

**An Addendum to 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.**

*This addendum is meant to supplement information available to
students in Student Handbook and College Catalog.*

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 relating to discrimination on the basis of sex or gender identity.

Who Are the Title IX Coordinators?

Ms. Ana Tejada is College’s Title IX coordinator.

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

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.

I. Policy Statement

The health, safety, and well-being of all members of the Mandl community are the College's primary concerns. Consistent with the College's mission, the College abides by all applicable federal, state and local laws that prohibit discrimination in any educational or employment program, policy, or practice of the College. In furtherance of the College's mission, and in accordance with Title IX of the Education Amendments of 1972 ("Title IX"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), as amended by the Violence Against Women Act/Campus Sexual

Violence Act (“Campus SaVE Act”), Article 129-B of the New York State Education Law, Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law and the New York City Administrative Code, this Policy prohibits all forms of sex and gender discrimination, including sexual harassment and sexual misconduct; and the College does not discriminate on the basis of sex in its education programs or activities.

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”). 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.

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). Mandl also prohibits discrimination based on sexual orientation, gender identity and/or gender expression. Mandl is committed to providing an educational and work environment that is free from sex and/or gender discrimination.

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. 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.

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

The Title IX Coordinator's responsibilities include, but are not limited to, overseeing the College's response to complaints of sexual misconduct, coordinating investigations into allegations of sexual misconduct, ensuring that students and employees receive appropriate education and training, and identifying and addressing any patterns or systemic problems of sexual misconduct that arise during or following the investigation of a complaint of sexual misconduct. The College has Dean Ana Tejada as Title IX coordinator overseeing and responding to reports of sexual misconduct.

II. 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 may also be subject to this policy.

This Policy applies to any allegation of sexual misconduct that takes place on College property, 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.

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.

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.

III. Definitions within the Policy

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

“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.

“Complainant” means the individual who reportedly experienced sexual misconduct, regardless of whether such individual reports such sexual misconduct to the College or participates in the College’s conduct process for responding to complaints of sexual misconduct described herein.

“Dating violence” means 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 shall be determined based on the complainant’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. Dating violence includes, but is not limited to, sexual, physical, or psychological abuse, or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

“Domestic violence” means a felony or misdemeanor crime of violence committed by (i) a current or former spouse or intimate partner of the victim, (ii) a person with whom the victim shares a child in common, (iii) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (iv) a person similarly situated to a spouse of the victim under the domestic or family violence laws of New York, or (v) 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 New York.

“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.

“Non-Fraternization” Even with consent, amorous or sexual relationships may not be conducted by persons in unequal positions. The College considers it inappropriate for any member of the faculty, administration, or staff to establish an intimate relationship with a student, subordinate, or colleague upon whose academic or work performance he or she will be required to make professional judgments. These relationships may be less consensual than perceived by the individual who is in the position of power. Intimate relationships also have the potential to interfere with the College’s ability to provide an appropriate and safe working and learning environment for the Mandl Community and may constitute sexual harassment or other unlawful discrimination.

“Privacy” means that dissemination of information relating to each report of sexual misconduct is limited to individuals who have a legitimate need to know in order to carry out their duties and responsibilities in accordance with this Policy and the law.

“Reporting Individual” means any individual who reports a violation of this Policy to the College

“Respondent” means the individual alleged to have committed acts constituting sexual misconduct, regardless of whether such individual has entered into the College’s conduct process for responding to complaints of sexual misconduct described herein.

“Retaliation” means taking any adverse action or attempting to take adverse action, including intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s complaint of sexual misconduct or participation in an investigation or proceeding related to alleged sexual misconduct.

“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.
- “Non-consensual sexual contact” means any intentional sexual touching, however slight, with any body part or object by an individual upon another individual without consent. Intentional sexual contact includes contact with the breasts, buttocks, or groin, or touching another with any of these body parts; making another person touch any of these body parts; and any intentional bodily contact in a sexual manner.

“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.

“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.

“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).

A **“hostile environment”** exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the College's education or employment programs and/or activities when judged against a reasonable person standard.

In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature and severity of the conduct;

- Whether the conduct was an isolated incident or repeated
- Whether the conduct was physically threatening;
- The effect of the conduct on the complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- The relationship of the individuals involved in the conduct;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or College programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.

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.

“Sexual misconduct” includes exposing a person to a range of unwelcome behavior of a sexual nature that is committed without consent or by intimidation, coercion, threat or force. Sexual misconduct includes, but is not limited to, sex discrimination, sexual harassment, sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence, and stalking. Sexual misconduct can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships. Sexual misconduct can occur between individuals

of the same gender or opposite gender and in heterosexual and homosexual relationships.

“**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:

- “**Course of conduct**” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or other means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- “**Substantial emotional distress**” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- “**Reasonable person**” means reasonable person under similar circumstances and with similar identities to the victim.

Harassment and discrimination are unacceptable because they interfere not only with an individual's educational or work performance, but also with a person's sense of dignity and well-being in the community. Sexual harassment is also covered in this definition. What constitutes harassment or discrimination will vary with the particular circumstances. Either type of activity may be described generally as verbal, physical, written, or other conduct that denigrates or shows hostility or aversion to an individual on the basis of gender, race, color, religion, age, national origin, ethnicity, veteran status, sexual orientation, gender identity, marital status, disability or any basis prohibited by law when, from the standpoint of a

reasonable person, such conduct is unwelcome and substantially interferes with an individual's work or school performance, creating an intimidating, hostile, or offensive working or learning environment even if the person engaging in the conduct does not intend to interfere, intimidate, or be hostile or offensive. In addition, the conduct must be sufficiently severe, persistent, or pervasive in that it creates a hostile or abusive educational or working environment.

It is important to note that a one-time incident may rise to the level of harassment if such conduct is sufficiently severe.

Harassment and discrimination will not be tolerated by Mandl. Such behavior subverts the mission of the College and threatens the careers, educational experience, and well-being of students, faculty, administrators, and staff. In both obvious and subtle ways, harassment and discrimination are destructive to individual students, faculty, administrators, staff, and the academic community as a whole. When through fear of reprisal, a student, staff member, administrator, or faculty member is subject to harassment or discrimination, the College's ability to carry out its mission is undermined. In addition, many forms of harassment have been recognized as violations of the civil rights laws by the federal courts, by the US Equal Employment Opportunity Commission, by the New York State Division of Human Rights, and by the US Department of Education.

Harassment and discrimination are especially serious when they threaten relationships between teacher and student or supervisor and subordinate. In such situations, harassment and discrimination unfairly exploit the power inherent in a faculty member's or

supervisor's position. Through grades or recommendations for graduate work, wage increases or promotions and the like, a teacher or supervisor can have a decisive influence on a student's, staff member's, administrator's, or faculty member's career at the College and beyond.

While harassment and discrimination most often take place in situations where there is a power differential between the persons involved, the College also recognizes that harassment and discrimination may occur between persons of the same status.

Discrimination may be related to an employee's employment, hiring separation from employment, training or failure to train, including, but not limited to any claims for salary, bonuses, severance pay, vacation pay or any benefits under the Employee Retirement Income Security Act (ERISA). Sexual or other harassment or discrimination may be based on race, color, national origin, ancestry, pregnancy, religion, marital status, gender, sexual orientation, gender identity, citizenship status, medication condition or disability (as defined by the Americans with Disabilities Act, or any other state or local laws), age, or any other unlawful discrimination (under the Age discrimination in Employment Act as amended by the Older Workers Benefit Protection Act of 1990, Title VII of the Civil Rights Act of 1964, as amended or any other federal state, or local laws), or retaliation for any claim of discrimination.

Examples of the verbal or physical conduct prohibited by above include, but are not limited to:

- a) Physical assault or battery;
- b) A pattern of conduct (not legitimately related to the subject matter of a course if one is involved) which causes discomfort or

- humiliation or both, that includes one or more of the following: i) comments of a harassing or discriminatory nature or ii) explicit harassing or discriminatory statements, questions, jokes, or anecdotes, include the displaying or distribution of jokes and/or sexually explicit pictures via email;
- c) A pattern of harassing or discriminatory conduct which causes discomfort or humiliation, or both, to a reasonable person at whom the conduct was directed.

Policy on Sexual Assault, Domestic Violence, Dating Violence and Stalking:

State and federal law, including Title IX of the 1972 of the Education Amendments prohibits sex/gender based discrimination. Title IX covers all of the College's programs and activities, and Title VII of the 1964 Civil Rights Act as amended also prohibits sex discrimination in employment, as well as Article 129-B of the New York State Education Law. Consistent with these legal requirements, Mandl is committed to providing a campus environment free of sex/gender based discrimination and prohibits: (1) sexual harassment, (2) sexual exploitation, (3) sexual violence including sexual assault and other non-consensual sexual touching, (4) domestic violence, (5) dating violence, (6) stalking, and other gender- based misconduct, all described in this policy as "Sexual Misconduct."

The College takes all allegations of Sexual Misconduct seriously and is committed to providing information and resources to the members of the Mandl community so that together we can help prevent this conduct. The College will promptly respond to complaints, reports, allegations and information about sexual misconduct that it is aware of or reasonably should have been aware of, with the intent of ending the prohibited conduct, preventing its recurrence and reducing its

effects on the campus. At the same time, the College affirms the right of the victim/survivor to have the right to decide whether they wish to be involved in any of the College's processes related to Sexual Misconduct. Mandl is also committed to assisting victim/survivors or complainant of Sexual Misconduct through various support services. The College encourages those who choose to maintain confidentiality to access support services regarding Sexual Misconduct for psychological issues from the counseling center and/or seek medical attention from Referral Services. Note that the College is obligated to investigate all reports of sexual misconduct, harassment or assault as required by law to the extent possible based on the information available. The investigation will make every effort to maintain the confidentiality of the victim.

Administrators, faculty and other responsible employees of the College are required by law to promptly report allegations of sexual harassment and other forms of sexual misconduct that they observe or learn about to the Title IX Coordinator, the Vice President of Academic Affairs or their respective Deans/Chairs. The College defines "other responsible employees" to include staff, both professional and student, with significant responsibility for students and campus activities including discipline and campus safety and security. Employees whose positions legally require confidentiality (i.e., counseling staff are not responsible employees). If you have a question regarding your reporting responsibilities, please contact the Title IX Coordinator.

All other employees are strongly encouraged to report this conduct. Responsible employees (administrator, faculty, other, etc.) of the College who fail to promptly report allegations of sexual harassment and other forms of sexual misconduct that they either observe or learn

about may be subject to disciplinary action. Mandl and the Title IX Coordinator are mandated to promptly respond and take appropriate action to any allegations of sexual harassment or other form of sexual misconduct brought to their attention. Mandl will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus. Any person responsible for, or involved in, retaliation will be subject to disciplinary action by the College, up to and including expulsion or termination. Support services, consisting of interim measures, will be available for reporters and complainants of sexual misconduct during the course of a complaint or as a result of a College-initiated investigation. These interim measures are intended for the safety of the complainant and the campus community during the course of an investigation. Support services are available to a complainant even if the complainant chooses not to file or continue to pursue a complaint. Requests for interim measures can be made by or on behalf of the complainant to any College official, including the Vice President for Academic Affairs, the Dean's Office or the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring that the implementation of appropriate interim steps occurs and that the College's response is coordinated with the appropriate offices on campus. Support services are also available to employees, visitors, third parties, community members through the Title IX Coordinator.

Alcohol and/or Drug use Amnesty in Sexual Violence Cases. The health and safety of every student at Mandl is of the utmost importance. Mandl recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time a sexual violence incident occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Mandl strongly encourages students to report incidents of sexual violence to campus officials. A bystander reporting in good faith or a

victim/survivor reporting a sexual violence incident to Mandl officials or law enforcement will not be subject to campus conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the sexual violence incident.

Use of Alcohol or Drugs: A person who has consumed alcohol and/or drugs still has a responsibility to obtain ongoing consent for any sexual activity with another person. The use of alcohol or other drugs by the person initiating sexual activity will never be accepted as an excuse for failing to obtain consent.

Force may never be used to make someone submit or to complete sexual activity. The use of force to cause someone to engage sexual activity is, by definition, non-consensual contact. The term “Force” includes the use of any of the following:

- Physical Force, Violence, the Presence of a Weapon includes but not limited to pushing or holding someone down
- Threats or Harassment includes but not limited to reveal a fact or false statement to encourage the person to submit to the sexual activity
- Intimidation, Abuse of Power or Authority, Implied Threats
- Coercion or Duress

Incapacity is a mental or physical state in which a person cannot make a rational, reasonable decision because they lack the ability to understand the consequences of their actions. Incapacity literally means the inability to fully understand what is happening. A person may also be incapacitated because they are unconscious or asleep. In all of these situations, a person is incapacitated and therefore unable to consent to sexual activity. It is a violation of the Sexual Misconduct Policy (and New York law) to engage in sexual activity with a person who is incapacitated, regardless of whether the person appeared to be a

willing participant. If there is any question regarding whether a person may be incapacitated, it is best not to engage in sexual activity with that person.

If you have experienced any of the behaviors that have been described in this Policy, the College encourages you to immediately seek help and support by reporting the conduct. Reporting Sexual Misconduct can be difficult, and victims/survivors (or witnesses) may experience a multitude of emotions when considering whether or not to report the conduct. The College encourages victims/survivors or witnesses to consider their personal safety and physical/emotional well-being. It is important for victims/ survivors to maintain their health and safety. It is also important to report the conduct so that steps can be taken to safeguard the community.

If you have questions about the processes and procedures after filing a complaint, or if a complaint has been filed against you, please contact the Title IX Coordinator or the Vice President of Academic Affairs.

Confidential emotional support services are made available as required. Information revealed in counseling is private, and investigation of sexual misconduct incidents will not be initiated as a consequence of participating in counseling.

