

## **Elmira Business Institute**

**Founded 1858**

### **INSTITUTIONAL CERTIFICATION WITH NYS EDUCATION LAW ARTICLE 129-A**

#### **New York State Education Law Article 129-A**

New York State Education Law Article 129-A requires all New York State public and private colleges and universities to maintain policies related to specific provisions of this Article. This Article is comprised of laws which include:

Advisory committee on campus security  
Sexual assault, domestic violence and stalking prevention information  
Campus crime reporting and statistics  
Investigation of violent felony offenses  
Bias related crime prevention information  
Prohibition on the marketing of credit cards  
Notification of fire safety standards and measures in all college-owned or operated housing.

Pursuant to Education Law § 6430, each year, public and private colleges must provide certification to the New York State Education Department Office of Higher Education (NYSED) that the institution is in compliance with all applicable provisions of the Article.

#### **Applicable Laws and Regulations**

##### **Article 129-A - REGULATION BY COLLEGES OF CONDUCT ON CAMPUSES AND OTHER COLLEGE PROPERTY USED FOR EDUCATIONAL PURPOSES**

- 1) 6430 - General provisions.
- 2) 6431 - Advisory committee on campus security.
- 3) 6432 - Sexual assault, domestic violence and stalking prevention information.
- 4) 6433 - Campus crime reporting and statistics.
- 5) 6434 - Investigation of violent felony offenses.
- 6) 6435 - Appointment of private college security officers.
- 7) 6436 - Bias related crime prevention information.
- 8) 6437 - Prohibition on the marketing of credit cards.
- 9) 6438 - Notification of fire safety standards and measures in all college-owned or college-operated housing

## **1) Provisions/Compliance with Article 129-A**

Elmira Business Institute is required to submit actual copies of our policies to demonstrate our compliance, in addition to signing the attestation form, certifying compliance. The last time this occurred was in 2016.

Elmira Business Institute will submit the NYS Certification of Compliance by the due date of September 1, 2016. The college will also conduct an internal audit of compliance by the end of August, 2016. The certification form requires that campus Presidents certify to the New York State Education Department Office of Higher Education that they are in compliance with Article 129-A of the New York State Education Law and its various provisions.

## **2) Advisory Committee on Campus Security**

Brad C. Phillips, President  
Kathleen M. Hamilton, Vice President of Administration  
Lindsay Buell, Compliance Director  
Securitas Security Guards

## **Elmira Business Institute Policy and Procedures**

### **Student Code of Conduct**

#### **Classroom Behavior:**

##### **Conduct**

A student shall not knowingly possess, handle or transmit any object that can reasonably be considered a weapon on campus property or at an EBI sponsored event. This policy includes any weapon, any item being used as a weapon, destructive device, and any facsimile of a weapon or other objects/substances which are a threat to the health and safety of others or is a disruption to the educational process.

##### **Department/Demeanor**

Students are expected to conduct themselves in a mature manner while on the college premises. Inappropriate behavior, including the use of alcohol, illegal drugs, inappropriate language or evidenced cheating, can lead to dismissal. Dismissal can be enacted after only one such incident. The decision to dismiss a student will be that of the Administration. If a student is dismissed for misconduct, re-admittance to the college will take place only after a complete review of the student's record.

#### **Drug and Alcohol Policy:**

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226) and to ensure a drug-free site, the administration establishes the following standards of conduct for students and employees:

- All students and employees are prohibited from the unlawful manufacture, distribution, possession, sale, or use of a controlled substance on campus.
- All students and employees are prohibited from such activity during hours away from campus such that it impairs ability in the classroom or on the job or affects the reputation and integrity of the institution. Students or employees who violate any aspect of this policy are subject to disciplinary action including immediate termination.

**Weapons:**

Any types of weapons are strictly prohibited on campus at all times.

**Miscellaneous:**

Gambling on school premises is not allowed at any time. Alcoholic beverages and/or controlled substances under the public health law, i.e.: dangerous drugs and narcotics, unless prescribed by a licensed physician in original containers, are not permitted on campus. If you leave the school building for your lunch, please gauge your time so you return and report to class promptly. You should not schedule outside appointments that will conflict with your school program. As an EBI student, you agree to the use of your image and/or photograph in any school related advertising or print material now or in the future.

