



**EXCELSIOR  
UNIVERSITY**

2023

ANNUAL SECURITY REPORT

# TABLE OF CONTENTS

---

Introduction ..... 3

Physical Security ..... 4

Crime Prevention ..... 7

Emergency Response Procedures ..... 8

Assembly Locations ..... 9

Emergency Evacuation Procedures ..... 10

Timely Warnings and Criminal Reporting ..... 11

Alcohol and Drug Abuse ..... 12

Policies, Procedures, and Programs:  
Sexual Assault, Domestic Violence, and Stalking Prevention ..... 15

Disclosure of Crimes and Crime Statistics ..... 18

Missing Student Policy ..... 24

Annual Fire Safety Report ..... 25

## INTRODUCTION

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The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) mandates higher education institutions receiving federal funding to share and report on applicable campus fire and crime information. These requirements may include, but are not limited to, the following:

- ▶ Collecting, classifying, and counting crime reports and crime statistics for the campus and within local jurisdictions where the campus is located and making this information available to the public;
- ▶ Submitting crime and fire statistics to the U.S. Department of Education;
- ▶ Issuing timely campus alerts to provide the campus community with information necessary to make informed decisions about their health and safety;
- ▶ Publishing and distributing to all current students and employees an annual security report by October 1 containing campus security policy disclosures and crime statistics from the prior three years; and,
- ▶ Publishing an annual fire safety report, if applicable.

In accordance with this federal law, Excelsior will make the above information, as applicable, available to the public on its website. Additionally, the University will notify all current students and employees regarding the availability of the annual security report by October 1, 2023. An electronic copy of the annual security report can be obtained online at <https://www.excelsior.edu/about/transparency/regulatory-transparency/> and printed. Any member of the public, including prospective students and employees, may request a paper copy by sending a written request by mail to:

Excelsior University  
Office of Legal Affairs  
7 Columbia Circle  
Albany, NY 12203  
Attn: Paralegal

Excelsior University's Annual Security Report is prepared by representatives from the Office of Legal Affairs, the Office of Information Technology Services, the Office of Human Resources, and the Office of Enrollment Management and Marketing. The crime statistics are compiled from law enforcement and Campus Security Authority reports and reviewed by the Office of Legal Affairs.

## PHYSICAL SECURITY

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### On-Campus and Non-Campus Properties

Excelsior University is committed to a safe and secure environment for all students, employees, faculty, and visitors within both our online education system and our physical spaces. We have multiple corporate office buildings comprising our on-campus property located at 3, 5, and 7 Columbia Circle, Albany, NY 12203. Additionally, Excelsior University has a non-campus location at the U.S. Army Sergeants Major Academy, Fort Bliss, Texas; U.S. Army Fort Cavazos Education Center, Fort Cavazos, Texas; and various locations throughout the country to accommodate nursing students as they complete clinical experiences.

### Employee Access

As a vital part of the Excelsior University physical security system, each employee working out of our Albany offices is issued on the first day of employment an ID badge that grants access to Excelsior University buildings and other secured areas, as necessary. Access ID badges are distributed to employees by the approval of their manager or higher-level employee. In all buildings, each employee has their own ID badge and all ID badges are maintained by Fiscal and Facility Services. The University's Facilities Team issues ID badge rights, grants access to campus facilities based on the requirements of an employee's job, and maintains the database to ensure only those individuals authorized to access Excelsior University buildings are able to do so.

If an employee's access ID badge is lost or stolen, they must obtain a replacement. Employees are required to report lost or stolen ID badges to their manager and Help Desk for immediate deactivation. Upon suspension or termination, an employee must return the access ID badge to Human Resources or to their manager, and the ID badge is promptly deactivated.

### Visitors

Visitors are required to sign in at the front desk of Excelsior University building 7. All visitors are provided with a visual badge. In certain cases, and at the discretion of the facilities manager, a visitor may be provided an access ID badge with limited access privileges. Visitors must be escorted by an Excelsior University employee or authorized contractor at all times while on site.

All visitors to the Albany campus must check in using the iPad located in the lobby of Building 7. The software uses both a contact and contactless method to check in.

### Personal Responsibility

Employees are encouraged to take personal responsibility for their safety and security as well as for the safety and security of others and to immediately report all suspected criminal activity and emergencies to police by dialing 9-1-1. Employees are encouraged to contact a CSA (as defined on the following page) or Human Resources if they become aware of unusual or suspicious activity in or around campus. Excelsior University instructs employees to never prop open building doors or open building doors for anyone not wearing an approved Excelsior University ID badge. These "best practices" are communicated to employees via the company intranet and via email. Because students rarely are present on campus, similar informational efforts are not directed toward our student population.

### Campus Security Cameras

All building entrances are equipped with access control readers that allow those with credentialed access (ID badges) to access Excelsior buildings. Each entrance is also equipped with a security camera and activity is recorded and can be reviewed up to 30 days later.