Where complaints involve students and/or employees, the complaint process which applies to the accuser will normally determine the process. Regardless of which process is used in an individual case, Campus Safety and Security and/or the Title IX Coordinator will maintain their investigative files (including policy related decisions, if any) for purposes of Title IX and other compliance related interests

with confidentiality. Any and all documents retained at the conclusion of a formal or informal resolution of a complaint will be maintained by the College in a safe and confidential manner.

The student reporting these types of incidents will be advised that: “You have the right to make a report to Mandl College Campus Safety and Security, New York City Police, New York State Police, or you may choose not to report the incident. If you choose to report the incident to Mandl College, every effort will be made to protect you from retaliation, and available resources and assistance will be offered by Mandl.”

Every student will also have emergency access to the Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault, preserving evidence, and providing sexual assault forensic examinations. These employees will explain their ability to maintain confidentiality. All reports of sexual assault, domestic violence, dating violence and stalking will be properly investigated and the reporters’ confidentiality maintained. The student will be provided support throughout the process of filing a report or initiating legal proceedings in family court or civil court and to withdraw a complaint or involvement from the college’s process at any time.

It is the responsibility of the College, not the parties to the complaint, to gather the relevant evidence relating to the complaint, report, allegation, information or incident of sexual harassment or sexual misconduct, to the extent reasonably possible. Multiple support resources and reporting options are provided by the College and are outlined below. The College is not obligated to investigate incidents that are divulged at public awareness and advocacy events, although can use the information to inform its efforts for additional education and prevention efforts.

Victim/survivors and witnesses should be assured that the focus in matters of Sexual Misconduct is always on the reported behavior, not on whether someone was using alcohol or drugs at the time. Individuals are encouraged to come forward and report such conduct regardless of the surrounding circumstances. In situations involving allegations of Sexual Misconduct, Mandl College will, to the extent allowed by applicable laws and College policy, make the Sexual Misconduct allegation the primary focus of any investigation or disciplinary action, understanding that the College will be guided by the amnesty policy detailed above regarding any secondary conduct violations.

The College recognizes the importance of privacy and confidentiality in these matters and the Title IX Coordinator and Vice President of Academic Affairs will uphold the privacy and confidentiality of all parties to the extent practicable. Some individuals filing complaints or involved in an investigation may want their identity to remain confidential. In some instances, the respondent can be spoken to without the complainant being identified. In other cases, issues of confidentiality must be balanced against the College's need to investigate and take appropriate action. While discretion remains important, parties are not restricted from discussing and sharing information relating to their complaints with others who may support them or assist them in presenting their case.

Confidentiality exists regarding reporting domestic violence, dating violence, stalking or sexual assault when the report is made to a counselor. All other employees of the College are mandatory reporters and required to advise the College of the particulars of the incident being reported. The Title IX Coordinator will weigh a request for

confidentiality and will respond to the person making the request. When evaluating the request for confidentiality, the Title IX Coordinator will weigh the College's obligation to provide a safe, non-discriminatory environment for all members of the community with the request of the reporter.

Once concerns of safety and personal well-being have been addressed, the College can offer additional support services to assist a victim/survivor (i.e. No-contact requests, academic schedule changes, housing changes, academic support). The College also offers a disciplinary process through which such conduct can be addressed. Mediation will not be used as a means to address or resolve cases of sexual assault or other sex based violence and those who have reported/experienced sexual harassment will not be required to resolve the matter directly with the respondent or to confront respondents. A victim/survivor should also know that they may have options to bring criminal or civil actions against the perpetrator of the Sexual Misconduct. The Mandl Title IX Coordinator, Ana Tejada, can provide information regarding support resources and the available options for taking action.

If you have concerns regarding your safety, you should immediately contact the Mandl Campus Safety and Security Officer and/or the New York City Police Department.

- Campus Safety and Security: (212-247-3434)
- New York City Police Department: 911

Campus Safety and Security can help a victim/survivor with transportation to the hospital, connecting the victim/survivor to campus resources, and obtaining a no-contact order from either the Vice President of Academic Affairs. Outside of business hours, Campus Safety and Security can contact a trained professional

counselor who is available to provide immediate, confidential emotional support and assistance. Mandl has employees and security officers who have been trained to work with victims/survivors and complainants of Sexual Misconduct, and they can explain your rights and options.

It is important to note that reporting Sexual Misconduct to Campus Safety and Security or any other law enforcement does not require filing criminal charges. Should a victim/survivor wish to pursue criminal charges in a Sexual Misconduct case, Campus Safety and Security can assist in the investigation of the case.

Gathering of physical evidence can provide important evidence in support of criminal charges. Victim/survivors and complainants who may wish to pursue criminal action (or wish to keep that option available) should be aware of the importance of immediately reporting the incident so that physical evidence can be preserved at the scene, as well as on the person assaulted. However, victims/survivors and complainants should know that they can always report the incident days, weeks, months or even years after the misconduct occurred. Victims/survivors should understand that any delay in reporting could limit the amount of physical evidence available which could impact a criminal investigation and the final determination.

The College will conduct its own investigation and adjudication of a disciplinary complaint, regardless of whether the alleged Sexual Misconduct is also being pursued through the criminal justice system. The College will comply with law enforcement requests for cooperation. At times, that cooperation may require the College to temporarily suspend its fact-finding investigation while law enforcement gathers evidence. The College will promptly resume its

fact-finding investigation as soon as it is notified that doing so would not impede any law enforcement activities. The College is required to issue a “timely warning” related to violations of the Clery Act that occur within relevant geography that represents a serious or continuing threat to students and employees, except where such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual.

The College will be proactive and provide an ongoing educational campaign of training and awareness efforts to combat domestic violence, dating violence, stalking and sexual assaults for all incoming first year students as well as transfer students. This shall include the definitions contained in this section as well as the policies included. The manner in which it is provided should not disclose the identity of any victims.

If the College feels an investigation is required, they will seek consent from the reporting individual prior to conducting the investigation and will take necessary actions to protect and assist the reporting individual. Declining to consent to an investigation will be honored unless the College in good faith feels failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or to other members of the community. The College will consider factors such as previous history of violent behavior, repeat offender, escalation of unlawful conduct, increased risk of additional acts of violence, was a weapon or force used, was the reporting individual a minor, are there other methods available to gain additional evidence and is there a pattern of perpetrations at a given location or by a group to warrant the investigation to continue.

Civil or Criminal Violations

Students may be accountable to both governmental authorities and to

the College for acts that constitute violations of law, the College Code of Conduct, or other policies stated in the Student Handbook. A student's conduct may be considered a violation of the College Code of Conduct, but it may also be considered a violation of provisions of civil or criminal law on both local and national levels.

The College reserves the right to enforce all of its policies for behavior that takes place either on or off campus. Disciplinary action at the College may proceed during the pendency of civil or criminal proceedings and shall not be subject to challenge on the ground that criminal or civil charges involving the same incident have been delayed, reduced or dismissed. The College also retains the discretion to delay internal proceedings, while imposing interim actions such as privilege restrictions or even suspensions to separate a student from some or all college activities, during the period in which criminal or civil matters are pending.

College Support through the Code of Conduct

Vice President of Academic Affairs is located on the 5th floor and can help facilitate the judicial process. The Vice President of Academic Affairs can also initiate disciplinary action independently under this policy should they determine that the Sexual Misconduct at issue poses a threat to campus safety.

Failure to comply with the College's regulations and the laws of the state of New York and/or the laws of the federal government governing crime and sexual misconduct constitutes a violation of the Code of Conduct which is contained in this Student Handbook. Violations are punishable by sanctions which have been imposed pursuant to the judicial procedures of the College. These sanctions include dismissal from the College and students may also be

accountable to the appropriate law enforcement authorities. The College will not protect any member of the College community who violates state or federal laws.

College Services:

The offices of Title IX Coordinator, Vice President of Academic Affairs, Campus Safety and Security, and 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.

Conduct that violates this Policy may also violate New York State laws and subject an individual to criminal prosecution. Sex Offenses under New York law are described in Sections 130.00 to 130.96 of the New York State Penal Code.

I. 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.

A. Assistance and Resources

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

B. Medical Examination for Preservation of Evidence

In instances involving physical injury or sexual assault, the College strongly encourages the complainant to obtain a medical examination to determine the extent of injuries. A hospital, with the complainant's permission, will collect physical evidence in a sexual offense evidence collection kit. Consenting to the completion of a sexual offense evidence collection kit does not obligate the complainant to pursue criminal charges with the police; it is a way to preserve evidence should there be a choice to pursue criminal charges at a later time. Hospitals are required by law to preserve such evidence for a minimum of 30 days.

C. Law Enforcement Notification

In keeping with its commitment to taking all appropriate steps to eliminate, prevent, and remedy sexual misconduct, the College urges the complainant to report all instances of sexual misconduct or criminal activity to local law enforcement. Timing is a critical factor in collecting and preserving evidence that may assist in proving that the alleged sexual misconduct or crime occurred and may also be helpful in obtaining a protection or restraining order from the police. The complainant may contact local law enforcement directly, whether or not a complaint has been filed with the College. If requested, College representatives are available to assist the complainant in notifying law enforcement or legal service organizations to learn about these remedies. The complainant may also decline to notify law enforcement.

A person may report an incident to either the police or the College or to both.

Effect of Law Enforcement Notification: The filing of a complaint of sexual misconduct under this Policy is independent of any criminal investigation or proceeding. The College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or to take any necessary interim remedies to protect the complainant and the College community. However, the College may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation of sexual misconduct matters that may also violate state or federal law. Such delays will not last more than 10 days, except when law enforcement authorities specifically request and justify a longer delay.

The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Therefore, criminal investigations or reports are not determinative of whether sexual

misconduct, for purposes of this policy, has occurred. In other words, conduct may constitute sexual misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and/or decline to prosecute.

Court Orders of Protection: Family court is an option for a person to seek a civil court order of protection in many circumstances. Upon request, College Officers are available to provide employees with information on how to seek an Order of Protection or a Temporary Restraining Order, but a College officer cannot request an Order of Protection or Temporary Restraining Order on behalf of an employee or student.

If an order of protection is granted, the complainant will have the right to receive a copy of the order of protection when it is received by the College. The parties will also have the opportunity to speak with an appropriate College official who can explain the order and the consequences for violating the order (including but not limited to arrest, additional conduct charges, and interim suspension), and answer any questions about the order, including information about the respondent's responsibility to stay away from the protected person(s). Additionally, if the respondent violates the order of protection, the complainant may receive assistance from the College in calling local law enforcement to inform them of the violation.

II. On-Campus Options for Assistance

A. Confidential Versus Non-Confidential Resources

The College offers a number of confidential and non-confidential resources on-campus. The available reporting and confidential disclosure options are described below so individuals can make informed choices about where to turn should they become the victim of

sexual misconduct. If you are unsure of a person's reporting obligations, please ask.

B. Campus Safety – Non-Confidential

A victim of any crime can seek assistance from the Campus Safety. Seeking assistance from the Campus Safety ensures that a victim is properly supported by the College and the College can take steps to stop the sexual misconduct, prevent it from recurring, and remedy any effects.

C. Center for Student Services – Confidential

The Dean of Student and Academic Services acts as a facilitator to refer students to appropriate counseling services within and outside the College. The Student Services Center offers a confidential setting in which students can discuss any concerns that are interfering with their making the most of their academic, co-curricular and social experiences at Mandl. The Center's professional staff can assist students in learning how to manage stress, how to resolve personal problems, how to make healthier decisions, and how to function optimally in their primary role of being a successful college student.

Mandl encourages students to visit to the Student 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
- roommate conflicts
- self-esteem
- sexual assault
- social skills development
- substance abuse
- advocacy on the student's behalf

All sessions and Center records are confidential within the parameters of the ethical and legal guidelines set for the counseling profession. Participation in counseling does not appear on a

The Center for Student Services has health professionals available to provide free, **confidential** mental health counseling to students who have been affected by sexual misconduct. The Center for Student Services is located on the 5th floor.

Confidential resources can connect you with other on or off-campus resources and explain the other options for assistance that are available to you as well. If you choose to file a formal report with the Title IX Coordinator and/or local law enforcement, these individuals may accompany you and support you through those processes if you so desire.

The Confidential Advisor is a trained College administrator who serves as a confidential resource to students who have experienced sexual misconduct. The Confidential Advisor will provide information on College procedures, discuss all available interim remedies, and facilitate referrals for other support services. You do not need to disclose any information or personal details about an incident of sexual misconduct to access or receive interim remedies or support from the Confidential Advisor.

The Confidential Advisor is located on the 5th Floor. Confidential support services can be obtained, to help students understand, cope with, and recover from the effects of trauma. All contact with the Counseling Officer is confidential and can be done regardless of whether an individual wishes to report the incident to police, or to the College. Information revealed in counseling is not reported to the College, or to anyone, without the student's explicit consent

The Confidential Advisor will maintain an individual's disclosures as confidential, and will not report crimes to local law enforcement or the College, unless: (i) he or she is given permission to share **information** by the person who experienced the sexual misconduct; (ii)

there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18; or (iv) as otherwise required or permitted by law or court order.

III. Reporting Sexual Misconduct to Non-Confidential Resources at the College

The College is committed to providing a prompt, thorough, and impartial investigation and resolution to all allegations of sexual misconduct. Therefore, the College encourages the reporting of sexual misconduct to the College in accordance with this Policy regardless of whether the incident took place on or off campus, and even if it is also reported to local law enforcement.

Once any of the individuals or offices is notified of an incident of sexual misconduct, she/he will coordinate with the Title IX Coordinator, or a designee, to address the matter in accordance with the procedures outlined in this Policy, including implementing any appropriate reasonable interim remedies. Such reporting will enable complainants to get the support they need, and provide the College with the information it needs to take appropriate action. Generally, College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. This means that the information you provide in connection with a report will be shared only as necessary and on a need-to-know basis.

The following offices and individuals have been trained to receive and respond to allegations of violations of this policy.

