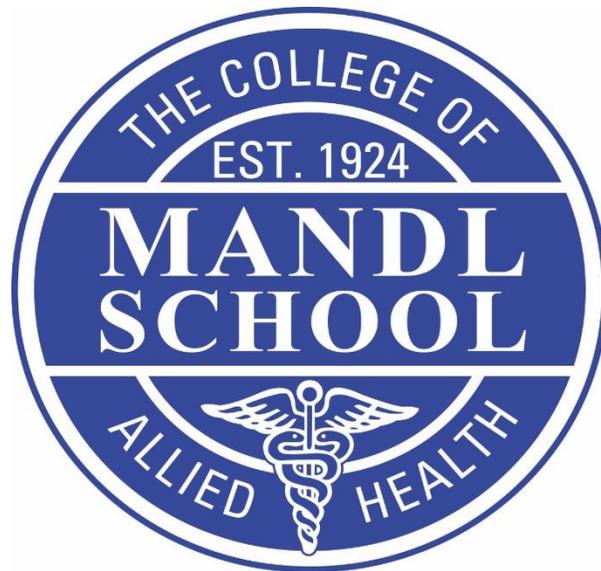


**MANDL SCHOOL  
THE COLLEGE OF ALLIED HEALTH**



**STUDENT HANDBOOK  
2021-2022**

**September 2021**

# **STUDENT HANDBOOK**

## **TABLE OF CONTENTS**

<b>INTRODUCTION.....</b>	<b>PAGE 3</b>
<b>GENERAL INFORMATION.....</b>	<b>PAGE 4</b>
• MISSION STATEMENT	
• INSTITUTIONAL GOALS	
• HISTORY	
<b>GENERAL STANDARDS.....</b>	<b>PAGE 5</b>
<b>STUDENT SERVICES.....</b>	<b>PAGE 7</b>
• ORIENTATION	
• ACADEMIC ADVISING AND COUNSELING	
• CAREER DEVELOPMENT CENTER	
• TUTORING	
• MEDICAL PROBLEMS	
• STUDENT BULLETIN BOARD	
• LOST AND FOUND	
• PRIVACY ACT – FERPA	
• NON DISCRIMINATION POLICY	
<b>ACADEMIC POLICIES.....</b>	<b>PAGE 10</b>
• REQUIREMENTS FOR GRADUATION	
• GRADING SYSTEM	
• GRADE APPEAL PROCEDURE	
• TRANSCRIPTS	
• GED PREPARATION PROGRAMS	
• STUDENT CONDUCT	
• ACADEMIC INTEGRITY	
• PLAGIARISM POLICY	
• DISCIPLINARY PROCEDURES	
<b>EXTERNSHIPS AND EXTERNSHIP TRAINING.....</b>	<b>PAGE 19</b>
<b>RETURNED CHECK POLICY.....</b>	<b>PAGE 20</b>
<b>FINANCIAL AID.....</b>	<b>PAGE 20</b>
<b>TITLE IX AND SEXUAL MISCONDUCT POLICY AND PROCEDURES.....</b>	<b>PAGE 22</b>
• TITLE IX	
• SEXUAL MISCONDUCT POLICY	
• SCOPE OF THE POLICY	
• DEFINITIONS WITHIN POLICY	
• PROHIBITED BEHAVIOR	
• CONFIDENTIAL AND NON CONFIDENTIAL RESOURCES	
• REPORTING SEXUAL MISCONDUCT	
• RESOURCES AND SUPPORT SERVICES	
• AMNESTY POLICY	
• DISCIPLINARY PROCESS FOR SEXUAL MISCONDUCT	
• INTERIM ACTIONS	
• APPEAL PROCESS	
• SANCTIONS	
• STUDENT RIGHTS	
• DRUG AND ALCOHOL POLICY	
• BIAS RELATED INCIDENT AND HATE CRIMES	
• EMERGENCY RESPONSES POLICY & ACTIVE SHOOTER POLICY	
<b>DIRECTIONS TO CAMPUS.....</b>	<b>PAGE 92</b>

## **INTRODUCTION**

**Welcome to Mandl School - the College of Allied Health!**

**This handbook has been designed to provide you with information about the academic policies of the College and to tell you what Mandl expects of you as a member of its academic community.**

**While providing a structure meant to guide you, this handbook is not intended to be a rigid guide to one's daily behavior. Above all else, we wish to encourage you to develop a professional approach to your studies and career aspirations. Only in this way will you learn to function as an allied health professional as you pursue your career goals. The structure articulated in this handbook allows you and your instructors to concentrate your time on acquiring the knowledge and skills essential to your chosen profession and future success.**

**Because some of the information in this handbook may be subject to change or modification, we will post any revisions throughout the College as they occur. Please note that the policies presented in this handbook, as well as the policies articulated in the 2020-2021 Mandl Catalog, may be enforced by any faculty or staff member.**

**If you have any questions, please ask! We do expect your cooperation in all of these matters, now that you have joined our very special community of allied health professionals!**

## **GENERAL INFORMATION**

### ***MISSION STATEMENT***

Mandl is dedicated to educating men and women, regardless of their backgrounds, to serve ably and effectively in the allied health industry. To accomplish this mission, Mandl offers academic programs specifically designed:

- To provide educational and employment opportunities through concentrated, highly structured programs of study that prepare students for entry-level positions within the broad and varied field of allied health.
- To provide curricula in allied health that reflects the needs of a changing job market.
- To provide an opportunity for students to acquire the skills for occupational growth, including the understanding of employer expectations.
- To provide graduates with assistance in securing employment within allied health.
- To provide students with the skills and attitudes to continue learning throughout their lifetimes.

### ***INSTITUTIONAL GOALS***

- Curricula: To offer academic programs of high quality that emphasizes the integration of theory and practical application.
- Faculty: To develop an outstanding faculty consisting of individuals who are highly qualified by experience and training and who are dedicated to the individual development of their students.
- Student Services: To maintain a wide range of student services, including academic advising, financial aid and career placement.
- Resources: To support the academic programs by providing appropriate facilities, equipment, and learning resources.

### ***HISTORY***

The first students enrolled in The Mandl School for Doctor's Assistants were in 1924. Mr. M.M. Mandl, a biology teacher, established the school to fill the need for trained assistants to work in physician's offices. This training was not being provided by nursing or public schools. Mr. Mandl believed a school that could train students to work in the medical world would prove to be a benefit for young people entering a highly competitive, work force. As a long time educator, he knew that education needed to lead to jobs, as well as intellectual development and personal growth.

Mr. Mandl realized that physicians required personnel trained in routine medical procedures, the operation of medical apparatus, and in office management. With an assistant in the office, physicians were free to devote more time to the examination and treatment of patients. By providing thorough and comprehensive schooling, Mr. Mandl was able to free the physicians from the time and expense of training personnel.

As the demand for trained health care professionals grew, so did the school. Programs were added to meet the ever changing needs of the medical world. Currently, the curricula include a range of career training options in the allied health industry.

## **GENERAL STANDARDS**

**As a Mandl student, you now have the opportunity to be trained to conduct yourself as an employed allied health professional. You therefore have the following RESPONSIBILITIES:**

- Smoking is prohibited in the college. If you are caught smoking, you may be subject to sanctions, up to and including termination from the college.
- While on campus, children must not be left unattended without adult supervision. While attending classes, you may not bring children to any of the classrooms including lecture rooms, medical laboratories, computer labs, the library, the Learning Resource Center, or the student lounge.
- Food, drinks and their containers are permitted only in the Student Lounge located on the third floor. They are not permitted anywhere else in the facility. The sole exception is: one may bring a bottle of water, closeable with a cap, to class.
- Students are not allowed to wear hats (except as a requirement of documented religious belief), shorts, or open-toe sandals at Mandl.
- All students are expected to arrive to class on time.
- Use professional, courteous language in speaking with fellow students, faculty, or administrative staff. Address all faculty or administrative staff by Dr., Professor, Mr., Mrs., Miss, or Ms.
- When in uniform, whether on or off campus, do not possess or use alcoholic beverages, medications or drugs not prescribed for your use.

**As a Mandl student, you now have the opportunity to attend classes in a safe environment. You therefore have the following RESPONSIBILITIES:**

- Enter lab areas and handle equipment only under the supervision or permission of an instructor. Allied health equipment is expensive. If you break an item, you will be responsible for its repair or replacement. This also applies to any other Mandl equipment including the computer laboratories and the library.

**As a Mandl student, you now have the opportunity to achieve high academic standards. You therefore have the following RESPONSIBILITIES:**

- Bring all assigned textbooks and supplies to class every day.
- Attend all classes and carefully address all assigned work. Complete and submit all work on time.
- During in-class tests, remove all notes, notebooks, cell phones, and any other electronic devices from view. Observe the faculty's instructions and procedures for testing including, but not limited to special seating during the testing period.

**As a Mandl student, you now have the opportunity to cultivate professional relations with fellow students, instructors and administrative staff. You therefore have the following RESPONSIBILITIES:**

- Address faculty, fellow students, and Mandl administrative staff civilly and with professional courtesy. Profane language, violence, or any actions that are explicitly unprofessional in nature, are utterly unacceptable under any and all circumstances, anywhere on the college campus. Violations of this requirement will be subject to immediate sanction, up to and including termination from the college.
- Immediately notify the Registrar's Office located on the ninth floor of any change in your address, phone number, and/or e-mail.
- Keep labs, classrooms, the Library, and Student Lounge clean and orderly at all times.
- If you expect to be tardy to class, notify your instructor before classes begins.
- Do not use cell phones or electronic devices while classes are in session, in the Library, or in the Learning Resource Center. You are absolutely required to shut off cell phones while classes are in session.
- No classes will be interrupted to deliver messages to students except in an emergency.
- Respect the property of others. Do not lean or sit on college property or furniture unless it is designed for that purpose.
- Mandl does NOT accept responsibility for your personal property, so please be cognizant at all times of the location of your personal belongings.
- Female students must notify the Dean of Students and Academic Services should a pregnancy be confirmed. This is for YOUR protection.
- Books and other possessions are YOUR responsibility. In case of loss students are expected to pay for replacements.
- Mandl is NOT your place of employment. We are not responsible for verification for employment while you are enrolled here as a student.

## **STUDENT SERVICES**

### ***ORIENTATION***

Before classes begin, all new students receive a comprehensive orientation to the college. During the orientation, which typically lasts from two to three hours, all relevant aspects of the college are covered, including academic programs, facilities and resources, faculty and staff, and rules and regulations.

Contents of the Student Handbook are reviewed during this session. The Handbook includes sections on student services, dress code, college rules and regulations, grading system, internships, financial aid, disciplinary action, readmission, and other College policies.

### ***ACADEMIC ADVISING AND COUNSELING***

The Academic Advisement Center is the College's main resource center and the primary academic advisement provider for all students: new, currently attending or returning to the College. The Center is led by the Dean of Students and Academic Services and staffed by a core of trained professional advisors and teaching faculty who serve on a rotating basis. Current and returning students are seen on a walk-in basis and via appointments. The Office of Academic Advisement located on the fifth floor is responsible for the overall coordination and direction of the advising program at the College. (If required, students may be referred to the Learning Resource Center (LRC) for tutorial assistance.)

The mission of the academic advising program at Mandl is to assist students in the development of meaningful educational plans that are compatible with their academic goals. Further, it is to fully inform students regarding requirements in their areas of concentration and to expose students to the variety of course and degree options offered by the College.

Earning a college degree requires the student to make a commitment to academic achievement and to make the necessary educational decisions. Academic Advisors assist all students with wide range of concerns from educational decision-making to personal, social or family problem solving. The Advisement Center advisors listen to students and offer help in the following areas: • counsel students with low grade point averages • educational planning • study skills enhancement • changing area of concentration (major) • review of academic standing • test anxiety and relaxation techniques • life skills balancing life, work and home • clarifying goals and decision-making.

### ***CAREER DEVELOPMENT CENTER***

Mandl has an experienced Placement Department with extensive contacts among employers that will further assure a successful employment outcome for our students. The college provides free placement services to its graduates, and these services include advice concerning interviewing techniques, referrals to employers, and help with setting up appointments. Placement staff counsels and advises students throughout the placement process, records all job leads, develops new employment opportunities, surveys graduates and employers, and keeps placement records.

### ***TUTORING***

Tutoring is available to all students experiencing academic difficulties. Faculty may recommend that a student seek tutoring services if the student requires additional academic assistance outside the classroom. Further information regarding tutorial assistance can be found in the Learning Resource Center located on the seventh floor.

### ***MEDICAL PROBLEMS***

Mandl is unable to dispense medication, including over-the-counter preparations such as aspirin. Emergency First Aid can be administered by one of our staff; however, extreme emergency care must be handled by your own physician. You have the RESPONSIBILITY to register all current medical problems with your department chair and/or the Dean of Students and Academic Services. This is for your own protection.

### ***STUDENT BULLETIN BOARD***

Bulletin boards are posted throughout the building. They contain vital information about tutorial office hours, mandatory meetings, workshops, important student announcements, and rules and regulations. It is the student's responsibility to keep oneself informed by making sure to check the bulletin boards on a consistent basis.

### ***LOST AND FOUND***

Lost and Found is located on the sixth floor where the Campus Coordinator's office is situated. Items will be held for a period of thirty (30) days unless otherwise identified.

### ***PRIVACY ACT-FERPA***

The Family Educational Rights and Privacy Act (FERPA) of 1974 gives to each enrolled student at Mandl access to his or her educational records including grades, records of attendance and other information. FERPA also provides the student with the right to amend those records where they are inaccurate or misleading, and the right to control distribution of said records to others within 45 days of the date the College receives a request for access. Students are not entitled to inspect and review financial records of their parents. If the student is classified as dependent for financial purposes, parental access to a student's records may be allowed without prior consent.

Unless written objection is received 30 days after the commencement of the academic year, Mandl will treat name, address (permanent and mailing), telephone (land and cell), email address, date and place of birth, major field of study, dates of attendance, grade level, photograph, degrees and awards/recognitions received, the name of the undergraduate college(s) attended, post-graduation employer, job title, most recent previous secondary and post-secondary educational institution attended by the student and marital status as directory information.

Students concerned about the confidentiality of records are requested to bring their concerns first to the attention of the Office of the Dean of Records & Registration and/or the Dean of Students and Academic Services. Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

## ***NON-DISCRIMINATION POLICY***

Mandl is committed to equal opportunity in all matters including educational programs, admissions and employment. It is the policy of the College to provide equal opportunity for all qualified applicants, students, and employees; and to prohibit discrimination on the basis of race, color, gender, religion, national origin, age, sexual preference, disability, or marital status, except as such condition may constitute some bona fide occupational or assignment qualifications. Inquiries regarding non-discrimination policies and grievance procedures may be directed to the Dean of Students and Academic Services.

