

Education

ARTICLE 129-A

REGULATION BY COLLEGES OF CONDUCT ON CAMPUSES AND OTHER COLLEGE PROPERTY USED FOR EDUCATIONAL PURPOSES

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§ 6430. General provisions. 1. The trustees or other governing board of every college chartered by the regents or incorporated by special act of the legislature and which maintains a campus, unless otherwise provided, shall adopt written rules for implementing all policies required pursuant to this article and for the maintenance of public order on college campuses and other college property used for educational purposes and provide a program for the enforcement thereof. Such rules shall prohibit, among other things, any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization. Such rules shall govern the conduct of students, faculty and other staff as well as visitors and other licensees and invitees on such campuses and property. The penalties for violations of such rules shall be clearly set forth therein and shall include provisions for the ejection of a violator from such campus and property, in the case of a student or faculty violator his or her suspension, expulsion, or other appropriate disciplinary action, and in the case of an organization which authorizes such conduct, rescision of permission for that organization to operate on campus property. Such penalties shall be in addition to any penalty pursuant to the penal law or any other law to which a violator or organization may be subject.

2. A copy of such rules shall be given to all students enrolled in said college and shall be deemed to be part of the by-laws of all organizations operating on said campus which shall review annually such by-laws with individuals affiliated with such organizations.

3. Each college shall annually file with the department on or before the first day of July a certificate of compliance with the provisions of this article.

4. If a college fails to file a certificate of compliance pursuant to subdivision three of this section within sixty days of the time required, such college shall not be eligible to receive any state aid or assistance until such certificate of compliance is duly filed.

5. Each college shall file a copy of all written rules adopted as required in this article with the department on or before the first day of July, two thousand four, and once every ten years thereafter.

6. Nothing contained in this article shall:
- a. be construed to limit or restrict the freedom of speech and peaceful assembly; or
 - b. prevent or limit a college from setting forth additional standards of conduct for students.

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§ 6431. Advisory committee on campus security. 1. The president or chief administrative officer of each college, except those independent colleges ineligible to receive state aid under section sixty-four hundred one of this title, shall appoint an advisory committee on campus security.

2. Such committee shall consist of a minimum of six members, at least half of whom shall be female; one-third of the committee shall be appointed from a list of students that contains at least twice the number to be appointed which is provided by the largest student governance organization on such campus, one-third thereof shall be appointed from a list of faculty members that contains twice the number to be appointed which is provided by the largest faculty organization on such campus, and one-third of whom shall be selected by the president or chief administrative officer.

3. The committee shall review current campus security policies and procedures and make recommendations for their improvement. It shall specifically review current policies and procedures for:

- a. educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault, domestic violence and stalking offenses pursuant to section sixty-four hundred thirty-two of this article;
- b. educating the campus community about personal safety and crime prevention;
- c. reporting sexual assaults, domestic violence and stalking incidents and assisting victims during investigations;
- d. referring complaints to appropriate authorities;
- e. counseling victims; and
- f. responding to inquiries from concerned persons.

4. The committee shall report, in writing, to the college president or chief administrative officer on its findings and recommendations at least once each academic year, and such report shall be available upon request.

5. Nothing in this section shall be construed to alter, amend, modify or affect existing standards for civil liability.

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§ 6432. Sexual assault, domestic violence and stalking prevention information. Each college shall inform incoming students about sexual assault, domestic violence and stalking prevention measures through programs which may include workshops, seminars, discussion groups, and film presentations, in order to disseminate information, promote discussion, encourage reporting, and facilitate prevention of sexual assault, domestic violence and stalking. Such information shall include, but not be limited to:

1. the applicable laws, ordinances, and regulations relating to such offenses;

2. the penalties for the commission of a sex offense, a domestic violence incident and a stalking offense;

3. the procedures in effect at the college for dealing with such offenses;

4. the availability of counseling and other support services for the victims of such offenses;

5. the nature of and common circumstances relating to sex offenses, incidents of domestic violence and stalking offenses on college campuses; and

6. the methods the college employs to advise and to update students about security procedures.

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§ 6433. Campus crime reporting and statistics. Each college that receives state aid shall indicate in their campus catalog, student

handbook and viewbook how to access the campus crime statistics that are filed annually with the United States Department of Education as required under Title 20 of the U.S. Code Section 1092(f). Every campus catalog, student handbook and viewbook shall state that "The Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education."