### Campus Security Informational Programs/Training

Excelsior University maintains an informational training program for employees on our security procedures and practices. This training is conducted at every new hire orientation. Additional resources are also available on the University intranet. Information on Excelsior University's efforts to encourage the campus community to look out for themselves and one another is discussed above under "Personal Responsibility."

## Campus Law Enforcement

We do not employ any sworn or commissioned law enforcement personnel. Facilities staff are not authorized to make arrests and are not campus police. Staff team members will assess a situation, and Excelsior University will cooperate with state and local law enforcement agencies in the event of an investigation into alleged criminal offenses on or near campus. No written memoranda of understanding (MOU) or other written agreement has been entered into between Excelsior University and a law enforcement agency.

Excelsior University encourages employees and students to accurately and timely report crimes to a CSA and/or local law enforcement, including in circumstances when the victim of a crime elects to, or is unable to, make such a report.

## Excelsior University Campus Security Authorities (CSAs)

Excelsior University identifies the following departments and individuals as CSAs<sup>①</sup>:

### INFORMATION TECHNOLOGY SERVICES

- ▶ Chief Operating Officer for Information Technology, Information Technology Services
- ▶ Director of Technical and Facilities Services

### OFFICE OF HUMAN RESOURCES

- ▶ Vice President of Human Resources
- ▶ Title IX Coordinator

### OFFICE OF ENROLLMENT MANAGEMENT AND MARKETING

- ▶ Student Accessibility Specialist

### FISCAL SERVICES

- ▶ Chief Financial Officer

The above identified CSAs will:

- ▶ Serve as a point of contact for students and employees regarding emergencies, crimes, and safety and security issues;
- ▶ Notify the proper University officials whenever the CSA is aware of a known or suspected crime on campus, public property, or on non-campus property as each is defined by the Clery Act; and
- ▶ Report or assist Excelsior University in the reporting of a crime or suspected crime to the

local police department and cooperate with any resulting investigations.

Excelsior University is responsible for responding to complaints made by employees and students regarding security and safety concerns. All complaints regarding security-related activity constitutes an incident report, which is kept on file (soft and hard copies). Evidence such as emails, etc. will be maintained. CSAs should never place themselves or anyone else in immediate danger. Police or other local law enforcement should be utilized for potentially dangerous situations. A non-exhaustive list follows of the types of complaints Excelsior University may receive and the actions it may take to resolve them:

- ▶ **Missing Item(s)**—Excelsior University will obtain pertinent information from the complainant. If the complainant believes the personal item was stolen, Human Resources will notify the complainant that they also may wish to report it to police. Excelsior University will conduct an investigation and make the complainant aware of the results.
- ▶ **Reckless Driving**—Excelsior University will obtain pertinent information and investigate using available security resources. If the incident of reckless driving endangers pedestrians, Excelsior University will contact the local police department with a description and location of the vehicle.
- ▶ **Reports of Assault**—Excelsior University will respond, and if the scene is secure, will confirm whether the victim needs medical assistance and will assist accordingly. If the scene is unsecure, Excelsior University will contact the local police department for further assistance. Excelsior University will notify relevant parties if the alleged assault involved an employee, and the Title IX Coordinator if the alleged assault was sexual in nature and/or involved an Excelsior University student. The Office of Human Resources will obtain necessary information for an incident report. The Office of Human Resources will maintain the confidentiality of information regarding sexual assault complaints to the extent permitted by law and in accordance with Excelsior University policy.

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<sup>①</sup> This list is subject to change from time to time as Excelsior University may determine at its sole discretion.

- ▶ **Suspicious Person**—Excelsior University will obtain a description and location of the suspicious person from the complainant and check the surrounding area. If the suspicious person is located, Excelsior University will monitor the person's activity and notify police, if necessary. Excelsior University will notify the complainant that the issue was addressed.
- ▶ **Threat**—Excelsior University will evaluate the threat according to its nature and determine if anyone or any Excelsior University property is at risk. If so, Excelsior University will call the local police department and provide them with all necessary information.
- ▶ **Unlawful Entry**—If the unlawful entry involves a passerby who unknowingly gained entry into a building, Excelsior University will learn what the person wants and make them aware that the buildings are secure and located on private property. If the person forcefully makes entry, Excelsior University will call the police.
- ▶ **Vandalism**—Excelsior University will prepare an incident report; severe incidents of vandalism will be reported to the local police department.

## CRIME PREVENTION

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Excelsior University supports its mission to serve its students by providing a safe and secure environment for employees and visitors on campus through the creation of procedures as well as training and preventive measures to combat crime. For more information on Excelsior University's security efforts, see "Physical Security" on [page 4](#).

