal acts on or near campus to the appropriate authorities. This section provides guidelines for reporting crimes and emergencies.

## *Campus Security Authorities (CSA's)*

The Pacific College campus director is the “Lead CSA” and the school official to whom all reports related to actual or potential criminal activity should be directed. Campus directors have in turn designated other senior managers to serve as campus security authorities in their absence. The chart below provides the names and contact information of the campus director and designated campus security authorities as well as the Title IX coordinator for the institution.

<b>Name</b>	<b>Job Title</b>	<b>Contact #</b>	<b>Contact Email</b>
Malcolm Youngren	Campus Director	212-982-3456 ext 201	myoungren@pacificcollege.edu
Kellie Knight	Director of Clinical Services and Campus Safety Officer	212-982-4600 ext 210	kknight@pacificcollege.edu
Ashley Kowal	Director of Student Services and Title IX Coordinator	212-982-3456 ext 250	akowal@pacificcollege.edu

Additionally, any faculty member teaching a course or supervising in clinic before 9:00am or after 6:00pm, when the campus reception closes, is acting as the designated campus security authority for his or her students.

## *Campus Security*

The campus director is usually available on campus or easily accessed through the campus reception desk. However, even if the campus director is not available, one of the above mentioned campus security authorities is almost always available during the hours listed below. The campus reception desk, as well as the clinic reception desk, maintains emergency contact numbers for police, fire and medical emergencies. In addition, the building emergency number is posted in each classroom.

The campus relies on security precautions taken by the landlord of the building, such as 24-hour security door staff where any “unknown” visitors must sign in, and the provision of adequate lighting in elevators and hallways. The campus does not have any security personnel outside of the 24-hour security staff maintained by building management.

## *Campus Facilities - Hours of Operation*

### **Clinic Facilities**

Monday to Friday	9:00 am to 9:00 pm
Saturday -	1:00 pm to 5:00 pm
Sunday -	Closed

### **Administrative Facilities**

Monday through Friday	9:00 am to 5:00 pm
Saturday and Sunday -	Closed

### **Classroom Facilities**

Monday through Friday	8:30 a.m. to 9:00 p.m.
Saturday	9:00 a.m. to 6:00 pm
Sunday	9:00 am to 5:00 pm

No one can enter the facility after closing or before opening without authorization from a school official. Administration personnel and specified faculty members are responsible for the opening and closing procedures. The building facilities staff ensure the building is empty and locked at night and on the weekends if the college is not in use.

Each student and employee is encouraged to be vigilant of criminal activity and to report any such activity or other emergency to the local law enforcement agency, or call 911 immediately and to alert a member of the administration of the activity as soon as possible.

The college does not have any on- or off-campus residence buildings; however, the college does use the facilities of eleven (11) off-site clinics in the New York area where students attend a clinical shift for four hours per week. This report includes any incidents that may have occurred at the sites or on contiguous geographic areas of these locations for 2017.

The off-sites, addresses and their respective police precincts as of September 2018 are the following:

#### **1) Institute for Family Health (13 Precinct, Sector E)**

16 East 16<sup>th</sup> st., New York, NY, 10003

#### **2) Veteran's Association Hospital / Pain Management Center (13 Precinct, Sector B)**

423 East 23<sup>rd</sup> st., New York, NY 10011

#### **3) Housing Works (84 Precinct, Sector C)**

57 Willoughby st., Brooklyn, NY 11201

**4) Columbia Health: Athletic Session (26 Precinct, Sector B)**

519 West 114<sup>th</sup> Street, New York, NY 10027

**5) Joffrey Ballet School (6 Precinct, Sector C)**

434 Ave. of the Americas (6<sup>th</sup> ave), New York, NY 10011

**Notes:**

Checked for reported crime on any public property within one block of each of the off-sites.

## Reporting Crimes

Should a student or staff member be a victim of a crime, witness a crime or become aware of potential criminal activity including threats, a report should be immediately filed with the campus director or his/her designee. Reporting of crimes is voluntary and confidential but highly encouraged in order to ensure accurate statistical information that we are required to report annually to the government, and, to help ensure campus safety. "PCOM Campus Crime Incident Report" forms should be completed and are available in the student lounge during all open campus hours or from the administrative receptionist, Monday through Friday. The campus director keeps a written log of such activity. Full details will be recorded and maintained in the campus security file, and action will be taken including notification of police authorities. The college will work with local, county, and state law enforcement to resolve any crime or emergency and will alert the campus community of safety issues that may arise. Students or staff members providing the report will be expected to cooperate with any further investigation, arrest or disciplinary action and will encourage victims to notify police authorities.

**Amnesty:** Students reporting incidents of sexual assault or other sexual violence are granted immunity for certain campus policy violations, such as drug and alcohol use, in order to encourage the reporting of such crimes on campus.

During the school orientation, new students are informed about campus security procedures and policies and are encouraged to be responsible for their own security and the security of others. In the event of any criminal activity or emergency local law enforcement officials should be contacted by calling 9-1-1. Contact information for local authorities is available below.

## Reporting Emergencies

Emergencies include crimes that are in progress or about to happen, and ones that have resulted in serious personal injury, property damage, or property loss. They also include situations in which the suspect may still be at the scene and some suspicious activities. By calling 9-1-1 you will be linked to the appropriate police as well as firefighting, medical, and ambulance services.

## Reporting Non-Emergencies

To report some non-emergency crimes you can file a police report online or you can call the NYPD's 24-hour number for non-emergency calls and general information at **3-1-1**. Crimes and suspicious activities that fall into this category are: (a) those that don't involve serious personal injury, property damage, or property loss; (b) ones in which there is no possibility that the suspect is still at the scene or is likely to return to the scene; and (c) ones for which an immediate response is not needed. If there is any doubt as to whether the situation is an emergency, it is always better to be on the safe side and call **9-1-1**.

## **New York Police Department - 1st Precinct**

The 1st Precinct is the precinct that covers our campus and the headquarters are located at:

Address: 16 Ericsson Place, New York, NY 10013-2411

Phone: 212-334-0611

Hours: Monday through Friday, open 24 hours

## *Timely Warning*

Should a potentially dangerous situation exist due to actual or potential criminal activity, campus officials will provide timely notice to students and staff. This includes situations involving the commission of a crime on or near campus such as robbery, theft from vehicles, sexual assault, threats of violence and similar activities. It can also include awareness of the possibility of students or outsiders carrying weapons or of drug sale or use on or near campus.

When the campus director or designated CSA are notified of such a potentially dangerous situation from students, staff, police or nearby merchants or offices, notices will be promptly and visibly displayed at the reception desks at the entrances to the campus and clinic, as well as on all bulletin boards around campus. Furthermore, an e-mail notice will be sent to all members of the Pacific College, New York community by the campus director or designated CSA. These notices will provide relevant information and encourage vigilance and common sense precautions. Students in school at the time will also be notified by staff members who will visit classrooms and lounges.

## *Emergency Response and Evacuation*

Should a significant emergency or dangerous situation arise involving an immediate threat to the health or safety of students or employees occurring on the campus, the campus director or other designated CSA will initiate the emergency response and evacuation procedure. An "immediate" threat as used here encompasses an imminent or impending threat, such as a nearby building fire, as well as a fire in our building.