- Title IX Coordinator,
- Assistant Dean of Student Services
- Department Chairs

A. Reports of Sexual Misconduct from Others and/or Anonymous Sources

If the College receives a report of alleged sexual misconduct by someone other than the victim (e.g., the reporting individual is a friend or coworker) or from an anonymous source, the Title IX Coordinator, or designee, will promptly notify the victim of the report, and inform the victim of the available resources and assistance. The College will respond to the report of sexual misconduct as if the victim had made the initial report. College will accept anonymous reports. However, due to the nature of anonymous reports, the College's ability to take responsive action may be limited.

B. Time for Reporting

There is no time limit for reporting sexual misconduct to the College under this Policy. Nevertheless, any member of the College community who believes that he or she has been a victim of sexual misconduct is encouraged to report the alleged sexual misconduct immediately in order to maximize the College's ability to obtain evidence and conduct a prompt, thorough and impartial investigation.

C. Advisors

In any investigatory or disciplinary proceeding and any related meeting held under this policy, the complainant and respondent have the right to choose and consult with an advisor. The advisor may be any person who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their respective advisors (at the party's own expense if the advisor is a paid advisor) at any meeting or proceeding related to the investigation and resolution of a complaint under this Policy. Advisors cannot actively participate or speak on behalf of the complainant or respondent. The choice of whether or not

to invite an advisor is solely that of the complainant and respondent. If any advisor's conduct is not consistent with these guidelines, he or she may be excluded from the process. The College reserves the right to have its own legal counsel present during the adjudication process.

D. Requests for Confidentiality

After a report of sexual misconduct has been made to the College, a Complainant may request that the matter be investigated without revealing his/her identity or that the College not investigate the complaint.

The Title IX Coordinator, or a designee, will weigh the Complainant's request for confidentiality or not to investigate against the College's obligation to provide a safe, non-discriminatory environment for the College community and decide whether the request can be honored. Some, but not all, of the factors that are reviewed when assessing a complainant's request for confidentiality or not to pursue the investigation, include:

- whether there have been other sexual misconduct complaints about the same respondent;
- whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
- whether the incident represents escalation and unlawful conduct on behalf of the respondent from previously noted behavior;
- whether there is an increased risk that the respondent will commit additional acts of violence;
- whether the sexual misconduct was committed by multiple perpetrators;
- whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;

- whether the alleged sexual misconduct was perpetrated with a weapon;
- the age of the complainant;
- the seriousness of the offense;
- whether the College has other means to obtain relevant evidence (e.g., security cameras or personal, physical evidence).

If, after considering these factors, the Title IX Coordinator or designee, determines that the College may honor the request for confidentiality or not to investigate, the Title IX Coordinator or designee will notify the Complainant of the decision and that, when confidentiality has been requested, the College's ability to meaningfully investigate the allegations and pursue disciplinary action may be limited. A decision to maintain confidentiality of the Complainant's identity does not mean that confidentiality can be absolutely guaranteed in all circumstances, but only that all efforts will be undertaken to keep the complainant's identity confidential. Ultimately, the College retains the right to act upon any information that comes to its attention.

In all cases, the College will take appropriate steps to mitigate the effects of sexual misconduct, prevent its recurrence, and provide ongoing assistance and support, including where appropriate, any interim remedies as set forth in this Policy.

The College will also consider broader remedial action, such as increased monitoring and/or security at locations where the reported sexual misconduct occurred, increasing training, education and prevention efforts, and conducting climate surveys.

IV. Process for Investigating and Resolving Complaints of Sexual Misconduct

The College will take all available steps to promptly, thoroughly, and impartially investigate and address complaints of sexual misconduct by and against its students, employees and third parties (including visitors and community members), in order to stop prohibited conduct, prevent its recurrence and address any effects on campus. The process for adjudication includes the following:

A. Evidentiary Standard

The evidentiary standard in determining the facts will be based upon a preponderance of the evidence, i.e., a finding that it is more likely than not that the alleged sexual misconduct occurred or did not occur.

B. Initial Assessment

Once a complaint or notice of any allegation of sexual misconduct is received, the Title IX Coordinator, or a designee, will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report, including interim remedies.

The Title IX Coordinator, or a designee, will provide the complainant with a general understanding of this Policy and the process for responding to complaints of sexual misconduct. The complainant will be provided with a written explanation of all available resources and options (e.g., reporting to appropriate law enforcement agencies; referrals for medical treatment at local hospitals and trauma centers) and the opportunity to discuss those resources and options. The complainant will also be advised of the right to an advisor of his or her

choice to accompany him or her to all meetings in relation to these Procedures.

The Title IX Coordinator, or a designee, will also explain the College's prohibition against retaliation and that the College will take prompt action in response to any act of retaliation.

C. Preliminary Investigation

An investigator will conduct a preliminary investigation and the Title IX Coordinator, or a designee, will assess whether this Policy or the Student Code of Conduct may have been violated. If the Title IX Coordinator, or a designee, determines that this Policy or the Code of Conduct may have been violated, the Title IX Coordinator, or a designee, will notify the respondent in writing that a complaint has been filed and provide the factual allegations concerning the alleged violation, and possible sanctions.

The Title IX Coordinator, or a designee, will schedule a meeting with the respondent, within a reasonable amount of time, and ensure the respondent is provided with a written explanation of all available resources and options, and is offered the opportunity to meet to discuss those resources and options.

Upon the preliminary investigation, the Title IX Coordinator, or a designee, may determine that an effective remedy designed to prevent recurrence and address the effects on the complainant and community can be implemented. Such remedies include, but are not limited to: No contact orders; separating the parties; placing limitations on the parties; adjusting work schedules; or reasonable academic adjustments. Where the respondent is not a member of the College Community, the matter may be referred to law enforcement, and to the extent the identity of the third party is known, the College's authorities will issue a "No Trespass"

letter to the third party denying access to the College's campus for acting in a manner that disrupts or disturbs the normal educational functions of the institution.

D. Interim Remedies

The Vice President or designee retains the discretion to issue an interim action to any party involved in an alleged Code violation. This includes, but is not limited to, an interim suspension from the College; a "no contact" order; limitation of access to Mandl premises or limitation of privileges to engage in specified College activities; and/or reassignment to alternate housing or removal from housing.

Interim actions may be issued in the following circumstances: (1) to ensure the physical or emotional safety and well-being of members of the College; (2) to ensure the physical or emotional safety and well-being of any party involved in an alleged Code violation; or (3) if the accused student poses an ongoing threat or disruption of the normal operations of the College. Once imposed, an interim action takes effect immediately. There is no appeal for an interim action.

An interim suspension pending a hearing is not a College sanction, and no notation of it will be made in the student's transcript or education record.

The College offers a wide range of interim remedies for students and employees designed to stop the alleged sexual misconduct, and/or to protect the safety and wellbeing of the individuals involved and the College Community. Interim remedies may be temporary or permanent and are available regardless of whether a complainant chooses to report the crime to law enforcement or pursues a complaint or investigation under this Policy.

Requests for interim remedies in connection with an incident of sexual misconduct should be made to the College's Title IX Coordinator, or a designee. The College will grant such interim remedies, provided they are reasonable and available. The Title IX Coordinator, or a designee, may also initiate interim remedies to immediately respond to a situation.

The Title IX Coordinator may impose a "No Contact Order," which typically will include a directive that the parties refrain from having contact with one another, directly or indirectly, including personal contact, e-mail, telephone, text message, social media, or by means of a third party.

Both the complainant and respondent may request a prompt review, reasonable under the circumstances, of the need for and terms of a No Contact Order, interim suspension or other interim remedies. Such a request may be made in writing to the Title IX Coordinator, providing the basis for that request and any evidence to support the request. Upon receipt of such a request, the Title IX Coordinator will inform the other party of the request and allow the other party to respond, including the submission of evidence if desired. The Title IX Coordinator, or a designee, will determine within a reasonable time frame, but generally no later than one calendar week from when the request was made (including the parties' submission of any evidence), whether there will be any modification.

An individual who wishes to report a violation of a No Contact Order can contact the Title IX Coordinator. If the complainant and the respondent observe each other in a public place, it shall be the responsibility of the respondent to leave the area immediately. Any individual who violates a No Contact Order is subject to disciplinary action.

E. Time Frame for Investigation and Resolution

While the time to resolve a reported incident will vary from case to case, depending on the specific facts and circumstances, it is expected that in most cases complaints will be resolved within 60 days. If the process will take longer than 60 days, both the complainant and the respondent will be notified.

F. Notice of Outcome

Both the Complainant and Respondent will receive simultaneous written notice of the outcome to the extent permitted by law.

G. Possible Sanctions

For Employees

Possible sanctions for employees can include, but are not limited to, a letter of reprimand, a warning letter, demotion, suspension or termination from the College, or other appropriate sanctions.

For Students

Possible sanctions for students can include, but are not limited to, a formal warning, College premises restriction, suspension or termination from the College, College disciplinary probation and suspension.

If the College concludes that the respondent is responsible for a violation of this policy, based on a preponderance of the evidence, both the complainant and respondent shall have the opportunity to submit a written impact statement to the decision-maker prior to a determination of an appropriate sanction(s). In making a determination regarding sanctions, the decision-maker may consider the parties' impact statements, if any, and may also consult with the Title IX Coordinator

and other appropriate College officials. The respondent's disciplinary history, including, but not limited to, past findings of domestic violence, dating violence, stalking or sexual assault, may be considered for purposes of determining an appropriate sanction.

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 crimes of violence. 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.

Conduct charges are considered “pending” once a student is informed in writing that there are allegations that the student has violated the College’s code of conduct.

If a definitive proof of a student respondent’s non-responsibility can be determined, any transcript notification shall be removed. Only a definitive proof can vacate a finding of responsibility.

Students who are suspended may appeal, in writing, to the Dean of Student and Academic Services to remove the transcript notation. Such appeals may be submitted at least one year following completion of the suspension. Students must satisfy any and all conditions of the suspension prior to submitting an appeal. A student may attach documents in support of the appeal.

Students who are dismissed or withdraw are not eligible to appeal. Those students who are expelled or withdrew with notifications on their transcripts, will leave the College with the status of “not in good standing” and will be ineligible for readmission absent any vacating of a finding of responsibility.

The Vice President of Academic Affairs will determine whether to uphold or overturn the transcript notation. Appeals may be granted to the extent that the student has satisfied the criteria above and the

student is in good academic and disciplinary standing. Such determination will be completed within approximately 30 days and the student will be informed of the result in writing.

In the event that the Vice President of Academic Affairs is unavailable or perceived by the College to have a potential conflict of interest that may unduly influence the determination, the College, in its sole discretion, may designate a substitute decision-maker.

H. Appeals

If either the complainant or the respondent is a student, he or she may appeal the decision.

I. Adjudication

The College has distinct procedures for the investigation and resolution of:

- Complaints against students (Student Code of Conduct);
- Complaints against faculty(Faculty Handbook)
- Complaints against staff and administrators (Employee Handbook and as set forth below).

Any community member may make a complaint pursuant to these policies. The applicable procedure for remedying a complaint depends on whether the accused is a student, member of the faculty, or staff or administrator. For instance, a complaint brought by a faculty member against a student would be processed pursuant to the Student Code of Conduct; a complaint by a student against an administrator would be processed pursuant to this Policy and Student and Employee Handbook; and a complaint by an administrator against a faculty member would be investigated in accordance with this Policy and the resolution process outlined in the College Employee Policies.

In cases where the person accused of sexual misconduct is neither a student nor an employee of the College, the College's ability to take responsive action is extremely limited. However, the College shall take all appropriate steps within its control to ensure a safe and nondiscriminatory campus community such as restricting the visitor's access to campus, and/or referring the matter to local law enforcement for legal action, where appropriate.

V. Adjudication of Complaints Against Faculty, Administrators and Staff

A. Process for Investigation and Resolution

Within fourteen (60) days after receipt of a complaint, the Title IX Coordinator or designee will assign a specially trained investigator (or team of investigators) to investigate the complaint unless the complainant has requested that the College refrain from such an investigation and the College has determined that it may do so. The nature and extent of the investigation will vary based on the specific circumstances of the incident. While the complainant is not required to provide a written statement regarding the complaint, such a written statement or other written materials related to the complaint will be reviewed, if made available to the investigator(s).

Whenever possible, and as appropriate, the investigator(s) will interview the complainant, respondent and any witnesses. The investigator(s) will gather any pertinent evidence. The investigator(s) will not interview any witnesses for the sole purpose of obtaining character information. At the conclusion of the investigation, the investigator(s) will prepare a written report detailing the relevant content from the interviews and any documentary evidence gathered.

The procedures for Investigation are stated on page 20 of the Student Handbook. In addition, to provide further clarity, students will comply with the following:

- Timely notice of meetings will be provided to the parties, and both parties are entitled to the same opportunities to have an advisor of his/her choice present during any meeting, investigation or disciplinary proceeding.
- Throughout the investigation, the complainant and the respondent will have an equal opportunity to present relevant witnesses and other evidence,
- The investigator(s) will direct the complainant, respondent, witnesses and other interested individuals to preserve any relevant evidence.
- Participants in an investigation shall be advised to refrain from discussing the matter during the pendency of the investigation in order to protect the privacy of the individuals involved and to maintain the integrity of the investigation.
- Information related to or concerning the romantic or sexual history of either the complainant or the respondent will not be considered except from either the complainant or respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond.
- At any stage of the investigation, the investigator(s) may consult with the other College officials, as appropriate.
- Any College officials involved will not have a conflict of interest or bias for or against any party.
- Investigations will be conducted by administrators who receive annual training on the issues related to sexual misconduct.
- Both the complainant and the respondent will be simultaneously informed, in writing of: a) the outcome of any investigation that arises from an allegation of sexual misconduct; and b) if either

the complainant or the respondent is a student, the College's procedures for the complainant and respondent to appeal the findings.