Mandl is dedicated to ensuring that students with disabilities receive equal access to curricular and co-curricular opportunities in the academic community, in compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. The facility can accommodate the disabled with its street level entry. There is an elevator inside the building and all corridors are wide enough to accommodate wheelchairs.

Mandl assists students with disabilities in becoming fully integrated at the College through the development of life skills, student services, personal growth, and by promoting greater awareness and understanding of the needs of student with disabilities. Certain programs may require manual dexterity, and as such, you should consult the College's Dean of Students and Academic Services for further information.

## ACADEMIC POLICIES

### ***REQUIREMENTS FOR GRADUATION***

- A minimum cumulative GPA of 2.0
- Complete all coursework, files and examinations as necessary
- Comply with all regulations of Mandl
- Fulfill all financial obligations to the college
- Complete a student loan Exit Interview if applicable
- Successfully complete an externship (if required)
- Submit a completed Graduation Application in a timely fashion to the Registrar's Office

### ***GRADING SYSTEM***

The grading system, which is utilized by faculty and used to compute a student's grade point average (GPA), is as follows:

<b>Grade</b>	<b>% Equivalent</b>	<b>GPA</b>
A	95-100 (excellent)	4.00
A-	90-94	3.67
B+	87-89	3.33
B	84-86 (very good)	3.00
B-	80-83	2.67
C+	77-79	2.33
C	74-76 (satisfactory)	2.00
C-	70-73	1.67
C.	Fail (RCP courses only)	0.00
C-.	Fail (MAS courses only)	0.00
D	65-69 (low pass)	1.00
D.	Fail (MAS courses only)	
F	Below 65 (fail)	0.00
F*	Failed course subsequently repeated successfully	N/A
WU	Withdrew unofficially	0.00
WU*	Withdrawn course subsequently repeated successfully	N/A
W	Withdrawal officially	N/A
WL	Withdrawal late	N/A
I	Incomplete	N/A
P	Passing grade	N/A
F	Failing grade	N/A
AU	Audit, no credit	N/A

***Please note that suspension(s) may appear noted on your academic transcript, but do not carry a grade, nor does it carry quality points. For information on appealing this notation, please see Student Appeal Procedure for Transcripts.***

No credit will be granted for incomplete work. A grade of I (Incomplete) will only be awarded in exceptional circumstances, such as illness or family emergency and only in the case of work due at the end of the term, such as a final paper or final examination. Documentation of the illness or emergency must be presented to the instructor or Department Chairperson. In order to inform students of their academic progress, transcripts are provided to all students at the end of each semester.

Examinations that are missed for a valid reason must be made up within five days unless permission for an

extension is received from the Department Chairperson. Students who wish to appeal a grade must follow the policy outlined in the following paragraphs.

### ***FINAL COURSE GRADE APPEAL POLICY AND PROCEDURE***

An Appealable Grade is a final course grade that the student claims does not reflect what he/she has earned according to the criteria for grading as outlined by the instructor of the course and indicated in the course syllabus. In all cases, the student may not appeal the professional judgment of the faculty member, and the policy in the course syllabus shall prevail in determining the grade.

#### **Reasons that constitute an Appeal of final grade are as follows:**

##### **Arbitrariness**

*An appeal based on an arbitrary evaluation must address seemingly random actions or an evaluation based upon chance. It is seen as an unreasonable act of will on the part of the instructor.*

##### **Caprice**

*An appeal based on a capricious evaluation must address the grading method and outcome as being impulsive and governed by no apparent reason.*

##### **Prejudice**

*An appeal based on a prejudicial evaluation must address a preconceived judgment, directed towards an individual, a group, a race, a gender, or their supposed characteristics.*

##### **Error**

*An appeal based on simple human error.*

#### **Student Grade Appeal Procedure**

**Step 1:** A student who believes a final grade is in error should first discuss the issue with the instructor (in person or by written letter) or, if the instructor is unavailable, with the head of the department. If the student and instructor fail to reach an agreement, he/she shall proceed to the next step.

**Step 2:** The student must submit a written appeal to the Department Chairperson by the end of the second week of the subsequent semester. The Department Chairperson may contact the instructor for further documentation. If the student is dissatisfied with the decision of the Department Chairperson, the student may take his/her appeal to the next level.

**Step 3:** The student may appeal (again, in writing) with all relevant documentation to be forwarded to the Vice President of Academic Affairs. The Vice President may ask the Student Grievance Committee to review the case. Based on the committee's recommendations, the Vice President of Academic Affairs will make the final decision and that decision concludes the appeal process.

***Please note that by appealing your grade opens an investigation into a grade change. This may result in receiving a LOWER grade than the one given.***

## ***TRANSCRIPTS***

In order to request a transcript, either a student copy or an official transcript, the student is required to submit to the Dean of Records and Registration a written request including the student's signature on the document. The request for a student copy should include the name of the student, including any previous name, when the student attended Mandl, the program the student attended and when graduated or last attended. In addition, the student should include the student's present address, a day time telephone number, and an email address.

If the transcript is to be official, then the student must include the exact Address and Office of the institution, agency, organization or school that the transcript should be issued. If the student is presently enrolled, there is no charge for the transcript.

If the student is no longer enrolled or has graduated, the cost to process any transcript request is \$15 which must be paid as either a money order made out to Mandl School or cash paid to the Bursar's Office, who will issue you a receipt. The processing time is approximately 5-10 business days from receipt of the transcript request in the Registrar's Office.

## ***TASC PREPARATION PROGRAMS***

If you did not complete secondary coursework, and receive a diploma from high school, you have the option of applying and sitting for a Test Assessing Secondary Completion (TASC) exam. There are various locations that offer TASC preparation courses to help a student successfully pass the examination and receive a TASC diploma.

Examinations are given at various times throughout the year, and throughout the state. Listed below are some TASC preparation sites:

### **Manhattan Sites**

Manhattan Learning Program 317 West 52nd Street 212-247-4307 x1081

PHASE: Piggy Back, Inc. 262 West 145th Street 212-694-0107

Midtown Community Court  
314 West 54th Street, 6th Fl.  
646-264-1314

The Door  
555 Broome Street  
212-941-9090 x3237

Stanley Isaacs Neighborhood Center  
415 East 93rd Street  
212-360-7625

For more information on GED prep locations throughout the five boroughs, please visit the New York City Department of Education's website at: <http://www.acces.nysed.gov/hse/what-hsetasc-test> and <http://schools.nyc.gov/Offices/District79/SchoolsProgramsServices/default.htm>. You can also call the Literacy Assistance Center's (LAC) Literacy Referral Hotline at 212.803.3333 for TASC prep courses.

### ***STUDENT CONDUCT - ATTENDANCE***

Students are expected to attend class regularly in every course for which they have registered. Regular attendance is necessary to ensure continuity of the educational process and to develop proper work habits, a feeling of success through mastery of skills, interest in college and a sense of responsibility. Excessive absences may result in a lowered achievement rating and an undesirable record, as most courses grade you on class participation.

Veteran Students who receive educational benefits and require school certification of attendance and cost (i.e. 19-2222 Forms) **must** verify attendance regularly (at least once a month) with the Veteran Certifying Officer (VCO) located in the Financial Aid Office.

### ***STUDENT CONDUCT - DRESS CODE***

All students enrolled in and attending courses during the day are required to wear a full dress white uniform (Medical Assisting), green uniform (Dental Assistant), purple uniform (Diagnostic Sonography), burgundy uniform (Health Care Administration), grey uniform (Health and Human Services), light blue uniform (Surgical Technologist) or navy blue uniform (Respiratory Therapy) along with the appropriate footwear which is closed, nursing type shoes. For specific shoe color, please speak with your department chair. Flip-flops and Crocs are not considered to be in accordance with the dress code and are prohibited from being worn on campus.

White lab coats must be worn by all students during clinical courses. Students enrolled in evening and Saturday courses must wear a white lab coat over their "street clothes." This policy is in effect on field trips and externships as determined by the location.

### ***STUDENT CONDUCT - BEHAVIOR***

Commensurate with the academic atmosphere that prevails throughout Mandl, all students are expected and required to conduct themselves in keeping with the highest standards. Any unseemly behavior that tends to distract other students and disrupt routine class procedure, ***such as eating in class, using unauthorized electronic devices during class, or bringing young children onto the college's premises or into the classroom***, will not be tolerated. Such conduct will be considered just cause for student disciplinary action, including termination.

- Specific behaviors that may cause immediate termination from Mandl include, but are not limited to:
- Willful destruction or defacement of college or student property.
- Entering and Exiting the College from non-Mandl entrance.
- Improper or illegal conduct including, but not limited to, failure to comply with the directives of faculty or senior administrative officers in the rightful discharge of their duties on behalf of the college.
- Use, sale, or possession of alcoholic beverages or illegal drugs.
- Cheating, plagiarism, or any act of academic dishonesty.
- Theft of student or college property.
- Zero tolerance towards any acts of violence against another student, visitor, and/or College staff.

A student who is terminated from the college may be considered for readmission on the President's review of the reason(s) for termination.

### ***ACADEMIC INTEGRITY***

The principles of academic integrity entail simple standards of honesty and truth. Each member of the college has a responsibility to uphold the standards of the community and to take action when others violate them.

Faculty members have an obligation to educate students about the standards of academic integrity, proper conduct, and to report violations of these standards. Students are responsible for knowing what the standards are and for adhering to them. Students should also bring any violations of which they are aware to the attention of their instructors, Department Chairpersons and/or the Vice President for Academic Affairs.

## **PLAGIARISM POLICY**

Mandl considers academic honesty to be one of its highest values. Students are expected to be the sole authors of their work. Academic integrity requires that all academic work be wholly the product of an identified individual or individuals. Use of another person's work or ideas must be accompanied by specific citations and references in the appropriate APA or MLA format.

Though not a comprehensive or exhaustive list, the following are some examples of dishonesty or unethical and unprofessional behavior:

- without giving proper credit to that person, thereby giving the impression that it is the student's own work;
- Any form of cheating on examinations;
- Altering academic or clinical records;
- Falsifying information for any assignments;
- Submitting an assignment that was partially or wholly completed by another student;
- Copying work or written text from a student, the internet, or any document without giving proper credit to the source of the information;
- Submitting the same assignment for more than one class without first receiving instructor permission. In cases where previous assignments are allowed to be submitted for another class, it is the responsibility of the student to enhance the assignment with additional research and to also submit the original assignment for comparison purposes; and
- Assisting another student in any act of academic dishonesty. This offense would include, but would not be limited to, providing an assignment to another student to submit as his/her own work or allowing another student to copy answers to any test, examination or assignment. Plagiarism: using another person's works, ideas, or results

**In summary, plagiarism is the theft of someone else's ideas and work.** Whether a student copies verbatim or simply rephrases the ideas of another without properly acknowledging the source, it is still plagiarism. In the preparation of the work submitted to meet course requirements, whether a draft or a final version of a paper or project, students must take great care to distinguish their own ideas and language from information derived from other sources. Sources include published primary and secondary materials, electronic media, and information and opinions gathered directly from other people.

A discussion outline, computer program, plan, presentation, and other similar work produced to satisfy a

course requirement are, like a paper, expected to be the original work of the student submitting it. Copying documentation from another student or from any other source without proper citation is a form of academic dishonesty, as is producing work substantially from the work of another. Students must assume that collaboration in the completion of written assignments is prohibited unless explicitly permitted by the instructor. Students must acknowledge any collaboration and its extent in all submitted coursework. Students are subject to disciplinary action if they submit as their own work a paper purchased from a term paper company or downloaded from the internet.

An academic violation, such as academic dishonesty, is a serious offense and may result in sanctions as outlined in the Student Handbook. Faculty or administrative staff who suspects that violations have occurred should immediately contact the Vice President for Academic Affairs. Students who suspect that others students are involved in acts of academic dishonesty or student misconduct should speak to the instructor of the course or the Department Chairperson.

- **First Violation:** Student will receive an “F” on the assignment or test in question. The “F” will be averaged in with the other grades in the course to yield the final grade.
- **Second Violation:** This will result in mandatory expulsion from the college for one or more semesters and /or a failing grade in the course, depending on the severity of the violation. Extreme willful acts of academic dishonesty or student misconduct may lead to permanent expulsion and separation from the college.

Students dismissed from Mandl due to violations of academic integrity or other forms of misconduct, but who wish to be reinstated, may apply to the Vice President of Academic Affairs or the President for reinstatement. Upon review, a determination will be made. The decision of the Vice President of Academic Affairs and/or the President of the college are final and without further appeal. Students terminated from the college shall not receive a certificate or diploma unless they are readmitted under review.

The following are also unacceptable actions, whether inside or outside of the classroom, that can result in severe penalties and sanctions:

- Cheating, plagiarizing, cooperating with or assisting others to cheat or plagiarize, stealing or circulating evaluation materials, or participating in any other breach of academic integrity which gives an unfair advantage to a student(s).
- Failing to comply with the directions of authorized college officials as they engage in the proper performance of their duties.
- Failing to identify oneself to a college official when directed to do so.
- Failing to address faculty, fellow students, and Mandl administrative staff civilly and with professional courtesy. Profane language, violence, and/or any actions that are explicitly unprofessional in nature are utterly unacceptable under any and all circumstances, anywhere on the college campus.
- Smoking anywhere on the campus or in the building, including hallways, stairways, or elevators.
- Possessing any dangerous instrument or material that can be used to inflict injury on any individual or damage to property on the college premises or in the building.
- Using, selling, or distributing drugs and substances prohibited by state and federal law.
- Practicing any form of bigotry or discrimination.
- Behaving in a disorderly manner or using words or actions that is likely to encourage or incite physical

violence against any individual on the premises of the campus.

- Violating regulations relating to entry or use of the premises, facilities, or resources of the campus, including unauthorized entry or occupancy, blocking access, or removing, relocating, or using property without permission.
- Stealing, damaging or defacing of campus property or the property of any other individual on the campus or in the building.
- Being on the campus under the influence of alcohol or illegal drugs.
- Refusing to appear before personnel or committees of the institution in performance of proper official duties.
- Knowingly providing false information to the institution; forging, altering or using college documents with the intent to deceive; or using another individual's ID.
- Interfering with the institution's educational processes or facilities.
- Using duress, intimidation, threat of, or actual physical or verbal abuse that interferes with others on the campus or in the building who are exercising their rights to pursue their legitimate activities.
- There is zero tolerance concerning violence committed by students on – or near – school grounds.
- Acting in any way that endangers the safety or security of any individual on the premises of the campus or in the building.
- Gambling on the premises of the campus or in the building.
- Misuse, mutilation, or defacing of educational materials, college records or forms, or college property.
- Misuse of or tampering with fire alarms, firefighting equipment, safety equipment, or electrical equipment on the college premises or anywhere in the building.
- Violation of any college regulation as stated in this *Student Handbook*, the 2020-2021 Mandl Catalog, Mandl website, and/or posted on the college bulletin boards.
- Distribution of unauthorized copyrighted materials including peer-to-peer file sharing and the prohibited use of the institution's information technology system for the purpose of those activities. Any student involved in such an act will be reported to the proper authorities and charges will be pressed.\*

\*The Copyright Act provides for both civil and criminal liability for acts of copyright infringement.

