

Manhattan School of Music Annual Campus Security Report 2005

For the period of January 1, 2005 - December 31, 2005

Manhattan School of Music was founded in 1917 by Janet D. Schneck, pianist and philanthropist, as the Neighborhood Music School. It is now the largest private conservatory in the nation offering both classical and jazz training. The School fulfills a major role in society by preparing talented men and women for careers as performing musicians, teachers, administrators, and involved audience members who will keep the legacy of great music alive. From its inception, the welfare of the students, faculty, and staff has been a priority. This report is just a part of the overall plan to keep the conservatory safe.

This report has been developed in order to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (short title: Clery Act). Most of the information provided in this report is required by federal law enacted by Congress and implemented by the United States Department of Education.

What is the Clery Act?

The Clery Act was enacted to insure that colleges and universities make information related to the safety of the institution available to students, parents, faculty, and staff. The Clery Act is named after Jeanne Clery, who was a 19-year-old first-year student at Lehigh University in Pennsylvania in 1986. Her life was cut tragically short by another student, whom she did not know, in her resident hall room. Jeanne Clery's parents, Connie and Howard, led a crusade to change the way institutions of higher education share information about safety and security. The Clerys' hard work resulted in the Campus Security Act, renamed in their daughter's honor as the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act.

Manhattan School of Music's Commitment to Safety and Security

Manhattan School of Music is committed to providing a safe and secure environment for its students, faculty, staff, and guests. This commitment extends to the enforcement of all federal, state, and local laws and regulations and the policies of the institution. This helps to reinforce the safety of the Manhattan School of Music community.

Awareness and Prevention

Manhattan School of Music works as a community to enhance the awareness and prevention of crime. The staff, faculty, and students are encouraged to work with the security staff to take measures to optimize the safety of each person, their possessions, and the entire Manhattan School of Music community. A multi-prong approach is used to enhance safety. First, students, staff, and faculty are educated about the best practices to optimize personal safety; second, opportunities for crime are minimized; third, students, staff and faculty are encouraged to assume responsibility for being observant, reporting problems to the appropriate staff, and taking responsibility for both their own security and the security of others in the Manhattan School of Music community.

Preparing the Annual Crime Report

In order to prepare this report, the Director of Student and Residence Life gathers information and statistics from the Director of Facilities, the Dean of Students, and the Residence Life Director. The Facilities Office compiles the statistics contained in this report based on information reported and

documented at the Security desks. The Dean of Students and designees compile information reported and documented through the administrative and judicial processes. The New York Police Department supplies information about crime occurring in the neighborhoods around Manhattan School of Music as they deem appropriate, but they are unable to break their statistics down to include the crimes occurring only on the portions of Broadway, 122nd St., and Claremont Ave. that surround Manhattan School of Music.

Any questions concerning this report should be directed to the Director of Student and Residence Life.

Security and the Neighborhood

Because Manhattan School of Music is located in New York City, it faces concerns similar to those of other institutions located in major cities. The conservatory is located on the Upper West Side, near Sakura Park, Riverside Park, Grant's Tomb, and the Hudson River. As part of Morningside Heights, Manhattan School of Music has joined with other institutions in the area to form the Morningside Area Alliance. This alliance provides a variety of services, such as mobile patrols of the area around the School. In addition to the alliance, the neighborhood around the School is also served by the 26th precinct of the New York City Police Department. Members of Manhattan School of Music's security staff are situated at the front entrances of both the School and Andersen Residence Hall. They also conduct routine rounds of the buildings to enforce safety and security.

Security and Access to Campus Facilities

There is a security desk at the entrance of the School and the Residence Hall. All students, staff, and faculty must show valid School identification cards to enter the School and must show the Residence Hall Access Card for entry into the residence hall. All guests must sign in and abide by guest policies for each building. Closed-circuit cameras are located at various locations around the campus and are monitored in the Facilities Office and security desks. Emergency phones are located at the security desks, and an intercom system is installed in both buildings. Resident Assistants conduct rounds of Andersen Hall in the evening hours and the security staff conducts rounds routinely throughout the day and night in both buildings.

