

Jeanne Clery Act Compliance /Annual Security Report

New York School of Esthetics

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT

History- Jeanne Clery was a 19 year old student at Lehigh University, Pennsylvania, in 1986 when she was assaulted and murdered in her dorm room. Following her death her parents lobbied Pennsylvania lawmakers for legislation requiring colleges and universities to publish their crime statistics. The first such bill was signed into law in 1988 mandating that all state colleges and universities annually publish the latest three years campus crime statistics. Successive federal bills expanded the program nationwide and in 1998 the Student Right-To-Know and Campus Security Act was formally renamed in memory of Jeanne Clery.

Compliance- The New York School of Esthetics willingly complies with all aspects of the Clery Act and annually publishes and makes available all the various crime statistics, statements on campus/school policy and related information on crime, methods of reporting and assistance available to all students, faculty and staff of the school.

Availability of Information The annual Clery Report can be found in the main office.

Reportable Crimes The Clery Act requires colleges and universities to report on seven basic categories of crime. These are the same seven categories in the Federal Uniform Crime Report as compiled by the Federal Bureau of Investigation. These categories are as follows:

Criminal Homicide-Murder, negligent and non-negligent manslaughter

Sex Offenses-forcible and non-forcible

Robbery

Aggravated Assault

Burglary

Arson

Motor Vehicle Theft

Additionally, the Clery Act requires colleges and universities to report on arrests and/or disciplinary referrals for the following: Liquor law violations, drug law violations and illegal weapons possession.

The Clery Act also requires an accounting of Hate Crimes reported as happening on campus or on public property abutting campus.

In addition to compiling its own figures, the New York School of Esthetics requests crime figures from the Tarrytown Police Department. This information is incorporated into the Clery Act statistics.

Emergency Response and Evacuation

The Emergency Operations Plan is reviewed on an annual basis and all faculty and staff are instructed in procedures.

These procedures can be found in the New York School of Esthetics Emergency Evacuation Plan stated below:

In the event of an emergency evacuation, all students in clinic (upstairs and downstairs) will exit to the right and out the front entrance of the school building. All students in theory (upstairs and downstairs) will exit to the left and out the back entrance of the building. Practice Emergency Evacuation Drills are carried out at the onset of a new class starting.

Reporting Crimes and Other Emergencies

All students, employees and guests should promptly report criminal incidents, accidents or other emergencies to the **911** center by dialing **911** and report incidents to any school official, officer or directly to the Tarrytown Police Department at (914) 631-5544.

Timely Notice Warning

To help prevent crime or allowing a criminal incident to escalate, the Director's Office in-conjunction with the School Resource Officer, the Tarrytown Police Department or other law enforcement can issue a warning by email and on school website www.newyorkschoolofesthetics.com.

Security of and Access to the Facility

Access to the school is a privilege extended to students, faculty, staff and authorized guests. All visitors are granted access to the building through main entrance located at 14 North Broadway Tarrytown, NY. The guest must announce his purpose or business and identity and be granted access to the building at the reception desk located at main entrance. The office staff is able to screen all visitors.

Campus Law Enforcement Policy

Personnel at the New York School of Esthetics have the authority to detain offenders until the local police arrive. The New York School of Esthetics maintains a working relationship with local police. Incidents will be documented and copies of the police reports will be kept on file in the main office. Incident reports are the property of the school and are not given to students. Incidents at the school should be reported to the New York School of Esthetics administration. Reports completed at the school will be kept on file in the main office of the New York School of Esthetics.

The Tarrytown Police Department is the primary law enforcement agency handling all crimes occurring in the school.

Security Awareness and Crime Prevention

The school offers no formal crime prevention programs.

Drug and Alcohol Policy

NOTICE TO STUDENTS AND EMPLOYEES

The New York School of Esthetics has established a Drug and Alcohol Free Awareness Program (DAFAP). The DAFAP encompasses the following four phases:

PHASE ONE

WARNING OF THE DANGERS OF DRUG AND ALCOHOL ABUSE:

Drug and alcohol use impairs memory, alertness and achievement. It erodes the capacity to perform, think and act responsibly. It may be grounds for termination of your enrollment with the institution or other legal action. SCHEDULE A specifically details the Uses and Effects as it relates to alcohol.

PHASE TWO

THIS INSTITUTION HAS A POLICY OF MAINTAINING A DRUG AND ALCOHOL FREE LEARNING ENVIRONMENT:

All students and employees are hereby notified that the unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and alcohol is prohibited in the institution's learning environment. Any student or employee must notify the institution of any criminal drug and alcohol statute conviction for a violation occurring in the learning environment no later than five days after such conviction. In compliance with the Drug-Free Workplace Act of 1988, the institution's "workplace" consists of the following locations:

New York School of Esthetics 14 No. Broadway Tarrytown, NY 10591, or, any teaching site, or any "off-site" location (i.e. field trips, job placement, luncheons, meetings, etc.) where the activities are in any way related to the institution.