Excelsior University implements several initiatives to inform our campus community about crime prevention, including:

- ▶ An electronic ID badge system and policy that requires all authorized Excelsior University employees and contractors to display and use their ID badges to access Excelsior University buildings. More information about accessing Excelsior University buildings is provided under "Physical Security" (see above).
- ▶ Excelsior University employees are instructed on how to greet and gather intake on visitors. Upon signing in, visitors are provided with a visual badge and may be provided an access ID badge with limited access privileges. In addition, visitors are escorted by an Excelsior University employee or authorized contractor at all times while on site.
- ▶ Excelsior University timely alerts the campus community via text, email, and phone through a platform called Send Word Now (SWN) about certain crimes to aid in the prevention of similar crimes. These warnings reflect possible or actual criminal incidents that have occurred on or around the Excelsior University campus as soon as the information becomes available. Employees are encouraged to report any suspicious behavior immediately to a CSA.

### **Student Criminal Activity at Non-Campus Locations**

There are no officially recognized student organizations at non-campus locations. In the future, if Excelsior University officially recognizes student organizations at non-campus locations, then Excelsior University will follow all applicable laws pertaining to the investigation of criminal activity and cooperate with law enforcement, as appropriate.

# EMERGENCY RESPONSE PROCEDURES

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Excelsior University maintains policies and procedures that outline the steps to follow in the event of an emergency or dangerous situation involving an immediate threat to the health and/or safety of employees on campus (as well as of students to the extent they are physically present on campus), and how students and employees will be notified. The emergency procedures are housed on the Excelsior University intranet, under the Facilities tab, and posted on campus. In conjunction with the policies and procedures, Excelsior University conducts emergency system testing to include fire alarm systems, sprinkler systems, smoke evacuation systems, fire pump systems, AEDs, fire extinguishers, and our emergency notification system—Send Word Now (SWN).

## Crisis Planning and Response Group

The Crisis Planning and Response Group manages crisis events or other business interruptions. Additionally, the Crisis Planning and Response Group proactively addresses known and emerging threats that could affect normal business operations in the areas of cybersecurity, data security, physical security, and compliance with applicable regulations.

## Triggering Emergency Situations

Excelsior University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate SWN unless issuing a notification will, in the professional judgment of the Crisis Planning and Response Group, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Subject to the foregoing, a SWN notice will be sent out for the following emergency situations, upon confirmation of:

- ▶ Severe Thunderstorm Warning
- ▶ Tornado Watch or Warning
- ▶ Shelter-in-Place
- ▶ Active Shooter
- ▶ Lockdown
- ▶ Workplace/Active Violence
- ▶ Serious Illness Outbreak
- ▶ Gas Leak
- ▶ Terrorist Emergency

- ▶ Any other emergency that involves a significant threat or dangerous situation to the people on or around the campus.

Weather emergencies will be confirmed before a SWN notice is initiated and will consist of receiving two out of three warnings from the National Oceanic and Atmospheric Administration (NOAA), the Weather Channel, and the local Weather Stem system.

Other emergency situations will be confirmed by at least two of the following methods before a SWN notice is sent:

- ▶ An individual who personally witnesses the emergency contacts a CSA or Human Resources;
- ▶ An alert about an emergency situation is received from law enforcement personnel;
- ▶ An alert about an emergency situation is received from Emergency Medical Services (EMS) personnel; or
- ▶ An emergency is verified by reports via police or EMS radio traffic.

A triggered SWN notice will be sent to staff in the event of an emergency. Emergency templates are preset within the SWN server and can be chosen from a drop-down list. Other specific directions can also be programmed into the SWN system. A triggered SWN notice will be directed to Excelsior University staff and faculty via text, email, or phone as appropriate. Emergencies that do not have templates will use the following message: *“There is an emergency on the Excelsior University campus. Evacuate the buildings now.”* The SWN notice will appear as a “ticker” on desktops and applicable smart phones that the user must actively respond to in order for the message to disappear.

## Dangerous Emergency Situations

Threats, threatening conduct, or any other acts of aggression or violence are not tolerated. Any employee or student determined to have committed such acts will be subject to disciplinary action, up to and including termination or expulsion. Individuals not affiliated with Excelsior University and engaged in violent acts on University premises will be reported to the proper authorities and Excelsior University may pursue prosecution.



## Reporting

Excelsior University encourages employees to report emergencies to a CSA and/or to local emergency response teams by calling 9-1-1.

## Trained Personnel

The following Excelsior University personnel are responsible for initiating an emergency alert via SWN, including determining when an emergency situation has been confirmed, to what segments of the campus community the alert should be sent, information to be disseminated, and when:

- ▶ Chief Information Officer for Information Technology Services
- ▶ Chief Operating Officer for Information Technology, Information Technology Services
- ▶ Director of Technical and Facilities Services
- ▶ Vice President of Human Resources

## Testing

Testing is conducted on a regular basis, which includes, at a minimum, annual testing of the fire alarm systems and monthly testing of AEDs and fire extinguishers.