At the conclusion of the investigation, the investigator(s) makes a determination of the facts and a recommendation for resolution, including possible disciplinary sanctions, to the Vice President of Academic Affairs, or designee, as to whether, based upon careful review of all the information collected during the investigation, the respondent more likely than not engaged in sexual misconduct. The Vice President, along with the Title IX Coordinator and/or her designee, shall determine whether or not the respondent is responsible for sexual misconduct in violation of this policy. Any employee who, upon investigation, has been found to have violated this policy, will be subject to disciplinary action including, but not limited to: letter of reprimand or warning; probation; suspension (with or without pay); termination; or other discipline or resolution deemed appropriate based on the circumstances and severity of the findings of fact. The College will follow applicable College procedures in taking any disciplinary action.

VI. Prohibition on Retaliation

The College prohibits retaliation against any person who reports sexual misconduct or participates in the investigation of any allegation of sexual misconduct, including participating as a witness. Prohibited retaliation may include taking adverse action or treatment that leads to a negative impact on an individual's employment or educational experience.

Any member of the College community or third party who attempts either directly or indirectly to intimidate, threaten, retaliate, interfere with, restrain, coerce, discriminate against, violate a College No Contact Order, or harass any person for reporting, attempting to report, or

responsibly pursuing a complaint, or is a witness cooperating in a College investigation regarding possible violations of any of the College's policies regarding sexual misconduct, will be subject to prompt and appropriate disciplinary action, including possible termination or expulsion from the College.

Retaliation should be reported promptly to the College's Title IX Coordinator. Reports of retaliation will be investigated, and such conduct may result in disciplinary action independent of the sanction(s) or interim remedies imposed in response to the underlying allegations of sexual misconduct.

Mandl College is committed to dealing with sexual assault which is a crime of violence which is never acceptable and will not be tolerated in our community. It is the responsibility of the Title IX Coordinator and/or the Vice President of Academic Affairs to make inquiries into reports of Sexual Misconduct on behalf of the College and to conduct formal investigations by the certified Title IX Investigator that is consistent with applicable procedures

VII. 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. 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.

The College educates the student community about sexual misconduct 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, Student 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.

VIII. Clery Act Compliance

The College is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Names of individuals involved in incidents are not reported or disclosed in the ASR. In the case of an emergency or ongoing dangerous situation, the College will issue a timely warning to the campus. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the Complainant will not be disclosed. The College's ASR is publicly available and posted to the College website.

IX. Policy Compliance

Questions regarding Title IX, the Campus SaVE Act and/or Article 129-B of the New York State Education Law may be referred to the College's Title IX Coordinator, or a designee. Questions regarding Title IX may also be referred to the U.S. Department of Education's Office for Civil Rights. OCR may be contacted at 400 Maryland Avenue, SW, Washington, DC 20202-1100 or (800) 421-3481.

X. Summary Policies

The Office of the Dean of Student Services strives to address unacceptable and inappropriate behavior in a manner that informs students and guides them toward a greater understanding of the College mission, personal accountability, responsible decision-making, and the personal and professional expectations of our graduates once they leave our community.

The Student Conduct Process is designed to resolve instances of alleged violations of College policies and regulations, and to investigate matters of student conduct in a manner that reflects the educational mission of Mandl. This process is applicable to all students and student organizations. Students and student organizations are responsible for their actions as well as the actions of their guests while on the campus, and sanctions may be imposed on the host when the guest violates the Student Code of Conduct.

This Student Conduct Process pertains to College's discipline for non-academic infractions. It is not exclusive and does not preempt or preclude independent disciplinary action that may be taken by any member of the College community, including (but not limited to) the Title IX Coordinator, Deans of academic units, organization advisors and other College entities. This student conduct process uses a "preponderance of the evidence" standard to determine responsibility for alleged violations of the Student Code of Conduct.

Ultimate authority over student discipline is vested in the President of the College, who may exercise it at his discretion whenever it is determined that the interests of the College warrant it. The President may impose any penalty, including expulsion. In exercising such plenary authority, the President will afford the student an opportunity to know the charges against him or her, and to offer his or her version of the events. Action taken by the President is final and closes the matter. The President may designate an appropriate senior administrator to exercise this authority whenever it is deemed it necessary or convenient.

As an ordinary matter, the President has delegated authority over student discipline to the Vice President for Student Affairs. The Dean of Student and Academic Affairs administers the Student Conduct Process. The Dean is responsible to ensure that all student conduct proceedings are carried out in accordance with College policy and procedures.

Violations of Law

All members of the College y community are subject to federal, state, and local laws. Students are subject to such reasonable disciplinary action as deemed appropriate, including suspension and expulsion, for breach of federal, state or local laws when such conduct is likely to have an adverse effect on the College or on the educational process at the College or affects the student's suitability as a member of the College community. A link to the New York State Penal Code can be found at www.nycourts.gov/judges/cji/2-PenalLaw/cji3.shtml.

Statement on Inclusivity

At Mandl, we are fortunate and proud to reside in one of our country's most diverse places — New York City. Our Mission and strong

commitment to our values support and direct the College's response to bias-related incidents. It is imperative for Mandl to be an institution where all members of our community feel safe to acquire knowledge and to pursue their academic interests. In order to support the learning environment appropriately, Mandl shall not tolerate bias-related offenses in our community.

The definition of a bias incident reflects our values to create and sustain an inclusive, safe and productive College community. The College defines a bias related offense as a verbal or physical action committed against or directed toward a person or the property of another because of the person's actual or perceived race, color, national or ethnic origin, sex, sexual orientation, gender, gender identity and gender expression, disability, religion, age, veteran status, or any other legally protected basis. Bias incidents may include, but are not limited to, acts, words (written or verbal) or conduct targeting a person or group. Examples may include, but are not limited to, name calling, use of epithets, slurs or degrading language directed toward the targeted person or group, vandalism, symbols and other offenses against property involving graffiti or degrading images, threats or harassment. Incidents of bias may contribute to a hostile campus environment and can occur even if the act itself is unintentional or delivered as a joke, prank, or with humorous intent.

As in all matters involving alleged Code of Conduct violations, both the accused student and the complainant have rights that are protected throughout the Student Conduct Process.

If a student is found responsible for a Code of Conduct bias violation, he or she shall be subject to one or more of the sanctions listed in the Student Conduct Process, including but not limited to suspension, dismissal or expulsion.

Rights of Mandl Students

The following are the rights of all students participating in the student conduct process. All students have the right to:

Notice: Students will be informed via their College e-mail account of any alleged violations of the Student Code of Conduct; hearing information (which includes the location and time of the meeting); and the outcome of their conduct matter. For more information, please refer to the procedures listed in the section regarding the Initiation of the Student Conduct Process.

A Fair and Unbiased Hearing: Students have the right to have their conduct matter heard by a fair and impartial hearing body.

Participation: Students have the right to fully participate in investigation and the conduct process. Students also have the right to participate by submitting a written statement, or not to participate in any or all parts of the conduct process.

Non-participation does not indicate responsibility for violation of a policy; however, non-participation cannot be later used as grounds for appeal. Students who elect not to participate shall have their conduct matter adjudicated regardless of their level of participation. Students are still expected to abide by all decisions made by the Office of Student Affairs and comply with any sanctions imposed. Failure to attend a hearing is not grounds for appeal.

Advisor: Students who have been referred to a Conduct hearing have the right to request an advisor to assist them through the conduct process.

Witnesses and Relevant Evidence: Students have the right to present information or witnesses on their behalf for consideration during their conduct process.

Incident Report Review: Students have the right to review the incident report generated regarding an alleged violation and make suggested corrections as he/she sees fit. Incident reports may be reviewed with a student conduct administrator by appointment. Students shall not be permitted to keep a physical copy of the incident report.

Appeal: Students have the right to an appeal of their conduct decision.

Non-Discrimination: Students have the right to be free from discrimination or biased related to their gender, gender identity, sex, sexual orientation, race, ethnicity, nationality, age, political affiliation, religious affiliation, marital status, veteran status, or disability in the conduct process.

Freedom from Retaliation: Students shall not be subject to retaliation as a result of a referral to the conduct process. Students who elect not to participate in the process shall not be retaliated against for non-participation. Students who engage in, or encourage others to engage in, retaliatory behaviors towards another student for any reason shall be referred to the conduct process.

Student Bill of Rights

All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the conduct process and/or

- criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial and provides adequate notice and a meaningful opportunity to be heard;
 - Be treated with dignity and to receive from the institution courteous, fair and respectful health care and counseling services, where available;
 - 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;
 - Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
 - Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
 - Access to at least one level of appeal of a determination;
 - Be accompanied by an advisor of choice, in accordance with appropriate regulations, who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
 - Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

Definitions

The term “shall” is used in the imperative sense.

The term “may” is used in the permissive sense.

The term “College” means Mandl College.

The term “student” includes all persons pursuing academic or non-

academic education through the College, either full-time or part-time, pursuing undergraduate, graduate or professional studies.

Persons who withdraw after allegedly violating the College Code of Conduct, who are not officially enrolled in a particular term but who have a continuing relationship with the College, or have accepted an offer of admission, are considered students.

The term “complainant” means any person or entity who submits an allegation that a student violated the College Code of Conduct. The College may be considered the complainant when an alleged violation of the College Code of Conduct is reported to, or documented by, a member of the Mandl community.

The term “respondent” means any student accused of violating the College Code of Conduct.

The term “student conduct administrator” means the Vice President of Academic Affairs, or a member of the Mandl community authorized by the Vice President to determine responsibility for and (when appropriate) to impose sanctions upon any student found to have violated the College Code of Conduct.

The term “College Disciplinary Committee” means any person or persons authorized by the Vice President or designee to determine whether a student has violated the College Code of Conduct.

The term “Mandl premises” includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by Mandl.

DRUG AND ALCOHOL POLICY

Mission Statement:

The mission of Mandl’s Drug and Alcohol Services (MDAS) is to provide education for the campus community about emerging alcohol and other drug issues, as well as, preventing alcohol and other drug abuse and related consequences among our students. As a student

service, MDAS collaborates with a diverse group of Mandl faculty and administrators, in order to provide comprehensive education and prevention programming. MDAS also provides counseling services for students concerned about their substance use.

MDAS seeks to fulfill its mission by:

- staying informed of emerging issues in the field through professional development;
- disseminating important alcohol and other drug-related information to faculty, administrators and students;
- educating students about the dangers of high-risk alcohol and other drug use through both active and passive programming;
- providing accurate assessment and educational services to students who violate the College's alcohol and other drug policy to encourage students to make healthier choices;
- providing effective counseling to students seeking assistance with substance-related issues, making outside referrals, as needed;
- developing and maintaining community partnerships to create environmental substance abuse prevention initiatives;
- administering the Alcohol and Drug Survey every two years, in addition to internal program evaluation, in order to collect data regarding Mandl's students' beliefs and behaviors related to alcohol and other drugs;
- utilizing the results of the Survey and internal data, to inform psycho-educational outreach programming to the Mandl community.

MDAS Committee

Members include:

- Ana Tejada, Dean of Student and Academic Services
- Prof. Sandra Monteiro, Assistant Dean of Student Services

- Prof. Michael Williams, Chair, Health and Human Services (Substance Abuse-Casac Program)
- Student Representatives
- Douglas Durrenberger, Director of Library
- Dr. Linda Chapilliquen, Director of Evening/Weekend Programs

This committee works to assess, educate, and raise awareness about alcohol and other drug issues. It achieves this by devising, implementing and evaluating initiatives across campus for faculty, staff, and students. Members of the committee serve as resources to those with alcohol and other drug issues, concerns, or questions.

Mandl's unique mission can best be protected through the communication and the enforcement of certain standards of behavior judged essential to the achievement of those purposes.

This is only possible when all students, faculty, administration, and staff ensure the intellectual, social, and psychological development of each member of our community in an ethical way. Honesty, integrity, and responsibility for the welfare of one's self and all members of the Mandl community are characteristics of a caring and thriving community.

Amnesty

The health and safety of every student at Mandl is of utmost importance. Mandl 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. Mandl 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 Mandl's officials or law enforcement will not be subject to Mandl's college 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.

More generally, Mandl considers amnesty to victims of all types who may be hesitant to report an incident to College officials because they fear that they themselves may be responsible for minor policy violations, such as underage drinking, at the time of the incident.

To encourage all students to offer help and assistance to others, Mandl considers a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Vice President or designee, amnesty may also be extended on a case- by-case basis to the person receiving assistance.

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College may also be offered amnesty for their minor violations, at the discretion of the Vice President or designee.

Abuse of amnesty requests can result in a decision by the Vice President or designee not to extend amnesty to the same person repeatedly.

Student Code of Conduct Violations:

The Code of conduct violations are discussed on pages 15 to 18 of the Student Handbook. Additionally, the following activities constitute

violations of the College Code of Conduct. Violations are addressed by sanctions which are imposed consistent with the policies and procedures established by the College and set forth in this Student Disciplinary Process.

Alcohol: Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by Mandl College regulations). Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty- one (21) years of age. This includes suspicion of being intoxicated on Mandl premises. Students are expected to abide by all federal and state laws regarding alcohol and must be familiar with the College policy on a Drug-Free Community that is contained in the Student Handbook.

Assault: Inflicting or attempting to inflict harm upon any person.

Bias: Engaging in conduct that is deemed to show bias against any individuals, groups, or entities based on perceived identity.

Censorship: Engaging in or inciting others to engage in conduct which interferes with or disrupts any College function, or which prevents or limits the free expression of ideas by others, or which physically obstructs or threatens to obstruct or restrain other persons on College premises.

Civil/Criminal Law: Engaging in conduct on or off campus that constitutes a violation or crime pursuant to the civil or criminal law of the municipality, state or federal government. This includes, but is not limited to, interfering with the New York City police or other law enforcement agencies in the performance of their duties.

College Facilities: Unauthorized entry into and use or occupation of College premises or facilities.

College Identification: All members of the Mandl community are required to have the College Identification Card in their possession while on campus. Misuse or transfer of the College Identification Card is prohibited.