PHASE THREE

LISTING OF THE AVAILABLE LOCAL DRUG COUNSELING,
REHABILITATION AND ASSISTANCE PROGRAMS:

Please refer to SCHEDULE B.

PHASE FOUR

NON-COMPLIANCE WITH THE TERMS OF THIS INSTITUTION'S
DRUG-FREE WORKPLACE STATEMENT

Non-compliance will result in the following action being taken by this institution:

- a. The student or employee would be required to actively participate in a drug or alcohol abuse assistance or rehabilitation program approved by federal, state or local health, law enforcement or other appropriate agency. Attached SCHEDULE C contains a description of the applicable legal sanctions under local, State, and Federal law for unlawful possession, use, or distribution of illicit drugs and alcohol.**
- b. Community service with one of the above stated agencies.**
- c. Termination of enrollment.**

SCHEDULE A

ALCOHOL USES AND EFFECTS : Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

SCHEDULE B

DRUG COUNSELING, REHABILITATION, AND ASSISTANCE PROGRAMS

- 1. Addicts Rehabilitation Center, 2105 Madison Avenue New York, NY 10035**
- 2. Drug Free Living, Inc., 1500 Water Place, Bronx, NY 10461**
- 3. Alcoholics Anonymous, Inc., 102 Gramatin Avenue Mt. Vernon, NY 10550**
- 4. Odyssey House, Inc., 1264 Lafayette Aenue, Bronx, NY 10474**
- 5. Pills Anonymous, Inc., 130 West 72nd Street, New York, NY 10023**
- 6. National Association for Drug Abuse, 633 Third Avenue, Fl. 19, New York, NY 10017**

SCHEDULE C

FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A

CONTROLLED SUBSTANCE

21 U.S.C. 844(a)

1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- (a) 1st conviction and the amount of crack possessed exceed 5 grams.***
- (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.***
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram,***

21 U. S. C. 853 (A)(2) AND 881(A) (7)

Forfeiture of personal and real property used to possess or facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment.

21 U. S. C. 861(A) (4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U. S. C. 844a

Civil fine up to \$10,000

21 U. S. C. 853a

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for the first offense, up to 5 years for second and subsequent offenses.

18 U. S. C. 922(q)

Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain Federal licenses and benefits, e.g. pilots licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

NOTE: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

LOCAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A

CONTROLLED SUBSTANCE AND ALCOHOL:

In addition to the aforementioned federal and the following state sanctions, local ordinances generally provide for legal sanctions for unlawful possession or distribution of illicit drugs and alcohol.

STATE OF NEW YORK PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE

BLOOD ALCOHOL LEVEL OF .08 AS PER NEW YORK STATE CODE

1ST OFFENSE: *Imprisonment for not more than 1 year and/or \$350-\$500 fine; suspension of license at least 6 months.*

2ND OFFENSE: *Within 10 years, fine of not less than \$500; 1 year license revocation.*

Disciplinary Sanctions of Drug and Alcohol Policy

Using procedures in the New York School of Esthetics Rules and Regulations, students violating the prohibition of these substances face disciplinary sanctions up to and including dismissal.

Sex Offender Registration Policy

The federal Campus Crimes Prevention Act (section 1601 of Public Law 106-386) requires institution of higher education to issue a statement advising the school community how to access information concerning registered sex offenders in New York. Information on New York Sex Offenders can be obtained by visiting <http://criminaljustice.state.ny.us/nsor/> and by calling 518-457-5837 or 800-262-3257.

Sex Offense Policy

Sexual Offense Policy and Procedures

The New York School of Esthetics is committed to providing and maintaining a healthy learning and working environment for all students, staff and faculty members. It is important that all students are aware of and protect their rights in the school community.

The New York School of Esthetics, through the Campus Awareness Security Act of 1990, will uniformly and consistently report all criminal sexual offenses occurring on school property and reported to New York School of Esthetics to the proper local police department.

The New York School of Esthetics will not tolerate assault and/or intimidating behavior of any kind against any person or group of individuals based on race, gender, sexual orientation, age, national origin, religion, marital status, or disability. New York School of Esthetics will change a victim's academic situation after an alleged sex offense, and the options for those changes are requested by the victim and are reasonably available. The following definitions apply to this.

A sex offense is defined by the FBI Uniform Crime Reporting System as either:

Forcible Sex Offenses: Any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against that person's will where the victim is incapable of giving consent. Includes forcible rape, forcible sodomy, sexual assault with an object, forcible fondling.

Non-forcible Sex Offenses: Unlawful, non-forcible sexual intercourse. Include incest and statutory rape.