### **Some other examples of significant emergencies or dangerous situations are:**

- Outbreak of meningitis, norovirus or other serious illness
- Approaching tornado, hurricane or other extreme weather conditions
- Earthquake
- Gas leak
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil unrest or rioting
- Explosion
- Nearby chemical or hazardous waste spill

### **Examples of situations that would not necessitate an emergency response under Clery:**

- Power outage
- Snow closure
- String of larcenies

In the event of an actual emergency, determined to be a valid emergency by the campus director, by communicating with the local police department the college president, and one or more of the CSA's, the entire campus community will be notified of the emergency situation and the response and evacuation procedures necessary. The campus director will compose the message and determine who should get it. Although, the entire Pacific College, New York community will be notified, the emergency may only affect a specific population (For example: The emergency may only affect those on campus on a Monday or only those on one of the two floors that the college occupies).

**The campus director or designated CSA will, without delay, and taking into account the safety of the community, determine the content of the notification 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 the emergency.**

### **Notification System**

The first respondents to an emergency situation will be the campus director and/or any or all campus security authorities (see chart above) that are on campus at the time of the imminent threat. The campus director and campus security authorities will work to appoint other, designated administrators, staff and faculty, to verbally inform students in class and clinic, as well as other staff and faculty members. Information dissemination will occur through e-mail and CampusVue, and an alert on the front page of the Pacific College website.

Students should take responsibility for regularly checking their e-mail. In order to receive campus-wide e-mail announcements, students must have a Pacific College email account, which is automatically set up upon entrance to the College, but can be confirmed from the Information Technology (IT) department. Furthermore, automatic forwarding of e-mail messages from a Pacific College account to another account is available through communication with the College's IT department.

### **Emergency Response and Evacuation Procedure**

Following the notification of an emergency, all constituents on-campus that are threatened by the emergency situation are to be immediately evacuated if evacuation will distance the constituents from the immediate threat. Students, administrators, staff, and faculty are to follow the fire safety exit strategies and evacuation routes, indicating the nearest exits, posted all around the campus. However, evacuation would not be the immediate response to an emergency situation if the safest place to avoid the imminent threat were the campus itself. The

specific response to be communicated and enacted during an emergency situation would be determined by the campus director first, and secondly by any or all campus security authorities.

A test and subsequent evaluation of Pacific College's emergency response and evacuation procedure, including its notification system, will be conducted once a year and documentation of the test will be kept in the office of the clinic manager.

## *Campus Crime Reports*

The Clery Act requires that schools and colleges maintain records of crimes reported to campus officials and/or local police authorities. This includes on campus reports as well as reports of crimes on public property adjacent to the campus, if available through local authorities. Statistics are compiled by type of crime and reported annually to the U.S. Department of Education. Schools are further required to make statistics covering the last three calendar years of reporting available to current and prospective students. Pacific College of Oriental Medicine abides by all of the above policies when preparing the annual report prior to October 1st. The Appendix to this handbook contains reported crime statistics for individual campuses. *Of note, Pacific College of Oriental Medicine - New York Campus* made attempts through the local authorities, the New York Police Department, to access and report the numbers of crimes on public property adjacent to the campus. However, the local police department was unable, and still is at this time, to isolate crimes immediately adjacent to the campus.

In addition to compiling data on reports of crimes, schools and colleges must separately report arrests or persons referred for campus disciplinary action with regard to: 1) liquor law or federal campus alcohol policy violations; 2) drug law or federal campus drug policy violations; 3) weapons possession law or campus weapons policy violations. The annual campus crime statistics report covers, then, the following:

### **Crime Reports**

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Sexual Assault
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Hate crimes
- Vandalism (if hate crime related)
- VAWA (Violence Against Woman Act) Offenses

### **Arrest and Referral for Disciplinary Action Reports**

- Liquor law
- Drug law
- Weapons possession

- Law Violations resulting in arrest

As stated previously, new students are informed about campus security procedures and policies during the new student orientation and are encouraged to be responsible for their own security and the security of others. Staff members are informed or reminded of campus security at selected staff meetings and are also encouraged to take safety precautions in order to be more responsible for their safety and the safety of others. Faculty members are informed or reminded of campus security at selected faculty and/or departmental meetings and are also encouraged to take safety precautions in order to be more responsible for their safety and the safety of others.

In addition to the annual publication of the campus security information found in this report and brochure, constituents are also exposed to campus security policies, procedures, and practices through email communications throughout the year.

Further information about campus crime reports is available through the campus director. Crime definitions and campus crime reporting methodology are available through the U.S. Department of Education website: <http://ed.gov/admins/lead/safety/campus.html#data>. This site also provides access to the campus crime statistics for all U.S. schools and colleges.

## II. Crime Prevention

The best way to deal with crime is to prevent it. Everyone can play a part by using common sense precautions, maintaining vigilance and cooperating with others. This section of the report provides basic advice for crime prevention and how to access further general crime prevention resources.

### *What is Crime Prevention?*

Crime prevention is defined as *“the anticipation, the recognition, and the appraisal of a crime risk and the initiation of action to remove or reduce it.”* The first step in crime prevention is to realize that in order to prevent crime or becoming a crime victim, we must accept that crime prevention is a shared responsibility. It is not a school or college problem or a police problem. It is a societal problem that can only be properly addressed by the entire campus community. On a college campus that includes, students, faculty, staff, visitors and neighbors. Therefore, campus safety is truly a shared responsibility.

Three elements must be present for a crime to occur: desire, ability, and opportunity. This is also known as the crime triangle. A person may “want” to commit a crime, and have the “ability” to commit a crime, but if we deny them the “opportunity,” then no crime can be committed. Historically, the primary goal of crime prevention has been to apprehend criminals. Although this goal is still important, the goal of preventing crime and also reducing the cost of crime has taken on significant importance. Our goal is to help individuals prevent crime by helping them make decisions in their everyday lives to reduce the opportunity for crime to occur, whether on campus or not.

Colleges and schools throughout the United States are concerned about providing campus settings that are safe and secure. Understanding campus crime prevention and how you can personally increase your chances of having a safe and enjoyable college experience will mutually benefit you and your campus.

### **Personal Safety Tips**

The following are general safety and security tips provided by the International Association of Campus Law Enforcement Officers. Tips relating to sex, drug and alcohol offenses are addressed in sections IV and V of this handbook.

#### **Know how to contact campus staff and the police:**

- Know the telephone number of your school and local police precinct.
- Keep the emergency phone numbers near your phones (stickers, magnets, etc.).
- Program emergency phones numbers into your personal cell phone.

**Walking around or near campus:**

- Familiarize yourself with the layout of the campus. Survey the campus while classes are in session and after dark to see that academic buildings, walkways, facilities, and parking lots are adequately secured and well-lighted.
- Plan the safest route to your destination; choose well-lighted, busy pathways and streets.
- Share your class schedule with your parents and trusted friends and give them your telephone numbers.
- At night, stick to well-lighted areas whenever possible and avoid alleyways or “short cuts” through isolated areas.
- Travel in groups and avoid going out alone at night.
- If you are being followed, change direction and go to the nearest business or home; knock on the door, and request that someone call the police. Note the description of the person following you.
- Walk near the curb and avoid shrubbery or other places of potential concealment.
- Tell a friend or roommate where you are going and what time you expect to return.
- Stay alert to your surroundings and the people around you.
- Carry your purse or backpack close to your body and keep a firm grip on it; carry your wallet in an inside coat pocket or your front pant pocket.
- Keep your keys separate from your purse or backpack.
- Don’t overload yourself with bags or packages and avoid wearing shoes that restrict your movements.
- Walk with a confident stride; keep your head up and look around.
- If a motorist stops and asks for directions, keep your distance from the car.
- Dress in clothes and shoes that will not hamper movement.
- Report suspicious activity or noises immediately.