Compliance: Failing to comply with the requests or directions of a member of the Mandl community acting in the performance of their assigned duties. This includes, but is not limited to, failure to surrender the College Identification Card upon request by any member of the Mandl community (including campus security personnel) or with the computer lab facilities guidelines as set forth in the Student Handbook.

Complicity: Attempts to commit acts prohibited by the College Code of Conduct or encouraging others to commit acts prohibited by the College Code of Conduct may be addressed to the same extent as completed violations. A student may be found complicit if he or she is aware of a violation of the College Code of Conduct and has the ability to report the violation, but fails to do so or fails to remove oneself from reasonable proximity of the violation.

Damage to Property: Damaging College property or the property of a member of the Mandl community, a campus visitor while on Mandl premises, or the property of a local resident.

Disorderly Conduct: Engaging in behavior that is destructive, dangerous, harmful, obstructive or disorderly. This includes conduct that is deemed unreasonable in the time, place or manner in which it occurs, or taking reckless action that results in harm to any person.

Drugs: The unauthorized sale, purchase, production, possession,

distribution or use of illegal or controlled substances. This includes, but is not limited to, suspicion of being under the influence of illegal drugs and possession of drug-related paraphernalia on Mandl premises. Students are expected to abide by all federal and state laws regarding illegal or controlled substances and must be familiar with the College policy on a Drug-Free Community that is contained in the Student Handbook.

False Information: Knowingly furnishing false information in any form to a member of the Mandl community.

Fire Safety: Tampering with, disabling, or misusing fire alarms, fire-fighting equipment or safety equipment or remaining in a building during a fire alarm.

Forgery: Forgery, alteration or misuse of Mandl College documents, records or identification.

Gambling: Participating in any form of gambling on College premises.

Harassment: Any behavior (verbal, written, virtual, or physical) that abuses, assails, intimidates, demeans, victimizes, or has the effect of creating a hostile environment for any person. This includes, but is not limited to, threatening by any means of transmission the use of force to harm or injure any person.

Hazing: Any action that may endanger the mental or physical health or safety of a student for purposes including, but not limited to, affiliation with any student organization. Individuals who witness hazing while not actively participating may still be held accountable for their actions or inactions. Hazing includes, but is not limited to:

- behavior could be seen by a reasonable person as pressuring or coercing the student into violating state or federal law.
- any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, alcohol, liquor, drug, or other substance, or any other forced physical activity that could adversely affect the physical health or safety of the student.
- any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.

Mandl will not accept as a defense of a Hazing allegation when the accused student or student organization claims that (1) any or all participants consented to the documented conduct; (2) the conduct was not part of an official organizational event or otherwise sanctioned or approved by the student organization; or (3) the documented conduct or activity was not an explicit condition of membership to or affiliation with a student organization.

Inappropriate Behavior: Any behavior that is not consistent with the Mission or expectations of the College.

Intimate Partner Violence: Intimate partner violence refers to any physical, sexual or psychological harm against an individual by a current or former partner or spouse of the individual. In addition, this policy includes any willful intimidation, battery or sexual assault committed by a family member, household member, domestic partner, or intimate partner and is prohibited. This policy also includes harm against individuals in heterosexual and same-sex

relationships but does not require sexual intimacy between the individual and such partner/spouse.

Keys: Unauthorized possession, duplication, or use of keys or ID cards to College facilities.

Misconduct: Engaging in behavior that may adversely affect the security of the Mandl community, the integrity of the educational or developmental process or the good name of Mandl.

Online Harassment: Using information and communication technologies as means of intimidation, harassment or unwarranted interruption. This includes, but is not limited to, email, social media, the Internet, phone or tablet applications, cellular phones and video recorders. The procurement and/or transmission of videos or photographs of another individual without his or her expressed permission are prohibited.

Smoking: Failing to comply with the smoking guidelines of the College.

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.

Theft: Theft of College property and/or theft from a member of the Mandl community. Knowingly possessing or disposing of the lost or mislaid property of a member of the Mandl community or of the College itself without returning such property to its rightful owner.

Weapons/Explosives: The unauthorized sale, purchase, production and/or possession of lethal weapons, explosives or incendiary devices.

Mandl is committed to providing options, support and assistance to reporting individuals of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College -wide and campus programs, activities, and employment. All reporting individuals of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad.

Reporting individuals have many options that can be pursued simultaneously, including one or more of the following:

- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation;
- Make a report to an employee with the authority to address complaints, including (but not limited to) the Title IX Coordinator, a Student Conduct employee, or a Human Resources employee; Campus Safety; local law enforcement; and/or Family Court or Civil Court.

COLLEGE CODE OF CONDUCT

Any member of the Mandl community, or other entity, may report alleged violations of the College Code of Conduct to the Vice President of Academic Affairs or designee. The Vice President or designee shall review the report and shall determine the appropriate student conduct administrator or hearing body to address the report. The Vice President or designee reserves the right to act as the

student conduct administrator for any report of an alleged Code of Conduct violation.

A student accused of violating the College Code of Conduct shall be notified of the alleged violations by an email sent to the student's Mandl College email account, which is considered the official means of communication by the College. The meeting notification shall state the date and general location of the incident if known, the clause(s) in the Student Code of Conduct that the student is accused of violating and the date, time and location the respondent has been scheduled to meet with a student conduct administrator for a Conduct Hearing.

Conduct Disciplinary Hearings

The Conduct Disciplinary Hearing is a meeting with a student conduct administrator where the accused student may review the incident, respond to the charges and discuss the circumstances of the alleged violation. At the conclusion of the Conduct Hearing, the student conduct administrator may, at his or her discretion, make a determination concerning the accused student's responsibility and (if the student is found responsible) the sanctions he or she must complete. The student conduct administrator may also refer the matter to the College's Student Disciplinary Committee.

An accused student who fails to attend the Disciplinary Hearing waives their right to review the incident and respond to the charges. In these cases, the student conduct administrator shall administer findings and sanctions in their absence, or refer the matter to the College Disciplinary Committee. A respondent's failure to check their Mandl email account is not considered an excuse for not attending a scheduled Conduct Hearing.

Advisor: A student may be accompanied by an advisor of choice, in accordance with appropriate regulations, who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process. With the exception of sexual misconduct hearings as outlined in College policy and the NYS Education Law Article 129-B, also known as the “Enough is Enough” law, the advisor must be a member of the Mandl College community who will be permitted to be present for support, but will not actively participate in the hearing. The judicial process is administrative in nature and does not permit the participation of legal counsel.

The following are possible outcomes of the Disciplinary Hearing:

Not in Violation: If the student conduct administrator determines at the conclusion of the investigation process that the accused student has not violated the College Code of Conduct, the student shall be found Not in Violation and the student conduct administrator shall confirm the decision in writing.

In Violation: If the accused student takes responsibility for a violation(s) of the College Code of Conduct, or if it is determined by the student conduct administrator that the accused student has violated the College Code of Conduct, the student conduct administrator shall resolve the matter at his or her sole discretion. In this instance, the student conduct administrator shall issue sanctions as set forth in this process. This determination shall be confirmed for the accused student in writing, containing a confirmation of the violation(s) the accused student was found responsible for, a statement of the sanction(s) to be imposed and information regarding the accused student’s right to appeal the decision.

Referral to College Authority: If after the Disciplinary Hearing, the student conduct administrator decides that another hearing body should determine the matter, the student conduct administrator may refer the matter to the College's Vice-President of Academic Affairs.

Appeals of Disciplinary Hearings

Any sanction imposed shall be immediately effective and shall remain in effect for the duration of the student conduct process through the conclusion of the appeal process.

A decision by a student conduct administrator may be appealed in writing to the Vice President of Academic Affairs or designee within seven (7) business days of delivery of the decision letter. An appeal may be considered only when it is demonstrated that: (1) the accused student has presented information that indicates an omission in the Student Conduct Process that may have affected the final outcome of the decision; or (2) there is new evidence which did not exist at the time of the hearing that would have a bearing on the original finding; or (3) the sanctions are not consistent with past practices or the severity of the violation.

If an appeal is granted, the Vice President or designee will have the option of referring the matter back to the original student conduct administrator or hearing body for the re-consideration; or to make a determination on the appropriateness of the decision and/or the imposed sanctions. If an appeal is not upheld, the matter shall be considered final.

Dismissal: Permanent separation of the student from the College. Permanent notification may appear on the student's official transcript.

The student shall also be barred from Mandl premises and may face criminal charges if any condition of the dismissal is violated.

Expulsion: Permanent separation of the student from the College. Permanent notification will appear on the student's official transcript. The student shall also be barred from Mandl premises and may face criminal charges if any condition of the dismissal is violated.

Suspension: Suspension is defined as separation of the student from the College for a specified period of time. Permanent notification may appear on the student's official transcript. The student shall not participate in any College-sponsored activity and shall be barred from the College premises during the period of suspension. A student may face criminal charges if any condition of the suspension is violated. A suspended student must meet with the Vice President and must gain written approval from him/her before returning to the College. Additional conditions for readmission will be established at the time of suspension.

Mandl Premises Restrictions: Separation (temporary or permanent) of the student from the Mandl premises. Students who are temporarily restricted shall be allowed to return after a designated period of time. Conditions for return may be specified.

Loss of Privileges: Denial of specific privileges for a designated period of time.

Disciplinary Reprimand: The student is warned that additional violations shall result in more severe disciplinary action.

Restitution: The student is required to make payment to the College or to other persons, groups, or clubs/organizations for damages incurred as a result of a violation of the Code of Conduct.

Discretionary Sanctions: Other sanctions may be imposed instead of or in addition to those specified in the above. Students may also be subject to restrictions upon or denials of driving privileges for disciplinary violations involving the use or registration of motor vehicles.

INTERPRETATION AND REVISION

Any question of interpretation or application of the Student Conduct Process and College Code of Conduct shall be referred to the Vice President of Academic or designee for final determination. The Student Disciplinary Conduct Process and College Code of Conduct may be reviewed annually or as warranted under the direction of the President or designee.

Unusual occurrences or irregularities should be reported immediately to the Dean of Student and Academic Services. Crime prevention and personal safety information is available to students in the offices the Dean, The Assistant Dean, Director of Evening and Weekend programs, the Library, and the Learning Resource Center. It is important for students to realize that their cooperation and involvement in matters related to campus security is crucial to the overall safety of all members of the Mandl community. All emergency and night notifications should be made to the Campus Safety and Security administrator, Dr. Linda Chapilliquen at ext. 120. The New York City Police Department may also be contacted at 911 for emergencies or 212-247-3434 for non-emergency incidents.

Disciplinary Records and Notifications

Disciplinary records are for internal use only and are typically not made available to persons outside the College except on formal written request of the student involved or per a lawfully issued subpoena.

Internal use is at the discretion of the Vice President of Academic Affairs or designee, who may inform other officials in the institution of the student's disciplinary status when necessary to the discharge of their official duties. Additionally, parents/guardians may be notified of alleged conduct in accordance with College policies including but not limited to the Alcohol Policy and Mentorship/Retention Team guidelines.

The Dean and the Vice President assume the responsibility of maintaining the privacy of disciplinary records and for timely destruction of such records. Disciplinary records are maintained for seven years after the student has graduated, withdrawn or from their date of last attendance at the College with the exception of cases in which a sanction of Suspension or Dismissal was imposed. In cases resulting in expulsion from the College, disciplinary records are maintained permanently.

The Vice President for Academic Affairs, upon written request, will disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the final results of Mandl's disciplinary proceeding dealing with that alleged violation. In cases involving dating violence, domestic violence, sexual assault, or stalking, the written notification will be sent simultaneously provided to both the accused and accuser detailing the sanctions and any possible appeal to the decision.

Campus Safety and Security Policy on Reporting Crimes

If you become the victim of a crime while at Mandl, you are strongly encouraged to report it immediately to the Campus Safety and

Security Officer. Prompt reporting and specific information will increase the likelihood of achieving positive results of your incident. When you call Campus Safety and Security Officer, please give your name, the location you are calling from, and a brief description of what occurred. If the person who committed the crime is still in the area, please let the authorities know. If this is an incident of sexual assault, domestic violence, dating violence, or stalking and you are unsure if you want to report this to the local police, please advise the dispatcher. Police will be notified to respond for all other appropriate incidents. If you want to have the police notified, CSS will assist you and the police will meet with you and obtain all of the necessary information in the case. If evidence from the crime is still intact, please do not move or destroy it. This is especially important in sexual assault cases. It is important to remember that showering, changing clothes, or grooming can destroy vital evidence.

Many students worry about reporting crimes to the Campus Safety and Security Officer and/or the police because they do not want to testify in a trial. Victims are nonetheless encouraged to contact Campus Safety so they can be informed about other services available (counseling services, medical treatment, etc.) that might lessen the trauma of the incident. If the victim does not wish to pursue criminal charges, their wishes will be respected.

Students who are victims of crimes may pursue another avenue through the Mandl College student adjudication system. While this is not a substitute for the criminal justice system, it affords the students the opportunity to have their side heard in a less formal environment. This can be done in conjunction with criminal charges. If a student is found to have violated the College Code of Conduct, they may be subject to disciplinary action, up to and including expulsion from

Mandl. Students interested in this course of action may call the Office of the Vice President of Academic Affairs or obtain further information in the Mandl Student Handbook.

For crime statistics please refer to the Campus Safety and Security Annual Crime Statistics Report. Campus Safety Officer can be reached at 212-247-3434 ext136 and they will provide upon request all campus crime statistics as reported to the United States Department of Education or you may view online at www.ope.ed.gov/security/Search.asp the federal website.

