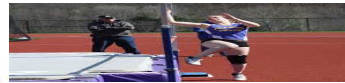
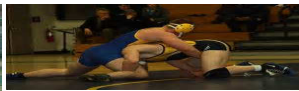


SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering



SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- **SUNY Alfred State University Police Department snapshot:**
- Full-service, armed, state-accredited police department, under the command of Chief of Police Les Kachurek.
- Complete authority to enforce all federal, state, and local laws, as well as administrative behavioral codes of the College.
- On-duty 24 hours-a-day, 7-days-a-week, 365 days-a-year.
- Headquarters: Theta Gamma House.
- Telephone: 607-587-3999.
- Fax: 607-587-3991.
- E-mail: universitypolice@alfredstate.edu



SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- **Why are University Police facilitating this discussion?**
- After all, police are enforcement-oriented.
- Police are concerned with making arrests.
- Police issue traffic tickets.
- Police ticket illegally parked motor vehicles on campus.
- Police search residence halls and motor vehicles.
- Police seize contraband.
- Police sometimes remove disorderly guests from campus.
- Police refer violations of the Student Code of Conduct to Judicial Affairs for potential redress.
- **RIGHT?**



SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Truth be told, while University Police are sometimes forced to do all of those things, we'd prefer not to do any of those things.
- Our formal mission, or what we strive to accomplish, is as follows:
- **The mission of the University Police Department is to maintain a safe environment that allows the greater mission of Alfred State College to succeed. University Police staff will be models of professionalism. The focus of the department and its resources will remain on the protection of campus community members' lives, property, and rights. University Police will also develop and participate in prevention and educational-based programming activities in order to become an integral component of the college's learning environment.**
- UPD Mission Statement Courtesy of former UPD Chief Greg Sammons, 2012.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Our vision, or how we accomplish our mission, is as follows:
- **United in a spirit of teamwork, driven by the relentless pursuit of excellence, and with an unwavering personal commitment to our core values, the University Police Department will be an open, friendly, and people-centered organization devoted to quality customer service, unyielding in purpose and dedicated to live by principles reflecting a genuine desire to care for the safety and well-being of the campus community, while allowing the greater mission of Alfred State College to succeed.**
- UPD Vision Statement courtesy of Les Kachurek, Chief of University Police, 2013.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Our core values are the foundation of who we are and everything we do.
- Unified in spirit and purpose, we, the dedicated professionals of the University Police Department, hold and model the following core values:
- **Human Life;**
- We value human life and dignity, as guaranteed by the Constitution.
- **Integrity;**
- We believe integrity is the basis for constituent trust.
- **Laws and Constitution;**
- We support the principles embodied in the Constitution of the United States.
- SUNY ASC UPD Core Values Courtesy of Les Kachurek, Chief of University Police, 2013.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Unified in spirit and purpose, we, the dedicated professionals of the University Police Department, hold and model the following core values:
- **Excellence;**
- We relentlessly strive for personal and professional excellence.
- **Accountability;**
- We are personally accountable to each other and the stakeholders we serve.
- **Community Partnership;**
- We are committed to community policing as a philosophy, not merely a program or initiative.
- SUNY ASC UPD Core Values Courtesy of Les Kachurek, Chief of University Police, 2013.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Ultimately, we are Pioneers, too.
- We are your fans and supporters.
- We want your overall experience at Alfred State College to be safe, enjoyable, and edifying.
- Therefore, we hope you agree that avoiding situations that could compromise your athletic and academic careers is a main priority.
- One of the best methods of avoiding risky behaviors and dynamics is through risk management, or judiciously perceiving, analyzing, assessing, and mitigating potentially risky situations.
- Fortunately, identifiable or quantifiable risks, are avoidable risks.
- We are going to partner with you today and help you become impervious to risky behaviors and the multitude of consequences associated with those behaviors.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- **Learning Outcomes – [8]**