Criminal Infringement is defined as follows:

(1) In general. — Any person who willfully infringes a copyright shall be punished as provided under section 2319 of title 18, if the infringement was committed—

(A) for purposes of commercial advantage or private financial gain;

(B) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phone records of 1 or more copyrighted works, which have a total retail value of more than \$1,000; or

(C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public, if such person knew or should have known that the work was intended for commercial distribution (17 U.S.C. § 506[a]).

The penalties for criminal infringement are determined by the extent of infringement, e.g.

the number of copies made, or the value of the material infringed. They range from a misdemeanor penalty of up to one year imprisonment and/or a fine up to \$25,000 for individuals, to a felony penalty of up to 5

years imprisonment and/or a fine of up to \$250,000 for individuals and \$500,000 for organizations (18 U.S.C. § 2319).

There are exceptions to the Copyright Law which include ideas, facts, U.S. government works, works for which copyright has expired, works in the public domain, and live performances which are not "fixed."

## **DISCIPLINARY PROCEDURES**

### ***SANCTIONS***

In order to promote and maintain an appropriate learning environment and to cultivate professionalism and adherence to Mandl policies, rules and regulations, Mandl reserves the right to impose penalties on students who violate policies as articulated in this Handbook, in the Mandl Catalog, on the College's website, or as publicly posted on the college's bulletin boards. [NOTE: this is exclusive of the sanctions outlined under **Title IX Information** and **Campus Safety/Clery Act/VAWA** sections of this publication.]

Mandl may impose four different sanctions, depending on the severity and/or persistence of the violation(s), in the following increasing order of severity:

#### **1. Verbal Warning:**

Student is verbally advised that he/she has violated a policy, regulation, or rule and is directed to correct or otherwise refrain from continuing in violation.

#### **2. Probation:**

Student is given a written letter indicating the nature of the violation and advised that any additional policy violation during a specified time period may lead to either suspension from class or termination from the college.

#### **3. Suspension:**

Student is given a written letter indicating the nature of the violation and advised that the student is suspended from attending class for a certain specified amount time, typically three days. The letter may indicate other actions required of the student to enable the removal of suspension.

#### **4. Termination:**

Student is given a written letter indicating the nature of the violation and advised that the student is terminated immediately from his or her academic program and from the college.

### ***DISCIPLINARY MEASURES***

Mandl has established the following stages for assessing and imposing penalties in response to any student violation of Mandl policies, rules, and regulations *exclusive of Title IX procedures* outlined in this publication:

### **Stage 1 - Complaint**

A member of the faculty or an administrative staff member, upon observing a student violation, may submit, either verbally or in writing, a complaint about the student to the Dean of Students & Academic Services. Upon his or her investigation of the complaint, disciplinary sanctions may be imposed given the nature of the offense. In conducting the investigation, the Dean of Students & Academic Services may elect to interview the issuer of the complaint, the alleged student violator, or any other member of the Mandl community who may have information pertinent to the complaint.

### **Stage 2 – Appeals Process (Verbal Warnings; Probations; Suspensions)**

The student may appeal any sanction imposed by the Dean. To appeal, the student must write to the Vice President for Academic Affairs within ten calendar days of the imposition of the sanction, requesting a formal meeting and indicating the reasons for requesting the appeal. If the letter is not sent within ten days, the sanction remains in effect and without any further opportunity for appeal.

Upon receipt of the letter, the Vice President or his/her designee will schedule a meeting with the student within five calendar days to hear the reasons for granting the appeal either to lessen or remove the imposed sanction. Upon hearing the verbal presentation, the Vice President or his/her designee will send a letter to the student indicating his/her decision within five calendar days.

Except for terminations, all decisions of the Vice President for the Academic Affairs are final and without further appeal. Moreover, a student may receive any sanction that the Vice President may deem appropriate, beyond the sanction previously imposed by the Dean of Students & Academic Services, if in his/her judgment the evidence so warrants.

### **Stage 3 – Appeals Process (Terminations)**

In cases of termination, and if such sanction is affirmed by the Vice President during the Appeals Process during Stage 2, the student wishing to appeal the termination must submit his/her appeal in writing to the President of the college within five calendar days of receiving the Vice President's letter. (If the letter from the student is not received within five calendar days, the termination stands without any further opportunity for appeal.) The President will then review the matter and decide whether to reverse or affirm the sanction. In matters of termination, the President's decision is final and without further appeal. Written notice of the President's decision will be provided to the student within five business days.

## **EXTERNSHIPS AND EXTERNSHIP TRAINING**

### ***EXTERNSHIPS AND THE CURRICULUM***

Your externship is the capstone experience of your academic career at Mandl. Due to its critical importance in the completion of your education, the Externship Director/ Coordinator is responsible for and has the authority to determine the student's externship site. Every effort will be made to accommodate a student's request, but the Externship Director/ Coordinator decision is final.

**As a Mandl student you now have the opportunity to apply the skills you have learned in your program during an Externship or period of clinical training. You therefore have the following RESPONSIBILITIES:**

- Complete all classroom requirements prior to the beginning of Externship or clinical training.
- You must have all documents (health forms, etc.) in your student file.
- Be up to date with your financial obligations to the program prior to beginning externship.
- Accept the assigned facility and provide your own transportation during training.
- Maintain an accurate time sheet, as well as a copy of one for your own records, complete your evaluation form, and ensure that your training supervisor also completes the appropriate evaluations. **SUBMIT ALL FORMS INCLUDING TIMESHEETS TO THE REGISTRAR'S OFFICE.**
- Respect the policies of the Externship facility but remember that you are still a student and must comply with the standards of conduct and dress as established by Mandl.

### ***EXTERNSHIP POLICIES***

The student is responsible for:

1. Transportation to and from the externship site.
2. Personally, notifying Mandl and the Internship site if unable to report to your site for that day. **FAILURE TO DO SO MAY RESULT IN TERMINATION.**
3. The only reasons for absence from site are personal illness or extreme family emergency; Excessive tardiness and/or absences may result in immediate termination.
4. Abiding by all rules and regulations established by the site Supervisor and/or other person(s) in charge, including but not limited to: uniform requirements, hair and make-up requirements, hours of attendance, and deportment.

### ***EXTERNSHIP GRADING***

Externships are awarded a grade based upon a combination of factors including practical performance, demonstration of theoretical understanding, work habits and professional conduct.

## **PAYMENT & RETURNED CHECK POLICY**

It is Mandl's policy NOT to accept personal checks for the payment of tuition, fees, and related charges, except under special circumstances, and only with the prior permission of the Executive Vice President or his designee. If payment by personal check is permitted, a charge will be made as follows for all checks returned uncollectible from the bank for any reason:

### **\$35.00 – first returned check**

After a check is returned, all future payments must be made in cash, money order, or certified check.

The College does not accept credit cards for payment – only cash, money order, or check. Also, the College does not engage in the marketing, advertising, and/or merchandising of credit cards to students, nor does the institution have an official college credit card to offer students. If a student is interested in learning more about credit management, as well as financial literacy, please check our website and/or the onsite school bulletin boards for information on upcoming seminars.

## **FINANCIAL AID**

Mandl is committed to providing educational opportunities for all qualified students regardless of financial need. A variety of financial aid programs makes it possible for even the neediest student to gain a college education. The college participates in Federal and State financial aid programs.

The amount of money available is based upon the student's financial need, which is determined by subtracting the amount of the family's resources available for college expenses from the estimated cost of attending the college. Financial need for all programs —State, Federal, and institutional— is measured by a comprehensive financial statement, the Free Application for Federal Student Aid Form (FAFSA).

The college will defer any tuition payments due from a student upon application by the student for a grant for the expected amount. Funds received by the college on behalf of a student will first be applied towards the student's tuition. After the student's tuition is paid in full, the remaining balance will be refunded to the student.

Financial aid decisions are made for the full academic year on the basis of financial need and the availability of funds. It is important to note that the availability of and eligibility for aid from Federal programs are not guaranteed from one academic year to the next and that students must reapply every year. Also, enrolled students must meet federal, state, and institutional academic progress standards to continue qualifying for financial aid awards. All financial aid is awarded on the basis of need, regardless of race, color, religion, sex, sexual orientation, age, national or ethnic origin, handicap, marital, parental, or veteran status. Students are encouraged to apply for financial aid at least eight weeks before the beginning of the term.

## ***APPLICATION PROCEDURES***

To apply for financial aid, an applicant is required to complete the Free Application for Federal Student Aid (FAFSA), which is used to determine eligibility for all Title IV programs and for New York State aid through the Tuition Assistance Program (TAP).

The FAFSA can be found on-line at [www.fafsa.ed.gov](http://www.fafsa.ed.gov). It is used to determine eligibility for the Federal Pell Grant Program and apply for Federal Student Loans. The Financial Aid Office will provide assistance to students in completing the form and securing the necessary documentation.

## ***ELIGIBILITY FOR FEDERAL STUDENT AID PROGRAMS***

To be eligible for Title IV assistance, a student must meet the following requirements:

- Be enrolled as a regular student in an eligible program of study on at least a quarter-time & half-time basis for federal student loans;

- Be a United States citizen, or national, or an eligible non-citizen. Verification of eligible non-citizen status may be required;
- Have financial need as determined by a need analysis system approved by the United States Department of Education;
- Provide required documentation for the verification process and determination of dependency status when required;
- Not owe a refund on Federal Pell Grant, FSEOG, or state grant previously received from any college;
- Not be in default on any Federal Loans such as Direct, Perkins, PLUS, etc... or an Income Contingent Loan previously received from any college;
- Not have borrowed in excess of annual aggregate limits for the Title IV programs;
- Be registered for the Selective Service if the student is a male born after December 31, 1959.

***SATISFACTORY ACADEMIC PROGRESS REQUIREMENTS FOR MAINTAINING ELIGIBILITY FOR FEDERAL FINANCIAL AID***

All students are required to make satisfactory progress toward the completion of a degree or certificate. Academic progress standards must also be met to continue qualifying for financial aid awards. Academic progress is reviewed at the end of each semester or grading period and is measured both qualitatively by grade point average, and quantitatively, by the amount of time required to complete the program of study.

The college's satisfactory academic progress requirements may be found in the 2019-2020 Mandl Catalog or by speaking with the Dean of Students and Academic Services, and/or the Registrar.

**Mandl's Policies and Procedures**  
**In compliance of Title IX, CleryAct, Campus SaVE Act, Title VII Civil Rights Act, and Article 129-B of**  
**the New York State Education Law.**

**Section 1. Title IX**

Mandl is committed to Title IX and educating our community on the law and what it means for us. The College's Department of Student and Academic Affairs is here to provide support to the entire Mandl community.

**What Is Title IX?**

Title IX of the Education Amendments of 1972 protects people from sex discrimination in educational programs and activities at institutions that receive federal financial assistance. Sex discrimination includes sexual harassment, sexual violence, and sexual misconduct.

Mandl is committed to providing an environment that is free from all forms of discrimination on the basis of sex and offers many resources to students, faculty, administrators, and staff to address concerns Mandl is a full supporter of Title IX of the Education Amendments of 1972 (Title IX). This amendment prohibits discrimination based on sex in educational programs and activities that receive federal funding. Title IX protects students, employees, third parties including vendors and visitors to the Mandl premises, candidates for admissions, general applicants for financial aid, female, male, gender nonconforming students regardless of their real or perceived sex, gender identity, and/or gender expression, and other persons from any sex-based discrimination, harassment - gender-based or sexual, bullying, or violence including those students who are also pregnant, parenting students, and women in STEM (science, technology, engineering, and math) programs.

Additionally, Title IX addresses sexual misconduct as a form of discrimination, which can be defined as, but is not limited to: verbal or physical sexually based threats or abuse, sexual harassment, sexual violence (i.e., attempted/completed rape or attempted/completed sexual assault), dating violence, domestic violence, stalking, exhibitionism, human trafficking, and voyeurism relating to discrimination on the basis of sex or gender identity.

**Who Is the Title IX Coordinator?**

Ms. Ana Tejada is College's Title IX coordinator. Phone: 212-247-3434 ext.136 or [atejada@mandlschool.com](mailto:atejada@mandlschool.com)

**When Should I Contact a Title IX Coordinator?**

Any student, faculty, administrator, staff member, or applicant for admission who has concerns about sex discrimination including sexual harassment, sexual violence, or [sexual misconduct](#) is encouraged to seek the assistance of a Title IX Coordinator.

For example, we encourage you to contact a Title IX Coordinator if you:

- Wish to understand your options if you think you may have encountered sex discrimination or sexual misconduct
- Learn of a situation that you feel may warrant a College investigation
- Need help on how to handle a situation by which you are indirectly affected
- Seek guidance on possible methods of de-escalating or alleviating a difficult situation
- Have questions on College's policies and procedures

You can get more information about Academic Title IX and the College's Policies online at: [www.mandl.edu](http://www.mandl.edu)

It is the responsibility of each student to be familiar with Title IX and the College policies associated with sexual harassment, assault, and gender bias/discrimination.

### **What are the functions of the Title IX Coordinator?**

The Title IX Coordinator has many responsibilities as part of his/her job of ensuring the college complies with the law. The Title IX Coordinator has the primary responsibility for:

- Receiving complaints regarding sexual misconduct;
- Providing information to students about resources and support services available;
- Directing investigations into incidents of sexual misconduct;
- Issuing interim protective measures and arranging requested accommodations;
- Initiating student conduct charges against students who have committed sexual misconduct;
- Ensuring the student conduct process and policies of the School are followed as established in this document.
- Overseeing student compliance with consequences and sanctions imposed through the student conduct process;
- Collecting statistics regarding the prevalence of sexual misconduct on campus;
- Conducting annual surveys of the campus community regarding sexual misconduct; and
- Overseeing education and training programs relating to sexual misconduct.

The Title IX Coordinator is the person with whom you would file a formal report regarding sexual misconduct. You can also privately tell the Title IX Coordinator about incidents of sexual misconduct even if you do not want to file a formal report. You can also disclose those incidents to other college officials, if you prefer.