Statement on Campus Safety

Mandl College informs students and employees about the Student Right to Know and Campus Security Act (CSA) of 1990, the Violence Against Women Reauthorization Act (“VAWA”), signed into law on March 7, 2014, imposing new obligations on colleges and universities under its Campus Sexual Violence provision, Section 304 and related amendments which have been added to the education laws of New York State since 1990. These laws, with which the College intends to comply fully, which includes the creation of an advisory committee on campus safety, and prepare and disseminate an annual security report for the state and federal government and other interested parties. This report includes a description of policies related to campus safety and statistics concerning specific crimes reported to campus security authorities or local police agencies with a focus on sexual misconduct, dating violence, domestic violence and stalking in addition to the crime categories already mandated in the Clery Act. These laws are also designed to establish a campus sexual assault program to prevent sex offenses, develop procedures to follow when a sex offense occurs, and distribute sexual assault

prevention information to members of the community. It also includes other information for educating students and staff about campus safety. Counseling Services, Campus Safety and Security, and/or Student Development are available to the victims of any type of crime.

The following safety tips are designed to assist in your personal safety:

- Do not go off with or accept rides from an individual that you have just met.
- Avoid isolated areas when you are alone or on a first date. Ideally, go out with another couple.
- Set clear limits with your partner and be sure that both of you are comfortable with these guidelines.
- If you feel that your safety is being compromised, attempt to attract attention. Do not be embarrassed to cause a scene.
- If you are drinking alcohol, drink responsibly. People may attempt to encourage you to drink more, and your judgment could become impaired.
- Never leave your drink unattended at a party or a bar. Always be safety conscious and familiarize yourself with the statutes of rape and sexual assaults.
- In accordance with New York State law, you must be 21 years old or older to drink.

The cooperation and involvement of students and employees in a campus safety program are important. All members of the College community are asked to assume responsibility for their own personal safety and the security of their personal belongings, by taking simple, common sense precautions. Further information regarding personal safety, including fire, first aid, and the reporting of any and all unusual occurrences or irregularities, is available in the offices of Campus

Safety and Security Officer, and Student Services Department on the 5th floor. Several important crime prevention techniques are:

1. Walk or study with friends.
2. Avoid being alone in buildings on the grounds.
3. Notify someone in authority when you will be working in any building after hours or on weekends.
4. Report any suspicious persons or activity to campus security or the administrator in charge of a facility or program.
5. Keep doors locked at all times.

The College affirms the dignity of all persons who are victims of crime and recognizes each person's right to privacy and confidentiality.

Non-Discrimination Statement

Mandl does not discriminate in its educational programs or activities on the basis of race, color, national or ethnic origin, ancestry, age, religion or religious creed, disability or handicap, sex or gender (including pregnancy, sexual harassment and other sexual misconduct including acts of sexual violence such as rape, sexual assault, sexual exploitation and coercion), gender identity and/or expression, sexual orientation, military or veteran status, genetic information, marital status political or social affiliation or any other characteristic protected under applicable federal, state or local law. Retaliation is also prohibited. Mandl will comply with state and federal laws such as Title IX, Title VI and Title VII of the Civil Rights Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, and other similar laws that prohibit discrimination.

Unlawful discrimination has no place at Mandl and offends the College’s core values which include a commitment to equal opportunity and inclusion. All Mandl employees, faculty members, students and community members are expected to share this commitment.

Any member of the Mandl College community has the right to raise concerns or make a complaint regarding discrimination under this policy without fear of retaliation. Any and all inquiries regarding the application of this statement and related policies may be referred to:

Ana Tejada
Dean and Title IX Coordinator

As set forth in our policies, individuals may also file complaints with administrative agencies such as the U.S. Department of Education, Office for Civil Rights (“OCR”). The contact information for the local office of OCR is Region II New York, Office for Civil Rights, U.S. Department of Health and Human Services, Jacob Javits Federal Building, 26 Federal Plaza - Suite 3312, New York, NY 10278 tel. (212) 264-3313. The email address for OCR is OCR.NewYork@ed.gov. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

Affirmative Action/Equal Opportunity:

Mandl maintains a policy of non-discrimination. The College complies with all state and federal regulations pertaining to equal opportunity, non-discrimination and affirmative action. In listing these statements, the College chooses to comply with governmental

regulations in the letter and spirit of the law. Anyone who observes ways in which the College is in violation of these principles is encouraged to notify the dean. For information regarding the College policy and procedures for Harassment and Discrimination based on ethnicity or national origin, please contact:

Ms. Ana Tejada at 212-247-3434 ext136

Accommodations for Students With Disabilities

Mandl does not discriminate on the basis of disability or handicap against otherwise qualified persons by excluding them from participating in, denying them the benefits of, or otherwise subjecting them to discrimination under any College program or activity. In addition, the College provides reasonable auxiliary aids and academic adjustments without charge. For information regarding disability accommodations for students, please contact:

For information regarding disability accommodations for Mandl employees, or for information regarding the College policy and procedures for Disability Harassment and Discrimination, please contact Dean Ana Tejada.

The College provides students with disabilities a humane environment that simultaneously respects their rights and concerns and protects academic integrity and quality.

The College evaluates applications for admission without regard to learning or other disabilities. Students are not required to disclose information about learning or any other disabilities on their applications. Students with special needs may (but are not required to) discuss those needs with an admissions counselor. The College

does not exclude otherwise qualified students with a disability from any course of study. Once admitted to the College, students with special needs who want to request a reasonable accommodation must contact one of the administrators described below and provide the College with documentation of a disability to arrange for appropriate services. Documentation should be current (less than two years old), clear and specific, and based on a comprehensive series of tests or other recognized indicia of disability.

To request an accommodation, the student must:

1. submit documentation supporting the request to the Dean of Student and Academic Services
2. if the request is approved, the student must inform the faculty member of the request at least two weeks before the request will be needed; and
3. if the request is not approved or if the accommodation provided is not effective, the student may enter into the grievance procedure described below.

For additional information and requirements for either program, or to request a reasonable accommodation, please contact: Ana Tejada

Grievance Procedures:

Students who have requested an accommodation and who are either refused that accommodation or who find that the accommodation provided is not effective may enter into a grievance procedure.

A. The student must:

1. formally request a specific accommodation in writing and
2. within thirty (30) days of being informed that the accommodation has been denied or upon realizing that the

accommodation is not effective file a formal grievance to the Dean of Student and Academic Services.

- B. Within ten working days of receiving a formal grievance, the Dean of Student and Academic Services:
1. will convene a committee of at least three professionals with backgrounds in disabilities;
 2. schedule a time for the student to provide the committee with evidence to support his or her grievance; and
 3. provide the student with a written decision within five working days after the committee reaches a decision.

If the committee does not rule on the student's behalf, the student may appeal to the Vice President of Academic Affairs, who will review all relevant materials and render a written judgment within two weeks of the appeal. If the student finds that judgment unsatisfactory, the student may appeal to the President of the College, who will review all materials and render a written judgment within ten working days of the appeal. The decision of the President is final.

Student Consumer Information Requirements:

In compliance with both federal and state law, Mandl makes available to students and prospective students information about instructional programs, costs of attending the institution, financial assistance available to students, refund policy, qualifications of faculty, graduation rates, and placement of graduates. The Vice President of Academic Affairs is available to assist students in obtaining information specified in the Regulations (Part53) of the Commissioner of Education. This information is available to prospective students through the Office of Admissions and on College Website.

Education as a key element of the College Policy

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

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 this policy; and
4. Helping to educate all members of the College community about the problems this policy addresses.

Preparation and Dissemination of Information

The College shall distribute copies of this policy to all current and future members of the College community. A copy of the harassment and discrimination policy will be included in student orientation materials. In addition, copies of that policy will be made continuously available at appropriate campus locations and on the College Web site.

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

The College Vice President of Academic Affairs has responsibility for providing 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 five-year interval of employment, based on hire date. The training can be in person or online. Records of training will be maintained by the Academic Affairs Office.

Information on Bias-Related Incidents and Hate Crimes

Mandl seeks to provide every student a safe and secure learning environment that is free of crime and/or policy violations motivated by discrimination, sexual misconduct and bias-related harassment. Mandl

College recognizes and values the similarities and differences among students and recognized student clubs/organizations at the College. Discrimination, sexual misconduct and bias-related harassment disrupt the educational process and will not be tolerated. As members of the College community, students can reasonably expect that the following rights will be respected by all College offices, programs, employees, and organizations.

Students have the right to be free from discrimination by any agent or organization of Mandl based on race, color, national or ethnic origin, ancestry, age, religion or religious creed, disability or handicap, sex or gender (including pregnancy, sexual harassment and other sexual misconduct including acts of sexual violence such as rape, sexual assault, sexual exploitation and coercion), gender identity and/or expression, sexual orientation, military or veteran status, genetic information, marital status political or social affiliation or any other characteristic protected under applicable federal, state or local law.

Definitions:

Hate crimes and bias-related incidents involve behavior that is

motivated by race, religion, sexual orientation, ethnicity, national origin, gender, gender identity, age, or disability. Bias-related incidents include those actions that are motivated by bias, but do not meet the necessary elements required to prove a crime. Hate crimes are also motivated by bias with an accompanying crime, such as: threats of violence, property damage, personal injury and other illegal conduct.

Bias-related incidents are defined as behavior, which constitutes an expression of hostility, against the person or property of another because of the targeted person's race, religion, sexual orientation, ethnicity, national origin, gender, gender identity, age, or disability. Bias-related incidents include, but are not limited to: non-threatening name calling and using degrading language or slurs directed toward a person because of his or her membership (or perceived membership) in a protected class.

A person commits a hate crime when he or she commits a specified criminal offense and either:

1. intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct; or
2. intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Hate crimes (Section 485.05 New York Penal Law)

1. A person commits a hate crime when he or she commits a specified offense and either:
 - (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct; or
 - (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Sentencing.

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in college policy, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

I. Introduction and Mission Statement of the Bias Incident Response Protocol

Mandl values a community where all members feel welcomed, included, and supported. The College established a Bias Incident Response Protocol to ensure that all members of our community, students or employees, affected by an encounter with a bias incident have the necessary support as well as information related to available appropriate resources as soon as possible.

The College values the inherent dignity of each member of the College community, which is enriched by our diversity and sustained by civility and mutual respect. Grounded in the College's mission, the Bias Incident Response Protocol was created to advance an educational, working, and living environment free from discrimination, harassment, intolerance, and hate.

The BIR Protocol may be enacted to ensure that affected students and others have access to appropriate resources, assist departments and individuals in response, and to facilitate a coordinated campus response to bias-related incidents and situations that may impact campus climate.

II. Why is Bias Incident Response Protocol needed?

Some actions may violate the Code of Conduct and will be addressed through the college judicial process. Even when this occurs there may be circumstances where individuals involved will also be referred to the supportive resources enacted by the BIR protocol. Some actions and situations may not violate law or policy but, nonetheless, fail to support our vision of a community of respect, openness, understanding, and civility. This protocol not only provides assistance and support to individuals filing a report, it works with the appropriate offices to keep records of bias incidents when directed, and to recommend that members of the community have appropriate access to information related to these incidents. The members of the Bias

Incident Response Team also serve as liaisons to members of the community who may not know where or how to seek appropriate resources.

III. What does the Bias Incident Response Protocol and Team do?

The purpose of the Bias Incident Response protocol is to promote an appreciation for diversity through understanding, respect, civility, and education. Individuals in the response pool will be assigned cases as individuals or small groups by the Vice President of Academic Affairs or their designee.

The Bias Incident Response Team pool may consist of, but is not limited to, individuals who serve as members of The College Harassment and Discrimination, the Student Services Committee, , and/or members of campus student groups, administrative or academic offices. Their purpose is to:

- a. Educate the College community about the protocol for reporting bias incidents
- b. Assist students and employees who report bias incidents. This will be done by prompt outreach, listening to their account of their experiences, discussion and referral to resources, and available options of addressing the incident.
- c. Support individuals impacted by bias incidents and/or hate crimes, especially those who have been directly involved including any identified groups that may have been affected.
- d. Assist the Vice President of Academic Affairs and the college in the coordinated campus response to bias incidents or hate crimes that threaten or potentially threaten the wellbeing of our students or the campus community.
- e. Recommend the dissemination of accurate information to the affected person(s) and the campus community, as necessary.

- f. Assist in record keeping of the incident and follow-up action steps.
- g. Recommend and/or plan various community advocacy, educational, and awareness programming and actions that are both preventative and responsive.
- h. Work closely with the appropriate administrators, committees, organizations, and departments to help foster an inclusive and supporting campus climate for all members of the College community. What the Bias Incident Response team does not do:
 - a. We do not work parallel to or isolated from the official disciplinary, reporting, and related response protocols of the college.
 - b. We are not a judicial or disciplinary body. We do not decide responsibility, guilt or innocence and are not part of the disciplinary process.
 - c. We are not an investigative team. We take reports about bias incidents and we discuss options for moving forward.
 - d. We are not a crisis response team. If a situation is immediately threatening, the first response is the New York City Police department and the Office of Safety and Security. If the situation involves a bias incident, a bias incident report can be submitted at a later time.

How is privacy protected?

Every effort will be made to treat reporters as confidential if requested, but reports are not anonymous. We recognize that at times sensitive or personal information will come to our attention. It will be handled with discretion and respect. This will be balanced with the determination at times that the college community may need to be made aware that an incident has occurred, and what steps have been taken to address it.

IV. Definitions and Determining What to Report

Bias Incident:

A Bias Incident is conduct or behavior—verbal, nonverbal, written or physical—which is threatening, harassing, intimidating, discriminatory, or hostile and is personally directed against or targets and individual or group based on perceived or actual characteristics including but not limited to race, color, religious belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, disability, veteran status, socioeconomic or age. Behavior reflecting bias may constitute a violation of Mandl College Code of Conduct.

Hate Crime:

Federal and state statutes on hate crime vary in terms of the acts and categories of bias that are covered. Under New York State Law, a hate crime is committed when a person commits a specified offense and (1) either intentionally selects the person against whom the offense is committed or intended to be committed, or (2) intentionally commits the act or acts because of a belief or perception of the person's or group's race, color, national origin, ancestry, sex, religion, religious practice, age, disability, or sexual orientation, regardless of whether the belief or perception is correct. When a person is convicted of a hate crime pursuant to Article 485 of New York State Hate Crimes Act of 2000, the law provides for the level of a hate crime to be deemed one category higher than the specified offense, when that specified offense is a misdemeanor or a class C, D or E felony. When the specified offense is a class B or A-1 felony, the term of sentence is enhanced.