In the residence hall, students are encouraged to keep their room locked at all times. They must sign in and escort their guest at all times. In both buildings, students are encouraged not to leave valuables unattended.

Security Policies and Procedures

Timely Warnings

The Manhattan School of Music community is kept up to date about safety and security concerns as well as relevant crimes occurring in the area or on campus by a variety of communications.

"Community Alerts" are issued by the local precinct and the Office of Facilities or the Office of Student and Residence Life to alert the MSM community about safety issues and crime occurring in the area. These alerts are posted at the security desks and in some instances in other designated visible areas as appropriate. In addition, meetings with students are held by Resident Assistants and other administrators as appropriate to convey information about prevention and to update students about safety issues or crimes occurring in the area. Student governing bodies such as Student Council and the Resident Community Council are also communicated with to share information about issues related to safety, security, and crime as is appropriate. As appropriate, students are also

notified about crime prevention, safety concerns, crime alerts, or other concerns via memo and/or email from the Dean of Student or other administrator. In extreme situations, the intercom system may be used as well.

Reporting of Crime and Criminal Activities

Anyone who is a survivor of, or witness to crime anywhere on property owned by Manhattan School of Music or on any sidewalk adjacent to Manhattan School of Music is encouraged to report the incident to the security desk in the School or residence hall at the earliest possible opportunity. Survivors of, or witnesses to crime at any other location are encouraged to promptly report any crime to the Security desks, and/or the New York City Police Department promptly. The police can help anyone get assistance and prevent others from becoming crime victims if they are aware of danger. The Office of Student and Residence Life can also help connect individuals to resources and other sources of assistance in New York City.

The campus administration will also receive information about alleged crime and/or policy violations and take appropriate steps to involve the proper authorities. Manhattan School of Music has specific procedures for reporting alleged violations of School policy, as well as state and federal laws and regulations. Students, staff, and faculty involved in sexual harassment or harassment issues should report the incident to the Director of Administration and Human Relations and/ or the Dean of Students. All other incidents should be reported to the Dean of Students, the Director of Student and Residence Life or the Residence Life Director. Incidents occurring during the summer camp or during precollege events are reported to Security and the Dean of the Precollege Division. Incidents involving Embassy CES, Barnard, or New School students in Andersen Hall will be reported to Security, the Director of Facilities, the Residence Life Director and/or to the Administrator at Embassy CES, Barnard, or New School as appropriate.

The judicial process may be used, as appropriate, to research incidents, assess violations, and hold students accountable for violations. The School has policies governing academic progress, standards of conduct, ethics, anti-harassment and nondiscrimination, and many other matters. Some of those policies include provisions for investigations, meetings, and other responses when problems or violations occur. With respect to all matters related to the School and student progress and conduct, assessment and determination of the appropriate course of action is within the discretion of the School's administration. In appropriate cases, the administration may take action without invoking the Campus Judicial Process. Immediate action may be taken involving non-students and guests to escort them out of buildings, ban future entry, or change behavior as deemed appropriate.

Those involved in incidents are invited to talk with support staff in the Office of Student and Residence Life and/or the Andersen Hall Residence Life Office. Referral to psychological counselors in the New York City area is also available.

Student Handbook and Residence Life Handbook

The Student Handbook and the Residence Life Handbook are published annually and contain detailed information about procedures and policies to enhance safety and respectful community living. The Student Handbook is required reading of all students, and all resident students are also required to read the Residence Life Handbook.

Crime and Criminal Threat

Manhattan School of Music does not take lightly acts of criminal intent, threats, or acts of violence against anyone for any reason. This includes hate crimes, forcible and nonforcible sexual assault, or aggressive acts of any kind that might lead to death or either physical or mental harm to another individual. The School has policies against such behavior and will assist authorities to the fullest extent in implementing fair prosecution of criminal acts and threats.