## ASSEMBLY LOCATIONS

Assembly locations are identified by a red sign marked as Evacuation Assembly Area.

**BUILDING 3:**  
Parking lot on the east side of Building 3  
(C on the map).

**BUILDING 5:**  
Parking lot past grass median in front of Building 5  
(B on the map).

**BUILDING 7:**  
Parking lot on the west side of Building 7  
(A on the map).



## EMERGENCY EVACUATION PROCEDURES

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The following are the emergency evacuation procedures communicated to staff and visitors.

When evacuation is necessary, you will hear the building fire alarm sound and receive instructions from Evacuation Leaders for your area. Evacuation Leaders will be wearing orange safety vests and be an Excelsior University staff member.

### General Instructions

- ▶ Remain calm.
- ▶ Take your coat, purse, and car keys, if easily accessible.
- ▶ Close all doors if you are the last person to exit the area.
- ▶ Assist visitors and anyone who has special needs.
- ▶ Use stairs and stay to the right of the staircase (to leave room for firefighters).
- ▶ Never use elevators; if you are in an elevator when the alarm sounds, the elevator will immediately go to the first floor and doors will open.
- ▶ If your evacuation route is blocked, exit using an alternate route.
- ▶ Follow directions of the Evacuation Leader.
- ▶ Go to red sign (Evacuation Assembly Area) attached to light pole (or alternate location if advised) and report to your Evacuation Leader so all employees can be accounted for.

*Rescue chairs for individuals with disabilities are located on the second floor next to the elevators in buildings 3, 5, and 7.*

### Important

After assembling, remain clear of the building and wait for directions.

An Evacuation Leader, Facilities Manager, Facilities staff member, or a member of the Albany Fire Department will release you with an “all clear” to re-enter the building. Do not accept an “all clear” from anyone other than the individuals listed above.

Please note this plan is for emergencies that require staff to evacuate the building.

In the event of a weather-related emergency (tornado or earthquake), you will be advised by your Evacuation Leader to proceed to the basement of a building and wait for further direction.

## TIMELY WARNINGS AND CRIMINAL REPORTING

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### Timely Warnings

Excelsior University issues timely alerts, including alerts on crimes covered by the Clery Act, to warn the campus community of significant emergencies or dangerous conditions that involve an immediate threat to the health and/or safety of students or employees. A warning will not be issued if, in the professional judgment of a responsible authority, such warning may compromise the efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency or dangerous condition.

Excelsior University will timely alert the campus community in the event certain crimes occur to aid in the prevention of similar crimes. This warning will reflect criminal incidents that have occurred on or around campus as soon as the information becomes available.

Excelsior University leadership will consider the following information before determining whether to issue a warning:

- ▶ The nature of the crime.
- ▶ Whether there is a continuing danger.
- ▶ Whether there is a risk that issuing a warning will compromise law enforcement efforts or the safety of an individual(s).

The warning will include all information that would promote safety and aid in the prevention of similar crimes. Timely warnings will be posted as appropriate in conspicuous physical and virtual locations where the campus community can easily see them, including but not limited to break rooms, the intranet, and the Send Word Now system.

## ALCOHOL AND DRUG ABUSE

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### Statement of Policy

In compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, Excelsior University has a long-standing commitment to providing a safe, quality-oriented, and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of Excelsior staff, faculty, our students, and to the security of our facilities. For these reasons, Excelsior University is committed to the elimination of drug and/or alcohol abuse in the workplace and University community. Excelsior University is committed to maintaining an alcohol- and drug-free workplace and University community.

The University is also committed to rigorous enforcement of applicable laws and policies and to support those trying to cope with alcohol- or drug-related problems.

Illegal drug use and alcohol abuse can seriously injure the health of employees, adversely impact the performance of their responsibilities, and endanger the safety and well-being of fellow employees. In addition, illegal drug use and alcohol abuse by our students can lower academic achievement, diminishing student success at Excelsior University.

Individuals who wish to obtain information on drug and alcohol abuse prevention programs may contact the U.S. Department of Health and Human Services and the Substance Abuse & Mental Health Services Administration's (SAMHSA) National Clearinghouse for Alcohol & Drug Information at [www.samhsa.gov/find-help/national-helpline](http://www.samhsa.gov/find-help/national-helpline) or (800) 662-HELP (4357) | TTY (800) 487-4889, or the Excelsior University Office of Human Resources.

For its employees, Excelsior University has retained the services of ComPsych, an employee assistance provider, that provides awareness, counseling, and rehabilitation referrals related to the abuse of alcohol and drugs.

Excelsior University will assist and support employees and students who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other Excelsior University policies. Such individuals will be allowed to use accrued paid time off, placed on leave of absence, referred to treatment providers, and otherwise accommodated as required by law. Such individuals are required to document that they are successfully following prescribed treatment.