**Motor vehicle safety:**

- Park in well lighted areas, where your vehicle is visible; avoid parking next to vans or trucks.
- Keep all items out of sight, especially valuables. Remove or place CD players/ cases, etc. in the trunk.
- Service your vehicle regularly to avoid breakdowns.
- Keep your vehicle locked at all times.
- Consider “The CLUB” or an alarm system.
- When leaving your car for service, remove your other keys.
- Have your key ready when you approach your car. Before getting in, check inside and under your car to make sure no one is hiding.

**When driving:**

- Carry a cell phone.
- Never let fuel level get below ¼ tank.
- Drive on well traveled streets and keep your car in gear while it is stopped. Allow

at least one car length space between your car and the car in front of you so that you can escape should someone try to get into your car.

- Always be aware of your surroundings and check your rear view mirror often.
- Keep doors locked and windows shut and keep valuables out of sight; either covered or in the trunk.
- If your car breaks down, open the hood and stay inside. If someone stops to help, do not open your window or door, but have him or her call for assistance.
- If you suspect you are being followed, drive to a well-lit public area and call the police.
- Beware of people who yell, honk, and point at your car as if something is wrong; if your car breaks down, stay inside and lock the doors. If anyone approaches to help, crack the window and ask them to call the police. Ask uniformed people to show identification.
- Beware of people who motion and ask you to stop and lend assistance; if you want to assist someone whose car has broken down, go to the nearest phone or use your cell phone and call the police.
- If a person with a weapon confronts you and wants your vehicle, give it up. No car is worth being injured or losing your life over.

**Using public transportation:**

- Try to avoid isolated bus or train stops and times when few people are around.
- Stay away from the curb until bus/train arrives.
- If possible, sit near the driver and notify him or her of any problems.
- A crowded bus is a prime target for pick pockets; carry your bags close and carry your wallet in your coat of front pant pocket.
- If someone is bothering or harassing you, move to another seat location and/or tell the person in a loud voice to “STAY AWAY”.
- Remain on the bus/train if you are uncomfortable with getting off.

**If you sense trouble:**

- Move away from the potential threat if possible; cross the street and increase your pace.
- Join a group of people nearby.
- If a threatening situation is imminent and people are close by, yell, scream or do whatever you can to get their attention. Remember, dialing 9-1-1 and or/ activating a fire alarm are both part of the personal safety system. 911 calls are free from most pay phones.
- If you are facing an armed criminal, you may minimize the risk of injury to yourself if you comply with the criminal’s demands. However, if your life is in immediate danger, use any defense you can to get away.
- Dial 9-1-1 immediately and give a description of the suspect.

**If you are attacked:**

- Go with your instincts, but be realistic about your ability to fight off someone; your instinct may be to run, scream, kick, hit or bite.

- If a weapon is displayed, don't resist. Give up your property and save your life.
- Do what you are told and don't make any sudden moves.
- Try to remember as many details as possible and alert the school or the police as soon as possible.
- Your goal should be to escape safely and survive; cooperate if you think that resisting may lead to further harm.
- Remember every situation is different; you are the only one who can decide the appropriate course of action.
- Constantly play the "what if" game to think about what you would do in a particular threatening situation. This will help prepare you to respond instinctively when a threat is encountered.
- After an event, never feel guilty about what you did or did not do.

**Active shooter (workplace or school violence):**

*If you are involved in a situation where someone has entered the area and started shooting; the following are a list of actions that are recommended:*

- If possible exit the building/area immediately, but only if it can be done safely.
- Notify anyone you may encounter to exit the building immediately.
- Notify Public Safety or Police.
- Give the following information:
  - a. Your name
  - b. Your phone number
  - c. Location of the incident (be as specific as possible)
  - d. Number of shooters
  - e. Identification of shooter
  - f. Number of persons who may be involved
  - g. Your location

*If exiting the building/area is not possible, the following is recommended:*

- Go to the nearest room or office.
- Close and lock the door.
- If unable to lock the door, use a wedge device or heavy to block the door; a belt or other objects may be able to wedge the door shut.
- Cover the door windows.
- Depending upon the shooters location, exit out the window quietly and quickly.
- Stay low, move away from the door, keep quiet and act as if no one is in the room.
- DO NOT answer the door.
- Notify the police.
- Wait for the Police to assist your exit from the building.
- If you are trapped with the shooter, you need to decide whether to:
  - a. Stay still and play dead.
  - b. Run for an exit in a zigzagging pattern, or
  - c. Attack the shooter.

**Describing a suspect or a vehicle:**

- Date, Time, Location, Direction of Travel, Weapon
- Suspect Information
  1. Male/Female
  2. Adult/Juvenile/Approximate Age
  3. Race
  4. Height/Weight
  4. Hair Color
  6. Eye Color
  7. Mustache, beard, sideburns or other facial hair
  8. Tattoos, scars or other identifying marks
  9. Gait, limp or amputations
- Clothing
  1. Hat
  2. Glasses
  3. Shirt type/color
  4. Pants type/color
  5. Shoes
- Automobile
  1. Make/Model
  2. Color
  3. Year
  4. Body style (2-door, 4-door, convertible, truck, etc.)
  5. License plate number
  6. Distinguishing features (spoiler, racing stripes, tinting, damage, etc.)

**Cyber security:**

- Never give your password to anyone.
- Provide your social security number only to secure sites you trust.
- Change your passwords regularly.
- Do not allow others access to your email account.
- Do not put personal information or photos on your web page and do not give personal information that can identify where you live to social networking sites.
- Never leave your computer/laptop unattended.
- Engrave markings on your computer.
- Do not download files sent to you by strangers or click on hyperlinks from people you don't know.
- Computer phishing is a crime. Phishers attempt to fraudulently acquire credit card details and other sensitive personal data via bogus emails or pop-up windows. It may look like a legitimate email from a legitimate institution, but beware of unsolicited requests for information.
- Financial or payment institutions will never request that you send them personal sensitive data via email or pop up windows.

- If you receive a suspicious looking email from any bank, lending, or payment institution, it is best to delete and not respond. If, by coincidence, you have an

account with the entity mentioned in the email, call your legitimate institution using the number on your physical bill or via the telephone book or through telephone information.

- Make certain that all your personal information is deleted from your computer prior to disposing of it.

#### **Cell phone protection:**

- Carry your phone with you whenever possible and make sure it is in a safe place whenever you leave it behind. If you are leaving your phone in your car, be sure it is hidden from view.
- Turn off your phone when you are not using it.
- Request a personal identification number.
- Use the “lock” feature on your phone.
- Report a stolen cellular telephone immediately to the cellular telephone carrier and police.
- Check your monthly bills carefully, and report unfamiliar calls to your cellular phone company.
- Do not give out your electronic serial number or even your phone number to strangers, including callers who represent themselves as technicians testing your line.
- Keep your subscriber agreement, which includes your electronic serial number, in a secure location.

### *Crime Prevention Resources and Programs*

The college emails this report to students and staff once a year and informs perspective students and employees about the report as part of our crime prevention program. In addition, portions of the report that emphasize prevention are emailed to the community during the year, as well as a power point on Crime Prevention. The following resources are also listed to help educate the campus in the area of crime prevention.