The information in the campus catalog, student handbook and viewbook shall include the United States Department of Education's web site address for campus crime statistics and a campus phone number for a designated college campus contact who is authorized to provide such statistics for that college. Whenever an individual requests such campus crime statistics, the college shall provide a hard copy mailed to the individual within ten days of the request and that information will include all of the statistics that the campus is required to ascertain under Title 20 of the U.S. Code Section 1092(f).

The president or chief administrative officer of each college shall, working with the advisory committee on campus safety, take steps to inform students and prospective students of the existence of the campus crime statistics on an annual basis and other campus safety policies and procedures of the school.

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§ 6434. Investigation of crimes and crime reporting. 1. Each college shall adopt and implement a plan providing for the investigation of any violent felony offense occurring at or on the grounds of each such 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. Such plans shall include, but not be limited to, written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports and a requirement that 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 or that a student who resides in housing owned or operated by such institution is missing; 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.

2. As used in this section, the following terms shall have the following meanings:

a. "Local law enforcement agencies" means any agency or agencies employing peace officers or police officers for the enforcement of the laws of the state, and which has or have jurisdiction under provisions of the criminal procedure law over offenses occurring at or on the grounds of any institution subject to the provisions of this section.

b. "Missing student" means any student of an institution subject to the provisions of this section, who resides in a facility owned or operated by such institution and who is reported to such institution as missing from his or her residence.

c. "Violent felony offense" means a violent felony offense as defined in subdivision one of section 70.02 of the penal law.

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§ 6435. Appointment of private college security officers. 1. Notwithstanding any other provision of law to the contrary, the trustees or other governing board of each independent non-profit college which maintains a campus or other property for educational purposes outside the limits of any city having a population of one million or more and is chartered by the regents or incorporated by special act of the legislature may request that security guards employed by such college be appointed as private college campus security officers by the sheriff of the county in which the college is located pursuant to section six hundred sixty-two of the county law or by the chief law enforcement officer of a city where the college is located, pursuant to section two hundred nine-aa of the general municipal law, as added by chapter six hundred eleven of the laws of nineteen hundred ninety-five. Security guards appointed as such campus security officers may exercise within their geographic area of authority as defined hereinafter any or all of the following powers:

a. to make a warrantless arrest of a person (i) for any offense when he or she has reasonable cause to believe that such person has committed such offense in his or her presence and (ii) for a crime when he or she has reasonable cause to believe that such person has committed such crime, whether in his or her presence or otherwise, and follow such person in continuous close pursuit into public places beyond the geographic area of authority to make such warrantless arrest; provided, however, that such campus security officers shall comply with the post-arrest procedures set forth in section 140.40 of the criminal procedure law and shall not interfere with an ongoing criminal investigation conducted by any police officer;

b. to use physical force, other than deadly physical force, upon another person when and to the extent that he or she reasonably believes such to be necessary to effect an arrest pursuant to paragraph a of this subdivision or to prevent the escape from custody of such person and use deadly physical force for such purpose when he or she reasonably believes such to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force;

c. to carry and utilize a police baton and noxious materials designed and intended for prevention of crime and enforcement of law and order; provided, however, that no such campus security officer shall carry or use such police baton or noxious materials before receiving training in the use thereof. Training in the use of a baton shall include, but not be limited to, the defensive use of the baton and instruction in the legal use of physical force pursuant to article thirty-five of the penal law;

d. to temporarily possess stolen property, weapons, appliances and substances described in article two hundred sixty-five of the penal law and article thirty-three of the public health law whenever appropriate for the prevention of crime, preservation of evidence and enforcement of law and order, and as soon thereafter as practicable deliver such stolen property, weapons, appliances and substances to a police officer;

e. to issue appearance tickets pursuant to subdivision three of section 150.20 of the criminal procedure law;

f. to issue uniform appearance tickets pursuant to article twenty-seven of the parks, recreation and historic preservation law and

to issue simplified traffic information pursuant to section 100.25 of the criminal procedure law and section two hundred seven of the vehicle and traffic law;

g. to issue a uniform navigation summons and/or complaint pursuant to section nineteen of the navigation law;

h. to issue uniform appearance tickets pursuant to article seventy-one of the environmental conservation law; and

i. to seize an alcoholic beverage upon observing a person under twenty-one years of age openly in possession of an alcoholic beverage as defined in section three of the alcoholic beverage control law, with intent to consume such beverage in violation of section sixty-five-c of such law.