Committing acts of sexual assault will have severe consequences at Manhattan School of Music, including loss of employment and/or expulsion from the School. Sexual assault is a criminal offense that may be prosecuted in a court of law and is punishable by prison sentence. Whether or not legal charges are filed, students accused of sexual abuse or assault are subject to disciplinary actions through the School's sexual harassment and/or disciplinary systems. These actions may include dismissal, expulsion, suspension, probation, or other sanctions deemed appropriate.

What To Do If Sexually Assaulted

Reporting Procedure

During weekday office hours, individuals are encouraged to report sexual assaults of any nature to the Dean of Students, Director of Student and Residence Life, Residence Life Director, or Director of Administration and Human Relations. During other hours, individuals are encouraged to call Security and the New York City Police Department at 911. Anyone who reports an assault to police may have a member of the Special Victims Squad speak with them.

Support for Survivors of Sexual Assault

After reporting an assault, individuals are encouraged to seek supportive assistance immediately. Some of the support services available include:

1. Individuals who believe that they have been sexually assaulted can get support from St. Luke's Crime Victims Services Center (523-4728). The Center provides counseling for rape survivors.
2. Get help from a friend.
3. Call the NYPD (our district is the 26th precinct, 678-1311) or the Morningside Area Patrol (222-7121).
4. Call the Resident Assistant and the Residence Life Director if living or visiting the residence hall.
5. Call and seek support from Manhattan School of Music staff, especially the Office of Student and Residence Life staff, the Andersen Hall Residence Life Staff, and the Dean of Students.
6. A counselor is available one day a week on campus and a list of counselors is available in the Office of Student and Residence Life Office.
7. The Riverside Counseling Center can be reached at (212) 870-6700. The center provides quality counseling at reasonable rates and is located near the School.

Recommendations for Survivors

Those working with sexual assault survivors advise that victims do not shower, change clothes, or disturb the scene of attack. It is important to preserve evidence. If survivors prefer to change clothes, they are encouraged to place all clothing they were wearing at the time of the assault in a clean paper bag.

Assurance of Certain Basic Rights for Sexual Assault Survivors

When a sexual assault is reported to Manhattan School of Music officials: 1) the survivor's identity will be kept confidential, subject to any applicable reporting requirements under the law; 2) the School will aid the survivor in securing transportation for medical assistance if necessary; and 3) if requested, someone will accompany the survivor to the police or court proceedings at his/her request. When a survivor reports a sexual assault to the police, a member of the Special Victims Squad will speak to the survivor. It will be the decision of the survivor whether or not to sign an official complaint.

Persons who believe they have been sexually assaulted or harassed can also see the Dean of Students, Director of Student and Residence Life, or Director of Human Relations and Administration if they simply wish to assess, in a confidential manner (subject to any applicable reporting requirements under law), their options under law and under school policy. The applicable laws, ordinances, and regulations on sex offenses are included in this report.

Megan's Law and Manhattan School of Music

Information about registered sex offenders on campus can be obtained at the 26th precinct of the New York City police department. The Community Affairs Officer can be reached at 212 678-1330.

Sexual Offenders Identification Policy

Registered sex offenders must identify themselves to the Office of Human Relations and Administration, the Admissions office, Dean of Students' office, and the 26th Precinct before visiting any Manhattan School of Music institutional events or buildings. In addition, anyone applying for enrollment or a position on campus must self identify as a sex offender and register with all the appropriate and required authorities including the 26th precinct and Manhattan School of Music.

The FERPA amendment makes it clear that FERPA does not prevent educational institutions from disclosing information about registered sex offenders enrollment or employment at institutions of higher education.

Manhattan School of Music, in compliance with the Campus Sex Crimes Prevention Act, makes the following information available to the university community in order to afford the community with the opportunity to be aware of the condition of their environment concerning known sex offenders. This information is not to be used in any other fashion or for any other purpose. The Campus Sex Crimes Prevention Act description is listed below.