Sexual assault is any unwanted physical contact of sexual nature, whether by an acquaintance or by a stranger, that occur without indication of consent of both individuals, or that occurs under threat or coercion. Sexual assault can occur either forcibly and/or against a person's will, or when a person is incapable of giving consent if under 18 years of age; if intoxicated by drugs and/or alcohol; if developmentally disabled; or if temporarily or permanently mentally or physically unable to do so. Sexual assault includes, but is not limited to, rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing for purposes of sexual gratification), or threat of sexual assault.

If you are a person who experienced or thinks they have experienced a sexual offense, the New York School of Esthetics is committed to offering a secure and supportive environment in which to consider all the options that are available to you including (but not limited to), medical attention and evaluation, obtaining information, support and counseling, and/or reporting. It should be noted that some of these options offer confidentiality while other services are required by law to report the sexual offense. A person, who has experienced a sexual offense, whether rape or another unwanted contact, is urged follow the procedure below.

Procedures to Follow if Sexual Assault Occurs:

The victim should get to safety and call the New York School of Esthetics Main Office and/or the local Police Department. Personnel can also assist in notifying the proper authorities.

Evidence should not be destroyed. The victim should refrain from taking a shower, washing hands, or changing clothing. The location where the assault occurred should not be disturbed.

The victim should get immediate medical assistance.

The victim is encouraged to seek support, information, and counseling.

Rape: Rape is considered a crime of violence and aggression, not a sexual act. Victims are generally chosen because they appear vulnerable or defenseless. You can help minimize your risk if you practice the following:

Never walk alone and be aware of your surroundings. Stay alert and show confidence.

Avoid poorly lit doorways or alleys.

Keep all doors locked while alone in a house or automobile.

Do not allow strangers into your home or room.

Physical /Sexual /Verbal Assault

Physical, sexual or verbal assault is strictly prohibited. In general, incidents construed as horse- play or rough- housing will be considered lower level offenses.

Incidents involving sexual assault are serious offenses and disciplinary sanctions, including dismissal, as well as criminal charges of violators may be applicable.

During disciplinary hearings or actions, the accused and the accuser are entitled to the same opportunity to have others present at the proceeding.

Both the accused and the accuser will be notified of the outcome of a disciplinary proceeding.

Definitions of Clery Act Crimes

Types of Offenses

Criminal Homicide:

Murder & Non-Negligent Manslaughter - willful killing of one human being by another.

Negligent Manslaughter - killing of another person through gross negligence.

Sex Offenses:

Forcible Sex Offenses -any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against that person's will where the victim is incapable of giving consent.

Rape - the carnal knowledge of a person.

Sodomy - oral or anal sexual intercourse with another person.

Sexual Assault with an object - the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person.

Fondling - the touching of the private body parts of another person for the purpose of sexual gratification.

Non-Forcible Sex Offenses - are unlawful, non-forcible sexual intercourse.

Incest - sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape - sexual intercourse with a person who is under the statutory age of consent.

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.

Firearm

Knife or cutting instrument

Other dangerous weapon

Strong arm

Aggravated Assault - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

Firearm

Knife or cutting instrument

Dangerous weapons

Hands, fists, feet, etc

Burglary - The unlawful entry into of a structure to commit a felony or a theft.

Forcible Entry

Unlawful Entry - No Force

Attempted Forcible Entry

Motor Vehicle Theft - The theft or attempted theft of a motor vehicle.

Autos

Trucks and Buses

Other vehicles

Arson - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft or personal property of another.

Structural

Mobile

Other

Hate Crimes

Include any of the above crimes that manifest evidence that the victim was intentionally selected because of the perpetrator-bias.

Race

Gender

Religion

Sexual Orientation

Ethnicity/ national Origin

Disability

Larceny-theft

Simple assault

Intimidation

Destruction, damage, or vandalism of property

Arrests and Referrals Disciplinary Action

Illegal weapons possession

Violations of drug laws

Violations of liquor laws

Fire and Evacuation Drills

The New York School of Esthetics holds fire and evacuation drills at the beginning of each class. The drills are under the direction of the school administration.

Exit routes are posted in the corridors.

Preparation and Disclosure

It shall be the responsibility of the school resource officer to prepare and disclose the annual Clery report.

Weapons Policy

Simply put, no prohibited offensive weapons such as those described in the Crimes Code of New York are permitted in the school or upon school grounds.

Exception: Sworn Law Enforcement Officers on Official Duty.

Anyone witnessing or suspecting a violation of this policy should notify a school official or school resource officer immediately.

Protection From Abuse/Restraining Orders

All individuals who have obtained a PFA or Restraining Order and feel it is appropriate should provide the School Resource Officer with a copy of the document which will be maintained in confidence at the Security Office. These copies are destroyed when the time limit expires or the individual requests the document be returned.