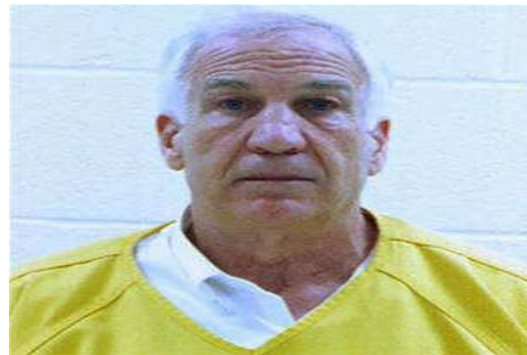
- At the conclusion of the interactive lecture and slideshow, or if accomplished as self-study, each student-athlete and campus security authority will, with or without referencing any personal notes, orally articulate the following:
 - Three forms of sexual discrimination specifically prohibited by Title IX of the Educational Amendments Act of 1972.
 - The definition of campus security authorities, as delineated in the Clery Act; two examples of campus security authorities; and the principle responsibility of campus security authorities.
 - The basic tenets of risk management and one potential proactive application by student-athletes in the university setting.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- **Learning Outcomes – Continued...**

- The obligation of motorists under NY State's Implied Consent Law; and the consequence for violating it.
- The common denominator in all arrests of collegiate and professional athletes.
- Three of the many factors or circumstances prohibiting individuals from consenting to sexual relations; and the obligation of individuals engaging in consensual sexual relations, when such consent is revoked.
- The two types of contraband invoking presumptive proof of possession by all occupants in motor vehicles.
- Three of the levels of administrative redress potentially facing student-athletes for violating ASC's Student Code of Conduct; and the administrative threshold required for disciplinary action.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering



SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- As of 01/30/2013, Penn State University incurred more than \$199 million dollars in fines, legal fees, consulting costs, civil suit settlements, and bowl game forfeitures.
- This punitive action resulted from mishandled sexual assault investigations, as well as non-compliance with Clery and Title IX mandates. Yes, \$199 million dollars! This does not include penalties that will certainly be assessed by the U.S. Department of Education, following the completed Clery Audit.
- The common denominator in the Penn State debacle was a systemic failure of CSAs to fulfill their obligations as mandatory reporters, under Clery and Title IX.
- \$199 million dollars!
- And, several CSAs are facing felony criminal charges.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Other Colleges and universities are also garnering unwanted headlines.
- Five Pennsylvania colleges are among the 55 being investigated by the U.S. Department of Education's Office for Civil Rights, for possible violations of federal law over the handling of sexual violence and harassment complaints.
- The schools are Princeton University, Franklin and Marshall College, Pennsylvania State University, Swarthmore College, and Temple University.
- The Department of Education is calling this list the "first comprehensive look" at which campuses are under review for violations concerning sexual violence.
- The Department of Education will not disclose any case-specific facts or details about the institutions under investigation. The list includes investigations opened because of complaints received by OCR and those initiated by OCR as compliance reviews.

• Source: Jared Shelly, Philadelphia Business Review, 05/03/2014

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- SUNY institutions are also not exempt from federal scrutiny.
- A recent SUNY-wide audit by the U.S. Justice Department's Office of Civil Rights mandated a more comprehensive approach and response to Title IX complaints and investigations.
- Thus, Alfred State has created and implemented a multifaceted approach, including appointing a Title IX Bias Response Committee, new Title IX coordinator, and a cadre of Deputy Title IX coordinators.
- Moreover, the Committee has implemented a social norming saturation campaign, designed to educate students and other stakeholders, mitigate high-risk behaviors, and maintain a safe, discrimination free environment that allows the greater mission of Alfred State College to succeed.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- This approach includes educating campus security authorities about their responsibilities as delineated under the Clery Act and Title IX.
- Title IX of the Educational Amendments Act of 1972 provides that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal assistance.”
- Title IX prohibits sex discrimination in educational programs and activities. Sex discrimination includes all forms of sexual harassment, including verbal sexual harassment and sexual violence by employees, students, or third-parties against employees, students, or third-parties. [Obj. 1]

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Sexual violence is a form of harassment. Sexual violence comprises physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes conduct commonly known as rape, sexual assault, and sexual coercion.
- Alfred State College is legally-bound to respond to complaints of sexual harassment and sexual violence in a manner that limits its effects and prevents its recurrence.