#### **Local Website Links**

The Preventive Programs section of the New York Police website offers valuable programs, lectures, displays, seminars, crime prevention and safety tips to all citizens and community groups free of charge. Go to:

#### **Preventive Programs, New York Police Department:**

**<http://www1.nyc.gov/site/nypd/services/law-enforcement/crime-prevention-and-safety-tips.page>**

More resources can be found at:

**Cure Violence (New York, New York): <http://cureviolence.org/partners/us-partners/snug/>**

## National Website Links

Two web links to extensive resources for crime prevention and personal safety:

**National Crime Prevention Council (NCPC):** <http://www.ncpc.org/>

**Security on Campus, Inc.:** <http://www.securityoncampus.org/>

### III. Drug and Alcohol Policy

#### *Drug Free Schools and Campuses Act of 1989*

The Drug Free Schools and Campuses Act of 1989 (Public Law 101-226) requires colleges and schools to certify to the Department of Education that it has adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees.

**This program must include the following:**

1. Standards of conduct concerning the unlawful possession, use, or distribution of drugs, and the illegal use of alcohol by students and employees on school property or at any school activity;
2. Description of legal sanctions;
3. Clear statement of the school's sanctions for violations;
4. Description of any drug and alcohol counseling, treatment, or rehabilitation services;
5. Description of the health risks associated with use of illicit drugs and abuse of alcohol.

#### *Pacific College Alcohol and Drug Use Policy Statement*

Pacific College is dedicated not only to teaching and to the advancement of knowledge but also to the development of ethical and responsible individuals. The College seeks to achieve these goals through a sound educational program and policies that encourage maturity and independence. The regulations that govern student and employee conduct have been formulated with those objectives in mind. The U.S. Department of Education has issued regulations implementing the provisions of the Drug-Free Schools and Communities Act Amendments of 1989. These regulations require that a college distribute information annually about the possession, use, and distribution of alcohol and illicit drugs at that college. Members of the Pacific College community are bound by federal, state, and municipal laws as well as by the regulations of the Board of Trustees of Pacific College of Oriental.

The unlawful manufacture, distribution, possession, or use of illegal drugs or other controlled substances and the unauthorized use of alcohol by students on campus and by College employees at work is prohibited. Student clubs and organizations may petition the campus director in advance of a planned event for the use of beer or wine at "duly authorized functions." Organizations must adhere to stringent guidelines that comply with New York Alcoholic Beverage Control Law prohibiting the sale, delivery, or providing of alcoholic beverages to people under the age of 21. In addition, organizations granted permission to serve alcoholic beverages must provide adequate supervision for distribution and consumption.

Any person found to have violated the College policy on alcohol and drug use is subject to discipline by Pacific College officials. The legal age for drinking alcohol in New York is 21, and state laws deal harshly with underage drinking. It is also against the law in New York to sell or give away alcohol to anyone under the age of 21.

The possession or use of illegal drugs is a crime in the State of New York. Anyone found in possession of or using such drugs on College property will be dealt with severely and may be suspended from the College, in addition to facing criminal charges and arrest.

*Drug or alcohol possession or use:* Should a student or staff member be found in possession of, using or under the influence of illegal drugs or alcohol while on campus or at a school function (not including the use of beer or wine by those of legal drinking age at “duly authorized functions”), he or she will be subject to disciplinary action based upon violation of the school’s code of professional conduct. He or she may be warned, placed on probation, suspended, or expelled/disqualified. Disciplinary actions are at the discretion of the campus director and the Student Success Committee. Pacific College’s policy regarding disciplinary actions and the College’s policy on professional conduct are published in the school Catalog.

## *Health and Safety Information Concerning Drug and Alcohol Use and Abuse*

### **Alcohol and Health**

Alcohol goes directly into the bloodstream, physically affecting the whole body. Some illnesses and health problems caused by excessive alcohol use include:

- **Hangovers.** Headaches, nausea, vomiting, aches and pains all result from drinking too much. Drinking to the point of drunkenness makes you sick.
- **Weight gain.** Alcohol is not water. A beer has about 150 “empty” calories that provide few if any nutrients.
- **High blood pressure.** Along with being overweight, high blood pressure is associated with many serious health problems.
- **Depressed immune system.** Impaired immunity makes you more likely to contract viral illnesses such as flu and infections.
- **Cancer.** 2-4% of all cancer cases are related to alcohol. Upper digestive tract cancers are the most common, hitting the esophagus, mouth, larynx, and pharynx. Women who drink prior to menopause are more likely to develop breast cancer. Your risk of skin cancer doubles if you drink slightly more than “moderate levels.” Some studies implicate alcohol in colon, stomach, pancreas and lung cancer. And let’s not forget the liver...
- **Liver disease.** Heavy drinking can cause fatty liver, hepatitis, cirrhosis and cancer of the liver. The liver breaks down alcohol at the rate of only one drink per hour.

- **Alcohol poisoning.** Drinking large amounts can result in alcohol poisoning, which causes unconsciousness and even death. Breathing slows, and the skin becomes cold and may look blue. Don't let a person in this condition "sleep it off." Call 9-1-1.
- **Heart or respiratory failure.** Excessive drinking can have serious results. Heart or respiratory failure often means death.
- **Alcoholism.** Alcoholism is a disease to which some people seem predisposed. Alcoholics are unable to control their drinking—how much, when, and if. Alcoholism puts you at great risk for other health problems, and it can shorten your life by more than 10 years. Alcoholism cannot be cured, but it can be treated. Through education, treatment, and self-help support such as AA, people can learn to live alcohol-free and feel good.
- **Other long-term effects.** Loss of appetite, vitamin deficiencies, stomach ailments, sexual impotence, central nervous system damage, and memory loss.

For more information visit the website for the National Institute on Alcohol Abuse and Alcoholism (NIAAA): [www.niaaa.nih.gov](http://www.niaaa.nih.gov).

## Drugs and Health

Like many prescription drugs, "recreational" drugs come with potentially harmful side effects that can have serious and long-term effects on your health. High doses of many of the drugs, or impure or more dangerous substitutes for these drugs, can cause immediate life-threatening health problems such as heart attack, respiratory failure, and coma. Combining drugs with each other or with alcohol is especially dangerous.

- **Barbiturates and tranquilizers** are commonly abused prescription drugs. They can cause hangover-like symptoms, nausea, seizures, and coma. Overdose or mixing these drugs with alcohol can be fatal.
- **Cocaine** can cause such long-term problems as tremors, seizures, psychosis, and heart or respiratory failure.
- **LSD** can cause nausea, rapid heart rate, depression, and disorientation. Long term effects include paranoia and psychosis.
- **Marijuana and hashish** can cause rapid heart rate and memory impairment soon after use. Long-term effects include cognitive problems, infertility, weakened immune system, and possible lung damage.
- **Narcotics** such as heroin can bring on respiratory and circulatory depression, dizziness, impotence, constipation, and withdrawal sickness. Overdoses can lead to seizures and death.
- **PCP**, in addition to triggering unpredictable and violent behavior, can cause dizziness, numbness, high heart rate and blood pressure, convulsions, and in high amounts fatal heart and lung failure or ruptured blood vessels.
- **Stimulants** such as amphetamines have health effects that include high heart rate and blood pressure, headache, blurred vision, dizziness, impotence, skin disorders, tremors, seizures, and psychosis.