Note:

All hate crimes are bias incidents, but not all bias incidents are hate crimes.

What are the criteria for selecting what to report?

When a report is received, the content is reviewed by the Vice President of Academic Affairs or their designee to determine if factors of race, color, religious belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, disability, veteran status, or age are present and if there is evidence or information pointing to possible bias.

The impact of a behavior and spoken or written expression on individuals, groups or the campus community that may not reach the level of a bias incident, but has an impact or potential impact on campus climate is also considered. Iona College protects an individual's right to free speech and open expression. However, free speech does not justify discrimination, harassment or speech that may be biased or hateful.

When recommendations of notifications to the community are made, information such as general descriptions and location of the incident when relevant may be shared. Specific attempts will be made not to report personal identifying information to the broader community.

V. Reporting a Bias Incident or Hate Crime

Students, faculty, and staff may report a Bias related incident directly to the Office of Campus Safety and Security, Vice President of Academic Affairs. There are multiple points of entry to report an incident and students can report through whichever appropriate pathway they are comfortable doing so.

For record keeping purposes, all reports of an alleged bias related incident should be documented in writing via the appropriate electronic mechanism at some point in the process regardless where they were first reported. The following information should be included:

- o Detailed account of incident, date, time, and location
- o Relate to the best of your ability the specific content of the words, gestures, or other behavior

- o Identify the alleged perpetrator, if known to you and/or provide a detailed description
- o List all witnesses and contact information
- o Attach or upload written information (such as e-mails or images).

VI. What happens when I report?

- 1) All reports will come to the Vice President of Academic Affairs and or his designee. A prompt determination of appropriate response will be made and initiated.
- 2) The reporter will receive timely confirmation of the report.
- 3) The VPAA or their designee will assign an individual or Bias Incident Response Team (BIRT) if appropriate.
- 4) Bias Incident Response teams will respond through enacting protocols.
 - a) A BIRT member will seek additional information regarding the incident, provide support resources, and schedule a time to meet with reporter and or affected individuals, if appropriate. The main purpose of this contact is to make sure the reporter and other individuals feel safe and cared for.
 - b) BIRT will recommend and implement, where appropriate, programs or activities
 - c) BIRT determine what recommendations will be made to the VPAA or their designee for notification to the Iona Community. Recommendations may include:
 1. Campus wide email immediately following the response
 2. Notification in the campus newspaper in the following issue

3. Post on the college website
4. Quarterly report in the campus newspaper and on the website

Consideration will be given to the context of the incident, how it will affect campus constituencies, and consult with relevant constituencies if necessary before notifying the community.

- 5) If no action is possible or necessary, the incident will be documented.
- 6) If the incident is actionable, the BIRT will develop and recommend an action plan to then execute while documenting the plans and resolutions.

If the VPAA or their designee determine the reported incident may violate the law or College policy, the appropriate protocol response will be enacted and may include but is not limited to:

- o Student Code of Conduct
- o Title IX
Supervisors/Deans/Other Campus Administrators
- o New York City Police Department

VII. What additional action steps may occur after a report is filed?

- a. Responses may include, but are not limited to, identification of and referral to appropriate support service and resources (on and off campus)
- b. Facilitated campus discussions
- c. Recommendations for campus notices for fact sharing,
- d. Efforts towards wider educational awareness, prevention, and outreach.

OTHER POLICIES

Student Complaint and Grievance Policy and Procedures

General Statement of Policy:

A student has the right to seek a remedy for a dispute or disagreement through the College's Complaint and Grievance procedure.

The College shall establish procedures in consultation with student representatives and others, for handling complaints and grievances. These procedures shall not substitute for other grievance procedures specific in College policies and procedures, regulations or negotiated agreements. This policy does not apply to academic grade disputes which are handled under the College's Grade Appeals policy located in the appropriate Course Catalog.

Procedures:

The College shall establish procedures to implement this policy which are outlined in Procedure section of the student handbook.

Policy Summary on the Privacy Act and Educational Rights

Mandl College informs students of the Family Educational Rights and Privacy Act of 1974, as amended. This Act, with which the institution intends to comply fully, designated protect the privacy of educational records, to establish the right of students to inspect and review their educational records, and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students also have the right to file complaints with the Family

Educational Rights and Privacy Act Office (FERPA) concerning alleged failures by the institution to comply with the Act.

Copies of the policy can be found in the Dean's Office. The Registrar's Office also maintains a directory of records which lists all educational records maintained on students by this institution.

Mandl College designates the following student information as public or "Directory Information." The College may disclose such information for any purpose, at its discretion, and may include:

- name;
- address;
- telephone number;
- email address;
- dates of attendance;
- previous institution(s) attended;
- field of study;
- class;
- awards;
- honors (including Dean's List);
- degree(s) conferred (including dates);
- past and present participation in officially recognized sports and activities;
- physical factors (height, weight of athletes); and
- date and place of birth.

Currently enrolled students may withhold disclosure of any information under the Family Educational Rights and Privacy Act of 1974. To withhold disclosure, written notification must be received in the Office of the Registrar prior to September 30. Forms requesting the withholding of "Directory Information" are available in the Office of the Registrar. Mandl assumes that failure on the part of any student

to specifically request the withholding of “Directory Information” indicates the individual’s approval of disclosure.

Policy statements cover specific areas of student life and procedural guidelines published by various offices charged with the responsibility for certain functions. For assistance in clarifying these documents, students should consult the Office of the Registrar. The complete Policy Statement on the Privacy Act and Educational Rights can be obtained from the Office of the Registrar.

Policy on a Drug-Free Community

Mandl College recognizes its duty to uphold existing state and federal laws and inform students and staff about the Drug-Free Schools and Communities Act of 1989. This law, by which the College intends to comply fully, was designed to prevent the illegal use of drugs and the abuse of alcohol by students and staff. Iona is a drug-free school and workplace and the College will not protect any member of the community who violates the law. This represents the complete policy on a Drug-Free Community.

Accordingly, any person discovered on campus by College officials who illegally possesses marijuana, hallucinogens or any other drugs proscribed by state or federal laws, will be subject to sanctions up to and including dismissal from the College. In every case, the drugs found will be turned over to the appropriate governmental authorities, and the person reported to the appropriate governmental authorities. It is a violation of the Code of Conduct to fail to comply with the College’s regulations and state and federal laws governing the possession, distribution and use of illegal drugs. This includes any paraphernalia used to assist in the possession, distribution or use of

illegal drugs either on or off campus. Any student arrested by any governmental authority in connection with illegal possession or use of drugs will be subject to disciplinary action pursuant to the judicial procedures of the College as contained in this Handbook.

Should guests, or anyone purporting to be a guest of students or of anyone else in the College community, be actively engaged in the sale, barter, exchange or distribution of an illegal drug on campus, the College will take immediate action by notifying the appropriate governmental authorities. Since the College does not consider itself a “sanctuary” outside the law for its own students, faculty or staff, neither can it be a place of refuge for persons not part of the College community.

New York State penal law states that it is illegal for: persons under the age of 21 to purchase or possess alcoholic beverages with the intent to consume; individuals under the age of 21 to purchase or attempt to purchase an alcoholic beverage through fraudulent means; individuals to furnish alcohol to anyone under 21-years-of-age; individuals to sell, deliver or give away alcoholic beverages to any intoxicated person or any person under the influence of alcohol regardless of the age of the person; and/or individuals to drive while impaired or intoxicated.

Federal law makes it a criminal offense to manufacture, distribute, dispense or possess with intent to manufacture, distribute or dispense, or simply possess a controlled substance. (See Title 21 US Code 801, et. seq. Controlled substances are defined by the schedules contained in 812 of Title 21 of the US code.) New York State penal law makes it a criminal offense to possess, possess with intent to sell or actually sell various drugs. The drugs to which this law applies include marijuana and those listed in the schedules contained in the New York

State Public Health Law, 3306 thereof. (See Penal Law Articles 220 and 221.)

The possible sanctions for the violation of federal and state law depend upon the particular offense violated. The various offenses are premised on aggravating factors which include the type and quantity of drugs involved.

Depending upon the particular aggravating circumstances involved, violations of said law could result in sanctions from a monetary fine to life imprisonment.

It is a violation of New York State Penal Law 240.40 for a person to appear in public under the influence of narcotics or a drug other than alcohol to the degree that he or she may endanger himself or herself or other persons or property, or annoy persons in the vicinity. A violation of this law could result in imprisonment up to 150 days.

The College complies with the Higher Education Reauthorization Act Section 484(r) which states:

(r) Suspension of eligibility for drug-related offences.

(1) IN GENERAL: A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified in the following table:

If convicted of an offense involving:

The possession of a controlled substance: Ineligibility period is:

First offense

1 year

Second offense	2 years
Third offense	Indefinite

The sale of a controlled substance: Ineligibility period is:

First offense	2 years
Second offense	Indefinite

(2) REHABILITATION: A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if:

- (A) the student satisfactorily completes a drug rehabilitation program that:
 - (i) complies with such criteria as the Secretary shall prescribe in regulations for purposes of this paragraph; and
 - (ii) includes two unannounced drug tests;
- (B) the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe in regulations for purposes of subparagraph (A)(i); or
- (C) the conviction is reversed, set aside, or otherwise rendered nugatory.

(3) DEFINITIONS: In this subsection, the term “controlled substance” has the meaning given the term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

The College does report, in the published annual crime statistics, the number of drug and alcohol related incidents and fatalities that occur on campus (as defined in section 485(f)(6)), or as part of any of the institution’s activities; and that are reported to campus officials; as well as reporting the number and type of sanctions described in paragraph (1) (E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution’s campus

or as part of any of the institution's activities.

It is a violation of New York State Penal Law 260.20 (d) (4) for a person to give or sell an alcoholic beverage to a person less than 21 years old. A violation of this law could result in imprisonment up to three months. Any person who operates, drives or is in control of a motor vehicle while intoxicated (DWI) or impaired (DWAI) is in violation of Section 1192 of the Vehicle and Traffic Law and if found guilty, is subject to fines, imprisonment and license suspension or revocation. The penalties for DWI and DWAI related to this section are listed in the preceding chart.

A drug is a chemical substance that has an effect upon the body or mind. Alcohol is defined as a drug. Drugs and alcohol are capable of impairing judgment and physical capacity and diminishing individual performance in activities of family living. Problems associated with inappropriate use of drugs and alcohol are complex in nature. One class of drugs is the sedative- hypnotic which relaxes the central nervous system. These include alcohol, barbiturates, tranquilizers (depressants), marijuana and hashish. Alcohol is chemically known as ethyl alcohol, C_2H_5OH , a colorless liquid, and medically is a depressant drug that slows the activity of the brain and spinal cord. Like any drug that affects the mind, alcohol has the potential to be abused.

Alcohol is ingested orally and the average 150 lb. person can consume one drink in 1 1/2 hours with no or little accumulation of alcohol in the blood. One drink means the equivalent to 12 oz. of beer, 5 oz. of wine, or 1 1/2 oz. of hard liquor. The legal age for sale and consumption of alcohol is 21 in the state of New York.

Alcohol abuse results in harm or danger to the drinker and other people.

The heavy costs of alcohol abuse include drinking and automobile crashes, homicides, arrests, accidents, and loss of productivity, plus the hidden cost of broken families, poor health and alcoholism. About one in 11 drinkers become alcoholics who have lost control over their drinking, resulting in personal, job and family problems. Continued heavy drinking can affect your health and can result in permanent damage. Malnutrition, cancer, heart disease, brain damage and ulcers can be a direct result of prolonged excessive drinking.

Barbiturates and tranquilizers (central nervous system depressants) can cause intoxication and produce such signs as tremors of the hands, lips and tongue, confusion, poor judgment and poor muscular coordination, drowsiness, slurred speech and constricted pupils.

Marijuana and hashish alter mood and perception and produce anxiety, euphoria, talkative behavior, floating feelings and hunger. They interfere with memory, intellectual performance and can impair concentration. Long- term, regular marijuana smoking causes irritation of the respiratory tract and can produce lung disease and possible damage to the heart and immune system.

Nicotine acts as a stimulant on the heart and nervous system. When tobacco smoke is inhaled, the immediate effects on the body are a faster heartbeat and elevated blood pressure. Young smokers may experience shortness of breath and a nagging cough. Some long-term effects of smoking cigarettes are emphysema, chronic bronchitis, coronary heart disease and lung cancer.

Caffeine, one of the oldest and most widely used stimulants, is found in coffee, tea, some soft drinks and some cold medications. Dependence on caffeine generally develops in habitual users, with headaches being the most common symptom of withdrawal.

Cocaine, whether it is smoked (crack), injected or snorted, is risky in all forms. Physical effects include dilated pupils, increased blood pressure, heart rate, breathing and body temperature, and restlessness and anxiety.

Amphetamines increase alertness and activity and are often referred to as speed, uppers, pep pills and diet pills. Mood swings, irritability, nervousness, and muscle pain are some of the effects of continued use. Eventually, hallucinations, paranoia, convulsions, brain damage, heart problems, and death can occur.

Hallucinogens (psychedelics) include PCP, LSD and mescaline. Hallucinogens temporarily distort reality, cause visual hallucinations, perceptual distortion and psychotic experiences and, sometimes, depression and flashbacks.

Dependency causes the deterioration of the moral, physical and intellectual fiber of an individual and abuse impairs the user's health, emotional wellbeing, family life, job performance and friendships. Iona is aware of the stresses associated with daily living, and strongly urges that the entire College community meet these stresses by participating in healthy behaviors. It is the goal of the College to assist in this endeavor by creating an environment that promotes and reinforces healthy and responsible living.