**A violation of any of the above will result in the immediate dismissal from Elmira Business Institute.**

**3) Sexual Assault/Domestic Violence/Stalking Prevention:**

**Sexual Assault Prevention:** Sexual misconduct is not tolerated at EBI. Any form of sexual misconduct (Rape, Sodomy, Sexual Abuse, or Sexual Harassment) is a violation of the New York State Penal Law. A conviction of any of the sexual crimes listed may result in incarceration and/or monetary fine to the perpetrator. Persons who have a complaint filed against them for an incident involving sexual misconduct occurring on campus will be processed in accordance with the adjudication procedures contained in the College's regulations. If an emergency does occur, immediately call 911.

**Domestic Violence Prevention:** According to the New York State Office for the Prevention of Sexual Violence, domestic abuse involves repeated, ongoing, intentional control tactics used by one partner against the other. Those tactics may be physical, sexual, economic, psychological, legal, institutional, or all of the above. Students should be directed to the Campus Director or Dean office who would then refer the student to local community support agencies. Employees should be directed to the Senior Vice President of Administration for a referral to the Employee Assistance Program made available to all employees through Paychex.

**Stalking Prevention:** Stalking is the unwanted pursuit of another person. By its nature, stalking is not a one-time event. The individual's actions must be considered in connection with other actions to determine if someone is being stalked. It includes repeated harassing or threatening behavior toward another person, whether that person is a total stranger, slight acquaintance, current or former intimate partner, or anyone else. Elmira Business Institute encourages students and employees to keep detailed records of incidents as well as alerting EBI administration and campus security. In cases involving an immediate threat or serious injury, victims or witnesses should call local law enforcement (911).

**The Institution's Campus Security Model:** This information is included in our annual Campus Security Report. This report contains information regarding our campus security policies, crime reporting procedures, policies concerning the possession, use or sale of alcoholic beverages and illegal drugs, campus security awareness programs, alcohol and drug abuse programs, sexual assault programs, statistics regarding the on-campus occurrences of specific crimes and statistics concerning the number of arrests for on-campus violations of liquor laws, drug abuse, weapons possessions, murder, sex offenses, aggravated assaults, and burglaries. Prospective students and employees may request a copy of this report from the Office of Student Services.

#### **4) Campus Crime Reporting and Statistics:**

There were no reports of bias related crimes, on campus murders, sex offenses, aggravated assaults, burglaries, and arrests for weapons possession and liquor and drug abuse violations for the school year 2014-2015.

Elmira Business Institute complies with this requirement by submitting a Campus Safety and Security Survey through the Department of Education, on an annual basis.

**5) Investigation of Violent Felony Offenses:** As a requirement of Article 129-A of the New York State Education Law all NYS public, private, community colleges and universities are required to establish policies and procedures for investigating violent felony offenses that were committed on campus. In addition to establishing policies and procedures an investigation of any report received of a missing student who resides on campus must be conducted. The law also requires that the college must collaborate and formulate a plan with local law enforcement agencies. Written agreement with these agencies must also occur, stating that prompt investigation must occur in relation to any violent felony offenses.

If an on-campus violent felony offense occurs, the recipient should notify either the Senior Vice President of Administration, The Campus Director or Dean as well as the Campus Security Officer. The local law enforcement agencies will be contacted and proper procedure will be followed.

**6) Appointment of Private College Security Officers:** In 2014, Elmira Business Institute appointed a College Security Officer at both campus locations. Any crimes/instances should be reported directly to the security official or the local police (911).

**7) Bias Related Crime Prevention:** Bias related crime is not tolerated at EBI. Any form of bias related crime is a violation of the New York State Penal Law. A conviction of any of the bias related crimes listed may result in incarceration and/or monetary fine to the perpetrator. Persons who have a complaint filed against them for an incident involving bias related crime occurring on campus will be processed in accordance with the adjudication procedures contained in the College's regulations. If an emergency does occur, immediately call 911.

## **8) Prohibition on the Marketing of Credit Cards**

New York State Law (Article 129-A, 6437) prohibits the advertising, marketing, or merchandising of credit cards to students on college campuses except pursuant to an official credit card marketing policy. The statute was passed to address an alarming trend in which college students who lack financial management skills are solicited for credit cards on campus and incur significant credit card debt resulting in negative credit histories and sometimes bankruptcy. This policy fulfills The Juilliard School's statutory obligation to adopt an official credit card marketing policy while maintaining the ability of individual colleges to allow credit card marketing on campus under appropriate guidelines. EBI strictly prohibits any type of marketing or solicitation of credit cards to the students and employees of the college.

## **9) Notification of Fire Safety Standards and Measures in all College-Owned or College-Operated Housing**

EBI does not own or operate any type of housing for any students or employees of the college.

## **Website**

Elmira Business Institute Website: [www.ebi.edu](http://www.ebi.edu)