**For more information, visit the National Institute for Chemical Dependency:**

<https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/drug-abuse-addiction>

**For more details on health risks of specific agents:**

<https://www.drugabuse.gov/drugs-abuse>

## *Drugs, Alcohol and Safety*

Alcohol and other drugs interfere with messages to your brain and alter your perceptions, emotions, vision, hearing, and coordination. Alcohol and drugs affect your judgment and can lead to dangerous behavior that puts you at risk for:

- **Accidental injuries.** More than half of drownings and fatal falls are alcohol- or drug-related. 45% of emergency room visits are alcohol-related. 80% of patients in special units like burn centers have injuries related to alcohol use. Half of all physical injuries sustained on college campuses stem from alcohol use.
- **Car crashes.** Even small amounts of alcohol make driving unsafe. Drunk driving is not only unsafe, it's illegal. Even a blood alcohol level of .05% (below the legal limit for driving in most states) makes you twice as likely to have a car crash. Almost half of all fatal auto crashes are alcohol- or drug- related. Drinking and boating can be a dangerous combination as well. One-third of boating fatalities are alcohol related, and drunk boating is just as illegal as drunk driving.
- **Sexually Transmitted Diseases (STDs) including AIDS.** You are more likely to ignore safety precautions such as condoms if you are under the influence of alcohol or other drugs.
- **Unwanted pregnancy.** For the same reasons that alcohol and other drugs put people at greater risk for STDs, it also makes pregnancy a risk of substance abuse.
- **Fights.** Barroom brawls don't just happen in movies. Not only can you get hurt, you can get arrested. Two-thirds of violent behavior on college campuses involves alcohol.
- **Trouble with the law.** Illegal drugs, underage drinking, drunk driving, public consumption—even giving guests alcohol—can get you into trouble.

## *Drug and Alcohol Abuse Prevention Services*

In an effort to alert the college community to resources for further education and help in this area, the college refers readers to the New York City Health Department. The New York City Health Department is charged with designing, coordinating and funding a comprehensive and coordinated community-based and culturally and gender-appropriate array of services throughout the state for the prevention, intervention, treatment and rehabilitation of alcohol and other drug abuse and dependency.

**NYCH Customer Help Line 800-LIFENET (543-3638)**

Use the **NYCH Help Line** for questions about case status, benefits, services or eligibility. This help line is open 24 hours a day, seven days a week.

**ThriveNYC:**

<https://thrivenyc.cityofnewyork.us>

**ThriveNYC Mental Health Services:**

<https://maps.nyc.gov/mental-health/>

**Additional resources are at the U.S. Department of Education’s Higher Education Center for Alcohol, Drug Abuse and Violence Prevention:**

<http://hecaod.osu.edu>

## IV. Sex Offenses, Violence Against Women Act (VAWA) Crimes, and Sexual Harassment Policies

Pacific College takes sexual harassment, criminal sex offenses, and violence against women seriously and has policies and procedures covering student-student, student-employee and employee-employee situations. This handbook covers the general policies. Furthermore, the school employee handbook discusses the topic as an aspect of the terms and conditions of employment for faculty and administrative staff. The college prohibits dating violence, domestic violence, sexual assault and stalking within the campus-determined geographical area.

The Clery Act requires schools to have policies regarding sex offenses, programs for sex offense prevention and information available to students concerning community sex offender registries. Furthermore, the Violence Against Women Reauthorization Act of 2013 (VAWA) amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents.

Pacific College of Oriental Medicine has also adopted policies and procedures to be in compliance with the “Enough is Enough” law of the state of New York. Those specific policies are outlined in the “Policy on Sexual Misconduct” document which can be found on the PCOM website.

### *Sexual Assault and Other Criminal Sex Offenses*

The FBI’s National Incident-Based Reporting System (NIBRS) edition of the *UCR* defines a sex offense in general as *any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.*

New York State’s “Enough Is Enough” was passed into law on July 7th, 2015. A result of this law is a uniform statewide definition of affirmative consent.

#### **Definition**

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 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.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the

- influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- 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.
- Consent cannot be given when it is the result of coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

## *Violence Against Women Crime Categories*

The HEA defines the new crime categories of domestic violence, dating violence, and stalking in accordance with the Violence Against Women Act (VAWA) as follows:

**Domestic violence** means a *“felony or misdemeanor crime of violence committed by—*

- *a current or former spouse or intimate partner of the victim,*
- *a person with whom the victim shares a child in common,*
- *a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,*
- *a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or*
- *any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”*

**Dating violence** means *“violence committed by a person—*

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

**Stalking** means *“engaging in a course of conduct directed at a specific person that would cause a reasonable person to—*

- *fear for his or her safety or the safety of others; or*
- *suffer substantial emotional distress.”*

## *Reporting a Criminal Sex Offense or a VAWA (Violence Against Women Act) Offense*

Procedures for reporting criminal sex offenses or VAWA crimes are the same as for campus crime in general. Should a student or staff member be a victim of a crime, witness a sex-related or VAWA crime or become aware of potential criminal activity including threats, a report should be immediately filed with the campus director or his/ her designee. The campus director will also contact the institution's Title IX representative for advice and consultation. Reports by victims or bystanders who witness an offense or the threat of an offense will be kept confidential to the best of the CSA's ability to ensure safety, and to encourage reporting of these offenses.

"PCOM Campus Crime Incident Report" forms should be completed and are available in the student lounge on the 19<sup>th</sup> floor during all open campus hours or from the administrative receptionist, Monday through Friday. Reports may also be sent to the campus director or any of the campus security authorities via email. Anonymity and confidentiality of the victim or third party bystander are protected to the best of the college's ability to do so. A CSA will respond and provide necessary information to an individual who reports an incident within 12 hours of receiving the report.

Full details will be recorded and maintained in the campus security file and action will be taken including notification of police authorities. The campus director keeps a written log of such activity. Students or staff members providing the report will be encouraged to cooperate with any further investigation, arrest or disciplinary action. The college encourages but does not require victims to notify police authorities, and provides resources for victims to obtain a confidential advisor/advocate (see below). In addition, victims are informed of **the importance of preserving evidence for the proof of a criminal offense**. Contact information for local authorities is listed above in Section I. **Institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel, or the student may use the following local resource:**

Website: <http://www.svfreenyc.org/survivor-resources/>

Rape Victim Advocates also provide name and contact information for survivor resources providing crisis intervention, legal and medical advocacy. Their affiliated Medical Center provides interim protective measures and accommodations. RVA can provide information on obtaining protection issued by a criminal, civil or tribal court. Once in place the college will comply with and enforce those orders to the best of its abilities, and by engaging the help of the building security personnel.

Per NYS regulations, the college has adopted a plan for providing for the investigation of any violent felony offense occurring at or on the grounds of the institution, and providing for the investigation of a report of any missing student. Such plans shall provide for the coordination of the investigation of such crimes and reports with local law enforcement agencies. The plan includes a written agreement with local law enforcement agencies providing for the prompt investigation of such crimes and report. The institution shall notify the appropriate law enforcement agency as soon as practicable but in no case more than twenty-four hours after a report of a violent felony provided that such reporting requirement shall take into consideration applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims'

Bill of Rights under Title 20 U.S. Code Section 1092(f) which gives the victim of a sexual offense the right on whether or not to report such offense to local law enforcement agencies.

Victims of alleged sex offenses or VAWA crimes are also encouraged to use the school's counseling services, WellConnect by Student Resource Services. A professional counselor is available by phone at 866-640-4777, 24-hours a day. In-person appointments can be scheduled for day, evening, or Saturday hours at a location convenient for the student.

