

# **Mandl School Article 129-A & B Written Rules and Policies**

## **Article 129-A Written Rules and Policies**

In accordance with ARTICLE 129-A, which regulates conduct on college campuses and other educational properties, Mandl School, the College of Allied Health, has created this document. It outlines the written rules and policies necessary for compliance with this regulation.

Mandl has adopted written rules (8 NYCRR §535) for the maintenance of public order on its campus located at 254 West 54<sup>th</sup> Street, New York, NY 10019, which is used for educational purposes pursuant to NYS Education Law §6430.

### **Prohibited Conduct**

No individual, acting alone or in collaboration with others, shall:

- Willfully cause or threaten to cause physical injury to another person.
- Physically restrain or detain any other individual.
- Remove anyone from a location where they are authorized to remain.
- Willfully damage or destroy campus property or property under its care.
- Remove campus property or property under its care without authorization.
- Use campus property or property in the campus's care without authorization.
- Enter any private office of an administrative officer, faculty member, or staff member without explicit or implied permission.
- Enter and remain in any campus building or facility for any purpose other than its authorized use, or in a manner that obstructs its authorized use.
- Remain in any building or facility after it has closed without authorization.
- Refuse to leave a campus building or facility when requested to do so by an authorized administrative officer.
- Obstruct the free movement of people and vehicles in any area where these rules apply.
- Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures, and meetings.
- Deliberately disrupt or prevent the freedom of any person to express their views, including invited speakers.
- Possess any firearm or weapon on campus premises without written authorization from the president, regardless of whether a license has been issued.
- Willfully incite others to commit any prohibited acts listed in this section with the intent to procure such actions.
- Take any action, or create or participate in the creation of any situation, that recklessly or intentionally endangers the mental or physical health of anyone for the initiation into or affiliation with any organization.

## Applicability of the Rules

The conduct of students, faculty, staff, visitors, vendors, and all other individuals on Mandl's property is governed by the rules and regulations outlined in this policy. These rules also extend to any premises under the control of Mandl School for teaching, administrative services, or other programs and activities.

## Communication of the Rules

The rules detailed in this policy, along with any additional campus regulations approved for maintaining public order, will be communicated to all students enrolled at Mandl.

Mandl School will ensure that all members of the campus community, students and employees, receive timely information about the rules outlined in this policy as well as any supplementary rules that are adopted. All efforts will be made to ensure that such communication will precede the enforcement of rules. Mandl School will employ both formal and informal methods to ensure effective dissemination of information.

## Freedom of Speech and Assembly; Picketing and Demonstrations

8 CRR-NY 535.4

Mandl School values the right of all community members—including students, faculty, staff, and administrators—to explore, discuss, and advocate for any issue, and to express opinions both publicly and privately, within the boundaries set by local, state, and federal laws. All significant issues related to college policy are open for comprehensive discussion and debate within the college community, whether through open forums or other means. Members are encouraged to support causes in an orderly manner. A rational and orderly exploration of issues, whether local, national, or international, is essential to the academic process and should not be suppressed.

### Conducting Demonstrations

In support of this principle, Mandl community members are allowed to conduct orderly demonstrations, **provided they do not disrupt educational activities or the working environment, nor infringe on the rights of others.**

### Approval Process

To ensure the safety and proper conduct of demonstrations, all demonstrations must be registered with the college and must have an organizer affiliated with the college, such as enrolled students.

- Those wishing to hold a demonstration must file a written notice with the Vice President of Academics **at least five (5) business days before the event.**
- The Vice President of Academics or designee will review submissions, meet with organizers to discuss responsibilities, safety, and security requirements, and evaluate any special needs **to ensure the academic mission is not disrupted.**

Approval for the use of campus space is subject to availability. **The event organizer is responsible for all associated costs, including security if necessary.** Organizers must ensure that all participants comply with these requirements and may be held accountable for any violations.

### Conduct Guidelines

The freedom to demonstrate must be exercised responsibly. All members of the Mandl community and visitors must conduct themselves in a manner that aligns with the college's educational objectives. The following actions are prohibited:

- Non-community members are not permitted to demonstrate.
- Conducting a demonstration outside the approved time and place.
- Demonstrating on issues other than those approved in the written request.
- Obstructing or disrupting teaching, administration, disciplinary procedures, or other college activities.
- Blocking entry and exit points on campus.
- Engaging in physical or verbal abuse, or conduct that threatens or endangers health or safety.
- Making threats of harm.
- Committing theft or damaging college or personal property.
- Unauthorized entry or presence in any part of the campus or building.
- Engaging in disorderly, lewd, indecent, or obscene conduct or language.
- Failing to comply with directives from college officials.
- Violating any civil laws or college regulations.