The Campus Sex Crimes Prevention Act, CSCPA, supplemented the Wetterling Act's general standards for sex offender registration and community notification programs by enacting provisions that are more specifically designed to ensure that the members of campus communities have information available concerning the presence of registered sex offenders.

Manhattan School of Music will work with the 26th Precinct New York City Police Department to appropriately deal with situations related to registered sex offenders. Information about registered sex offenders can be obtained by the computer network address listed below.

The link regarding student notification of registered sex offenders is:

<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht10-24-02.html>

New York State's Web site for registered sex offenders is:

<http://criminaljustice.state.ny.us/nsor/>

This site contains the New York State Sex Offender Registry information center and the following information is quoted from the site.

“The Sex Offender Registration Act, New York’s version of Megan’s Law, was signed by Governor George E. Pataki in July 1995 and became effective on January 21, 1996. The text of the statute is contained in Correction Law Article 6-C (Section 168 et seq.).

Registered sex offenders in New York are classified by the risk of reoffense. A court determines whether an offender is a level 1 (low risk), 2 (moderate risk) or 3 (high risk). The court also determines whether an offender should be given the designation of a sexual predator, sexually violent offender, or predicate sex offender. Sex offenders registered on or after March 11, 2002 register for a minimum of 10 years unless they have been given a designation. If they have been given a designation, they register for life. Level 1 and 2 sex offenders registered prior to March 11, 2002 register for 10 years while level 3 offenders register for life.

There are four ways to obtain information about sex offenders in New York State:

1. You can call 1-800-262-3257 to determine if someone is on the Registry. You will need the name of the offender and one of the following: an exact address, a complete date of birth, a driver’s license number or a social security number.
2. You can access the Subdirectory of Level 3 Sex Offenders on the web site by clicking on the “Search for Level 3 Sex Offenders” button. You can search for level 3 offenders by name, county or zip code. Please note that a federal court injunction currently prohibits the release of information on this Web site concerning sex offenders who committed their crime prior to January 21, 1996 and were assigned a risk level prior to January 1, 2000.
3. The local law enforcement agency where the offender currently resides, can, if it chooses, release information on sex offenders residing in the community to “entities with vulnerable populations related to the nature of the offense”. The law enforcement agency can only release information on level 2 and level 3 offenders through this method. Also, while the exact address of level 3 offenders can be provided, the law provides that only an approximate address based on zip code can be provided for level 2 offenders. Please note that a federal court injunction currently prohibits the release of information through this method concerning sex offenders who committed their crime prior to January 21, 1996 and were assigned a risk level prior to January 1, 2000.

4. Each local law enforcement agency receives from the New York State Division of Criminal Justice Services a copy (electronically or on a CD ROM) of the Subdirectory of Level 3 Sex Offenders, which is maintained on this site. Local law enforcement is required to maintain the Subdirectory for the public to view upon request.”

(Information provided by: NYS Division of Criminal Justice Services, 2004).

Violation of Public Laws and Serious Criminal Offenses

The School reserves the right to take appropriate disciplinary action against students convicted of violations of public laws on and off campus. Students accused of serious criminal offenses on or off campus shall be subject to School disciplinary action, including interim suspension, pending review and determination by the School’s administration. Serious criminal offenses shall include behavior, which (a) is defined as a felony under New York law, and (b) indicates that the student constitutes a substantial danger to the safety of property of the School or members of the campus community. The School reserves the right to take action prior to the disposition of any action that may result from criminal proceedings.

Violence to Persons, Investigation of Violent Felony Offenses

The School will not tolerate acts of violence to other persons by individuals or groups. Actions with reckless disregard for human life and safety or any act which places a person in fear or which has the effect of harassing or intimidating a person will not be tolerated. At the discretion of the School’s administration, a sanction of suspension or expulsion may be imposed on a student found by the School to have committed such a violation on or off campus.