2. For purposes of this section, "geographical area of authority" means any real property owned by or under the control of the college by which the security guard is employed and located within the geographic boundaries of the county wherein the appointment was made.

3. To become eligible for appointment as a private college campus security officer a security guard must first successfully complete a course of instruction in public and private law enforcement approved by the municipal police training council, the security guard advisory council, or the department of state or other comparable course offered or recognized by a department or agency of the state of New York as providing appropriate training for the exercise of the powers enumerated in this section. Such training shall also comply with all requirements of article seven-A of the general business law and any regulations promulgated thereunder.

4. To be eligible for appointment as a private college campus security officer, an applicant shall be of good character, cooperate in a background check as may be required by the county sheriff or chief law enforcement officer, be at least twenty-one years of age at the time of appointment, be a citizen of the United States, and be in compliance with the requirements of, and duly registered in accordance with, the provisions of article seven-A of the general business law and any regulations promulgated thereunder.

5. The duration of the appointment shall be coexistent with the period of employment except as otherwise provided in this section, section six hundred sixty-two of the county law or section two hundred nine-aa of the general municipal law, as added by chapter six hundred eleven of the laws of nineteen hundred ninety-five.

6. Any independent non-profit college which requests appointment of any of its security guards as a private college campus security officer as provided for in subdivision one of this section shall indemnify and hold harmless, the appointing sheriff, the county in which such sheriff serves, the appointing chief law enforcement officer and the city in which such chief law enforcement officer serves from liability and damages including cost of defense to the extent proximately caused by the intentional or negligent acts or omissions of the college's security guards while acting pursuant to their scope of employment by the college.

7. A college shall immediately notify the appointing sheriff or chief law enforcement officer whenever a security guard appointed by the college as a private college campus security officer is arrested, suspended from employment, transferred, terminated or disabled so as to be incapable of performing campus security officer duties. Upon receipt of such notice, the sheriff or chief law enforcement officer shall immediately revoke such appointment.

8. Private college campus security officers appointed in accordance

with this section shall not be subject to assignment under section two hundred nine-f of the general municipal law or any mutual aid provisions of law.

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§ 6436. Bias related crime prevention information. Each college shall inform incoming students about bias related crime prevention measures through programs which may include workshops, seminars, discussion groups, and film presentations, in order to disseminate information about bias related crime, promote discussion, encourage reporting of incidents of bias related crime, and facilitate prevention of such incidents. Such information shall include, but not be limited to:

1. the applicable laws, ordinances, and regulations on bias related crime, including the provisions and coverage of the hate crimes act of 2000 codified in article four hundred eighty-five of the penal law;
2. the penalties for commission of bias related crimes;
3. the procedures in effect at the college for dealing with bias related crime;
4. the availability of counseling and other support services for the victims of bias related crime;
5. the nature of and common circumstances relating to bias related crime on college campuses; and
6. the methods the college employs to advise and to update students about security procedures.

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§ 6437. Prohibition on the marketing of credit cards. Each college shall prohibit the advertising, marketing, or merchandising of credit cards on college campuses to students, except pursuant to an official college credit card marketing policy. An official college credit card marketing policy may include:

1. registration of on-campus credit card marketers;
2. limiting credit card marketers to specific dates and specific areas of the campus as designated by the college;
3. prohibiting credit card marketers from offering gifts to a student in exchange for completing a credit card application; and
4. informing students about good credit management practices through programs which may include workshops, seminars, discussion groups, and film presentations.

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§ 6438. Notification of fire safety standards and measures in all college-owned or college-operated housing. Each college shall provide written notification to students residing in college-owned or college-operated housing with regard to a description of such housing facility's fire safety system, including whether the housing is or is not equipped with a sprinkler system. Each college shall also indicate, within such written notification, how to access the campus fire safety report on student housing as required under Title 20 of the U.S. Code

Section 1092(i). For the purposes of this section, "sprinkler system" shall have the same meaning as in section one hundred fifty-five-a of the executive law.