A full copy of the University's Drug-Free Schools and Workplace Policy is available on the University's website at <https://www.excelsior.edu/policy/drug-free-schools-and-workplace/>.

Excelsior University is committed to maintaining an alcohol- and drug-free workplace and University community. Since Excelsior University is located in New York State, we have provided the applicable New York State laws below for your information:

### New York State Law and Sanctions Governing Alcohol Include:

1. It is illegal for individuals under the age of 21 to possess alcoholic beverages. Underage drinkers are subject to a \$50 fine.
2. An underage drinker who uses fraudulent identification is guilty of a violation punishable by a fine up to \$100 and community service of 30 hours. If the fraudulent identification is a New York State driver's license, the revocation of the license will be added to the above penalty.
3. No person may sell, deliver, or give any alcoholic beverage to a person under the age of 21 (the law does not apply to the parent of a minor). Individuals violating this law are guilty of a "Class B misdemeanor," and may be subject to a fine not exceeding \$500 and a term of imprisonment not to exceed three months.
4. A person who misrepresents the age of a person under 21 for the purpose of inducing the sale of alcohol to the "underage" person is guilty of an offense and is subject to a fine of not more than \$200 and imprisonment not to exceed five days, or both.
5. Any person who shall be injured in person, property, means of support or otherwise by reason of an intoxicated person, or by reason of the intoxication of any person who shall by unlawfully selling to or unlawfully assisting in procuring liquor to such intoxication; and any such person shall have the right to recover actual damages.
6. Any person who shall be injured in person, property, means of support, or otherwise by reason of intoxication or impairment of any person under the age of 21 years old shall have a right of action against any person who knowingly causes such intoxication or impairment by unlawfully furnishing to or assisting

in procuring alcohol for such a person with knowledge or cause to believe that such person was under the age of 21 years.

7. Any event or function at which alcoholic beverage(s) are being sold, and an admission fee or donation is charged or and requested, requires a license from the state.

## **New York State Law and Sanctions Governing Illicit Drugs**

### MARIJUANA

Under New York State Law, effective March 31, 2021, it is no longer a crime to smoke or possess limited amounts of cannabis (marihuana or marijuana). Although New York State has modified the manner in which it regulates cannabis, using and possessing cannabis in any form remains a crime under federal law. New York higher education institutions, including Excelsior University, adhere to the federal requirements of the Drug Free Schools and Communities Act and the Drug Free Workplace Act, which prohibit the use, possession, and distribution of cannabis for any reason.

### CONTROLLED SUBSTANCES

Section 220 of the Penal Law defines those drugs considered “Controlled Substances,” including narcotic drugs, narcotic preparation, hallucinogens (LSD, “hallucinogenic mushrooms,” etc.), stimulants, depressants, and concentrated forms of cannabis. Individual statutes deal with the criminal possession or sale of these substances and are categorized as misdemeanors or felonies depending on the specific substance, the amount of the substance in question, or the circumstances surrounding the possession or sale of the substance. Possession or sale (or possession with intent to sell) of even a very small amount of some substances is considered a felonious offense and may result in a lengthy jail sentence. In fact, with the exception of “criminal possession of a controlled substance in the seventh degree,” which is considered a misdemeanor, all other statutes in Section 220 of the Penal Law are felonies. In New York State, felonies are ranked from category A-1, the most serious, to category E, the least serious. First offenders convicted of a category A-1 felony are subject to a minimum sentence from 15–25 years and a maximum of life imprisonment. At the other end of the scale, for the first offender, category E felony convictions carry with them a jail sentence from one to three years, with a maximum of three to four years. First-degree criminal sale or possession of controlled substances is placed in the same category as

first-degree arson, first-degree kidnapping, or first- or second-degree murder.

## **Health Risks Associated with Alcohol and Drug Use/Abuse**

### ALCOHOL

Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgment, coordination, and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.

### CANNABIS (MARIJUANA, HASHISH)

The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

### HALLUCINOGENS

Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

### COCAINE/CRACK

Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

## AMPHETAMINES

Amphetamines can cause rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

## HEROIN

Heroin is an opiate drug that causes the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate.

## **Alcohol and Drug Resources**

Excelsior University encourages any student or employee who needs information related to alcohol or drug abuse to use directory information, online searches, or referrals from friends and/or professionals.

At a national level, there also are organizations dedicated to providing information and suggestions on alcohol and drug abuse. A few of these resources are listed below:

- ▶ National Institute on Drug Abuse (NIDA)  
[www.drugabuse.gov](http://www.drugabuse.gov) | 1-301-443-1124
- ▶ Substance Abuse and Mental Health Services Administration (SAMHSA)  
[www.samhsa.gov](http://www.samhsa.gov) | 1-800-662-HELP (4357)
- ▶ The National Clearinghouse for Alcohol and Drug Information (NCADI)  
1-800-729-6686

In addition to the above, Excelsior University has a student assistance program available with ComPsych. Please visit MyExcelsior Resources (Student Assistance Program) for more information about this confidential resource. An employee assistance program is also available through ComPsych.