Investigation of Violent Felony Offenses and Missing Persons

Manhattan School of Music works closely with the New York City 26th Precinct to investigate alleged violent felony offenses occurring at the School. There will be a coordinated effort to investigate alleged crimes and share information as appropriate. There will be a prompt investigation of all reports of violent felony offenses, including missing students.

When students are reported missing, a prompt investigation of missing students will ensue.

The security staff will work with the Office of Student and Residence Life or precollege staff, as appropriate, to conduct an internal investigation about the student and his/her whereabouts. Often, friends and teachers of students provide helpful information that locates students. If a student is still missing after following internal leads and procedures, or if a situation does not appear appropriate, the local law enforcement agency will be contacted in a timely fashion for assistance.

Weapons and Explosives

Possession or use of firearms or potentially dangerous weapons or explosives is not permitted on Manhattan School of Music property. Any potentially dangerous weapon, including but not limited to a rifle, pistol, hunting knife, bowie knife, switchblade knife, penknife with a blade exceeding three inches, a sand club, blackjack, brass knuckles, straight razor, martial arts weapons, live ammunition, paintball gun, or any other weapon considered illegal by the State of New York is not permitted. Fireworks are considered explosive devices and are also not permitted on campus.

Drug and Alcohol Policies

Manhattan School of Music is committed to maintaining a drug-free school and workplace. The School is dedicated to excellence in musical performance and academic achievement; and to promote this goal, the School requires that faculty, staff, and students maintain the highest standards of personal and professional conduct. The illegal or abusive use of drugs and alcohol by members of the community adversely affects the quality of campus life and the mission of the institution and is therefore prohibited.

The unlawful manufacture, distribution, dispensing, possession, solicitation, or uses of illegal drugs or alcohol are prohibited at all times in the School and in the course of any School- or work-related activity. Employees and students are prohibited from appearing on School premises or property owned or leased by the institution while intoxicated or impaired by the use of alcohol or illegal drugs. This prohibition includes, consistent with New York State law, the consumption of alcohol by individuals under 21 years of age, and the knowing distribution of alcohol to individuals under 21 years of age. In accordance with the Drug-Free Schools and Communities Act, and with the safety and well-being of members of our community in mind, Manhattan School of Music has established guidelines for dealing with the issues of alcohol and drug use.

Manhattan School of Music expects all staff and faculty members and students to become familiar with the law and school policy and the penalties and risks that can result from violations. The law places major responsibility and liability on both the person who serves and the person who buys the alcohol. Included in these laws are those that govern driving under the influence of alcohol, purchasing alcohol by and for persons under the legal drinking age, and serving alcohol to persons who are either underage or intoxicated. Persons who unlawfully furnish alcoholic beverages to students who are not of legal drinking age shall be in violation of School policy and subject to disciplinary action and may be liable for personal injuries or property damages resulting from misconduct committed by underage intoxicated students.

Students living in Andersen Residence Hall and their guests must also abide by policies stated in the Residence Life Handbook.

Institutional and Legal Sanctions

Disciplinary sanctions for violation of the Drug and Alcohol Policy that may be imposed on students include disciplinary warning, suspension of privileges, restitution, relocation, residence hall fine, disciplinary probation, community service, removal from residential facilities, suspension, dismissal, or expulsion. (NOTE: Students on disciplinary probation or more serious sanction are not eligible for Manhattan School Music scholarships).

An employee found engaging in any of the above offenses will be subject to disciplinary actions, up to and including termination.

The institution will also consider as a possible sanction referral of the matter to law enforcement, which may result in criminal prosecution. The penalty imposed as a result of criminal prosecution depends on many factors, including the type and amount of controlled substance involved, the number of prior offenses, if any, and whether any other crimes were committed in connection with the use of the controlled substance. Possible sanctions include incarceration and imposition of substantial monetary fines.

