

ELMIRA BUSINESS INSTITUTE POLICY


Sexual misconduct is not tolerated at Elmira Business Institute. Any form of sexual misconduct listed in this pamphlet 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.




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Vestal Campus
Vestal Executive Park
4100 Vestal Road
Vestal, NY 13850

Students First. Careers that Last.

Elmira Business Institute

ELMIRA BUSINESS INSTITUTE

2019-2020

Public Safety #1

Sexual Assault Prevention



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Campus*

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Sexual Assault Prevention

New York State Law, effective September 1991, requires all colleges to provide students with information relating to Sexual Assault Prevention. This information reflects Elmira Business Institute's effort to meet the requirements of this law.

What is Sexual Crime?

Article 130 of the New York State Law, the enforcement segment for sex crimes, defines sexual offenses, lists the sections of the law, and describes the degrees of sex crimes. A copy of Article 130 is available in the Campus Director's office and housed in the EBI library.

Rape

According to New York State Law, if a person engages in nonconsensual intercourse due to physical force, coercion, or threat (actual or implied), the act is considered *rape*. A person who is mentally incapacitated, asleep, unconscious, or physically helpless due to drug or alcohol consumption is considered unable to consent. As stated in Article 130, "sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight. If intercourse takes place without consent, it is considered *rape*. If a person says 'no', regardless of the circumstances, it is not a matter for interpretation. 'No' means no. Sexual intercourse following a spoken 'no,' or any other expression of refusal or demurrals, even without further resistance of any kind, is *rape*, a felony crime in New York State.

Sodomy

If a person engages in nonconsensual deviate sexual intercourse due to physical force, coercion or threat (actual or implied), the act is considered *sodomy* in New York State.

Sexual Abuse

If a person is forced to engage in any form of sexual contact without his or her consent, it is considered *sexual abuse*.

Sexual Harassment

Sexual harassment is a form of sex discrimination and as such is specifically prohibited by Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments Act of 1972. *Sexual harassment* is defined as unwelcome verbal or physical conduct of a sexual nature which has the purpose of effect of interfering with an individual's performance or which creates a hostile or intimidating environment. Examples of *sexual harassment* range from remarks and joking to actual sexual relations.

Rape, Sodomy, Sexual Abuse and Sexual Harassment are against the law and against Elmira Business Institute's rule and policy.

Any form of a sexual harassment is not all right and is completely wrong. Any form of sex against one's will is against the law.

- It is never okay to force yourself on another person.
- A person never owes sexual payment, or deserves sexual assault.
- If you have any doubts about what your partner wants, stop and ask.

Victims: What to do

After an attack, it is extremely important that the victim take appropriate action promptly.

1. Try to be as calm as possible.
2. Get to a safe place.
3. Call for help. Call the police, a friend, or a rape crisis service.
4. Remain in the same condition as when the attacker left. Do not change, wash, or destroy any clothing. Do not wash yourself, douche, or comb your hair.
5. Seek medical attention promptly.
6. Leave the crime scene exactly as it is. Do not touch anything, clean up or throw anything away.
7. Write down as many details about the incident (who, what, where, when, how)