## **POLICIES, PROCEDURES, AND PROGRAMS: SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND STALKING PREVENTION**

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### **Sexual Harassment Prevention Policy Statement of Policy**

Excelsior University is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment of any individual in the workplace (including supervisors, co-workers, consultants, vendors, and other nonemployees). This policy is one component of the University's commitment to a discrimination-free work environment. Such discrimination, including harassment of any kind, is prohibited by law and by the University. The behavior of individuals engaging in such conduct, or supervisors or managers who knowingly allow such behavior to continue, will not be tolerated. Employees are urged to report sexual harassment by filing a complaint internally with Human Resources as outlined in this policy.

All alleged violations of this policy that involve students will be processed pursuant to the University's Sex and Gender-Based Misconduct Policy (Title IX). Certain allegations of sexual harassment involving employees and all allegations of sexual misconduct involving employees will be processed under the University's Sex and Gender-Based Misconduct Policy (Title IX).

A full copy of the University's Sexual Harassment Prevention Policy is available on the University's website at <https://www.excelsior.edu/policy/sexual-harassment-prevention-policy/>.

### **Sex and Gender-Based Misconduct Policy (Title IX) Statement of Policy**

In accordance with Title IX of the Education Amendments of 1972 ("Title IX") and Article 129-B of the New York Education Law, Excelsior University seeks to provide a safe environment for employees and students and to ensure that no student, faculty, or staff member is excluded from participation in or denied the benefits of the University's program or activities on the basis of sex or gender. Accordingly, the University strictly prohibits sexual and gender-based misconduct, which includes, but is not limited to, the following offenses: (1) sexual assault, (2) domestic violence, (3) dating violence, (4) stalking, and (5) sexual harassment.

Though Excelsior is a nontraditional university community and its students learn at a distance rather than on a campus, the University is always mindful of issues of personal safety. Nontraditional students are not immune to

incidents of violence. Everyone in the Excelsior University community should be educated about the issues of sexual assault, domestic violence, dating violence, stalking, and sexual harassment with the goal of becoming knowledgeable and responsible for their own security and personal safety, as well as for the security and personal safety of the students and colleagues with whom we work and interact.

Upon learning of a possible violation of this policy, the University will take immediate action to address the facts presented, offer resources to any victims, and take action against any individual within the jurisdiction of the University who has been found responsible after the process established in this policy.

The University prohibits retaliation against any individual for reporting an incident of sexual misconduct or for participating in any investigation or proceeding related to any such report.

This policy applies to all students, faculty, and staff, as well as to visitors, guests, vendors, contractors, and other third parties. A third party cannot be a complainant under this policy. Under certain circumstances, conduct and behavior at off-campus activities and programs may be regulated by this policy. The University may take action pursuant to this policy with respect to any behavior regardless of where and in what context it occurs if the conduct has an impact or effect on or poses a risk to the work or learning environment of persons covered by this policy. Therefore, this policy may be violated even if the prohibited conduct occurs off-campus or during an individual's off-duty time.

This policy applies regardless of the complainant or respondent's sexual orientation, sex, gender identity or expression, age, race, color, creed, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, national origin, religion, disability, or other status protected by law. Reasonable accommodations will be provided to individuals with disabilities when necessary to allow them to fully utilize this policy (e.g. to make a report, file a complaint, participate in investigatory interviews, and exercise other procedural rights).

This information is provided to assist in the prevention of violence in any form, while meeting requirements of state and federal law.

A full copy of the University's Sex and Gender-Based Misconduct Policy (Title IX) is available on the University's website at <https://www.excelsior.edu/policy/sex-and-gender-based-misconduct-policy-title-ix/>.

### Adam Walsh Child Protection and Safety Act of 2006

In compliance with the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), the State of New York provides a list of registered sexual offenders that is made available to the public. This information may be obtained at [www.criminaljustice.ny.gov/nsor](http://www.criminaljustice.ny.gov/nsor).

### Education Programs

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

Excelsior University offered programs over the course of the 2022 calendar year, addressing sexual assault, domestic/dating violence, stalking, and related topics, including:

Program/Activity	Description
Training	Anti-Harassment Training for Employees
Training	Anti-Harassment Training for Managers
Training	Interviewing for Inclusion Training
Training	Sexual Harassment Prevention Training for Staff
Training	Title IX Training (New Employee Orientation)
Training	Title IX Training (Manager Bootcamps)
Webinar	Impact of Sexual Violence on the LGBTQ Community
Webinar	Sexual and Other Abuse of Older People
Webinar	Sexual Orientation <i>(Offered to all Human Resources and Business faculty and students taking HR and leadership courses)</i>
Webinar	Sexual Violence Against Persons with Disabilities
Webinar	Shrouded in Secrecy: Sexual Assault of Men and Boys
Webinar	The CPNE: Title IX Compliance and Other Legal Considerations <i>(Offered to all Clinical Associates and Clinical Examiners in the School of Nursing)</i>

### Resources for Victims of Sexual Violence

#### EXCELSIOR UNIVERSITY TITLE IX COORDINATOR

Contact the Title IX Coordinator to report an incident of assault or other violence at Excelsior University, to confidentially discuss an incident, if you are undecided about proceeding with charges, or if you have general questions about sexual assault prevention.