Legal Sanctions for Sexual Assault

Under New York Law, depending on the severity of the offense, sexual abuse, aggravated sexual misconduct, or any of the three degrees of rape may be punishable by a prison sentence of up to 25 years and/or a fine of up to \$5,000.

Any internal investigations and disciplinary matters related to sexual assault will be handled by Administration under the provisions regarding complaints, investigations, and discipline in the antiharrassment policy as stated in the Student Handbook.

New York State Sex Offense Law

The following chart highlights some of the applicable New York State laws with their corresponding minimum and maximum sentencing requirements for different sexual offences.

<u>Offense</u>	<u>Section</u>	<u>Type</u>
Class B Violent Felony 130.35 <u>Minimum sentence/imprisonment</u> At least 1/3 maximum authorized sentence		Rape in the First Degree <u>Maximum sentence/imprisonment</u> 6–25 years
New York State Sex Offense Law		
<u>Offense</u>	<u>Section</u>	<u>Type</u>
Class B Violent Felony <u>Minimum sentence/imprisonment</u> At least 1/3 maximum authorized sentence	130.50	Sodomy in the first degree <u>Maximum sentence/imprisonment</u> 6–25 years
Class B Violent Felony <u>Minimum sentence/imprisonment</u> At least 1/3 maximum authorized sentence	130.70	Aggravated sexual abuse in the first degree <u>Maximum sentence/imprisonment</u> 6–25 years
Class C violent felony <u>Minimum sentence/imprisonment</u> At least 1/3 maximum authorized sentence	130.67	Aggravated sexual abuse in the second degree <u>Maximum sentence/imprisonment</u> 4 1/2–15 years
Class D violent felony <u>Minimum sentence/imprisonment</u> 1 to 2 1/3 years	130.65	Sexual abuse in the first degree <u>Maximum sentence/imprisonment</u> 1 year or less, or 3–7 years
Class D felony <u>Minimum sentence/imprisonment</u> 1 to 2 1/3 years	130.30	Rape in the second degree <u>Maximum sentence/imprisonment</u> 1 year or less, or 3–7 years
Class D felony <u>Minimum sentence/imprisonment</u> 1 to 2 1/3 years	130.45	Sodomy in the second degree <u>Maximum sentence/imprisonment</u> 1 year or less, or 3–7 years

New York State Sex Offense Law
Offense

Section

Type

Class E felony 130.25 <u>Minimum sentence/imprisonment</u> At least one year, must not exceed 1/3 maximum authorized sentence	Rape in the third degree <u>Maximum sentence/imprisonment</u> 3–4 years
Class E felony 130.40 <u>Minimum sentence/imprisonment</u> At least one year, must not exceed 1/3 maximum authorized sentence	Sodomy in the third degree <u>Maximum sentence/imprisonment</u> 3–4 years
Class A misdemeanor 130.20 <u>Minimum sentence/imprisonment</u> None listed	Sexual misconduct <u>Maximum sentence/imprisonment</u> up to 1 year
Class A misdemeanor 130.60 <u>Minimum sentence/imprisonment</u> None listed	Sexual abuse in the second degree <u>Maximum sentence/imprisonment</u> up to 1 year
Class B misdemeanor 130.55 <u>Minimum sentence/imprisonment</u> None listed	Sexual abuse in the third degree <u>Maximum sentence/imprisonment</u> up to 3 months

Arrests

Crime	Arrests on Campus			Arrests on campus residence halls		
	2003	2004	2005	2003	2004	2005
Illegal weapons possession	0	0	0	0	0	0
Drug law violations	0	0	0	0	1	0
Liquor Law violations	0	0	0	0	0	0

Disciplinary Actions

Number of people referred for disciplinary action

Crime	On Campus		
	2003	2004	2005
Illegal weapons possession	0	0	0

Drug law violations	0	0	3
Liquor Law violations	9	8	20