Student advisors at the college will change a victim's academic situation after an alleged sex offense or VAWA crime (even if not officially reported), if necessary, requested, and reasonably available.

Timely warning and other procedures and policies relating to campus security in general (also in Section I) are applicable in criminal sex offenses and VAWA crimes, including disciplinary actions. Sanctions may include appropriate disciplinary and/or remedial action, warning, censure, suspension, or dismissal from employment or from the program.

Pacific College will, upon written request, disclose to the alleged victim of a crime of violence, a non-forcible sex offense, or a VAWA crime, the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Pacific College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

## *Pacific College Policy on Sexual Harassment*

Pacific College has created a policy to foster equitable treatment of all members of the College community and to create an environment conducive to learning.

- A student should feel safe and comfortable at his or her school. It is first and foremost a supportive place for learning and growing.
- Staff and faculty members should also expect a safe work environment where all may function effectively.

### ***Definitions***

*Discrimination* - While it is not easy to define precisely all instances that may be discriminatory, they include: slurs, epithets, threats, derogatory comments, visual depictions, unwelcome jokes, and teasing.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward individuals because of their veteran status, race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, physical or mental disability, marital status, citizenship, medical condition including genetic characteristics, pregnancy status,

or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work or school environment, b) has the purpose or effect of unreasonably interfering with an individual's work or study performance, or c) otherwise adversely affects an individual's employment or education opportunities.

*Hostile environment* harassment occurs when unwelcome conduct, particularly of a sexual nature, is so severe, persistent, or pervasive that it affects a student's or an employee's ability to participate in or benefit from an educational program or activity or work, or creates an intimidating, threatening or abusive educational or working environment. Hostile environments can be created by one or multiple persons and can have one or more intended and unintended targets.

An offended observer is a person who is not the direct target of the offensive conduct, rather is a witness to the harassing behavior and to whom the conduct is offensive. For example, a student may make offensive comments about sexual orientation to a fellow student while in a group of peers. The targeted student is the intended victim of the bullying student, but any of the peers who heard the comments are potentially the unintended victims of the behavior. Both targeted individuals and offended observers can initiate the anti-discrimination/harassment process. Offended observers are generally people who are able to speak for the targeted individual when that person is unable to speak for themselves.

*Sexual Harassment* - While it is not easy to define precisely what sexual harassment is, it includes: unwelcome sexual advances, requests for sexual favors and/or verbal or physical conduct of a sexual nature including, but not limited to: sexually-related drawings, pictures, jokes, teasing, uninvited touching, or other sexually-related comments or actions. In addition to creation of a hostile environment, sexual harassment can also occur as *quid pro quo*.

*Quid pro quo* harassment occurs when a school employee causes a student or colleague to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program, activity, or as a condition of employment. It can also occur when an employee causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct. For example, when a teacher threatens to fail a student unless the student agrees to date the teacher, it is *quid pro quo* harassment. It does not matter whether the student refuses to submit to the teacher's demands and suffers the threatened harm, or does what the teacher wants and thus avoids the harm. In both cases, this act of harassment by the school employee is unlawful.

### ***Retaliation***

Pacific College encourages reporting of all incidents of harassment and discrimination regardless of whom the offender may be, or the offender's relationship to the college. It is extremely important to note that Pacific College will make certain, to the best of its ability, that no harm comes to a student or staff member for reporting incidents of harassment or discrimination. The school will take steps to prevent any retaliation by the alleged harasser or person who has

displayed discrimination against another or anyone else at the school. Students and staff members can be sure that the school will take strong responsive actions, should any act of retaliation occur.

### ***Malicious or Frivolous Allegations***

Pacific recognizes that allegations of harassment or discrimination can cause serious damage to the accused's personal reputation and career. If it is determined that a harassment or discrimination allegation is malicious or frivolous in nature, the complainant may be subject to disciplinary action.

### ***Confidentiality***

The college recognizes that confidentiality is important. Anyone who suspects that he or she has been a victim of harassment or discrimination is encouraged to report the matter. The college will make every effort to respect the confidentiality and privacy of all parties involved, as well as to respect the victim's right to not report such an offense to local law enforcement agencies as outlined in the federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code Section 1092(f). When looking into the matter, particularly when a grievance is filed, the school will pay attention to any due process or other rights the accused student or teacher might have. However, the school will make sure that doing so does not interfere with the protections provided to the complainant that are protected by law.

Sometimes, a student complaining of harassment or discrimination may ask that the school, in its investigation, not use the student's name. Similarly, a student may even ask that the school take no action. In these situations, the school's ability to deal with the alleged harassment or discrimination may be limited. However, the school may still be able to take some steps to address the matter. For example, the school will, at its minimum, report a sexual assault or other possible criminal activities to the police, even without a complaint from the student. In less severe cases, the school will at least keep track of the incident so that it can identify and take action against repeat offenders. However, when faced with a request for confidentiality or to take no action, the school must consider whether the alleged harassment or discrimination may affect other students. If so, the school may need to take action to prevent those students from being harassed or discriminated against. Even Pacific College of Oriental Medicine offices and employees who cannot guarantee confidentiality will maintain complainant privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

### ***Sanctions***

If the school discovers an incident of harassment or discrimination, it has an obligation to stop it and make sure that it does not happen again. Sanctions may include appropriate disciplinary and/or remedial action, warning, censure, suspension, or dismissal from employment or from the program.

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), Pacific College shall make a notation on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the respondent who withdraws from Pacific College while such conduct charges are pending, and declines to complete the disciplinary process, Pacific College shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." Student appeals seeking removal of a transcript notation for a suspension are referred to the college's grievance policy. Such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

### ***Complaint Procedure: Sexual Harassment and/or Discrimination***

Any student, staff member, faculty member, or other person who believes he or she has been unlawfully harassed or discriminated against should immediately report it to a responsible school official. These include the campus director, academic deans, or directors of clinical services, or in the case of an employee, his or her immediate supervisor. Generally, in compliance with state laws, an incident should be reported within 180 days (within six months) from the date of occurrence. It is noted that there are some circumstances in which the reporting timeframe extends to 300 days from the date of occurrence, per federal law. However, differences in the definitions of protected classes in federal and state laws governing harassment and discrimination make an exhaustive list impractical here. Complainants are advised to consider the deadline for filing as 180 days. The school will move quickly to determine what happened. When a student reports sexual harassment or an act of discrimination, the school will explain how its grievance and investigation procedures work and offer the student the opportunity to use them.

Campus Director: Malcolm Youngren  
212-982-3456 ext. 201  
110 William Street 19<sup>th</sup> Floor  
New York, NY 10038  
[myoungren@PacificCollege.edu](mailto:myoungren@PacificCollege.edu)

### **Levels of Resolution**

#### ***Consultation***

A student or staff member may consult with the campus director, Title IX coordinator, academic deans, or directors of clinical services to discuss issues related to sexual or other harassment, whether or not harassment actually occurred, and whether the person seeking information is a complainant, a person who believes his or her own actions may be the subject of criticism (even if unwarranted), or a third party. Often there is a desire that a consultation be confidential or off the record. This can usually be achieved when individuals discuss concerns about harassment

without identifying the other person(s) involved, and sometimes even without identifying themselves. The level of confidentiality depends on what legal protections are necessary for the safety of the campus community.