As a condition of employment and in compliance with the Drug-Free Workplace Act of 1988, Mandl employees will abide by the terms of this policy. The use of narcotics, controlled substances and the abuse of alcohol have been a significant problem to business, employees, students and society in general. These substances, when used in the work environment, threaten the safety, morale, productivity and the

public image of both the employee and the College. Consequently, the College, in furtherance of the Federal Drug-Free Workplace Act, has established the following policy regarding controlled substances and alcohol.

1. The unauthorized use, possession, unlawful manufacturing, distribution, dispensation or being under the influence, of any controlled substance, narcotic and/or alcohol while on the College premises is strictly prohibited.
2. An employee will notify the College, in writing, of any criminal drug statute conviction for a violation occurring on campus no later than five days after a conviction.
3. In the event the College receives notification from an employee or otherwise of a conviction as described above, the College may take appropriate personnel action against an employee, including termination.

Policy on Parental Notification

It is the policy of Mandl College and its respective offices that, in the event of a serious medical and/or mental health incident, and/or violation of the College's policy on the use of drugs and alcohol, the College reserves the right to notify the student's parent(s) and/or guardian(s). Should such an incident occur and the conditions are appropriate, the student will be encouraged to inform their parents with the support and assistance of Student Services administrators. If the student refuses or is unable to notify their parent(s) and/or guardian(s), a College official will take the responsibility of providing the appropriate notification. The Vice President of Academic Affairs in consultation with appropriate College officials, will determine the necessity of administering the call. Parents will

also be notified if a student violates the College's policy on drugs and alcohol. Parents/guardians may be notified of alleged conduct in accordance with college policies.

Cyber Bullying Policy

Cyber bullying involves the use of information and communication technologies (for example, cellular phones, digital cameras, computers and PDAs) for the purpose of engaging in deliberate, repeated, and hostile behavior by an individual or group with the intention of harming others. Cyber bullying may include cyber harassment, cyber stalking, and the invasion of privacy, all of which constitute violations of the Student Code of Conduct. Cyber bullying can cause significant harm to students, including loss of reputation, humiliation and embarrassment, clinical depression, fear and anxiety, loss of self-esteem and even self-injurious and suicidal behavior.

Cyber bullying in any form will not be tolerated, and any student found responsible for engaging in cyber bullying will be subject to immediate disciplinary action, which may result in suspension or permanent separation from Mandl. If a case of cyber bullying is determined to be of a criminal nature, it will be referred to local authorities in addition to being adjudicated as a Code of Conduct violation. Cyber bullying is inconsistent with the Mission of Mandl College and unacceptable for any member of the Mandl Community to harass another for personal reasons and/or based on their race, color, national origin, sex, disability, sexual orientation, gender identity or religion.

Emergency Response Policies

College's student Handbook specifies summarily emergency procedures on page 39. This addendum adds further clarity to those emergency procedures.

College Campuses are not immune to incidents such as violent crimes, weather related emergencies, hazardous materials incidents, and the like. In the event of such a situation, the will alert the campus community of the incident. The Campus Safety and Security Department, as part of the Emergency Response Team, has prepared this series of guidelines for students, faculty, and staff to follow in various emergency situations. It is recommended that you become familiar with this information and keep this guide conveniently located for quick reference.

Please report all on-campus emergencies, suspicious activities, or criminal offenses to the Campus Safety and Office of the Dean.

Shelter-in-Place:

What is "Shelter-in-Place"?

One of the instructions you may be given in an emergency situation is to "Shelter-in-Place." That is, to remain indoors due to a developing dangerous/hazardous situation outdoors. These guidelines are aimed at keeping you safe while remaining indoors. "Shelter-in-Place" means selecting a small, interior room if possible, with no or few windows, and taking refuge there. It does not mean sealing off your entire building or barricading the room you are using for shelter. If you are told to "Shelter-in- Place," follow the guidelines provided.

Why You Might Need to "Shelter-in-Place"

For any type of emergency where guidelines for "Shelter-in-Place"

would be appropriate, information will be provided by College authorities.

The important thing is for you is to follow these guidelines and know what to do if you are advised to “Shelter- in-Place.”

How to Shelter-in-Place

Stop classes or work, or close business operations.

- If there are students, faculty, staff, or visitors in the building, provide for their safety by asking them to stay. When College authorities suggest to “Shelter-in-Place,” they want everyone to take those steps now, where they are, and not drive or walk outdoors.
- Close and lock all windows, exterior doors, and any other openings to the outside.
- If you are told there is danger of explosion, close the window shades, blinds, or curtains.
- Select interior room(s) above the ground floor, with the fewest windows or vents. The room(s) should have adequate space for everyone to be able to sit in. Avoid overcrowding by selecting several rooms if necessary. Large storage closets, utility rooms, copy and conference rooms without exterior windows will work well. Avoid selecting a room with mechanical equipment like ventilation blowers or pipes.
- It is ideal to have a hard-wired telephone in the room(s) you select. Have the phone available if you need to report a life-threatening condition. Cellular telephone equipment may be overwhelmed or damaged during an emergency.
- Bring everyone into the room(s). Shut and lock the door(s).
- Be alert for the College updates until you are told all is safe or you are told to evacuate. These updates may call for evacuation of specific areas.

Supplies

For the workplace, where you might be confined for several hours, the following supplies are suggested to have available:

- Flashlight
- Battery-powered radio
- Food – high-energy foods like granola bars, energy bars, etc.
- Water
- Medications – If you use prescription medications, keep at least a small supply of these available.

More Information

If you would like more information regarding Emergency Preparedness check out: American Red Cross www.redcross.org/services/disaster/beprepared.

Active Shooter

Introduction

An active shooter is a person who appears to be actively engaged in killing or attempting to kill people in a populated area. In most cases active shooters use firearms, and there is no pattern or method to their selection of victims. These situations are dynamic and evolve rapidly, demanding immediate deployment of law enforcement resources to stop the shooting and mitigate harm to innocent victims. College campuses are not immune to serious or violent crime. This document provides guidance to faculty, staff, and students who may be caught in an active shooter situation, and describes what to expect

from responding police officers.

Guidance to Faculty, Staff, and Students

In general, how you respond to an active shooter will be dictated by the specific circumstances of the encounter, bearing in mind there could be more than one shooter involved in the same situation. If you find yourself involved in an active shooter situation, try to remain calm and use these guidelines to help you plan a strategy for survival.

- If an active shooter is outside your building, you should immediately seek cover in an attempt to conceal and hide from the shooter. Proceed to a room that can be locked, close and lock all the windows and doors, and turn off all the lights; if possible, get everyone down on the floor and ensure that no one is visible from outside the room. One person in the room should call 212-247-3434 or 911, advise the dispatcher of what is taking place, and inform them of your location; remain in place until the police give the “all clear.” Unfamiliar voices may be the shooter attempting to lure victims from their safe space; do not respond to any voice commands until you can verify with certainty that they are being issued by a police officer.
- If an active shooter is in the same building you are, you should immediately seek cover in an attempt to conceal and hide from the shooter. Determine if the room you are in can be locked and if so, follow the same procedure described in the previous paragraph. If your room can’t be locked, determine if there is a nearby location that can be reached safely and secured, or if you can safely exit the building. If you decide to move from your current location, be sure to follow the instructions outlined below.
- If an active shooter enters your office, classroom, or residence, try to remain calm. Call 911 if possible and alert police to the shooter’s location; if you can’t speak, leave the line open so the dispatcher

can listen to what's taking place. If there is no opportunity for escape or hiding, it might be possible to negotiate with the shooter; attempting to overpower the shooter with force should be considered a very last resort, after all other options have been exhausted. If the shooter leaves the area, proceed immediately to a safer place, and do not touch anything that was in the vicinity of the shooter. No matter what the circumstances, if you decide to flee during an active shooting situation, make sure you have an escape route and plan in mind. Do not attempt to carry anything while fleeing; move quickly, keep your hands visible, and follow the instructions of any police officers you may encounter. Do not attempt to remove injured people; instead, leave wounded victims where they are, and notify authorities of their location as soon as possible. Proceed to a safe location, and do not leave campus until advised it is safe to do so by police.

What to Expect from Responding Police Officers

Police officers responding to an active shooter are trained to proceed immediately to the area in which shots were last heard; their purpose is to stop the shooting as quickly as possible. The first responding officers will normally be in teams; they may be dressed in regular patrol uniforms, or they may be wearing external bulletproof vests, Kevlar helmets, and other tactical equipment. The officers may be armed with rifles, shotguns, or handguns, and might also be using pepper spray or tear gas to control the situation. Regardless of how they appear, remain calm, do as the officers tell you, and do not be afraid of them. Put down any bags or packages you may be carrying, and keep your hands visible at all times; if you know where the shooter is, tell the officers. The first officers to arrive will not stop to aid injured people; rescue teams composed of other officers and emergency medical personnel will follow the first officers into secured areas to treat and remove

injured persons.

Keep in mind that even once you have escaped to a safer location, the entire area is still a crime scene; police will usually not let anyone leave until the situation is fully under control and all witnesses have been identified and questioned. Until you are released, remain at whatever assembly point authorities designate.

General Quick Response Guide

- Secure immediate area.
- Lock and barricade doors.
- Turn off lights.
- Close blinds.
- Silence cell phones.
- Block windows.
- Turn off radios and computer monitors.
- Keep occupants calm, quiet, and out of sight.
- Keep yourself out of sight and take adequate cover/protection, i.e. concrete walls, thick desks, filing cabinets (cover may protect you from bullets).
- Place signs in exterior windows to identify the location of injured persons.

Contacting Authorities

- Use (212-247-3434 to contact the College Campus Safety and Security Department
- Dialing 0 from a campus phone will connect with Campus main Receptionist
- Dialing 911 from a cell phone will connect you with New York State Police Emergency Enhanced 911. Be sure to give the call taker your exact location.

What to Report

- Your specific location — building name and office/room number
- Number of people at your specific location
- Injuries — number injured, types of injuries
- Assailant(s) — location, number of suspects, race/gender, clothing description, physical features, type of weapons (long gun or hand gun), backpack, shooter's identity if known, separate explosions from gunfire, etc.

Un-Securing an Area

- Consider risks before un-securing rooms.
- Remember, the shooter will not stop until they have been engaged by an outside force.
- Attempts to rescue people should only be considered if it can be accomplished without further endangering the persons inside the secured area.
- Always consider the safety of masses vs. the safety of a few.
- If doubt exists for the safety of the individuals inside the room, the area should remain secured.

Hostage Situation

If You Hear or See a Hostage Situation

- Immediately remove yourself from any danger.
- Immediately notify the Campus Safety and Security Department by dialing 212-247-3434 or 911
- Be prepared to give the Campus Safety and Security Department personnel the following information:
 - Location and room number of incident
 - Number of possible hostage takers

- Physical description and names of hostage takers, if possible
- Number of possible hostages
- Any weapons the hostage takers may have
- Your name
- Your location and phone number

If you are Taken Hostage

- Remain calm, polite, and cooperate with your captors.
- Do not attempt escape unless there is an extremely good chance for your survival. It is safer to be submissive, and obey your captors.
- Speak normally. Do not complain, avoid being belligerent, and comply with all orders.
- Do not draw attention to yourself with sudden body movements, statements, comments or hostile looks.
- Be observant and attempt to memorize the physical traits, voice patterns, clothing or other details that can help provide later identification of your captors.
- Avoid getting into political or ideological discussions with the captors.
- Try to establish a relationship with your captors and get to know them. Captors are less likely to harm you if they respect you and have established a relationship.
- If forced to present terrorist demands to authorities, either in writing or on tape, state clearly that the demands are from your captors. Avoid making a plea on your own behalf.
- Try to stay low to the ground or behind cover from windows or doors, if possible.

If a Rescue is Taking Place

- Do not run. Drop to the floor, and remain still with your hands

clearly visible. Do not make any sudden movements as the police may not be able to clearly identify hostages from hostage takers.

- Wait for instructions from the police, and obey all instructions.
- Do not be upset, resist, or argue if a rescuer isn't sure whether you are a terrorist or a hostage.
- Even if you are handcuffed and searched, do not resist. Just wait for the confusion to clear.
- You will be taken to a safe area, where proper identification will take place as well as an interview.

Bomb Threats

If you receive a bomb threat by telephone, here are some helpful things to remember:

- Remain calm.
- When the bomb threat is received, the person taking the call must remain calm and obtain as much information as possible.
 - Do not put the caller on hold.
 - Do not attempt to transfer the call.
- The person taking the call should immediately notify another staff person in the office, preferably while the caller is still on the line.
- Pay attention to the caller and their words and speech:
 - Does the caller have any distinguishing voice characteristics such as an accent, stuttering or mispronunciation?
 - Is the caller angry, excited, irrational or agitated?
 - Is the caller a man or woman, young, middle-aged, or old?
 - If you have caller ID, note the phone number of the caller.
- Listen for background noises (traffic, train whistle, music, radio, TV, children, airplanes, etc.).
- It is important to document all that you know and hear. This should include filling out the Bomb Threat Checklist.
- Call the Campus Safety and Security Department

- Do not evacuate the building until told to do so by the Campus Safety and Security Department.

Bomb Threat Checklists

Stay calm and collect all the information you can:

- Name of call taker
- Date and time received
- How threat was reported (telephone, email, in-person, by mail)?
- Location threatened
- Exact words used to make threat

Questions to ask the person making the threat:

- When is the bomb going to explode?
- Where is the bomb located?
- What kind of bomb is it?
- What does it look like?
- Who placed the bomb?
- Why was the bomb placed?
- Where are you calling from?

Description of caller's voice:

- Young, old, middle-aged
- Accent
- Male, female
- Race
- Background noises
- Remarks, etc....
- Completed by: (your name)
- Phone: (your phone)

CAMPUS CLIMATE SURVEY:

The College will conduct a Campus Climate Survey every two (2) Years to assess students' perceptions on Sexual Assault, Sexual

misconduct and other related issues including elicitation of information on students' awareness of prevention and educational resources, awareness of campus and community resources such as campus safety, Student Services, Title IX coordinator, Counseling Center etc.