Any potentially dangerous situation must be reported immediately to the Title IX Coordinator in the Office of Human Resources. Reports of incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis. The University will actively intervene when there is evidence of a possible hostile or violent situation.

#### NYS DOMESTIC AND SEXUAL VIOLENCE HOTLINE

For the hotline number of your local domestic violence program, call the New York State Domestic and Sexual Violence Hotline at 1-800-942-6906, English & español/Multi-language Accessibility.

For Deaf or Hard of Hearing: 711  
In NYC: 1-800-621-HOPE (4673) or dial 311  
TTD: 1-800-810-7444

For a listing of domestic violence hotlines by county, visit the NYS Coalition Against Domestic Violence website at [www.nyscadv.org/find-help/program-directory.html](http://www.nyscadv.org/find-help/program-directory.html).

#### **National Domestic Violence and Crime Victims Hotlines**

##### SAFE HORIZON'S DOMESTIC VIOLENCE HOTLINE:

800-621-HOPE (4673)

##### SAFE HORIZON'S CRIME VICTIMS HOTLINE:

866-689-HELP (4357)

##### SAFE HORIZON'S RAPE, SEXUAL ASSAULT & INCEST HOTLINE:

212-227-3000

##### TDD PHONE NUMBER FOR ALL HOTLINES:

866-604-5350



## **Stalking Resource Center**

855-4-VICTIM (855-484-2846)

<https://victimsofcrime.org/stalking-resource-center/>

## **Off-Campus Resource for Mental Health and Advocacy**

### **ALBANY COUNTY CRIME VICTIM AND SEXUAL VIOLENCE CENTER**

112 State Street, Room 1010

Albany, NY 12207

518-447-7100 | 24-Hour Hotline: 518-447-7716

[www.albanycounty.com/cvsvc](http://www.albanycounty.com/cvsvc)

## **Off-Campus Domestic Violence Services**

Equinox—Domestic Violence Services

526A Central Avenue

Albany, NY 12209

24-Hour Hotline: 518-432-7865

Equinox Shelter: 518-434-6135

[www.equinoxinc.org/page/](http://www.equinoxinc.org/page/domestic-violence-services-15.html)

[domestic-violence-services-15.html](http://www.equinoxinc.org/page/domestic-violence-services-15.html)

## **Health Care Providers, Sexual Assault Nurse Examiners (SANE), Rape Kits**

Albany Medical Center

43 New Scotland Ave.

Albany, NY 12208

518-262-3125

Samaritan Hospital-Albany Memorial Campus

600 Northern Blvd.

Albany, NY 12204

518-471-3221

St. Peter's Hospital

315 S. Manning Blvd.

Albany, NY 12208

518-525-1550

## DISCLOSURE OF CRIMES AND CRIME STATISTICS

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### Daily Crime Log

Excelsior University does not maintain a campus police department, and therefore does not maintain a daily crime log.

### Crime Statistics

The Campus Safety Survey Administrator (CSSA) gathers and compiles Excelsior University's crime statistics. The statistics include information reported to Campus Security Authorities (CSAs), local law enforcement agencies, and law enforcement agencies that have jurisdiction over the University's non-campus locations. Crime statistics for the three most recent completed calendar years are located on [page 21](#).

In accordance with the Clery Act, Excelsior University reports the following crimes:

#### CRIMINAL OFFENSES (PRIMARY CRIMES)

Criminal Homicide, including Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault (Sex Offenses), including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.

1. **Murder and Non-Negligent Manslaughter**—The willful (non-negligent) killing of one human being by another.
2. **Manslaughter by Negligence**—The killing of another person through gross negligence.

**Sexual Assault (Sex Offenses), including Rape, Fondling, Incest and Statutory Rape**—Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

3. **Rape**—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
4. **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

5. **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
6. **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent.
7. **Robbery**—The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
8. **Aggravated Assault**—An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
9. **Burglary**—The unlawful entry of a structure to commit a felony or a theft.
10. **Motor Vehicle Theft**—The theft or attempted theft of a motor vehicle.
11. **Arson**—Willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

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

Any incidents of Domestic Violence, Dating Violence and Stalking. (*Note that Sexual Assault Offenses are included in the Criminal Offenses category for Clery Act reporting purposes*).