### ***Direct***

If the student or staff member feels comfortable doing so, he or she should confront the harasser directly and communicate to him or her that the conduct is unwelcome and must stop.

### ***Informal Resolution***

- A complaint of discrimination/harassment form will be completed by the school official first hearing the complaint.
- The complaint form will then be submitted to the campus director who will act as facilitator to attempt to mediate and resolve complaints.
- Activities undertaken toward this end include fact gathering through fact-finding interviews and discussions with the complainant and respondent as well as with other school officials.
- The complainant or the respondent may invite others to the resolution meeting, but the invitees may not speak, unless the facilitator allows it.
- Informal resolution may be attained through mutual consent, clarification of perceptions, insuring both parties are comfortable with future interaction, and may include remedial measures or disciplinary sanctions.
- Complaints following the informal resolution format will be attempted to be resolved within a two-week period.

### ***Formal Resolution***

- A complaint of discrimination/harassment form will be completed by the school official first hearing the complaint, if not already completed by the reporter.
- The complaint form will then be submitted to the campus director who will assign an impartial investigator to assist in investigating the complaint.
- The parties involved will have the opportunity to present witnesses and other evidence.
- The complainant or the respondent may invite others to any resolution meetings, but the invitees may not speak, unless the facilitator allows it.
- The investigators may independently seek out witnesses or other information.
- The investigation will be treated seriously, afforded high priority and will be completed in a timely fashion. Involved parties will be apprised of the ongoing process.
- Upon completion of the investigation, both parties will be given notification in writing if requested within seven days of the outcome of the complaint including determinations of credibility and findings of facts based on a preponderance of the evidence presented. The results will be provided in writing, if requested.
- Information will be released to any other parties on a “need to know” basis only.
- If harassment has been deemed as such, the school will take steps to prevent its recurrence and will correct its discriminatory effects on the complainant and others, where and when appropriate.

- Any party dissatisfied with the process or decisions resulting from the investigation will have an opportunity to appeal the findings.
- An attempt will be made to complete the formal resolution within a four-week period.

### **Interim Measures and Accommodations**

The reporting individual(s) may obtain reasonable and available interim measures and accommodations that effect a change in academic, employment, transportation or other applicable arrangements in order to help ensure safety, prevent retaliation and avoid an ongoing hostile environment, consistent with Pacific College's policies and procedures. Both the accused or respondent and the reporting individual(s) shall, upon request and consistent with Pacific College's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects him or her, and shall be allowed to submit evidence in support of his or her request.

### **Additional Enforcement Information**

In addition to PCOM's internal complaint procedure, the U.S. Equal Employment Opportunity Commission (EEOC), the Office for Civil Rights, U.S. Department of Education and the New York Department of Human Rights (IDHR) investigate and prosecute complaints of sexual harassment.

## *Sexual Harassment, Sex Offense, and VAWA Crime Prevention*

### **Sexual Harassment Prevention**

Prevention is the best tool to eliminate harassment on campus. Clear communication that harassment will not be tolerated and providing anti-harassment training is essential. Pacific College's goal and commitment is to provide campus-wide awareness of the complaint procedure, to ensure that the college takes immediate and appropriate action, and that each student/staff member feels comfortable bringing any issue to the school's attention when necessary.

### **Sex Offense Prevention**

Be aware that there are no perfect protection strategies. There is no way to predict all possible situations. These safety tips are intended to reduce, not eliminate the risk of assault. Getting informed about sex crimes is also very important:

- **The primary responsibility** for any sexual assault rests with the offender and not the victim.
- **Knowledge is power.** Though many sex offenders are NOT known to law enforcement, you can educate yourself about those known offenders who reside in your city or county.

- **Remember** that most sexual assaults are committed by someone that the victim knows. The stranger does not pose the highest risk to you. Up to 90% of sex offenders are known to their victims and include relatives, friends and authority figures. If you feel uncomfortable in someone's presence, trust your feelings and take steps to distance yourself from him or her. Don't be afraid to make a scene if necessary. Tell someone!
- **Avoid high-risk situations.** Be observant and aware of your surroundings. Avoid poorly lit areas where an attacker might hide. Identify safe people in your neighborhood that you or your children can go to if you need help. Be thoughtful and use good judgment in choosing your friends and partners. Be careful of your use of alcohol and drugs; you are more vulnerable to attack if you are intoxicated. Do not leave your food or drink unattended at a party or in a public place. Don't be embarrassed to use security staff at work or when shopping, to walk you to your car. Do not pick up hitchhikers or stop to help a stranger in a stalled vehicle; use a phone in a safe location to call for help. Be cautious about making personal contact with those you meet on the Internet or in other similar environments.
- **Do not harass the offender.** The purpose behind community notification is to reduce the chances of future victimization of persons by this offender. The information presented through this notification should assist you and your
  - family in avoiding situations that allow easy victimization. Initiating contact with the Sexually Violent Predator can increase the risk of you or your family being victimized or may drive the offender underground, placing others at greater risk.
- **Sex offender characteristics:**
  1. Most offenders commit multiple crimes against multiple types of victims with whom they have varying types of relationships (adults, children, male, female, known and unknown.) This behavior is known as crossover.
  2. Sex offenders rarely commit just one type of offense. Many offenders have NO criminal history or sex crime history of any kind.
  3. There is no such thing as a "typical" sex offender; however all tend to be manipulative, deceptive, and secretive. Sex offenders come from all backgrounds, ages, income levels and professions.
  4. The majority of offenses are committed by someone the victim knows.
  5. Sexual deviancy often begins in mid to late adolescence.
  6. Sex offenders do not usually commit their crimes impulsively. They usually employ careful planning and preliminary steps that, if interrupted, can prevent an actual crime.
  7. The vast majority of sex offenders are male; only 20% of child sex offenses are committed by women.

**Know the facts about sex offending.** From the Rape, Abuse and Incest Network and the U.S. Department of Justice: (<https://www.nsopw.gov/en-US/Education/FactsStatistics?AspxAutoDetectCookieSupport=1>)

- According to the Bureau of Justice Statistics' National Criminal Victimization Survey, in 2012, there were 346,830 reported rapes or sexual assaults of persons 12 years or older
- In 2010, 12% of rapes and sexual assaults involved a weapon. [13](#)

- In 2010, 25% of the female victims of rape/sexual assault were victimized by strangers.
- About 20 million out of 112 million women (18.0%) in the United States have been raped during their lifetime. [12](#)
- Only 16% of all rapes were reported to law enforcement. [12](#)
- In 2006 alone, 300,000 college women (5.2%) were raped. [12](#)
- Among college women, about 12% of rapes were reported to law enforcement.
- A Centers for Disease Control and Prevention survey on the national prevalence of intimate partner violence, sexual violence, and stalking found:
  - 81% of women who experienced rape, stalking, or physical violence by an intimate partner reported significant short- or long-term impacts. [18](#)
  - About 35% of women who were raped as minors also were raped as adults, compared to 14% of women without an early rape history. [18](#)
  - 28% of male rape victims were first raped when they were 10 years old or younger. [18](#)

## *Sex Offender Registries*

The Clery Act requires schools and colleges to inform applicants and students of how to obtain information about sex offenders in the community in association with Megan’s Act requirements that communities keep registries of sex offenders in their area.