The screenshot shows the Alfred State University website. The header includes the logo 'Alfred State SUNY College of Technology' and the slogan 'Hit the ground running... Alfred'. A navigation bar contains links for Webmail, BannerWeb, Blackboard, Events, Map Works, and Suggestion Box. The main content area is titled 'Sexual Misconduct Policies and Procedures' and contains the following text:

If you are a victim of sexual assault, you have the right to assistance. You may request an advocate twenty-four hours a day by contacting University Police at (607) 587-3999, or in-person at the ITheta Gamma House. While this service is activated through University Police, you will not have to speak to the police about the incident or answer questions unless you choose to do so.

Disciplinary Charges, Procedures, Hearings & Appeals Regarding Sexual Misconduct

- Pre-Disciplinary Hearing Information & Procedures
- Rights of the Complainant and Respondent
- Size and Composition of Specialized Panels
- Definitions of Sexual Misconduct
- Sanctions
- Limited Immunity for Victims

Pre-Disciplinary Hearing Information & Procedures Off Campus Complaints

Alfred State College takes judicial jurisdiction, to the extent practical and possible, over all sexual misconduct cases as long as the person being charged is a student, regardless of the enrollment status of the alleged victim.

The College will also take judicial jurisdiction, to the extent practical and possible, over all sexual misconduct cases that occur off-campus, if the person being charged and the alleged victim is a student and the impact of the assault is likely to have a substantial effect on the alleged victim's on-campus life and activities, or if the incident poses a threat or danger.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Campus security authorities play an integral role in Title IX and Clery compliance.
- “Campus Security Authorities” are officials of institutions of higher-learning who have significant responsibility for student and campus activities, including, but not limited to: student housing, athletics, student discipline, and campus judicial proceedings. [Obj. 2]
- Hence, Alfred State’s Athletic Director, Assistant Athletic Director, athletic coaches, and assistant coaches are campus security authorities. [Obj. 2] Therefore, under the Clery Act, they possess the authority and the duty to take action or respond to particular issues on behalf of the institution.
- Thus, all campus security authorities, including Athletic Directors and all coaches, as mandatory reporters, are bound to the ‘Due Care’ standard of conduct.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Due Care is a tort law term. When applied to practitioners in the college and university setting, it means, 'the standard of care owed to others; considering legal authority; legal obligations; and totality of resources.'
- Most often, it has a negative connotation:
- Negligence in Due Care; failure to perceive and/or act, concerning a particular risk, resulting in a negative outcome.
- Recklessness in Due Care; perceiving the risk, but choosing to ignore it; or acting improperly, resulting in a negative outcome.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Due Care is a dramatically higher standard than Ordinary Care, which refers to, 'the care a reasonable person would provide under the circumstances.'
- Ordinary Care is the standard lay persons are obligated to observe.
- Practitioners, including CSAs, by virtue of their professional title, job description, training, and resources – can never assert Ordinary Care – as a defense against any administrative, civil, or criminal allegation.
- With respect to Clery mandates, college and university practitioners, including campus security authorities, are always duty-bound to the Due Care standard.
- The systemic failure of campus security authorities at Penn State to fulfill their legal and moral obligations was the driving force behind the ignominious criminal acts committed by Defensive Coordinator Jerry Sandusky – period!

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- In accordance with Clery mandates, campus security authorities are not obligated to count or classify crimes. University Police do that.
- CSAs merely need to report crimes. [Obj.2]
- Third-Party reporting should be used to alert University Police of applicable incidents which CSAs believe were not previously reported to the College.
- CSAs observing any reportable crime, or if any person reveals that he/she was the victim of, perpetrator of, or witness to any reportable crime, immediately complete a Third-Party Report form and, as indicated on the bottom of the form, send copies to the University Police Department.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Clery mandates reporting of the following offenses:
- Murder.
- Robbery.
- Assault.
- Burglary.
- Motor vehicle theft.
- Weapons law violations.
- Drug and liquor law violations; (both arrests and referrals.)
- Forcible & Non-forcible sex offenses.
- Hate crimes.



SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Overview of the Clery Act:
- Signed into law in 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a federal law that requires colleges and universities to disclose information about campus crime activity and security policies in an annual report. The Clery Act also requires that campuses make “timely warnings” to campus community members about specific types of criminal activity when an ongoing threat to persons is believed to exist.
- Information disseminated in accord with Clery Act guidelines serves to inform the personal safety and college selection decisions of current and prospective campus community members. All post-secondary public and private institutions participating in federal student aid programs must adhere to Clery regulations.
- The Clery Act was championed by Howard & Connie Clery after their daughter, Jeanne, was murdered at Lehigh University in 1986.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- The Clery Act, since its inception, has continually evolved.
- While magnanimous, it is also bureaucratic, convoluted, and often, conflated.
- It is enforced by The U.S. Department of Education.
- It impacts every college that offers federal financial aid.
- It requires that campuses collect and report the previous three years of crime statistics.
- It is becoming increasingly complex and the fines are dramatically increasing.
- For example, on 03/07/13, The Violence Against Women Reauthorization Act [VAWA] was signed by President Obama. It imposes new requirements for institutions of higher education under the Campus Sexual Violence Act [SAVE.]

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Effective March 7, 2014, colleges and universities will be required to report incidents of domestic violence, dating violence, and stalking if these incidents were reported to a campus security authority or local police agency. The [SAVE Act] also adds “national origin” and “gender identity” to the Clery hate crimes categories.
- Although no official instructions on how to implement this law have been issued to date, the rulemaking process is fluid. Moreover, all Institutions are expected to make a good-faith effort to comply with statutory requirements in accordance with the statutory effective date. The Department expects that institutions will exercise their best efforts to include statistics for the new crime categories for calendar year 2013 in the Annual Security Report due in October 2014.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Title IX, Clery, VAWA, and SAVE are not mutually-exclusive.
- They are mutually-inclusive, as they interface across the spectrum.
- Thus, if compliance is lacking in one, compliance is likely lacking elsewhere.

- **Questions?**

- **Comments...**

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Remember, risk management entails identifying or quantifying risks, in order to avoid risky behaviors, negative outcomes, and individual consequences. [Obj.3]
- For example, you would not insert your hand into a campfire. Obviously, doing so would result in serious physical injury, pain, scarring, the need for immediate and follow-up medical treatment, the inability to participate in athletic competition, and an overall reduction in quality-of-life.
- Risk assessment and management is truly that simple.
- Students, including student-athletes, sometimes engage in risky behaviors, experience negative outcomes, and suffer consequences because of a failure to properly perceive, identify, manage, or avoid potential risks.
- If you have to ask yourself if it's a good idea say something, do something, or go somewhere, the answer is usually a resounding **no!**

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Common behaviors that have been problematic for students, including student-athletes, include:
- Underage possession and consumption of alcoholic beverages, including purchasing or providing alcoholic beverages to underage individuals.
- Those over the age of 21 years, but consuming too many alcoholic beverages; or possessing open containers of alcoholic beverages in public places; or possessing open containers of alcoholic beverages inside of parked or moving motor vehicles.
- Driving or operating motor vehicles while under the influence of alcoholic beverages or other intoxicants, including certain prescription medications.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Facts about consumption of alcoholic beverages:
- A person weighing 200 lbs. or less, consuming two alcoholic beverages within one hour, with food, would most likely meet the blood alcohol threshold of .08%.
- If driving or operating a motor vehicle with a blood alcohol level of .08%, the individual would be legally intoxicated, and subject to arrest for DWI.
- The alcoholic beverage of choice is moot; beer; wine; mixed drinks; shots; and frozen drinks contain the same amounts of alcohol.
- New York State's Implied Consent Law means, that upon request of a police officer, motorists must submit to a chemical test to determine their blood alcohol content.
[Obj. 4] Failure to do so results in an automatic revocation of one's driver's license for one year. NY has reciprocal agreements with the other 49 states and all Canadian provinces. Thus, driver's licenses issued elsewhere will also be revoked. [Obj. 4]

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- The average DWI arrest costs \$10,000.00 to defend, not including the adverse impact to one's auto insurance, over the next decade.
- Nationwide, alcohol consumption is a factor in 47% of all fatal auto accidents; 41% of all accidents resulting in serious injuries, and 29% of all property damage auto accidents.
- Furthermore, annually, statewide, alcohol consumption is a factor in 57% of the 450,000 domestic-related incidents investigated by police.
- NYS Law, UPD policy, Title IX mandates, and Clery requirements have removed all police discretion. Therefore, all domestic incidents reported to police, will be documented on a NY State Domestic Violence Incident Report, which enters offenders into a statewide database. Moreover, in all instances where probable cause exists that a domestic-related offense has occurred, University Police must effect an arrest. Furthermore, defendants facing DV-related charges are ineligible for pre-arraignment bail.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Josh Brent, a defensive tackle for the NFL's Dallas Cowboys, was convicted of Second Degree Intoxication Murder, for the fatal motor vehicle accident that killed teammate Jerry Brown.
- Brent was sentenced to 180 days in jail and 10 years probation.
- Terms of his probation include: abstinence from alcoholic beverages and drugs; random alcohol and drug testing; maintaining gainful employment – even though his professional football career may have effectively ended; and myriad community service activities, stipulating to the detriments of drunk driving.
- He is also facing a \$50 million dollar wrongful death civil lawsuit.
- Did Josh Brent have other options?
- **Could this tragedy have been avoided through risk assessment and risk management?**

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering



SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Former Cincinnati Bengals wide receiver Cris Henry was suspended by the NFL on four occasions: drunk driving; driving with a driver's license revoked for drunk driving; and on two occasions for testing positive for marijuana.
- Tragically, while sidelined with a broken wrist during the team's bye week, Henry became involved in a domestic-related dispute with his girlfriend and mother of his three children. When she attempted to leave in her motor vehicle, he attempted to stop her, by jumping onto the exterior of the pickup truck. After several blocks of traveling at high-speeds, Henry fell onto the roadway, struck his head on the pavement, and subsequently died from his injuries.
- Toxicology results indicated that Henry was under the influence of alcoholic beverages at the time of the accident. Did Cris Henry have other options?
- **Could this tragedy have been avoided through risk assessment and risk management?**

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering



SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Jim Irsay is the multi-millionaire owner of the NFL's Indianapolis Colts.
- He was arrested and charged with numerous felony counts of Illegal Possession of Prescription Drugs, as well as Driving While Ability Impaired by Drugs and Alcohol.
- Irsay did not have prescriptions for the medications. Moreover, he was in a high-crime area, and was in possession of more than \$60,000.00 dollars in cash.
- Being arrested was not the worst thing that could have happened to Irsay. However, he is facing adjudication through the criminal justice system, as well as punishment from the commissioner of the NFL.
- **Could this embarrassing, costly situation have been avoided through risk assessment and risk management?**

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering



SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- There have been so many more shattered lives, devastated families, and promising athletic careers ruined – because those with so much failed to adhere to the tenets of risk management.
- Once again, identifiable risks, are avoidable risks. You would not play Russian Roulette, due to having identified the highly-probable risk of death by gunshot.
- Quantifiable risks, or those conducive to mathematical or statistical analysis, are avoidable risks. Statistically speaking, the first person using a six-shot revolver in a game of Russian Roulette, has a one-in-six, or 16.75% chance of sustaining a fatal gunshot wound.
- You simply would not take that risk. However, some athletes and coaches, routinely take similar, even more egregious risks.
- Don't take my word for it.
- **See for yourselves...**

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering



SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- They represent all collegiate and professional sports.
- They represent every race and ethnicity, as well as both genders.
- They come from diverse socioeconomic backgrounds.
- Their transgressions are as diverse as they are.
- The consequences to their victims and themselves cover the entire spectrum. In fact, if convicted of the charges he is facing, former New England Patriots Pro Bowl tight end Aaron Hernandez will likely face the death penalty.
- The one commonality is that they all failed to properly assess risks. Therefore, they failed to avoid risks, ultimately falling prey to risky behavior. [Obj.5]
- They failed to trust their instincts.
- They failed to listen to that little voice that we all have.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- The SUNY Alfred State University Police Department is personally committed to the success of all Alfred State students, including student-athletes.
- Therefore, student-athletes, like every other student, employee, and visitor to our campus will receive fair, impartial, professional, unbiased, values-driven police service.
- However, student-athletes, by virtue of their athletic stature, will never receive preferential treatment from University Police.
- Never, under any circumstances.
- It does not matter who you are, how athletically gifted you may be, or how important you are to your respective team.
- It is inconsequential who asks or attempts to intervene on your behalf.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Thus, in order to avoid risky behaviors and corresponding consequences, it is imperative that as partners, we remain focused on avoiding risky behaviors, through proper risk management.
- In addition to alcohol-related behaviors and offenses that we have already explored, other past behaviors that have been problematic for some student-athletes include:
 - **Sexual harassment**; including all varieties of quid-pro-quo, hostile environment, same-sex, and third-party harassment.
 - **Domestic violence**; offenses entailing verbal, emotional, psychological, and economic abuse; isolation; intimidation; coercion and threats; physical abuse; sexual abuse; exploiting children; harming or threatening to harm pets; stalking; all other forms of harassment; and all forms of retaliation – including threatening retaliation.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- All students, including student-athletes, engaging in consensual acts of sexual congress, should be certain they have meaningful, legal, tenable consent.
- Those incapable of legally granting consent include, but may not be limited to: individuals impaired by ingestion of alcoholic beverages; illegal drugs; prescription drugs – or some combination therefore; unconscious or semi-conscious individuals; everyone under seventeen years of age; and individuals afflicted with any mental disease or defect impairing cognitive functions. [Obj. 6]
- Moreover, consent, when obtained legally and without coercion, can be revoked at any time – including during any sexual act. If consent is revoked, the affected individual is legally obligated to immediately cease engaging in the respective sexual behavior. [Obj. 6]
- Do I truly have consent? If you have to ask yourself, you do not have consent. When in doubt, avoid the identified risk of being accused of sexual misconduct, by not engaging in sexual relations.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- **Possession or use of illegal drugs or drug paraphernalia;** including bongs and pipes containing any residue of marihuana, hashish, or other illegal substances.
- **Possession of prescription medications without the prescription bottle bearing the possessors prescription;** selling or otherwise dispensing prescription drugs to others; combining and ingesting prescription drugs with alcoholic beverages or illegal drugs.
- **Possession of any firearms, deadly or dangerous weapons, anywhere on campus;** including stored in personal automobiles; simulated or makeshift weapons; bb, pellet, or air-type guns; and all noxious gases.
- **Note, under NY State Law, all occupants inside of motor vehicles containing weapons or drugs, can be arrested for possession of the respective contraband. Thus, merely being there is considered presumptive proof of possession of the illegal items.** [Obj. 7]

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- **Possession of or displaying a forged driver's license issued by any state or province;** NY State licenses are virtually impossible to successfully forge, as they have 164 built-in security features, including crushed glass.
- **Theft, possession, or unauthorized use of any other student's ACES-issued Campus Student Account card;** under statutory law, these CSA cards are tantamount to credit cards; therefore, theft, unauthorized possession, and unauthorized use is always automatically a felony.
- **Various acts of Disorderly Conduct,** including but not limited to: loud, boisterous behavior in public places, that creates needless alarm, annoyance, and inconvenience; profane language; urinating in public; exposing genitals, buttocks, or female breasts; fighting; obstructing roadways or sidewalks; removing college-owned furniture or other property from shared-areas for private use;

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- disrupting classroom lectures and failing to obey directions of professors or instructors; creating disturbances on buses while in-transit to NCAA athletic events; and creating chaos by falsely exclaiming that food offered in the College's dining hall is tainted.
- **Various acts of Criminal Tampering and Criminal Mischief**, including but not limited to: disabling smoke detectors; unnecessarily discharging fire extinguishers; tampering with emergency exit signs; and defacing college property or the personal property of others, by writing, carving, or painting graffiti.
- **In addition to DWI, other motor vehicle offenses**, including but not limited to: speeding; not wearing seatbelts; texting while driving; talking on cellphones while driving; and excessively loud music emanating from motor vehicles.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- **Other useful information:**
- **The Alfred State surveillance system** comprises more than 250 cameras, all of which record. Chances are, misconduct will be captured on video.
- **University Police, in order to comply with Clery mandates**, regularly networks with other local authorities. If misconduct occurs off-campus, University Police will find out and obtain investigative reports. This is because the College's Student Code of Conduct is enforceable, through Judicial Affairs, both on and off-campus.
- **All students, including student-athletes, are subject to a multitier system of redress through Judicial Affairs:** disciplinary warning; disciplinary probation; extended probation; interim suspension; and expulsion. Unlike the criminal justice system requiring reasonable doubt, administrative discipline through Judicial Affairs, requires only a preponderance of evidence. [obj. 8] Moreover, redress can occur simultaneously through the criminal justice system and Judicial Affairs.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- **More useful information:**
- **Illegal parking**, including displaying unauthorized or fraudulent parking permits can result in seizure of said permits; issuance of parking tickets; installation of vehicular immobilization devices; towed and impounded motor vehicles; and diplomas and transcripts being withheld until all fines are paid.
- **Students can be held responsible for the misconduct of their guests** on-campus, including guests failing to register with residence hall personnel; and those failing to register their motor vehicles and obtain temporary parking permits from University Police.
- **Social media should be used judiciously.** Disparaging comments about Alfred State College, or its agents, may cause irreparable damage. Factually incorrect postings founded in malice, may subject students to administrative discipline or civil recriminations.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- **More useful information:**
- Bystander intervention; empirically-based research has shown that bystander intervention, to the extent that is safe and practical, substantially reduces illegal, immoral, risky and detrimental behaviors. It also reduces deaths and injuries.
- Intervention can be as benign as phoning the police and announcing, “The police are on the way!”
- Intervention can be as overt as physically restraining or removing an aggressor from the area. Again, it is situation-specific. Intervention should never place any good Samaritan in peril.
- Don’t wait for someone else to intervene. The more people witnessing an incident, the less likely it is anyone will intervene.
- After all, as student-athletes and teammates, aren’t you your brother or sister’s keeper?

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Finally, University Police view all members of our campus community, including our student-athletes, and ourselves – as having ‘one heartbeat.’
- We are at your service, 24 hours-a-day, 7-days-a-week, 365 days-a-year.
- Please don’t ever be reluctant to contact us from any campus phone, at 3999; or come into our headquarters, at the Theta Gamma House.
- Questions?
- Comments...
- Thank you!



SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

Lesson Title: Student-Athlete Success Through Risk Management & Partnering.

Dates: 11/21/2014.

Time / Duration: 75 Minutes.

Method: Interactive Lecture; Slide Show Format.

Location: Alfred State College.

Prerequisites: ASC Student-Athlete or CSA With Athletic-Related Duties.

Pre-test: None Post-test: None. Learning Outcomes: 8; See Slides 9 and 10.

Comprehension Check: Oral.

Prepared & Approved By: Chief Les Kachurek, N.Y.S. DCJS MA/GT/IE/MH/CT.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

Instructor's References: [7]

- **Slide Shows: [4]**
- Sexual Harassment Awareness and Prevention; **Kachurek, Les, P**, in cooperation with the SUNY Alfred State UPD, Sworn & Civilian In-service, 2014.
- The Clery Act and CSA Mandates; **Kachurek, Les, P**, in cooperation with the SUNY Alfred State UPD, Residence Life In-Service, 2013.
- Investigative Field Detentions; **Kachurek, Les, P**, in cooperation with the SUNY Alfred State UPD, Sworn In-Service, 2013.
- NYS Court of Appeals Updates, I, II, III, and IV; **Kachurek, Les, P**, in cooperation with the SUNY Alfred State UPD, Sworn Ten-Minute Training Module In-Service, 2014.

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- Instructor's References: [7]
- **Pamphlets: [1]**
- Domestic Violence: Finding Safety & Support; NYS OPDV, Albany, NY, 2008.
- **Textbooks: [1]**
- Fundamentals of Criminal Investigation, 6th Ed; **O'Hara, Gregory, O'Hara, Charles**, Charles C. Thomas Publishers, Springfield, Illinois, ISBN 0-398-05889-X, 1994
- **Law Books: [1]**
- NYS Vehicle & Traffic Law; Section 1192, Looseleaf Law, Incorporated, Fresh Meadows, NY, ISBN 0-930137-02-7, 2014.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- Instructor's Aids: [4]
- Laptop Computer, Projector, Hand Held Remote, 55 Slide PP Slide Show.
- Students' Aids: [1]
- Personal Notes.
- Images: [1]
- All Images Courtesy of www.bingimages.com
- The author/instructor of this course gratefully acknowledges the contributions of the SUNY Office of the General Counsel, especially the individual contributions of Associate Counsel Joe Storch and Associate Counsel Andrea Stagg, without whom this course would not have been possible.
- The impetus for this course was a Student Success SMART GOAL, which comprises slides 53 – 55, and is adjunct to the Lesson Plan.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- **SMART Goal to be Integrated into a Five-Year Strategic Plan:**
- **Student Success Related Goal;**
- With the approbation of the AD, develop and implement a presentation for all student athletes. It will be designed to mitigate high-risk behaviors and reduce negative outcomes. Risk management topics will include: drinking and driving, fighting / disorderly conduct, responsible use of social media, UPD expectations of student-athletes, student athletes' expectations of UPD, prescription and illegal drug possession / usage, Title IX awareness, and an overview of the criminal justice system / campus judicial processes.
- This initiative will be similar to the ones offered by local police in thirty of the thirty two venues with NFL franchises.
- Student Success SMART Goal Courtesy of Les Kachurek, Chief of University Police, 2014.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- **This presentation for student-athletes is SMART.**
- **Specific** – by providing thought-provoking information most student athletes may have never previously considered, student-athletes will be equipped with the knowledge to avoid high-risk behaviors.
- **Measurable** – by juxtaposing post-presentation data involving student-athletes' negative contacts with UPD, with pre-presentation data.
- **Assignable** – the Chief of UPD will develop the presentation. He will co-present with other members of the UPD, and possibly members of other local police departments.
- **Realistic** – in the aggregate, the NFL has reported a 33% decline in negative contacts between players and local police, since implementing these presentations. Data is unavailable concerning the two franchises not participating. Hence, projected outcomes on campus are realistic.

SUNY Alfred State University Police Department Student-Athletes Success Through Risk Management & Partnering

- **This presentation for student-athletes is SMART.**
- **Time-related** – ideally, positive results will be achieved early in the upcoming semester. They will be measured at the conclusion of the semester.
- **The presentation for student-athletes is congruent with the following UPD core values:**
 - Human Life;
 - We value human life and dignity, as guaranteed by the Constitution.
 - Laws and Constitution;
 - We support the principles embodied in the Constitution of the United States.
 - Integrity;
 - We believe integrity is the basis for constituent trust.