1. **Domestic Violence**—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 in which the crime of

violence occurred;

- ▶ 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 in which the crime of violence occurred.
2. **Dating Violence**—Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  3. **Stalking**—Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

#### ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION

Weapons: Carrying, Possessing, etc.; Drug Abuse Violations and Liquor Law Violations.

1. **Weapons: Carrying, Possessing, etc.**—The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
2. **Drug Abuse Violations**—The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances, and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
3. **Liquor Law Violations**—The violation of state or local laws or ordinances prohibiting

the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

#### HATE CRIMES

Include any of the above-mentioned Criminal Offenses (Primary Crimes) located on [page 18](#), and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property, as defined below, that were motivated by bias. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

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

## Prevention of Bias-Related/Hate Crime

### STATEMENT OF POLICY

Excelsior University is first and foremost an adult learning community. Each undergraduate degree program has a liberal arts component designed to help students develop a broad-based understanding of multiple disciplines, provide a depth of academic experience to enrich students' personal lives, and allow students to become more informed citizens of an increasingly complex and diverse world. Students are encouraged to plan their degree program to include study of the perspectives of various ethnic and cultural groups within society, understanding and valuing diversity.

Bias-related/hate crimes occur most frequently when intolerance and lack of respect replace understanding the value of diversity in our world. Guided by the Center for Social Justice and with the approval of our Board of Trustees, the University has an active program to bring awareness and diversity education to all staff. The University seeks faculty and administrators who will diversify its curriculum and business environment. Students, faculty, and staff are expected to demonstrate respect for others and an awareness of the ethical implications of actions. This atmosphere of respect for others will foster an environment which will diminish the incidence and opportunity for bias-related/hate crimes.

One of the purposes of this document is to provide students with information regarding how to prevent, handle, and report incidents of bias-related/hate crimes. Included is information regarding reporting procedures and support services available. This information is provided to assist students in understanding and preventing bias-related/hate crimes, while meeting requirements of Article 129-A of New York Education Law.

A full copy of the Prevention of Bias-Related/Hate Crime on the Excelsior University Campus policy is available on the University's website at <https://www.excelsior.edu/policy/prevention-of-bias-related-crime-on-the-excelsior-university-campus/>.

## Crime Statistics

Pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the chart below presents crime statistics for the three most recent completed calendar years.

OFFENSE	YEAR	GEOGRAPHIC LOCATION		
		ON CAMPUS (NO CAMPUS HOUSING)	NONCAMPUS	PUBLIC PROPERTY
Murder/Non-Negligent Manslaughter	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Negligent Manslaughter	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Rape	2022	0	0	0
	2021	0	0	0
	2020	0	1	0
Fondling	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Incest	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Statutory Rape	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Robbery	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Aggravated Assault	2022	0	2	0
	2021	0	0	0
	2020	0	3	0
Burglary	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Motor Vehicle Theft	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Arson	2022	0	0	0
	2021	0	0	0
	2020	0	0	0

## VAWA Offenses

OFFENSE	YEAR	GEOGRAPHIC LOCATION		
		ON-CAMPUS (NO CAMPUS HOUSING)	NON-CAMPUS	PUBLIC PROPERTY
Domestic Violence	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Dating Violence	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Stalking	2022	0	0	0
	2021	0	0	0
	2020	0	0	0

## Arrests and Disciplinary Referrals

OFFENSE		YEAR	GEOGRAPHIC LOCATION		
			ON CAMPUS (NO CAMPUS HOUSING)	NON-CAMPUS	PUBLIC PROPERTY
ARRESTS	Liquor Law Violations	2022	0	0	0
		2021	0	0	0
		2020	0	0	0
	Drug Abuse Violations	2022	0	0	0
		2021	0	0	0
		2020	0	0	0
	Weapons: Carrying, Possession, etc.	2022	0	0	0
		2021	0	0	0
		2020	0	0	0
DISCIPLINARY REFERRALS	Liquor Law Violations	2022	0	0	0
		2021	0	0	0
		2020	0	0	0
	Drug Abuse Violations	2022	0	0	0
		2021	0	0	0
		2020	0	0	0
	Weapons: Carrying, Possession, etc.	2022	0	0	0
		2021	0	0	0
		2020	0	0	0

### Hate Crimes

2022	No Hate Crimes Reported.
2021	No Hate Crimes Reported.
2020	No Hate Crimes Reported.

### Unfounded Crimes

2022	No Unfounded Crimes.
2021	No Unfounded Crimes.
2020	No Unfounded Crimes.

## MISSING STUDENT POLICY

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Excelsior University does not maintain on-campus student housing facilities, and therefore does not have a missing student policy or corresponding procedures.



## ANNUAL FIRE SAFETY REPORT

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Excelsior University does not maintain on-campus student housing facilities, and therefore does not maintain a log of reported fires, publish an annual fire safety report, or submit fire statistics on an annual basis to the U.S. Department of Education.