In the course of the Coordinator's duties, the person will partner with various campus departments to ensure a hostile free environment where all members feel safe and welcome via training, educational programs, such as workshops, seminars, etc., as well as appropriate administrative policies – including counseling and referral services - engendering a sense of community for all Mandl students and staff.

### **Section 2: General Policy Statement**

Mandl College does not discriminate on the basis of sex or gender in its educational programs and activities or in employment. Mandl College prohibits all forms of sexual misconduct, including sexual harassment, sex-based harassment, sexual assault, sexual exploitation, domestic violence, dating violence and stalking as those terms are defined below. Any attempt to engage in prohibited conduct may itself constitute a violation of this policy. Any actions knowingly taken to aid, facilitate or encourage another to engage in prohibited conduct and any actions taken for the purpose of interfering in the investigation of an allegation of prohibited conduct shall constitute a violation of this policy. Anyone found to have violated this policy will be subject to disciplinary action as set forth in the procedures below. Mandl College is committed to provide those who feel that they have been subjected to conduct in violation of this policy with mechanisms for seeking redress and resources for support. Accordingly, Mandl College prohibits retaliation against any person for complaining of a violation of this policy or for participating as a witness in any investigation or proceedings related to an alleged violation.

Community members are protected from sexual misconduct regardless of their sex, sexual orientation, immigration status, citizenship status or national origin, race, religion, marital status, disability, or any other protected characteristic.

Mandl College complies with all laws governing discrimination and sexual misconduct in the academic setting and in employment, including Title IX of the Education Amendments Act, the Campus SaVE Act, Title VII of the Civil Rights Act, New York Education Law Section 129-b, the New York State Human Rights Law, and the New York City Human Rights Law.

### **Section 3: Sexual Misconduct Policy**

Mandl is committed to promoting a safe learning and working environment where all members of the college community feel safe and respected. The purpose of this Sexual Misconduct Policy & Procedures for the Mandl Community is to ensure that all community members live, work and learn in a safe and respectful environment free from any form of sexual misconduct. Acts of sexual misconduct are contrary to the College's educational mission and values, and are harmful to others. Sexual misconduct includes a broad range of behaviors that will not be tolerated in the College's education programs or activities. The College strictly prohibits sexual harassment and sexual violence, including the offenses of sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence, and stalking prohibited by this policy (collectively, "sexual misconduct"). Conduct prohibited by this policy may also violate federal and/or New York State laws enforced through the criminal justice system. Individuals are free to pursue action under this policy and through the criminal justice system simultaneously. Mandl takes all reports of misconduct seriously. If there is a violation of this Policy, the College will take steps to eliminate the sexual misconduct, prevent its recurrence and to remedy any effects of the sexual misconduct and address its impact on affected individuals. All College proceedings conducted in regards to alleged violations of this policy will be done so in a timely and equitable process that provides adequate notice and meaningful opportunity for all parties to be heard. The College also prohibits retaliation against a person for the good faith reporting of any alleged violation or for participating in any investigation or hearing.

Sexual misconduct can occur between strangers, acquaintances, or people who know each other well, including those who are involved in an intimate or sexual relationship, and can be committed by anyone regardless of sex, gender, or gender identity.

This Policy has been created to:

- Prohibit acts of sexual misconduct, including sex discrimination, sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence;
- Foster a climate of respect and security on campus to prevent and respond to sexual misconduct;
- Identify behavior that constitutes sexual misconduct under this Policy and State law;
- Disseminate clear policies and procedures for reporting acts of sexual misconduct and for responding to acts of sexual misconduct reported to the Mandl;
- Explain how students and employees can report sexual misconduct to the College confidentially;
- Identify the resources available both on and off campus to aid complainants, including local law enforcement resources;
- Investigate and promptly address complaints in a fair and equitable manner that is independent of criminal or other investigations that may occur;
- Deliver primary prevention and awareness programs and ongoing training and education campaigns to students and employees so they understand how to report sexual misconduct;
- Help students and employees understand how to reduce the risk of sexual assault and other forms of sexual misconduct;
- Identify the rights of complainants and respondents under this Policy, regardless of whether the offense occurred on or off campus;
- Identify the Title IX Coordinator and describe the Coordinator's role in compliance with guidance from the Department of Education's Office of Civil Rights; and
- Comply with the New York State Education Law, Articles 129-A (see §§ 6430 through 6438) 129-B (see §§ 6439 through 6449).

Inquiries concerning the application of this Policy or Title IX may be referred to the College's Title IX Coordinator.

#### **Section 4: Scope of the Policy**

This Policy applies to all members of the Mandl Community regardless of sex, race, national origin, disability, sexual orientation, gender identity and gender expression, or other status protected under federal, state or local law. For the purpose of this Policy, the Mandl Community includes, but is not limited to, all faculty, administrators, staff (including student workers), students, alumni, interns, members of the Board of Trustees, and members of College-sponsored advisory committees. Non-community members (e.g., family or friends of students, visitors to the College vendors and service-providers) who are visiting campus, participating in a program or activity or interacting with Mandl Community members are also subject to this policy.

This Policy applies to any allegation of sexual misconduct that takes place on College property, on College technological systems or any other property on which a College -sponsored program or activity takes place. This Policy also covers conduct that takes place off-campus if the conduct creates a threatening or uncomfortable environment on the College's campus or within a College program, or if the incident causes concern for the safety or security of the College's campus.

In the event that sexual misconduct has been committed by a non-member of the college community (including an unknown person or stranger), students may still report the incident to the college and receive support and protection. For a list of on-campus and off-campus resources and support services near the College campus, see *Resources, Support Services, and Protection for Victims* below.

A particular situation may potentially invoke one or more College policies or processes. The College reserves the right to determine the most applicable policy or process and to utilize that policy or process. Members of the College community who commit acts of sexual misconduct will be disciplined appropriately and pursuant to college policy. This policy document describes protections specifically for students who are subjected to sexual misconduct as well as disciplinary procedures specifically relevant to students who commit sexual misconduct. The actions the college is empowered to take against an individual who commits sexual misconduct may vary or be limited when that individual is not a member of the college community; however, whenever a member of the college community is subjected to sexual misconduct, regardless of the status of the individual who committed it, the College will continue to provide support, resources, and protection to the affected community member. At all times, the College will cooperate with and assist in law enforcement investigations whenever appropriate and requested to do so.

Finally, this policy (i) defines the prohibited conduct; (ii) sets forth the available resources and reporting options; (iii) describes the College's procedures for responding to complaints of sexual misconduct, including the investigation and adjudication process; and (iv) describes programs implemented by the College to educate and increase awareness among the Mandl community regarding sexual misconduct.

#### **Section 5: Definitions within the Policy**

The below-listed terms are used throughout this policy document and are being provided for informational use by students and employees for guidance in the investigation and processing of alleged violations. Any questions about whether a specific incident violates New York State criminal laws should be addressed to law enforcement or to the district attorney.

For the purposes of determining whether a course of conduct constitutes a violation of this Policy, the relevant definitions are listed below.

- A. ***"Affirmative consent"***: is defined as a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender

identity or gender expression. All references to “consent” in this policy will mean affirmative consent as defined in this policy.

The following principles, along with the above definition, will be used to evaluate whether affirmative consent was given:

- Consent to one form of sexual contact (such as kissing or fondling) or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other forms of sexual activity or to sexual activity in the future.
- A current or previous dating relationship is not sufficient to constitute consent.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time during sexual activity by expressing in words or actions that they no longer want the sexual activity to continue.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.
- In accordance with New York state law, a person who is less than 17 years of age is incapable of consenting to sexual activity.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

**B. Accused:** a person accuse of sexual misconduct or another violation of this policy.

**C. Bystander:** Bystander includes any person who witnesses or learns about sexual misconduct or another violation of this policy who is not himself or herself the victim or person subjected to the sexual misconduct. Bystanders are welcome and encouraged to report incidents of sexual misconduct that they have witnessed or learned about. If your friend is a victim of sexual misconduct, please encourage them to reach out for help. A list of on-campus and off-campus resources available to victims can be found in section 8.

**D. Coercion:** is unreasonable pressure. The use of intimidation or emotional manipulation to persuade someone to do something they do not want to do, such as performing certain sexual acts, constitutes coercion. Coercing someone into having sex or performing sexual acts does not constitute obtaining consent and is considered sexual misconduct.

**E. Complainant:** is the person(s) who allege(s) that this policy has been violated.

**F. Dating Violence:** includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence would include, but would not be limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts that meet the definition of “domestic violence.”

**G. Domestic Violence:** includes the use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards (i) a current or former spouse or intimate partner; (ii) a person with whom one shares a child; or (iii) anyone who is protected from the respondent's acts under the domestic or family violence laws of New York. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.

- H. **Force:** is the use of physical violence and/or imposing on someone physically to gain sexual access.
- I. **Incapacitation:** is a state where someone cannot make rational, reasoned decisions. A person may be incapacitated due to mental disability, sleep, unconsciousness, physical restraint, or from the consumption (voluntary or otherwise) of incapacitating drugs or quantities of alcohol. Sexual activity with someone whom you know or, reasonably should know, is mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this policy. Evidence of incapacity may be detected by physical cues, such as slurred speech, bloodshot eyes, the odor of alcohol on a person's breath or clothing, inability to maintain balance, vomiting, and unusual or irrational behavior. Incapacity may be indicated by the quantity of alcohol consumed. The presence of one or more of these cues does not necessarily indicate incapacity, nor does the absence of these cues necessarily indicate capacity.
- J. **Intimidation:** means unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- K. **Respondent:** is the person who is accused of violating this policy.
- L. **Reporting individual:** reporting individual includes any person who is a victim, survivor, complainant, and other individuals who were subjected to sexual misconduct, and then report it.
- M. **Retaliation:** includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's informal or formal complaint of a violation of this policy or participation as a witness in a school or government investigation or proceedings related to an alleged violation of this policy or related civil rights law. Federal, state and local civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws.
- a. Taking adverse action against an individual for making a good faith report of prohibited behavior, for participating in any investigation or proceeding into such behavior, and/or otherwise cooperating with the College's efforts to prevent and remediate sexual misconduct in its community, including but not limited to engaging in intimidation, threats, coercion, and/or adverse actions regarding education or employment.
  - b. Retaliation does not exist where an individual pursues actions in good faith in response to a report of prohibited behavior, such as an accused individual offering evidence in his/her own defense.
  - c. Retaliation may be committed by an accused individual, a reporting individual, or any other person or group of persons
- N. **Sexual or Sex-based Harassment:** is defined as unwelcome sex-based verbal, visual or physical conduct:
- that has the purpose or effect of creating an intimidating, hostile, or offensive learning or working environment;
  - that has the purpose or effect of unreasonably interfering with an individual's academic or job performance or limiting or depriving someone of the ability to participate in or benefit from Mandl College's educational programs, activities and/or employment; or
  - where submission to the conduct is explicitly or implicitly made a term or condition of an individual's education, employment, or participation in other activities sponsored by Mandl College; or

- where submission to or rejection of the conduct is used as the basis for academic or employment decisions.

Examples of sex-based harassment that may cause a hostile environment include, but are not limited to:

- subtle or persistent pressure for sexual activity;
- unnecessary touching, or brushing against a person;
- requesting or demanding sexual favors concerning employment, academic activities or other Mandl College activities;
- unwelcome communications (verbal, written, electronic, etc.) of a sexual nature;
- failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior;
- verbal and/or physical aggression toward another based upon a perception that the other fails to conform to stereotypical notions of expected characteristics for males or females.

O. ***Sexual Assault***: is divided into two categories of behavior: ***Non-consensual Sexual Contact*** and ***Non-consensual Sexual Intercourse***.

***Sexual Assault--Non-consensual Sexual Contact*** includes any intentional touching of a sexual nature, however slight, whether clothed or unclothed, with any object or body part by a person against another person that is without affirmative consent and/or by force. Consent is required regardless of whether the person initiating the sexual contact is under the influence of drugs and/or alcohol. When consent is withdrawn or can no longer be given due to incapacitation, sexual activity must stop.

Examples of non-consensual sexual contact include, but are not limited to:

- intentional contact with the breasts, buttocks, groin, or genitals;
- intentional touching of another with breasts, buttocks, groin, or genitals;
- making another person touch someone or themselves in a sexual manner.

***Sexual Assault--Non-consensual Sexual Intercourse*** includes any sexual intercourse, however slight, with any object or body part by a person against other person that is without affirmative consent and/or by force. Affirmative consent is required regardless of whether the person initiating the sexual contact is under the influence of drugs and/or alcohol. When consent is withdrawn or can no longer be given due to incapacitation, sexual activity must stop.

Examples of non-consensual sexual intercourse include, but are not limited to:

- vaginal penetration by a penis, object, tongue or finger;
- anal penetration by a penis, object, tongue or finger;
- oral copulation (mouth to genital contact or genital to mouth contact).

***Sexual Exploitation*** includes but is not limited to:

- invasion of sexual privacy and voyeurism (in-person or through audio or video recording);
- knowingly transmitting a sexually transmitted infection;
- exposing of a person's body or genitals;
- prostituting or soliciting another community member.

**P. Sexual activity:** Sexual activity includes both sexual acts and sexual contact.

- Sexual act
  - Contact between the penis and the vulva or between the penis and the anus. Contact involving the penis occurs upon penetration, however slight.
  - Contact between the mouth and the penis, mouth and the vulva, or the mouth and the anus.
  - Penetration, however slight, of the anal or genital opening of another person by a hand, finger, or any object, with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person.
  - Intentional touching, not through clothing, of the genitalia of another person under the age of 16 years, with an intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person.
- Sexual contact
  - Intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person.

**Q. Sexual misconduct:** is a broad term that encompasses a range of behaviors. Sexual misconduct can occur between people who know each other, people who have an established relationship, people who have engaged in consensual sexual activity before, and people who don't know each other. Sexual misconduct can be committed by persons of any gender or gender identity, and it can occur between people of the same sex or different sex. Sexual misconduct includes but is not limited to:

\* **“Sexual assault”** includes non-consensual sexual intercourse and non-consensual sexual contact. “Non-consensual sexual intercourse” means any form of sexual penetration or intercourse (vaginal, anal, or oral), however slight, with any body part or object by an individual upon another individual without consent and/or by force; and includes but is not limited to:

- *Rape*- The penetration, no matter how slight, of a person's vagina or anus, without that person's consent, by another person with any body part or object; and/or the penetration of a person's mouth, without that person's consent, by another person's sex organ.
- *Sexual coercion*- Using verbal pressure to compel another person to engage in sexual activity that he/she would otherwise not consent to, including but not limited to telling lies, threatening to spread rumors, and engaging in verbal abuse.
- *Fondling*- Touching the private body parts of another person, without that person's consent, for the purpose of sexual gratification.
- *Statutory rape* Sexual intercourse with a person who is under the legal age of consent.

**“Sexual coercion”** is the application of unreasonable pressure, including emotionally or physically manipulative actions or statements, or direct or implied threats, in order to compel the person to engage in sexual activity.

**“Sex discrimination”** is an act that disadvantages a person and that occurs because of the affected individual's gender, sexual orientation, gender identity, or gender expression. Examples of sex discrimination include, but are not limited to, denying a student a research opportunity because of the student's gender; giving a student a lower grade than s/he deserved because of the student's gender; denying an employee a raise or promotion because of the employee's gender.

**R. “Sexual exploitation”:** means any act whereby one person takes sexual advantage of another who has not provided consent. Sexual exploitation occurs when the perpetrator acts for his or her own advantage or benefit, or for the benefit or advantage of anyone other than the person being exploited. Sexual exploitation includes the exposure of one’s self to another person without that person’s consent; it also includes recording, photographing, transmitting, viewing or distributing intimate or sexual images or sexual information without the knowledge and consent of all parties involved, observing others who are engaged in intimate or sexual situations without permission, acts of incest, or engaging in consensual activity with another person while knowingly infected with HIV or some other sexually transmitted disease without informing the other person of such infection; exposing one’s genitals to another person without the consent of that person; causing another person to become incapacitated with the intent of making that person vulnerable to non-consensual activity or sexual exploitation.

**S. “Sexual harassment”:** means unwelcome conduct, based on sex or on gender stereotypes, that a reasonable person would find intimidating, hostile, or offensive. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic or physical conduct of a sexual nature, when: (1) submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, education or campus life activities, or used as the basis of any academic, student life or employment decision (quid pro quo or “this for that”); or (2) such conduct is sufficiently severe, persistent or pervasive such that it limits an individual’s ability to participate in, or benefit from, the College’s education or work programs or activities (hostile environment).

Examples of sexual harassment include, but are not limited to, posting sexually explicit or offensive material that does not serve an academic purpose; obscene or sexually offensive gestures and comments; lewdness; repeatedly subjecting a person to unwelcome sexual attention or sexual advances; requesting sexual favors; conditioning a benefit on submitting to sexual advances; engaging in inappropriate or unnecessary touching or rubbing against another; or making sexually suggestive or degrading jokes.

**T. “Stalking”:** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. For purposes of this definition: *Stalking* is a course of conduct directed at a specific person that would cause a reasonable person to feel fear for her, his, or others’ safety, or to suffer substantial emotional distress.

Examples of stalking include but are not limited to:

- constantly appearing at places the victim is known to frequent;
- persistent unwanted communication or contact whether in person, by telephone, text, or email;
- persistent unwanted gifts;
- following or surveillance;
- Breaking-and-entering that can include vandalism, theft, or even simply rearranging objects so that victims know the stalker was there.

**U. Gender-based harassment:** Unwelcome conduct of a non-sexual nature based upon a person’s actual or perceived sex, including conduct based on gender identity, gender expression, and non-conformity with gender stereotypes.

Sex discrimination and/or gender discrimination

Treating an individual unfavorably or adversely based upon that individual’s sex and/or gender in

the context of educational or employment activities, programs, or benefits, such as in admissions, hiring, selection for and/or participation in projects, teams, or events, provision of wages or benefits, selection for promotions, etc. Sex and/or Gender Discrimination is the unfair or unequal treatment of an individual (or group) based on sex or gender which violates federal and state law (including Title IX).

## **Section 6: Prohibited Behavior**

Mandl College is a place of academic learning, and its community members are expected to behave accordingly. The following behaviors are considered specific and serious violations of this policy. Violations of this policy can occur both on-campus and off-campus and may also include other unacceptable conduct not specifically listed below. Any possible or known violation of this policy may result in the college conducting an investigation; in certain instances, the college is obligated by federal and/or New York State law to conduct an investigation into these behaviors. Students believed to have committed prohibited behavior, including sexual misconduct, in violation of this policy may face student conduct charges, which can result in serious consequences, such as suspension or expulsion. For more information, see *Disciplinary Process for Students who Commit Sexual Misconduct* described in Section 9 of this policy document.

### **Prohibited Behavior:**

- Sexual misconduct, including but not limited to:
  - Rape
  - Sexual assault
  - Sexual harassment
  - Stalking
  - Domestic violence
  - Dating violence
  - Unwanted sexual activity and/or contact
  - Fondling
  - Statutory rape
  - Gender-based harassment
  - Sex discrimination
  - Retaliation against someone who has made a complaint about sexual misconduct
  - Sexual exploitation
  - Sexual coercion
  - Other sexual violence
  - Other sexually inappropriate behavior
- Attempting to commit sexual misconduct
- Aiding another person in committing sexual misconduct
- Knowingly violating an interim measure or sanction imposed by the College pursuant to this policy, such as a ‘no contact’ order, suspension, or other measures and/or sanctions deemed appropriate under the circumstances
- Knowingly filing a false report of any prohibited behavior

The above forms of sexual misconduct are defined in *Terminology and Definitions* in Section 5 of this policy document

## **Section 7: How to Report Incidents of Sexual Misconduct**

In any instance of sexual misconduct, a student has the right to report the incident to the Mandl College, to campus security, to local law enforcement, to the State police, to any combination of these authorities, or to not report the incident at all.

### **Disclosing vs. Reporting**

There are many resources available to those who have been subjected to sexual misconduct. Mandl College encourages all individuals who have been or who believe that they may have been subjected to sexual misconduct to report the conduct, so the College can act to address its effects and prevent its recurrence. We recognize, however, that there may be circumstances in which an individual who has experienced sexual misconduct does not feel ready to disclose their experience to the College. Mandl encourages those individuals to seek out the confidential resources below to ensure that they are getting appropriate support. It is important to understand which individuals can provide confidentiality and which are required to report an incident to the College.

Sometimes students wish to tell someone about an incident of sexual misconduct but are not yet sure whether they wish to see official action taken against the individual who committed it. Students have the option to disclose (tell someone about) an incident without being obligated to file a formal report. Whether a student chooses to disclose or chooses to formally report an incident, the student has the right to be protected by the College from retaliation and the right to receive assistance and resources from the college.

The Title IX Coordinator is the person with whom a student would file a formal report regarding sexual misconduct, if the student wishes to do so. Upon receiving a formal report, the Title IX Coordinator begins an investigation into the incident and commences the student disciplinary process against the individual who committed the sexual misconduct, if that individual is a student of the college (or, if the individual is not a student, takes other appropriate action). The Title IX Coordinator will also offer the student assistance and resources.

Students can also make a formal report to the Title IX Coordinator even if they do not want an investigation to occur. Although the Title IX Coordinator is not a “confidential resource” in that same way as the Confidential Official listed later in this document as Prof. Sandra Monteiro, reporting an incident to the Title IX Coordinator while expressing one’s wish for no investigation to occur is known as a “confidential report” to the Title IX Coordinator. This is considered a “confidential report” in that the Title IX Coordinator will first ask the student’s permission before beginning an investigation and commencing the student disciplinary process. If the student declines to give permission, the Title IX Coordinator will honor the student’s decision and will not investigate the report, except in circumstances where failing to investigate would prevent the College from providing a safe and non-discriminatory environment for all members of the college community. In those cases, the student would not be obligated to participate in the investigation or the disciplinary process. Whatever the student decides, the Title IX Coordinator will still offer the student assistance and resources.

### **Disclosing to Someone Other than the Title IX Coordinator**

#### **Non-Confidential Resources:**

Incidents can also be disclosed to Mandl employees other than the Title IX Coordinator such as Department Chairs, Faculty, Evening/Weekend Director, Deans, Managers and Supervisors, Campus Safety and Security, and Human Resources, if the student prefers to do so. Some college employees are required to notify the Title IX Coordinator when an incident of sexual misconduct is disclosed to them, in order to protect the safety of other people on campus and so that the Title IX Coordinator can reach out to the student to offer help, support, and information about filing a formal report if the student desires. While these college employees cannot offer true confidentiality, they promise not to disclose more information to the Title IX Coordinator than necessary. The information disclosed will be limited to only the information needed to

conduct an investigation (if the student permits) and to ensure student safety. All employees are encouraged to report any incident of sexual misconduct of which they may become aware. Any manager or supervisor who learns of an incident of sexual misconduct who does not report it will be subject to disciplinary action.

### **Confidential Resources:**

Other College officials are not required to notify the Title IX Coordinator when a student discloses an incident of sexual misconduct to them. These college officials are known as “Confidential Officials”. Confidentiality can be offered by a college official who is not required by law to report known incidents of sexual assault or other crimes to the college’s Title IX Coordinator or any other college officials. Any conversation you have with a confidential official will be kept completely confidential and will not be shared with anyone else without your permission, except in the very rare and extreme circumstance where someone’s safety is at risk. The College has one Confidential Official, Professor Sandra Monteiro located on the fifth floor with whom students can speak with confidentiality. This person can help students obtain assistance and resources without sharing a student’s confidential information with anyone else. Speaking to the Confidential Official will not result in a formal report being made. If a student discloses an incident of sexual misconduct to Professor Monteiro and requests confidentiality, Professor Monteiro will not report what the student tells her to the College without the student’s permission, except for extreme circumstances, such as a health and/or safety emergency.

**Professor Monteiro phone number is 212-247-3434 ext.135 and her email address is [smonteiro@mandl.edu](mailto:smonteiro@mandl.edu)**

The following off-campus resources are available for *students and employees* who seek confidential resources. (Note that these outside options do not provide any information to the campus.)

- Safe Horizon Rape and Sexual Assault Hotline - (866) 689-HELP (4357)
- Safe Horizon Domestic Violence Hotline - (800) 621-HOPE (4673)
- New York State Office of Victim Services Toll Free Number – (800) 247-8035
- New York State Sexual Assault and Domestic Violence Hotline (800) 942-6906; Spanish: (800) 942-6908
- New York State Police Sexual Assault Hotline – (844) 845-7269

Students can also disclose incidents to non-college officials, such as a local rape crisis center or a mental health counselor. A list of some local community resources is provided in **Section 8**. You can also find local rape crisis centers and other community resources by dialing 2-1-1 or 3-1-1. Non-college officials provide confidentiality and can offer support and referrals to helpful services and resources. These persons are not affiliated with the college and have no obligation to notify the Title IX Coordinator about the incident. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency’s policies on confidentiality may be obtained directly from the agency.

Regardless of whether you choose to report the incident, if you have been subjected to sexual misconduct, you should seek appropriate medical attention. Additional information regarding medical resources can be found in the ***Resources, Support Services, and Protection for Victims***.

### **Privacy versus Confidentiality:**

Privacy will be provided by a College official who is unable to offer confidentiality due to their legal obligation to report known incidents of sexual assault or other crimes to the Title IX Coordinator. Even Mandl College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking

patterns and spotting systemic issues. Any College official who is not considered a confidential official, including the Title IX Coordinator, is considered a college official who will guarantee privacy.

### **What if I Disclose an Incident to the College and then Decide I Do Not Want to Pursue it? (For Students Only)**

If a student discloses an incident to a Mandl College employee who is obligated to report to the Title IX Coordinator but does not want their identity disclosed or does not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh the student's request against the College's obligation to provide a safe, non-discriminatory environment for all members of the community.

In evaluating a request not to investigate or to maintain confidentiality, Mandl College will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking,
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the reporting individual is a minor; and
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

The College will honor a student's request when possible. If the College determines that it cannot honor a student's request, the Title IX Coordinator or her designee will notify the student in writing prior to the start of an investigation and the College will, to the extent possible, only share information with the people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or college employees, will not be tolerated.

### **REPORTING TO LAW ENFORCEMENT**

**If you are in immediate danger, dial 911 and attempt to get to a safe place.**

Acts of violence, including sexual assault, domestic violence, dating violence, and stalking, are crimes. If you are not in immediate danger and would like to report an incident to the police, you can do so by contacting:

- the New York State Police at 1-844-845-7269
- the NYPD near the campus (10<sup>th</sup> Precinct Domestic Violence Unit) at 212-741-8216
- local law enforcement in the neighborhood in which you live

If you would like someone to assist you in contacting the police or go with you to the police department, any of the following individuals at Mandl College can assist you:

- Title IX Coordinator
- Evening/Weekend Director (Dr. Linda Chapilliquen)
- Campus Safety & Security

The College strongly encourages individuals to report incidents of sexual misconduct because it is the only way that responsive action can be taken against perpetrators of sexual harassment. In the event of domestic violence, dating violence, sexual assault, or stalking incident has occurred, victims are strongly encouraged to preserve evidence as may be necessary to the proof of a crime. (More information on evidence preservation can be found in the ***Resources, Support Services, and Protection for Victims*** section.) Mandl College campus authorities will assist in notifying law enforcement if the victim chooses. Victims have the right to decline to notify law enforcement.

Victims may report an incident to law enforcement regardless of whether they choose to report the incident to Mandl College. Conversely, reporting an incident to Mandl College does not require the Complainant to report the incident to law enforcement. Mandl College reserves the right to report any crime to law enforcement, but, as a general rule, will not alert law enforcement to an incident of sexual misconduct without the Complainant's permission, except where there is a serious and immediate threat to the campus community, when a minor is involved, or as otherwise required by law.

If the complainant files a criminal complaint with a local law enforcement agency, the College will comply with law enforcement agency requests for cooperation, which may require the College to suspend the fact-finding aspect of a Title IX investigation temporarily while the law-enforcement agency gathers evidence generally for a maximum of 10 days, absent extraordinary circumstances.

In addition to the protective measures that Mandl College may take, law enforcement may be able to provide additional protections, such as a restraining order. Mandl College can assist students in contacting law enforcement and legal services organizations to learn about additional remedies that may be available.

### **Institutional Crime Reporting and Timely Warnings**

Reports of certain crimes occurring in certain geographic locations will be included in Mandl College's Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the victim/survivor.

Mandl College is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the reporting individual). A victim/survivor will never be identified in a timely warning.

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents' prior year federal income tax return. Generally, Mandl College will not share information about a report of sexual misconduct with parents without the permission of the complainant.

### **Making a Formal Report Confidentially and/or Anonymously**

In addition to the options described above in regard to privately or confidentially disclosing an incident of sexual misconduct, students also have several options for making a formal report. The Title IX Coordinator is the person with whom a student would file a formal report regarding sexual misconduct, if the student wishes to do so. Employees are also encouraged to report incidents that do not involve students to the head of the department or the President. Formal reports can be made to the Title IX Coordinator by:

- Making a report to the Title IX Coordinator in-person or via email. (atejada@mandlschool.com)

All reports of sexual misconduct made to all college employees will be handled with privacy. Students reporting instances of sexual misconduct – whether they are the victim, a friend, or a witness/bystander – can also make confidential and/or anonymous reports if they prefer to do so.

As stated earlier, confidential reports can be made by telling the Title IX Coordinator that you do not want an investigation to occur. Important notes regarding “confidential reports”. While this reporting method is known as a “confidential report”, due to the nature of their responsibilities, the Title IX Coordinator is not truly a “confidential resource” in the same way as the Confidential Official mentioned above. As noted above, all information provided will be handled with the utmost privacy.

Anonymous reports can be made by contacting the College’s title IX email address at [TitleIX@mandl.edu](mailto:TitleIX@mandl.edu), and providing as much information as you are comfortable providing. This electronic address is checked by the College Title IX coordinator on a daily basis. All messages are treated with the utmost privacy. Information that would be helpful to include in your message would be the name of the person who committed the sexual misconduct, the date it occurred, the facts of what happened, and any other information that might help us address the situation. .Important note regarding anonymous reports:

Individuals who wish to anonymously report an incident should be aware that their anonymity may inhibit the College’s ability to conduct a full investigation of the incident, provide support, and/or update the student regarding actions taken.

Regardless of how a student chooses to make a report, the College may not require a victim to participate in any investigation or disciplinary proceeding.

In the event that sexual misconduct has been committed by a non-member of the college community (including an unknown person or stranger), students may still report the incident to the college and receive support and protection. For a list of on-campus and off-campus resources and support services near the College campus, see *Resources, Support Services, and Protection for Victims in Section 8 of this policy document*.

### **Amnesty Policy for Alcohol and/or Drug Use**

Students should not be afraid to report an incident of sexual misconduct merely because they were drinking alcohol or using drugs at the time of the incident, whether they were a victim, witness, or bystander. The College has adopted an amnesty policy for alcohol and/or drug use in regard to incidents of sexual misconduct. The health and safety of every student at the Mandl is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to college officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to College officials or law enforcement will not be subject to the college’s code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

### **Disclosures During Advocacy Events**

Individuals occasionally disclose information regarding sexual misconduct during a public awareness and/or advocacy event, such as candlelight vigils, protests, survivor speak-outs, Clothesline Project events, Take Back the Night events, Day of Unity events, and other similar public events. These events typically serve the purpose of empowering survivors and raising awareness about issues related to sexual violence, as opposed to serving as a forum in which formal reports are made. Accordingly, the College is not obligated to begin an investigation based on information disclosed at these events, however any individual always remains free to file a report with the college if they choose to do so. The college may use information provided at such events to inform its efforts for additional education and prevention efforts regarding sexual misconduct and sexual violence.

## **Campus Alerts**

When certain crimes occur in certain areas on and/or near campus that represent a serious or continuing threat to the campus community, the College is obligated under federal law to issue a timely warning in order to protect the safety of others. Crimes triggering a timely warning might include, for example, a rapist who is still present on campus. When a timely warning is issued, the warning will never identify any victims or reporting individuals.

### **Section 8: Resources, Support Services, and Protection for Victims**

The College is committed to supporting victims and survivors of sexual misconduct and sexual violence, regardless of when, where, or who committed the acts in question. In this section, the college has collected information and resources that may be helpful. If there are other resources that you or a friend might need, the college encourages you to reach out to the Title IX Coordinator, who can help obtain those resources. If you are in immediate danger at any point, call 911!

#### **Obtaining Immediate Medical Attention**

If you have been the victim of rape, sexual assault, domestic violence, or dating violence and are in need of immediate medical attention, please call 911 and/or consider visiting a hospital, urgent care center, or medical provider. Below is a list of emergency medical facilities and other medical providers near the college campus. New York State law requires that all hospitals in the State offer forensic rape examinations (sometimes also called ‘forensic sexual assault examinations’ or simply ‘rape kits’). Hospitals must notify the victim/survivor that they can choose to have the forensic rape exam and its related charges billed to the NYS Office of Victim Services at no cost to the victim/survivor. After the exam, you might receive other medical services or counseling services for which the hospital might charge you or bill your health insurance; if your insurance plan is through someone else (such as your parent), you are encouraged to tell hospital staff if you do not want your insurance policyholder to be notified about your access to these services.

Especially in incidents of rape or sexual assault, it may be important to receive a forensic examination as soon as possible in order to preserve evidence and/or to receive protection from sexually transmitted infections and pregnancy. To best preserve evidence, you should avoid showering, washing, changing clothes, discarding clothes, combing hair, or otherwise altering your physical appearance until the exam is complete, and you should seek an exam as soon as possible. Most medical professionals recommend receiving emergency HIV-prevention medication within 36 hours (1.5 days), a forensic exam within 96 hours (4 days), and emergency contraception (sometimes called “the morning-after pill”) within 120 hours (5 days) of being raped or sexually assaulted. Even if you don’t want evidence to be collected, it is still recommended that you get examined by a doctor in order to address physical injuries, potential pregnancy, and possible exposure to sexually transmitted infections. For more information about what to do after an assault, please call the NYS Sexual Violence Hotline at 1-800-942-6906 (available 24/7/365) to be connected to your local rape crisis center or visit the National Sexual Violence Resource Center website at [www.nsvrc.org](http://www.nsvrc.org).

More information regarding forensic examinations and sexually transmitted infections, as well as other resources available through the New York State Office of Victim Services, by talking the Title IX Coordinator, or by contacting the New York State Office of Victim Services directly at 1-800-247-8035 or <https://ovs.ny.gov/contact-us>.

## **On-Campus and Off-Campus Resources and Support Services**

Individuals who have been subjected to sexual misconduct also often need other types of support. Even if you think you are okay and that you don't need help, the college encourages you to reach out to someone. The College offers on-campus resources that may benefit you. In addition, there are various off-campus resources that you can use if you prefer not to seek help from on-campus resources. Below is a list of on-campus and off-campus resources near the Swedish Institute campus, including counselors, advocates, and community resources. If you have any questions or aren't sure where to go, the Title IX Coordinator can help point you in the right direction.

### **On-Campus Resources:**

- Title IX Coordinator ( Ms. Ana Tejada)
- Confidentiality Officer ( Prof. Sandra Monteiro)
- Evening/Weekend Director (Dr. Linda Chapilliquen)
- Department Chairs
- Learning Resource Center
- Library
- Campus Safety & Security

The offices of Title IX Coordinator, Vice President of Academic Affairs, Campus Safety and Security, Learning Resource Center, the Library distribute information and conduct discussions and workshops on personal safety and sexual misconduct for students and employees. These offices have also developed a network of community and mental health services for sexual misconduct victims. The purpose of this programming and referral system is to inform members of the College community regarding campus safety and security procedures and to assist the victims of sexual misconduct. All members of the College community are encouraged to read all relevant information and attend workshops whenever and wherever possible.

The above is only a brief listing of the resources available to you. You can find many more resources by dialing 2-1-1 or 3-1-1 for free, confidential help finding an extensive list of resources, including law enforcement & public safety assistance, legal services, hospitals that conduct sexual assault forensic exams, confidential counseling services, and more. 2-1-1 and 3-1-1 are available 24/7, and many of the resources to which they can refer you also are available 24/7, are confidential, and are low-cost or free of charge.

### **Off Campus Options for Assistance**

The College strongly encourages anyone who has experienced sexual misconduct or who has been the victim of a crime to seek immediate assistance to ensure physical safety and to obtain medical or other support services. There is a wide range of community resources available. Reports to these off-campus community resources will not constitute a report to the College and will not result in the College taking any action against the accused.

Assistance is available from:

- Local Police and Emergency Assistance - Call 911
- NYPD Special Victims Division 646-610-7272
- Safe Horizon Rape and Sexual Assault Hotline - (866) 689-HELP (4357)
- Safe Horizon Domestic Violence Hotline - (800) 621-HOPE (4673)
- New York State Office of Victim Services Toll Free Number – (800) 247-8035
- New York State Sexual Assault and Domestic Violence Hotline (800) 942-6906; Spanish: (800) 942-6908
- New York State Police Sexual Assault Hotline – (844) 845-7269

## **SAFE Centers of Excellence**

Sexual Assault Forensic Examiner (SAFE) services are considered the best and most victim-centered approach to acute health care for sexual assault patients. The New York State Department of Health certifies Emergency Departments as SAFE Centers of Excellence.

SAFE Centers provide sexual assault patients with:

1. Sensitive, victim-centered, medical and forensic health care performed by a specially trained Sexual Assault Forensic Examiner (SAFE) — a SAFE is a healthcare provider such as a doctor, nurse, physician's assistant or nurse practitioner;
2. Care that is timely, compassionate, and patient-centered, in a designated and appropriately equipped private room;
3. Assurance about the quality of collection, documentation, preservation and custody of physical evidence by utilizing a trained and New York State Department of Health-certified sexual assault forensic examiner to perform exams. These examiners are available to provide expert testimony if patients choose to report crimes to law enforcement;
4. Psycho-social and legal support by a specially trained Rape Crisis Advocate or Counselor; and
5. Reliable referrals to mental and physical health care and follow-up services.

Hospitals and Organizations in New York City with SAFE Centers:

### ***Manhattan***

- St. Luke's Hospital (CHP) Amsterdam Ave & W 113th St
- Mount Sinai West Hospital 1000 10th Ave
- Mount Sinai Beth Israel First Ave at 16<sup>th</sup> Street
- Lenox Health Greenwich Village 30 7<sup>th</sup> Ave
- Metropolitan Hospital Center 1901 1<sup>st</sup> Ave
- Safe Horizon—Manhattan Community Office 100 East 122<sup>nd</sup> St, 1<sup>st</sup> Fl.
- Manhattan Family Justice Center 80 Centre St, 5<sup>th</sup> Fl.

### ***Brooklyn***

- SUNY Downstate Medical Center 450 Clarkson Ave
- Woodhull Medical and Mental Health Center (HHC) 760 Broadway
- Safe Horizon Counseling Center 50 Court St, 9<sup>th</sup> Fl.

### ***Bronx***

- North Central Bronx (HHC) E 210th St & Kossuth Ave
- Safe Horizon—Bronx Community Program Office 80 East 181<sup>st</sup> St, Basement Level
- Bronx Family Justice Center 198 East 161<sup>st</sup> St, 2<sup>nd</sup> Fl.

### ***Queens***

- Queens Hospital Center (HHC) 82-68 164th St
- Safe Horizon—Queens Community Program Office 63-49 Alderton Street, 2<sup>nd</sup> Fl.
- Queens Family Justice Center, 126-02 82<sup>nd</sup> Ave

### ***Staten Island***

- Safe Horizon—Staten Island Community Program Office 30 Bay Street, 5<sup>th</sup> Fl.
- Staten Island Family Justice Center 126 Stuyvesant Place

For free, confidential help 24/7, contact the National Sexual Assault Hotlines (800.656.HOPE or [online.rainn.org](http://online.rainn.org)).

## Protections, Interim Measures and Campus Accommodations

In addition to the above on-campus and off-campus resources, Mandl is prepared to offer you certain protections and reasonable campus accommodations. Below is a list of protections and campus accommodations that may be available, if appropriate. To request any of the below protections and/or campus accommodations, please contact the Title IX Coordinator. The Title IX Coordinator will then make the necessary arrangements in order to maintain your privacy.

Upon receipt of a formal complaint, the Title IX Coordinator or designee will:

- Open a formal case file and determine any necessary interim remedial measures (as described below).
  - Determine the identity and contact information of the complainant.
  - Assess whether the facts as alleged by the complainant, if true, would constitute a violation of the policy. If the alleged facts do not state a violation, the complaint will be closed with no further action. If the alleged facts could state a violation, then the Title IX Coordinator or her designee will begin the investigation.
  - Offer the complainant resources and support and impose appropriate interim measures
- 
- Having the college issue a ‘no contact’ order against the accused individual
    - A ‘no contact’ order requires the accused to leave a public place where both the accused and the reporting individual are present. The accused is not allowed to contact or speak with the reporting individual. If necessary, the college may establish a schedule for the accused and the reporting individual to access college buildings and property at separate times. Violating the ‘no contact’ order could subject the accused to additional consequences and/or the involvement of law enforcement.
    - Upon request, both the accused and the reporting individual will have the opportunity to provide their perspective on the need for a ‘no contact’ order, the terms of any ‘no contact’ order issued, and the potential for modifying the ‘no contact’ order, and will be allowed to submit evidence in support of their view.
  - Assistance from college officials in obtaining an order of protection or restraining order from law enforcement against an individual
    - Orders of protection and restraining orders are similar to ‘no contact’ orders, except that they are imposed by the local police, not by the College. If an accused individual violates an order of protection or restraining order, they could be arrested. The College reserves the right to impose consequences on accused individuals who violate orders of protection and restraining orders, such as imposing additional conduct charges and/or subjecting the accused to interim suspension.
  - Assistance from college campus security in calling on & assisting law enforcement in effecting an arrest when the accused individual violates an order of protection
  - Having an accused individual subjected to interim suspension or other appropriate interim measures when he/she poses a continuing threat to the health and safety of the college community
    - Determinations of whether a student poses a continuing threat to the health and safety of the College community are made by the College administration. In making such determinations, the college acts in good faith and takes into consideration:
      - The nature of the allegation in question
      - Subsequent behavior occurring after the allegation
      - The potential risk of harm or disruption to the campus community and the reporting individual
      - Other relevant factors, such as whether the alleged behavior represents an

escalation in behavior from past incidents, the possession and/or use of a weapon, and whether alternatives to interim suspension are available

- When the threat posed implicates mental health issues, the student will be required to provide the college with documentation from an appropriate healthcare provider in order to return to campus. Additional safety precautions may also be taken where the college deems it necessary.
- When certain crimes occur in certain areas on and/or near campus that represent a serious or continuing threat to the campus community, Mandl is obligated under federal law to issue a timely warning, in order to protect the safety of others. Crimes triggering a timely warning might include, for example, a rapist who is still present on campus. When a timely warning is issued, the warning will never identify any victims or reporting individuals.
- Obtaining reasonable and available interim measures and accommodations for changes in an individual's academics, employment, transportation, or other arrangements in order to help ensure safety, prevent retaliation, and avoid a hostile environment, such as:
  - Changes to class schedule
  - Changes to work schedule
  - Assistance finding alternate transportation
  - Assistance finding alternate housing
- Other protections, services, and accommodations that may be appropriate

Mandl College determines which protective measures are appropriate for a particular situation on a case-by-case basis. Not all of the measures listed above will be necessary in every case to keep victims safe and ensure their equal access to educational programs and activities. If the complainant identifies an interim measure that is not already provided, Mandl College will consider whether the request can be granted. These interim measures will be taken promptly at no cost to the complainant. Depending upon the circumstances, some or all of the protective measures may be lifted once the process is complete and a decision is rendered or they may be continued to assist the complainant after a determination has been made, even if it is determined that some or all of the allegations have not been substantiated. Additional remedies and sanctions may be rendered after a violation is found.

Failure to comply with a directive relating to a protective measure may lead to further disciplinary action. Remedial measures will be kept confidential to the extent possible. Only those individuals who need to be informed in order to effectuate the measures will be informed.

The complainant or the student-respondent may request review and modification of any interim remedial measure(s) that directly impacts him or her, including review of the need for and terms of the protective measure(s), by submitting a letter to the Title IX Coordinator along with any evidence he or she wishes to present. In the event the measure impacts the other party, the other party will be given an opportunity to state his or her position and present evidence as appropriate. The Title IX Coordinator or designee will review the submissions and make a determination.

In addition to the measures that Mandl College may take, law enforcement may be able to provide additional protections, such as a restraining order. Mandl College can assist students in contacting law enforcement and legal services organizations to learn about additional remedies that may be available.

## **Section 9: Disciplinary Process for Students who commit Sexual Misconduct**

When a student commits or is believed to have committed sexual misconduct – whether committed against another student, other member of the campus community, or non-member of the campus community – the student will likely face student conduct charges and be subjected to the College's disciplinary process. All accused students are entitled to a presumption of 'not responsible' (not guilty), and all processes will be conducted in a fair, impartial, thorough, and timely manner. At all times, the burden of proof is on the college to establish that the alleged violation of this policy was committed by the student in question. The standard of evidence required in both the Student Conduct Hearing and in the Appeal Hearing, if one is

sought, is a preponderance of evidence. ‘Preponderance of evidence’ means that the relevant Hearing Panel must decide in favor of the party that, as a whole, has the stronger evidence that the violation was or was not committed, however slight the edge over the other party’s evidence may be. ‘Preponderance of evidence’ is sometimes described as ‘more likely than not’ or ‘51% probability’. The evidence should be sufficient to incline a fair and impartial mind to one side of the issue over the other, but it is not necessary for that mind to be completely free from all reasonable doubt. ‘Preponderance of evidence’ is a different and lesser standard of evidence than that used in criminal proceedings; and is the standard of evidence often used in civil court proceedings.

### Student Conduct Hearing Process

Reports of potential and actual violations of this policy, as listed and described in *Prohibited Behavior in Section 6*, will be processed as follows. All written notifications referenced below will be provided by Mandl officials to students via the college’s email system. All submitted incident reports regarding incidents of sexual misconduct will be reviewed by the Title IX Coordinator.

If appropriate, the Title IX Coordinator will conduct an investigation into the incident reported. Students who have reported an incident of sexual misconduct – whether done so privately, confidentially, or anonymously – have the option of requesting that the college not conduct an investigation; however, under certain circumstances, Mandl may determine that an investigation is necessary to protect the health and safety of other students. When the college determines that an investigation is necessary, the student who submitted the incident report will be notified in writing. Students who have anonymously submitted a report regarding an incident of sexual misconduct should be aware that their anonymity may inhibit the College’s ability to conduct a full investigation of the incident and/or communicate with the student regarding actions taken.

Any investigation conducted will be done so in a fair, impartial, thorough, and timely manner. During the investigation, the Title IX Coordinator or designee will:

- interview the complainant, the respondent, and any material witnesses;
  - give the complainant and the respondent the opportunity to identify relevant witnesses (The investigator has sole discretion to determine whom to interview but will not interview witnesses whose sole purpose is to provide character information);
  - gather all relevant documentary and/or physical evidence from the complainant, respondent, and witnesses; (This may include, but is not limited to, texts, emails, photos, facebook posts, voicemail messages, etc.);
  - give the respondent proper notice of the complaint, the date, time, location and factual allegations concerning the alleged violation as well as the specific policy provisions he or she is alleged to have violated and provide an opportunity for the respondent to provide information;
  - complete the investigation in a timely manner, without unnecessary deviation from the intended timeline; and
  - maintain communication with the complainant and the respondent on the status of the investigation and overall process.
- 
- If, upon investigation, it is determined that a student may have violated the policies described in this policy document, the Title IX Coordinator will file student conduct charges against the student and schedule a Student Conduct Hearing on the alleged violation, to be held on campus location and date determined by the Title IX Coordinator. The date selected by the Title IX Coordinator will be timely in that it will provide an accused student a reasonable amount of time to prepare for the Student

Conduct Hearing while also not constituting an unreasonable delay in resolving the charges. When an alleged violation involves more than one student, or when more than one violation is alleged to have been committed by a student, the Title IX Coordinator may determine, in his/her discretion, to schedule separate Student Conduct Hearings.

- When the Title IX Coordinator files student conduct charges against a student, the Title IX Coordinator will promptly notify the complainant and respondent in writing of the specific violation(s) in question, the date on which the violation allegedly occurred, possible consequences and/or sanctions against the student for such violation, information regarding how the student can dispute the violation alleged (including the date, time, and location of a Student Conduct Hearing at which the student will be entitled to present evidence), and what (if any) temporary measures will be imposed upon the student while the Student Conduct Hearing is in progress (e.g., temporary suspension). Where the alleged violation involves sexual misconduct, the written notice will also notify the student of his/her right to be accompanied at the Student Conduct Hearing by an advisor of his/her choice.
- The Student Conduct Hearing will be conducted in a fair, impartial, and thorough manner. The Student Conduct Hearing will be presided over by a panel of impartial individuals selected by the Title IX Coordinator. The panel will hear all evidence presented on the alleged violation. During the Student Conduct Hearing, the accused student will have the opportunity to present evidence in his/her defense and to be accompanied by an advisor of his/her choice. The panel will hear all evidence presented on the alleged violation.
- The Hearing Panel will be provided with the full investigation report, including any documents or other materials submitted by the parties. The complainant and respondent will have the opportunity to suggest questions for the panel to ask the other party and any other witnesses. The panel will have complete discretion to determine what questions may be asked and whether to hear from any witness suggested. The parties will each be given an opportunity to make a statement to the panel.
- Both parties will be permitted to attend the entire hearing in person but neither party may be present during the Hearing Panel's deliberations. If one or both parties does not feel comfortable being present in the same room as the other, arrangements will be made to permit participation remotely. Efforts will be made to ensure that each party is able to be physically present while addressing the panel directly.
- After all evidence has been presented in the Student Conduct Hearing, the panel will render a decision as to whether the accused student is 'responsible' (guilty) or 'not responsible' (not guilty) for the violation and will impose consequences and/or sanctions on an accused student found 'responsible', if appropriate.
- If the accused student fails to or declines to attend the Student Conduct Hearing, the Student Conduct Hearing will be held without the accused student present and the panel may reach a decision of 'responsible' and impose consequences and/or sanctions even in the accused student's absence. A full and fair record of the Student Conduct Hearing will be preserved and maintained by the College for five years.
- The Student Conduct Hearing panel's decision regarding the accused student's responsibility and the imposed consequences/sanctions (if any), including the rationale for the determination and consequences/sanctions, will be provided to the accused student in writing within five days of the Student Conduct Hearing. Likewise, the individual who reported the incident and/or was subjected to the alleged sexual misconduct will also receive a written copy of the same information on the same day as the accused student.
- In addition to the written notification of the panel's decision and the imposed consequences/sanctions (if any), an accused student found 'responsible' will also receive written notice regarding his/her right to appeal the panel's decision and/or imposed consequences/sanctions. Likewise, the individual who reported the incident and/or was subjected to the alleged sexual misconduct will also receive a written copy of the same information on the same day as the accused student.
- The parties will also be provided with notice of their appeal rights.
  - An accused student found 'responsible' may commence his/her appeal by following the procedures described in the paragraphs titled 'Appeals Process' below. An appeal may also be commenced by the individual who reported the incident and/or was subjected to the alleged sexual misconduct by following the same procedures. In the event an appeal is requested, the Student

Conduct Hearing panel's decision will be protected from public release by the College until the Appeals Process is complete and final, unless the law requires otherwise; however, the students involved may choose whether or not to discuss or disclose the outcome of the Student Conduct Hearing.

- If a student does not commence an appeal within the required timeframe (i.e., 14 business days from receiving written notification of the Student Conduct Hearing panel's decision), then the Student Conduct Hearing panel's decision will be final.

### **Information re Romantic and Sexual History**

Neither the investigator, the Hearing Panel, nor the Appeals Panel will consider information concerning the romantic or sexual history of either the complainant or the respondent, except as provided by the complainant or respondent relating to their shared sexual history. If either offers such information, the other will have the right to respond.

### **Information re Mental Health Diagnosis or Treatment History**

Each party shall have the right to object to the investigator's (and hearing panel's) consideration of his or her own mental health history or treatment. In the event such an objection is raised, the investigator will neither gather nor consider information regarding mental health diagnosis or treatment.

### **Prior Conduct Violations**

Neither the investigator nor the hearing panel will consider prior alleged misconduct. If an individual has previously been found responsible for a violation of this policy, that information may be considered in the context of determining an appropriate disciplinary sanction.

At the conclusion of the investigation, the investigator will prepare a written investigation report. The report will clearly set forth the prohibited conduct alleged and will include summaries of all witness interviews and any documentary or physical evidence identified. The report will further provide the investigator's assessment of whether it is more likely than not that the prohibited conduct occurred and the evidentiary basis for that assessment.

The parties will have an opportunity to review the report but will not be provided with a copy of the report.

### **Student Respondent**

When the respondent is a student, upon completion of the investigation, the Title IX Coordinator or her designee will review all of the evidence and determine whether the evidence supports a conduct charge against the student-respondent. If there is sufficient evidence, the matter will be referred for a hearing. If not, the matter will be closed and the parties will be informed in writing of the determination of no responsibility and the rationale for that decision, as well as the right to appeal.

### **Employee Respondent**

When the respondent is an employee, within 3 business days of reviewing the report, both parties may submit in writing any additional information and/or clarifications that they believe are relevant to the determination and sanctions. This may include a statement regarding the impact the alleged events have had on them. The Human Resources department in consultation with the employee's manager and the Title IX Coordinator will evaluate the investigation report and any additional written submissions and will make a determination as to whether the policy has been violated and the appropriate disciplinary action, if a violation has occurred. The parties will be informed in writing of the determination and sanction and rationale for each as well as to their rights to appeal.

## Appeals Process

Any student found ‘responsible’ by a Student Conduct Hearing panel may appeal the panel’s decisions, including its determination of responsibility and/or the consequences/sanctions imposed. An appeal may also be requested by the individual who reported the incident and/or was subjected to the alleged sexual misconduct. Both the complainant and the respondent have the option to appeal the final determination of a Title IX investigation by submitting a letter of appeal to the Title IX Coordinator within two weeks of the determination. The written request for appeal must include a brief statement of whether the student objects to the Student Conduct Hearing panel’s determination of responsibility, the imposed consequences/sanctions, or both, as well as include a brief statement of the student’s argument(s) as to why the Student Conduct Hearing panel’s determination of responsibility and/or imposed consequences/sanctions were inappropriate.

### **Grounds for appeal:**

The Title IX Coordinator will ensure that there are legitimate grounds for appeals such as:

1. A procedural error occurred that significantly impacted the outcome (e.g. substantiated bias, material deviation from established procedures, etc.)
2. To consider new evidence, unavailable during the original hearing, Informal or Formal Resolution or Investigation, that could substantially impact the finding or sanction
3. The sanctions fall outside the range typically imposed for this offense, or for the cumulative conduct record of the Respondent.

If the Title IX Coordinator or designee determines that the request for appeal sets forth a legitimate ground for appeal, the Title IX Coordinator will notify the non-appealing party and give them the opportunity to review the letter of appeal and submit a written response within 7 days of notification. Upon receiving the student’s written request for appeal, the Title IX Coordinator will schedule an Appeal Hearing, to be held in a timely manner at the campus location and date determined by the Title IX Coordinator. Upon scheduling the Appeal Hearing, the Title IX Coordinator will provide written notification of the location, date, and time to the students involved. The Title IX Coordinator will convene a panel of three individuals to hear the appeal. No individual who served on the Student Conduct Hearing panel is allowed to serve on the Appeal Hearing panel.

The Title IX Appeal Panel will render a decision applying the following principles:

1. Decisions by the Title IX Appeal Panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/remedial action only if there is a compelling justification to do so.
2. Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the rationale for the original sanction, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded for additional investigation.
3. Sanctions imposed are implemented immediately, except in extraordinary circumstances when the Title IX Coordinator stays their implementation pending the outcome of the appeal.
4. The Title IX Appeals Panel will render a written decision on the appeal to all parties within 10 business days from receipt of the non-appealing party’s submission.

5. All parties will be informed in writing of the results of the appeal decision.
6. Once an appeal is decided, the outcome is final: further appeals are not permitted.

If neither party files an appeal within two weeks of the determination's rendering, the Title IX Coordinator will provide both parties with written notice that the determination is final.

### **Possible Sanctions:**

The College takes the responsibility of imposing sanctions seriously. The criteria and rationale for imposing sanctions will continue to be the healing of the survivors and ensuring his/her/their future safety, protecting the safety of the community, and holding perpetrators accountable for their actions. The following possible sanctions may be imposed as a result of a Student Conduct Hearing and/or an Appeal Hearing. In addition, if at any point (whether during or prior to any such hearing) a student's presence on campus creates a threat to the health, safety, and/or well-being of other students or other members of the college community, the College reserves the right to immediately suspend that student from campus until the time of the Student Conduct Hearing and/or Appeal Hearing.

The following list of possible consequences/sanctions is not exhaustive, and these consequences/sanctions may be imposed singularly or in any combination. Different and/or additional consequences or sanctions may be imposed by a Student Conduct Hearing panel and/or Appeal Hearing panel as the panel members may deem appropriate.

- No Consequences/Sanctions: Where the Student Conduct Hearing panel (and/or the Appeal Hearing panel, in the event an appeal is sought) determines that a student is 'not responsible', the student conduct charges against the student will be dismissed and the student's name will be cleared.
- Verbal Warning: A discussion with the student about the incident, with no written notification issued.
- Written Warning: A written notice to the student stating that his/her conduct is in violation of College regulations and that the continuation of said conduct during a stated period of time may be cause for more serious disciplinary action, such as community service, probation, or suspension.
- Restitution: Financial reimbursement for damages to property.
- Community Service: A stated number of hours, set in writing, of donated service commensurate with the conduct violation.
- Disciplinary Probation: A stated period of time, set in writing, during which the student is expected to demonstrate appropriate conduct as a member of the College community. Failure to demonstrate appropriate conduct may subject the student to further consequences/sanctions, such as community service and/or suspension.
- Disciplinary Suspension: A stated period of time, set in writing and not to exceed one academic year, during which the student is excluded from classes and/or campus activities. Upon the expiration of the suspension period, the student may be subjected to a probation period during the student is expected to demonstrate appropriate conduct as a member of the College community. This sanction automatically results in a Transcript Notation sanction.
- Disciplinary Dismissal from the College (Expulsion): Permanent termination of status as a student of the College. This sanction automatically results in a Transcript Notation sanction.
- A no contact order.
- Revisions to class schedules to maintain separation of parties.
- Transfer of respondent to different division of the College (day/evening).

- Loss of privileges (including but not limited to use of facilities and participation in campus organizations and activities),
- Mandated training and education.
- Revocation of honors or awards.
- Termination of employment.

**Transcript Notations** Mandl will follow legal requirements for transcript notations, including Article 129-B of the New York State Education Law. Please refer to the Mandl College web site for the Mandl. This policy outlines the criteria and circumstances for the placement of notations on students' transcripts in disciplinary cases involving alleged violations of the student code of conduct. This policy applies to all Mandl students enrolled at the College. In disciplinary cases involving alleged crimes of violence as defined by Jeanne Clery Act, the College will place a notation on the student's transcript following the completion of the investigation and conduct process.

1. In cases where a student has been found responsible and is dismissed by the College, the following transcript notation will be added: "Dismissed after a finding of responsibility for a code of conduct violation". Notations for dismissal shall not be removed.
2. In cases where a student has been found responsible and is suspended by the College, the following transcript notation will be added: "Suspended after a finding of responsibility for a code of conduct violation" Notations for suspension must remain on the student's transcript for a minimum of one year following completion of suspension.
3. In cases where a student has withdrawn from the College while conduct charges are pending and such student declines to complete the disciplinary process, the following transcript notation will be added: "Withdrew with conduct charges pending".

If a finding of responsibility for a conduct violation covered by this policy is vacated for any reason, then the transcript notation will be removed. In cases of withdrawal, if (i) the student is readmitted to the College; (ii) the investigation and conduct process is fully completed; and (3) the student is found not responsible, then the transcript notation will be removed. Students that withdraw and decline to complete the student conduct process forfeit any right to resume the conduct proceedings at any point in the future.

- Other consequences and/or sanctions as deemed appropriate by the Student Conduct Hearing panel and/or Appeal Hearing panel.

### **Declining to Participate**

If the complainant or the student respondent chooses not to cooperate in the investigation, the investigator will still complete the investigation and prepare a report based solely upon the information available. No adverse inference will be made as a result of a party's decision not to participate in the investigation, but a determination will be made based upon the information available. Employee respondents who refuse to cooperate in the investigation or hearing may be subject to disciplinary action, up to and including dismissal.

If the complainant chooses to withdraw the complaint prior to the completion of the investigation and/or hearing, the Title IX Coordinator will determine whether to continue to pursue the complaint employing the factors outlined earlier in this document.

### **Advisors**

Student complainants and respondents have a right to be accompanied by one advisor of his or her choice at all meetings and interviews related to an allegation of sexual misconduct. In cases involving allegations of domestic violence, dating violence, sexual assault or stalking, the advisor may be an attorney.

Employees are entitled to be accompanied by one advisor of their choice, who may be an attorney, in cases

involving allegations of dating violence, domestic violence, sexual assault or stalking.

Advisors are not permitted to advocate on behalf of the individual or to address the investigator, the Title IX Coordinator, the Hearing Panel or the Appeal Panel directly. The party may confer with the advisor, and the advisor may pass notes to the party. If the advisor is disruptive or otherwise fails to comply with these parameters, he or she may be asked to leave.

### **Conflict of Interest**

Both the complainant and the respondent have the right to have a fair and impartial investigation, hearing, and appeal. If either the complainant or respondent has any reason to believe that the investigator, the Title IX Coordinator, any of the hearing panelists or any of the appeal panelists has a conflict of interest or would otherwise be unable to be fair and impartial, the concerned party should submit a letter explaining the basis for his or her concern. Concerns regarding the investigator or the Appeal Panel should be submitted to the Title IX Coordinator. Concerns regarding the Title IX Coordinator should be submitted to the Appeal Officer. The other party will be provided with a copy of the letter and will have an opportunity to respond. If based upon those submissions and any independent inquiry the decision-maker may choose to make, the decision-maker determines that there is a conflict of interest, another individual will be appointed to take on the role. If it is found that there is no such conflict, the individual will continue in his or her role. Concerns regarding conflicts of interest should be raised as soon as they are identified and, absent extraordinary circumstances, prior to the individual with the alleged conflict's rendering of his or her determination, e.g. prior to the submission of the investigation report, the determination, or the appeal decision.

### **Notice**

Each party will receive reasonable and advance written or electronic notice of any meeting he or she is required or eligible to attend. In cases of domestic violence, dating violence, or stalking, each party will be given prompt notice of any meeting relating to the proceeding at which either the complainant or the respondent will be present, except that the respondent will not be notified of meetings with the complainant relating solely to interim protective measures and other supportive

### **Section 10: Student Rights**

The following rights are guaranteed to students by New York State's "Enough Is Enough" law. Please read them carefully. If you have any questions, you can always ask the Title IX Coordinator. The rights listed in the Student Bill of Rights will also be discussed with you and/or provided to you when you disclose or report an incident of sexual misconduct to any College official, whether they are a confidential official or an official who can guarantee privacy.

#### **Student Bill of Rights**

All students have the right to:

1. Make a report to local law enforcement and/or the State Police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the student conduct process and/or criminal justice process free from pressure by the college;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the college courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and

violations are committed, or should have acted in a different manner to avoid such crimes or violations;

7. Describe the incident to as few college officials as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the college, any student, the accused and/or their friends, family, and acquaintances within the jurisdiction of the college;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, or accused individual, throughout the student conduct process, including during all meetings and hearings related to such process;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or student conduct process of the college.

### **Additional Rights**

All reporting individuals are further advised of their right to:

- Notify college campus security, local law enforcement, and/or State Police;
- Have emergency access to a Title IX Coordinator or other college official trained in interviewing victims of sexual assault who will be available upon the first instance of disclosure by the reporting individual to provide information regarding options to proceed and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible; to explain that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violates New York State criminal laws should be addressed to law enforcement or to the local district attorney; and to explain whether he/she is able to offer the reporting individual confidentiality or privacy and to inform the reporting individual of other reporting options;
- Disclose confidentially the incident to college officials, who may offer privacy and/or confidentiality in accordance with applicable laws, as appropriate, and who can assist in obtaining services and resources for reporting individuals;
- Disclose confidentially the incident and obtain services from the State or local government;
- File a report of sexual assault, domestic violence, dating violence, and/or stalking; have the right to consult the Title IX Coordinator and other appropriate college officials for information and assistance; and have the right to have reports investigated in accordance with college policy, including the right that the reporting individual's identity will remain private at all times if the reporting individuals wishes to maintain privacy;
- Disclose, if the accused is an employee of the college, the incident to the college's Human Resources Coordinator and/or have the right to request that a confidential or private employee assist in reporting the incident to the Human Resources Officer;
- Receive assistance from college officials in initiating legal proceedings in family court or civil court;
- Withdraw a complaint or withdraw from involvement in the college student conduct process at any time.

Mandl will ensure that every student is afforded the following rights:

- The right to request that student conduct charges be filed against the accused in proceedings governed by New York State's "Enough Is Enough" law (Education Law 129-B) and the procedures established by the college in this policy book;
- The right to a process in all student conduct cases where a student is accused of sexual assault, domestic violence, dating violence, stalking, or other sexual misconduct that violates this policy, that includes, at a minimum:

- notice describing the date, time, location, and factual allegations concerning the violation; reference to the specific policy provisions alleged to have been violated; and possible sanctions for the violation;
- an opportunity to offer evidence during an investigation, and to present evidence and testimony at a student conduct hearing, where appropriate, and to have access to a full and fair record of any such hearing; and
- access to at least one level of appeal of a determination before a panel that is fair and impartial and does not include individuals with a conflict of interest.
- Throughout proceedings involving such an accusation, the right for both the reporting individual and the accused:
  - to be accompanied by an advisor of choice who may assist and advise throughout the student conduct process, including during all meetings and hearings related to the process;
  - to a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the accused (including the right to a presumption that the accused is ‘not responsible’ until a finding of responsibility is made pursuant to New York State’s “Enough Is Enough” law and the college’s policies described in this policy book), and other issues including but not limited to domestic violence, dating violence, stalking, and sexual assault;
  - to an investigation and student conduct process that is fair, impartial, and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest;
  - to have the college’s student conduct process run concurrently with a criminal justice investigation and proceeding, except where law enforcement requests a temporary delay in order to gather evidence;
  - to review and present relevant available evidence in the case file or otherwise in the possession or control of the college;
  - to exclude their own prior sexual history with persons other than the other party in the student conduct process and/or their own mental health diagnosis and treatment from admittance in the stage of college’s student conduct proceedings where responsibility is determined;
  - to receive written advance notice of:
    - any meeting he/she is required or eligible to attend
    - any specific rule or law alleged to have been violated and in what manner
    - the consequences and/or sanctions that may be imposed as a result of the student conduct process; and
    - the determination of the student conduct hearing panel and the rationale for any consequences/sanctions imposed;
  - to make an impact statement during the point of student conduct proceedings where appropriate consequences/sanctions are being determined;
  - to be informed of the possible consequences/sanctions that may be imposed upon the outcome of the student conduct process; to simultaneous written notification of the outcome of the student conduct process, including any consequences/sanctions actually imposed; and the rationale for the consequences/sanctions actually imposed;
  - to choose whether to disclose or discuss the outcome of the student conduct process; and
  - to have all information obtained during the course of the student conduct process be protected from public release until the student conduct appeals panel makes a final determination (unless federal and/or State law requires otherwise).
  - Have the right to present information or witnesses on their behalf for consideration during the conduct process
  - Have the right to review the incident report generated regarding an alleged violation and make suggested recommendations as he or she sees fit.

## **Section 11 Prevention and Awareness Education Programs**

Creating a safe and respectful environment is the responsibility of all members of the community. To promote and maintain this environment, the College engages in comprehensive educational programming to prevent sexual misconduct or sexual harassment and or discrimination/bias. The College provides primary prevention and awareness programs for all incoming students and employees, and ongoing prevention and awareness campaigns for all students and employees.

### **Education as a key element of the College Policy**

The College encourages students and employees to take advantage of the materials and programs that promote a hostile free environment, and encourages respect of the diverse community here at Mandl. The College has persons of various backgrounds in which we celebrate and appreciate via culturally relevant programming and services offered to students and employees.

Mandl realizes that in order to maintain a welcoming and respectful environment, the College must educate the community on how to respond to a myriad of crimes that may occur as the institution is located in a metropolitan area such as New York City. The varied workshops conducted at the College at least once every term (i.e., three times a year) include, but are not limited to: the prohibition and prevention of sexual misconduct (i.e., rape and other sex offenses), illicit drugs, alcohol, harassment, and bullying. In these seminars, the College advises students on how to respond, as well as report, behavior that is unbecoming of a Mandl student and/or employee. Furthermore, Mandl does its best to educate students and employees concerning positive behaviors and healthy relationships - on and off campus. In this community, it is important to reduce risk and avoid becoming a victim of crime and/or sexual misconduct. This can only be done via promotion of these advisory programs, as well as looking out for our neighbor at Mandl. Information about these materials, victim management, off campus resources and programs may be obtained from the Dean of Students & Academic Services located on the fifth floor of 254 W. 54th Street or by calling (212) 247-3434 x136.

Educational efforts are essential to the establishment of a campus milieu that is as free as possible of sexual misconduct, harassment and discrimination and in which high standards of conduct are observed. There are at least four goals to be achieved through education about any of these:

1. Ensuring that all victims (and potential victims) are aware of their rights;
2. Notifying individuals of conduct that is proscribed;
3. Informing all members of the College community about the proper way to respond to complaints about violations of any College policy; and
4. Helping to educate all members of the College community about the problems College policies address

Mandl encourages students to visit to the Student Services Center as soon as they are aware that they have a problem in order to get back on track as quickly as possible. Students should feel free to contact the Center via phone or email to schedule an appointment or to find out more about the services that are offered. Students can also learn more about the Center and access information regarding a large variety of issues relating to college student mental health, relationships and adjustment to college on the website. The Student Center can assist students in the following ways:

- Help students acquire the personal and social skills necessary to be successful in forming healthy relationships;
- Teach students strategies for reducing stress and managing anxiety;
- Help students develop an attitude of optimism and competence that will lead to success in college and in the workplace; and
- Serve as advocates for students as they negotiate the college environment and make it work for them – academically, financially, culturally and socially.

Students find it helpful to come to the Student Center for a variety of concerns, including:

- stress management and anxiety reduction

- anger management
- relationship issues
- bullying and cyber bullying
- depression
- eating disorders
- family problems
- grief and loss
- multicultural /bias issues
- self-esteem
- sexual assault
- social skills development
- substance abuse

### **Preparation and Dissemination of Information**

The College shall distribute copies of its policies to all current and future members of the College community. A copy of the policies on sexual misconduct, harassment and discrimination and other policies will be included in student orientation materials. In addition, copies of that policy will be made available continuously electronically and on the College Web site.

The Dean is charged with overseeing and reviewing content for training sessions.

The College's Vice President of Academic Affairs has the responsibility of facilitating the educational initiatives in this regard including arranging training sessions for persons who are likely to receive complaints that this policy has been violated, including, but not being limited to, resident advisors, academic advisors, college deans, and administrative personnel. Faculty and staff are expected to attend training within one year of being hired and to attend refresher sessions with each four-year interval of employment, based on hire date. The training can be in person or online. Records of training will be maintained by the Office of Academic Affairs.

The College educates the student community about sexual misconduct, harassment, discrimination, bias, and substance abuse through its mandatory new student orientation program that includes an online learning component, Drug and Alcohol Prevention workshops, Student Success Workshops, and ongoing programming initiatives throughout the students' time at the College such as Freshmen Orientation, Students Meet & Greet. Such programming and courses provide students with information about safety and security procedures, the College's procedures for responding to reports of sexual misconduct, options for safe and positive bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.