**Information about Megan’s Law:** <http://www.meganslaw.ca.gov/>

**Megan’s Law Disclaimer:**

<http://www.meganslaw.ca.gov/disclaimer.aspx?lang=ENGLISH>

**Megan’s Law Searchable Registry:**

<http://www.meganslaw.ca.gov/Search.aspx?lang=ENGLISH>

(As of publication of this brochure, 18 total registrants in the 92108 zip code)

## *VAWA Crime Prevention Resources*

**Mayor’s Office to Combat Domestic Violence:**

<http://www1.nyc.gov/site/ocdv/get-help/get-help.page>

**NYC 24-Hour Domestic Violence Hotline: 800-621-HOPE (4673)**

Victims of domestic violence may receive temporary housing, emergency shelter and supportive services for themselves and their children. All programs provide a safe environment as well as counseling, advocacy and referral services.

Domestic violence and abuse can include:

- Hitting, slapping, kicking or using any other kind of physical violence against you

- Forcing you to have sex when you don't want to, or to do sexual things you don't want to do
- Threatening to hurt you, your children, or someone else you care about
- Constantly insulting and criticizing you
- Stalking, obsessively checking up on or otherwise trying to control your behavior

If you or someone you know is experiencing this kind of behavior from a partner, please call New York City's 24 hour Domestic Violence Hotline, 1-800-621-HOPE.

**Other contact numbers**

- NYC Gay and Lesbian Anti-Violence Project: 212-714-1141
- Barrier-Free Living (Disabled Clients): 212-533-4358

## *I. Bias Related Crime and Prevention*

### *Bias Related Crime*

**Definition: Bias-related crime** – when a person commits a specified offense and either:

- (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct; or
- (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

### *Bias Crime Prevention*

As stated in the college catalog, Pacific College of Oriental Medicine is committed to creating and maintaining a community in which all college community members can work together in an atmosphere free from all forms of harassment, exploitation, or intimidation.

#### *College Statement of Non-Discrimination*

The college prohibits discrimination of one person by another for any reason including, but not limited to: veteran status, race, color, religion, sex, national origin, ancestry, age, physical or mental disability, medical condition including genetic characteristics, pregnancy status, marital status, sexual orientation, and gender identity.

#### *College Statement on Diversity*

Pacific College is committed to providing an atmosphere where all human potential is valued. The college strives to recognize and nurture merit, talent, and achievement by supporting diversity and equal opportunity in its education, services, and administration.

The college gives annual training on the topic of discrimination prevention for all staff and faculty, and the academic department is working on integrating this material into the curriculum for student education in several additional areas of study.

Bias crimes may be prevented through following the guidance offered in section II on general crime prevention. In addition, the college has developed a diversity sensitivity training for faculty that will also be integrated into the college curriculum, as well as other events and focus groups aimed at educating the college campus community in this area.

### *Reporting Hate Crimes on Campus*

If you are a victim of, or witness a hate/bias incident, please use the crime reporting procedure in section I of this report.

# ADDENDUM

PACIFIC COLLEGE OF ORIENTAL MEDICINE – N.Y.  
110 WILLIAM STREET, NEW YORK, NY 10038  
1 PRECINCT, SECTOR B

Campus Statistics of Criminal Offense  
On-Campus/Non-Campus Buildings/Public Property January 1, 2016 - December  
31, 2018

These statistics below are gathered from the campus crime log kept by the lead CSA (campus director). They comprise the data reported here and reported to the DOE. Crime statistics are also on the NYC website found under historical crime data.

## Criminal Offenses - On-Campus

Criminal Offense	2018	2019	2020
a. Murder/Non-negligent manslaughter	0	0	0
b. Forcible rape	0	0	0
c. Fondling	0	0	0
d. Incest	0	0	0
e. Statutory rape	0	0	0
f. Robbery	0	0	0
g. Aggravated Assault	0	0	0
h. Burglary	0	0	0
i. Negligent manslaughter	0	0	0

## Criminal Offenses - Non-Campus

Criminal Offense	2018	2019	2020
a. Murder/Non-negligent manslaughter	0	0	0
b. Forcible rape	0	0	0
c. Fondling	0	0	0
d. Incest	0	0	0
e. Statutory rape	0	0	0
f. Robbery	0	0	8
g. Aggravated assault	0	0	0
h. Burglary	0	0	0
i. Negligent manslaughter	0	0	0

## Criminal Offenses - Public Property

Criminal Offense	2018	2019	2020
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a. Murder/Non-negligent manslaughter	0	0	0
b. Forcible sex offenses (including forcible rape)	0	0	0
c. Nonforcible sex offenses	0	0	0
d. Robbery	0	0	0
e. Aggravated assault	0	0	0
f. Burglary	0	0	0
g. Motor vehicle theft	0	0	0
h. Arson	0	0	0
i. Negligent manslaughter	0	0	0

### Hate Offenses - On-Campus

Criminal Offense	2018	2019	2020
a. Murder/Non-negligent manslaughter	0	0	0
b. Aggravated assault	0	0	0
c. Forcible sex offenses (including forcible rape)	0	0	0
d. Forcible rape	0	0	0
e. Arson	0	0	0
f. Negligent manslaughter	0	0	0
g. Simple assault (including larceny theft, intimidation or vandalism)	0	0	0

### Hate Offenses - Non-Campus

Criminal Offense	2018	2019	2020
a. Murder/Non-negligent manslaughter	0	0	0
b. Aggravated assault	0	0	0
c. Forcible sex offenses (including forcible rape)	0	0	0
d. Forcible rape	0	0	0
e. Arson	0	0	0
f. Negligent manslaughter	0	0	0
g. Simple assault (including larceny theft, intimidation or vandalism)	0	0	0

### Hate Offenses - Public Property

Criminal Offense	2018	2019	2020
a. Murder/Non-negligent manslaughter	0	0	0
b. Aggravated assault	0	0	0
c. Forcible sex offenses (including forcible rape)	0	0	0
d. Forcible rape	0	0	0
e. Arson	0	0	0
f. Negligent manslaughter	0	0	0
g. Simple assault (including larceny theft, intimidation or	0	0	0

### Arrests - On-Campus

Crime	2018	2019	2020
a. Liquor law violations	0	0	0
b. Drug law violations	0	0	0
c. Illegal weapons possessions	0	0	0

### Arrests - Non-Campus

Crime	2018	2019	2020
a. Liquor law violations	0	0	0
b. Drug law violations	0	0	0
c. Illegal weapons possessions	0	0	0

### Arrests - Public Property

Crime	2018	2019	2020
a. Liquor law violations	0	0	0
b. Drug law violations	0	0	0
c. Illegal weapons possessions	0	0	0

### Disciplinary Actions/Judicial Referrals - On-Campus

Crime	2018	2019	2020
a. Liquor law violations	0	0	0
b. Drug law violations	0	0	0
c. Illegal weapons possessions	0	0	0

### Disciplinary Actions/Judicial Referrals - Non-Campus

Crime	2018	2019	2020
a. Liquor law violations	0	0	0
b. Drug law violations	0	0	0
c. Illegal weapons possessions	0	0	0

### Disciplinary Actions/Judicial Referrals - Public Property

Crime	2018	2019	2020
a. Liquor law violations	0	0	0
b. Drug law violations	0	0	0
c. Illegal weapons possessions	0	0	0

VAWA Offenses (On campus / Non-Campus / public property-Cleary Act Geography Area)

	2018	2019	2020
a. Domestic Violence	0	0	0
b. Dating Violence	0	0	0
c. Stalking	0	0	0

Unfounded Crimes 2018, 2019 & 2020: