



TITLE IX INFORMATION

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, candidates for admissions, generally 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/complete rape or attempted/completed sexual assault), dating violence, domestic violence, stalking, exhibitionism, and voyeurism.

Compliance with Title IX regulations mandate the College designate an employee – i.e., Title IX Coordinator herein referred to as Coordinator - with responsibilities in carrying out efforts to comply with said law and that all stakeholders be aware of whom that individual is in order to be accessible to the Mandl community. At present, the Title IX Coordinator at the College is the Chief Compliance Officer Maritza E.M. Mercado, who has an office located on the 9th floor of 254 W. 54th Street, the office number is 212.247.3434, and the e-mail address is TitleIX@mandl.edu. Any questions, or complaints, the community may have relevant to this law may be posed to the Coordinator, or you may write a letter to:

Office for Civil Rights
New York Office
U. S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: (646) 428-3800
Facsimile: (646) 428-3843
Email: OCR.NewYork@ed.gov

According to the US Department of Education (DOE), Office of Civil Rights (OCR), Title IX Resource Guide, April 2015, page 4 states:

The Title IX Coordinator's purpose is to ensure that the institution maintains an environment for students and employees that is free from unlawful sex discrimination in all aspects of the educational experience, including academics, extracurricular activities, and athletics. These requirements provide that the College must establish a system for the prompt and equitable resolution of complaints. This allows an institution to resolve complaints of discrimination without the need for involvement by outside entities, such as the Federal government. They also provide that the College must ensure that members of the school community are aware of their rights under Title IX, have the contact information for the Title IX Coordinator, and know how to file a complaint alleging a violation of the Title IX.

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 educational 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.

COMPLAINT PROCEDURE

For those persons who believe they may have been a witness to Title IX infraction, or have been discriminated against, or have been retaliated against for filing a complaint in violation of the Title IX statute, those persons may freely contact - by name or anonymously - the Coordinator by phone, by e-mail, or in person. All complaints are recorded and maintained according to the College's retention policy of six years with exceptions beyond that period being applicable to ongoing investigations. It is imperative that all individuals do their part in promoting a safe and discrimination free environment at Mandl. Being a bystander does not release you from the responsibility of reporting Title IX violations, particularly when the College affords those who are reporting such infractions to be free from retaliation. An act of personal intervention should occur unless the person feels that they may be harmed; if that is the case, then the individual(s) should contact the appropriate school staff and/or the police. No punishment or penalty will be issued to staff or students acting to intervene, rather than be a bystander, and then reporting the Title IX infraction.

The Coordinator will oversee the investigation of all Title IX complaints in a fair and impartial manner, in concert with the trained members of the Campus Safety and Security Advisory Committee (CSSAC), as well as other relevant parties.

First and foremost, all complaints will be kept confidential to the extent it possibly can in accordance with the Family Educational Rights & Privacy Act (FERPA) as a campus proceeding will not violate said Act. Mandl is committed to providing all individuals privacy that is afforded to them to the full extent of the law during the mediation and/or hearing process. If, however, there arises a direct conflict between the requirements of Title IX and those of FERPA, such that enforcement of FERPA would interfere with the primary purpose of Title IX, then Title IX requirements would supersede any conflicting FERPA provisions. Essentially in order for the College to maintain a safe, hostile free environment, there may come a point when disclosure of personal information is required in accordance with city, state, and/or federal law.

There shall be no discrimination and/or retaliation against those who bring forth Title IX – as well as Clery Act/VAWA - complaints to the Coordinator, who will review the allegations to determine what kind of proceeding and resolution can be reached. The College has informal resolutions in which a mediation session can take place between trained staff, or the complainant may require a formal resolution in which a hearing will need to be held before the CSSAC. Such determination of the type of resolution – whether it be formal or informal - shall be at the discretion of the Coordinator.

The time frame for the investigation of Title IX complaints will generally be completed within 60 days of when the allegation was first brought forth to the attention of the Coordinator, unless the case is more complex. Then there will be a delay to the institution's investigation period, and Mandl will attempt to conclude the investigation within a reasonable time frame. Notice of delay, and the rationale behind the delay, will be provided in writing to the accuser and the accused.



A complainant is not limited to reporting Title IX violations solely to Mandl, but a victim of sexual harassment or sexual violence has the right to file a report to the police. Conversely, it is also within the victims' rights not to file a report to the police; ultimately, any decision the complainant makes will be on his/her own accord without pressure from anyone - internal and/or external parties.

INFORMAL RESOLUTION

Title IX complaints may not always be settled via a hearing, but may be handled by mediation. Such resolutions offered during mediation may include, but are not limited to: changing classes, additional tutoring, referral to counseling programs, and/or attending educational awareness programs. If such steps are issued, they will be recorded by the Coordinator and there will be a follow up period (generally 60 days) to assure that the misconduct does not repeat itself in the future with the same parties. Issues involving sexual misconduct will not be resolved utilizing this method.

DISCIPLINARY PROCEEDING

When investigating Title IX violations dealing with sexual misconduct such as sexual violence, the matter will be brought forth before trained members of the CSSAC, with the Coordinator acting as the lead investigator for the hearing. [NOTE: Should there be members on the CSSAC who have a conflict of interest or bias for or against the accuser and/or the accused, that individual will recuse himself/herself from the proceedings.]

The standard of evidence used for these disciplinary hearings will be preponderance of the evidence which means it is more likely than not that sexual harassment or violence has occurred. Mandl also enforces a prompt and equitable process that allows for both the accuser and the accused to have equal rights during the proceeding without any bias. Also, there will be no discrimination when exacting discipline at the outcome of the hearing as all persons will be treated the same regardless of sex or gender.

All sides will have access to reports, testimony, and an advisor of choice present at the hearing, if so requested, during the investigatory process. There is no limit on the choice of advisor for either party during the disciplinary proceeding, although participation by advisor(s) for both parties may be limited in the interest of time. The College will provide written notice for a hearing to be held at separate times for both parties, unless agreed to otherwise by the parties involved to have one hearing. The timeframe of the hearing date will be within the first 30 days of the incident to ensure all information has been gathered, and interviews conducted, during the investigatory process.

After the hearing is held at the College, a written decision will be issued to all parties within ten business days of the end of the proceeding. Either party has the right to appeal the decision to the College President free from retaliation or recrimination from any and all persons in the Mandl community. The appeal must be submitted in writing within ten days of receipt of the CSSAC's disciplinary notice. The College President will review and provide a written notice generally within five business days of receiving the appeal. The President's decision is final and there can be no further appeals by either party. If there is a change in the Committee's outcome as a result of the appeals process, all parties involved will receive written notification of the revised, final decision.



SANCTIONS

Results of a proceeding can be any of the following:

Dismissal of charges would occur if there is a lack of convincing evidence to support the allegations brought forth by the complainant. If during the course of the investigation it is discovered that a false allegation was brought forth intentionally, then the individual will be placed on immediate probation (see below for further details).

Probation for a length of time varying from one week to fifteen weeks will be issued to the accused depending on the level of sexual misconduct raised in the hearing, and there may be further actions to accompany probation at the discretion of the Committee.

Expulsion will be issued if the Committee determines that there is sufficient evidence to support the charges of sexual misconduct. The Accused will be dismissed immediately from the College, unless an appeal is made whereby the accused will remain in school until a final decision is made by the President.

PROTECTIVE MEASURES

Prior to, as well as post, mediation or a hearing, a victim/accuser may avail themselves of options that can remove them from situations dealing with the accused, as the victim has a right to be comfortable and free from a hostile environment at the College. Staff will take appropriate actions to alleviate the accuser's possible stress by, including but not limited to: changing class or work schedule, tutoring, as well as social and other educational resources at his/her disposal. The victim has the option of meeting with the Association Dean for Student Life and Assessment to discuss - and receive in writing - resources relevant to mental health, physical health, counseling, legal assistance, victim advocacy and other services available to victims, whether it be at Mandl or off-campus. At no point should the victim feel as if he/she is unable to continue his/her studies, continue working at the College, or participate in various campus activities, as a result of being affected by sexual misconduct and/or any other Title IX – as well as Clery Act/VAWA - violation. Furthermore, a victim may avail themselves of these resources and services even if he/she does not file a formal complaint on or off campus.

Various options and resources will be reviewed as the victim has rights, and will be provided notification of such rights in writing either by the Coordinator and/or the Assistant Dean. The victim will bear no financial cost in relation to such accommodations that will allow him/her to continue pursuing work, educational, and/or social opportunities at the College. Furthermore, if the accuser wants no contact with the accused on or off campus, then staff at Mandl will enforce such a directive at the school, while assisting the victim with facilitating the process of obtaining a restraining order, or an order of protection, via the court.

GLOSSARY

To assist in understanding some of the verbiage utilized throughout the section entitled Title IX as well as the section entitled Campus Safety/Clery Act, listed below are definitions that appear in US Department of Education (DOE), Office of Civil Rights (OCR), Title IX Resource Guide, April 2015, page 15:



Sexual Harassment is unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

Sexual Violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Gender-based Harassment is another form of sex-based harassment and refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature.

Prohibition on Retaliation means an institution, or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities vis-à-vis Title IX and Clery Acts.

Proceeding means all activities related to a noncriminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings.

Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution, as well as include the rationale for the result and the sanctions.

CAMPUS SAFETY / CLERY ACT/VAWA

Mandl has the Campus Safety and Security Advisory Committee (CSSAC) chaired by the Chief Compliance Office (CCO) who will provide upon request a hard copy of all campus statistics as reported to the United States Department of Education. This information is available during regular business hours from the CCO who has an office located on the ninth floor of the College, and can be reached by phone at (212) 247-3434.

The United States Department of Education's (DOE) web site for campus crime statistics is <http://ope.ed.gov/security>. For statistics concerning on-campus crimes at Mandl during recent calendar years, please visit the following DOE website at <http://www.ope.ed.gov/security/InstList.aspx/>.

Mandl fully complies with **Article 129-A of New York State Education Law** as it pertains to the dissemination of campus-wide information and procedures regarding the prevention of sexual assault (i.e., rape, statutory rape, incest, and fondling), of bias/hate crime, and of the investigation of violent felonies.

The College publishes by October 1 each year an annual security report that contains statistics for the three most recent calendar years. The annual security report also includes statistics concerning the occurrence of specified types of crimes on campus, at certain off-campus locations, and on the public property surrounding the campus. The information concerning policies and programs relating to campus security, crimes and emergencies, the prevention of crimes and sexual offenses, drug and alcohol use,



campus law enforcement and access to campus facilities are outlined in this handbook. The annual security report is directly provided to all current students and employees. The college updates students regarding security proceedings via the College website and bulletin boards.

DOMESTIC VIOLENCE & SEXUAL ASSAULT INFORMATION

Mandl does not tolerate violence or threatening conduct against any member of the school community. This includes criminal acts or harassment. The school will impose strict disciplinary actions and appropriately involve law enforcement officials should any acts of violence or threatening conduct occur on school facilities or at school- sponsored events. This includes acts of violence against women.

In the event of a sexual assault (i.e., rape, statutory rape, incest, and fondling) or domestic violence occurrence:

- ✓ Do not destroy evidence (do not drink, bathe, change clothing, or comb hair, as physical evidence assists police and may be needed to prosecute the offender);
- ✓ Go to a place where it is safe from further attack and notify the police; and
- ✓ Obtain immediate medical attention, and professional counseling.

If requested by the student who is the victim of a sexual assault, Mandl will assist the student in notifying law enforcement. In addition, the College will provide information on off-campus agencies that provide services to victims of a sex offense.

Victims of sexual assault may contact:

The Anti-Violence Project (AVP)
240 W. 35th Street
New York, NY 10001
(212) 714-1184

Safe Horizon
100 E. 122nd Street
New York, NY 10035
(212) 316-2100

In addition to any criminal sanctions, the College will impose appropriate disciplinary sanctions if an offender under the above provisions is a student or employee of the school. If an individual wishes to file a complaint, he or she may do so by contacting the Coordinator and/or the Assistant Dean. Also, note that, in cases of sexual assault complaints:

- ✓ Both the accuser and the accused are entitled to the same opportunities to have others present during any disciplinary hearing and;
- ✓ Both the accuser and the accused shall be informed of the outcome in writing of any disciplinary proceeding based on an allegation of sexual assault.

The victim is not required to press charges; in the event the victim desires to file charges or take legal action, the Coordinator and/or Assistant Dean will assist the victim in contacting the local police department.

All cases involving accusations of sexual assault between students or between student and employees must accord both the accuser and accused the following rights:

- ✓ The school will work with the victim, if requested, in making changes to the student's academic situation to the extent practicable;



- ✓ The accuser and accused have the same right to have others present during disciplinary hearings; and
- ✓ The accuser and accused shall be notified in writing of the outcome of campus disciplinary proceedings.

For detailed information regarding disciplinary procedures for sexual misconduct, please refer to the section entitled **Disciplinary Proceeding** referenced earlier in this publication under **Title IX Information**.

SANCTIONS

Results of a proceeding can be any of the following:

Dismissal of charges would occur if there is a lack of convincing evidence to support the allegations brought forth by the complainant. If during the course of the investigation it is discovered that a false allegation was brought forth intentionally, then the individual will be placed on immediate probation (see below for further details).

Probation for a length of time varying from one week to fifteen weeks will be issued to the accused depending on the level of sexual misconduct raised in the hearing, and there may be further actions to accompany probation at the discretion of the Committee.

Expulsion will be issued if the Committee determines that there is sufficient evidence to support the charges of sexual misconduct. The Accused will be dismissed immediately from the College, unless an appeal is made whereby the accused will remain in school until a final decision is made by the President.

GLOSSARY

To assist in understanding some of the verbiage utilized throughout the section entitled Campus Safety/Clery Act, listed below are definitions that explain categories included for reporting requirements in compliance with the Violence Against Women Reauthorization Act (VAWA) as part of the Campus Sexual Violence Act (SaVE Act) provision, Section 304. For further information, one may review the Federal Register section 668.46.

Domestic Violence is a felony or misdemeanor crime of violence committed by:

- (1) A current or former spouse or intimate partner of the victim;
- (2) A person with whom the victim shares a child in common;
- (3) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (4) A person similarly situated to as a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA); and/or
- (5) Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction."

Dating Violence means violence committed by a person –

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and



- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
- a. Length of the relationship
 - b. Type of relationship and
 - c. Frequency of interaction between the persons involved in the relationship.

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.

Rape is considered the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent should be affirmative and unambiguous to engage in activities of a sexual nature, and/or during a sexual encounter

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Awareness programs means community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy



behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

QUARTERLY ORIENTATION PROGRAMS

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 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 Assistant Dean located on the fifth floor of 254 W. 54th Street or by calling (212) 247-3434 x124.

NEW YORK STATE PENAL LAW – SEX OFFENSES

Listed below is how New York State Penal Law defines sex offenses and the consequences of such actions:

Sexual Misconduct (Class A Misdemeanor) Up to 1 Year in Prison:

Sexual Misconduct has occurred when:

- A male engages in sexual intercourse with a female without her consent;
- A person engages in deviate sexual intercourse with another person without the latter's consent; or
- A person engages in sexual conduct with an animal or with a dead human body.

Rape in the Third Degree (Class E Felony) Up to 4 years in Prison:

Rape in the Third degree has occurred when:

- A person engages in sexual intercourse with another person to whom the actor is not married who is incapable of consent by reason of some factor other than being less than 17 years old; or
- Being 21 years old or more, he or she engages in sexual intercourse with another person to whom the actor is not married and who is less than 17 years old.

Rape in the Second Degree (Class D Felony) Up to 7 Years in Prison:

Rape in the Second Degree has occurred when:



- A person being 18 years or more engages in sexual intercourse with another person less than 14 years old to whom the actor is not married.

Rape in the First Degree (Class B Violent Felony) Up to 25 Years in Prison:

Rape in the First Degree has occurred when a male engages in sexual intercourse with a female:

- By forcible compulsion; or
- Who is incapable of consent by reason of being physically helpless; or
- Who is less than 11 years old.

Consensual Sodomy (Class B Misdemeanor) Up to 3 Months in Prison:

- A person engages in deviate sexual intercourse with another person.

Sodomy in the Third Degree (Class E Felony) Up to 4 Years in Prison:

- A person engages in deviate sexual intercourse with a person who is incapable of consent by reason or factor other than being less than 17 years old;
- Being 21 years old or more, engages in deviate sexual inter course with a person less than 17 years old.

Sodomy in the Second Degree (Class D Felony) Up to 7 Years in Person:

- A person, being 18 years old or more, engages in deviate sexual intercourse with another person less than 14 years old.

Sodomy in the First Degree (Class B Violent Crime) Up to 25 years in Prison:

Sodomy in the First Degree has occurred when a person engages in deviate sexual intercourse with another person:

- By forcible compulsion;
- Who is incapable of consent by reason of being physically helpless; or
- Who is less than 11 years old.

Sexual Abuse in the Third Degree (Class B Misdemeanor) Up to 3 months in Prison:

Sexual Abuse in the Third Degree has occurred when:

- A person subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that: 1. Such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old, 2. Such other person was more than 14 years old, and 3. The defendant was less than 5 years older than such other person.

Sexual Abuse in the Second Degree (Class A Misdemeanor) Up to 1 Year in Prison:

Sexual Abuse in the Second Degree has occurred when a person subjects another to sexual contact and when such other person is:

- Incapable of consent by reason of some factor other than being less than 17 years old; or
- Less than 14 years old.

Sexual Abuse in the First Degree (Class D Violent Felony) Up to 7 Years in Prison:

Sexual Abuse in the First Degree has occurred when a person subjects another person to sexual contact:

- By forcible compulsion;
- When the other person is incapable of consent by reason of being physically helpless;
- When the other person is less than 11 years old.

Aggravated Sexual Abuse in the Second Degree (Class C Violent Felony) Up to 15 Years in Prison:

Aggravated Sexual Abuse in the Second Degree has occurred when a person inserts a finger in the vagina,



urethra, penis or rectum of another person, causing physical injury to such a person:

- By forcible compulsion;
- When the other person is incapable of consent by reason of being physically helpless;
- When the other person is less than 11 years old.

Aggravated Sexual Abuse in the First Degree (Class B Violent Felony) Up to 25 Years in Prison:

Aggravated Sexual Abuse in the First Degree has occurred when a person inserts a foreign object in the vagina, urethra, penis or rectum of another person, causing physical injury to such a person:

- By forcible compulsion;
- When the other person is incapable of consent by reason of being physically helpless;
- When the other person is less than 11 years old.

The Wetterling Act requires States to obtain information concerning registered sex offenders' enrollment or employment at institutions of higher education. Those seeking to obtain information about registered sex offenders may visit http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp or may e-mail New York State Division of Criminal Justice Services at InfoDCJS@dcjs.state.ny.us.

Further, to the extent the State notifies an educational institution of information concerning registered sex offenders, the Family Educational Rights and Privacy Act (FERPA) does not prevent educational institutions from disclosing such information.

STALKING INFORMATION

Stalking is a criminal offense that carries penalties in New York. Stalking is the unwanted attention and pursuit of you by another individual, who you may or may not know, and puts you for fear of harm or danger to your person.

If a student is being stalked by another student or employee of the College, sanctions range from dismissal of charges to disciplinary expulsion to termination of employment.

The College encourages students and employees to take advantage of the materials and programs that promote awareness of how you to prevent becoming a victim of stalking. Such information is available through the College with its pamphlet from the New York State Office of Victim Services (OVS) and local community agencies. Materials about these and other awareness programs may be obtained from the Assistant Dean located on the fifth floor of 254 W. 54th Street or by calling (212) 247-3434 x124 and/or calling OVS at (800) 247-8035.

NEW YORK STATE PENAL LAW – SEX OFFENSES

Listed below are legal consequences of stalking as listed by the New York State Penal Law:

Penal Code § 120.45. Stalking in the fourth degree. 1999.

A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:



1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or

2. causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or

3. is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

Stalking in the fourth degree is a class B misdemeanor

Penal Code § 120.50. Stalking in the third degree. 1999.

A person is guilty of stalking in the third degree when he or she:

1. Commits the crime of stalking in the fourth degree in violation of section 120.45 of this article against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or

2. Commits the crime of stalking in the fourth degree in violation of section 120.45 of this article against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime, as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or

3. With intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex

SEXUAL MISCONDUCT AWARENESS PROGRAM

The College encourages students and employees to take advantage of the materials and programs that promote awareness of rape and other sex offenses available through the College and local community agencies. Information about these materials and programs may be obtained from the Assistant Dean located on the fifth floor of 254 W. 54th Street or by calling (212) 247-3434 x124.