## **Handling Violations**

No provision in this policy is intended to restrict the rights of students, faculty, or staff to voice their concerns on matters affecting their relationship with the college. In cases where the President determines that an apparent violation of the rules in this policy does not pose an immediate threat to persons or property, the President may take steps to understand the reasons behind the conduct. They may attempt to persuade those involved to cease the prohibited behavior and utilize acceptable methods to resolve their issues. The President will also inform them of the consequences of continuing the prohibited conduct, including potential removal from campus premises if they remain in violation of these rules.

Students will be instructed to cease any prohibited conduct immediately. Failure to comply will result in appropriate actions being taken to ensure the safety and order of the college community. The incident will be documented and referred to the Dean for review under the Code of Conduct. Students entering the conduct process will undergo an investigation and hearing as outlined in the Student Handbook. Those found responsible for violating the rules of public order may face disciplinary actions, up to and including expulsion, or lesser penalties such as suspension, probation, loss of privileges, reprimand, or warning, depending on the circumstances of the case.

The final authority to dismiss charges, determine guilt, and impose disciplinary actions, including expulsion or suspension, rests with the President of Mandl. If the President disagrees with the hearing committee's findings, either partially or entirely, they must issue new findings based on substantial evidence from the record. These new findings will be included in the final determination notice, which will be served to the student(s) involved.

Individuals who are not part of the college community will have their permission to remain on campus immediately revoked. If they refuse to leave, appropriate measures will be taken to remove them from the premises.

Employees will be instructed to immediately cease any prohibited conduct. Failure to comply will result in appropriate actions to remove them from college property. Disciplinary measures, as outlined in the

Employee Handbook, will then be implemented. These measures may include suspension, termination, or other appropriate disciplinary actions.

The college reasserts its right to enlist the assistance of public authorities and pursue judicial, civil, and criminal actions as necessary. The President has the authority to petition any appropriate court to prevent or address violations or threatened violations of these rules.

This policy ensures that Mandl School remains a place where the free exchange of ideas can occur in a safe and orderly environment, supporting our educational mission and community values.

The college reserves the right to enlist the support of public authorities and pursue legal, civil, or criminal actions as needed.

This policy guarantees that Mandl School provides a secure and orderly environment for the free exchange of ideas, in line with our educational mission and community values.

### **Advisory Committee on Campus Safety**

Article 129-A of NYS Education Law §6431

It is the policy of Mandl to comply with legal requirements of Article 129-A of NYS Education Law §6431 (Regulation of Conduct on Campus and Other College Property Used for Educational Purposes). Accordingly, the college has adopted written rules guiding the establishment of campus safety advisory committee. This committee will provide advice and written reports on issues relating to personal safety on the campus as well as perform identified requirements of 20 USC §1092(f), also known as the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.”

Mandl’s Advisory Committee on Campus Safety (also referred to as the Campus Safety and Security Committee) consists of a minimum of six members, at least half of whom are female; one-third of the committee are students, and one third are faculty members. One third of the committee is selected by the President of Mandl.

The committee reviews current campus security policies and procedures and makes recommendations for their improvement.

The committee specifically reviews current policy and procedures for:

- Educating the campus community and those persons who advise or supervise students about sexual assault.
- Educating the campus community about personal safety and crime prevention.
- Reporting sexual assaults, domestic violence and stalking incidents and assisting victims during investigations;
- Referring complaints to the appropriate authorities.
- Counseling victims.
- Responding to inquiries from concerned persons.

The committee produces a report once each academic year and shares it with the President of the college.

## **Sexual Assault, Domestic Violence, and Stalking Prevention**

§6432

### **Policy on Sexual Assault Prevention and Education**

In compliance with §6432 of Article 129-A of the New York State Education Law, Mandl School has established comprehensive guidelines to educate incoming students about sexual assault prevention. The college is committed to providing essential information and resources to foster a safe and informed campus environment.

#### **Education and Information**

Mandl School educates all incoming students on sexual assault prevention through a variety of programs, including workshops, seminars, discussion groups, and film presentations. These initiatives aim to disseminate information about sexual assault, promote open discussions, encourage reporting of incidents, and facilitate prevention efforts. Specifically, Mandl provides educational programs to raise awareness about dating violence, domestic violence, stalking, sexual assault, and other sex offenses. These programs cover the following topics:

- **State Laws and Regulations:** Information on applicable New York State laws, ordinances, and regulations regarding sex offenses.
- **Penalties and Sanctions:** Details on the penalties under state law for committing sex offenses and the on-campus disciplinary sanctions for the same.
- **College Procedures:** An overview of the procedures in place at the college for addressing sex offenses.
- **Support Services:** Information on the availability of counseling and other support services for victims of sex offenses, both on-campus and off-campus.
- **Nature and Circumstances:** Education on the nature of and common circumstances related to sex offenses.
- **Security Procedures:** Methods employed by Mandl to inform and update students about security procedures.

Mandl School is dedicated to ensuring that all students are well-informed and equipped with the knowledge to prevent and respond to incidents of sexual assault. Through these efforts, we strive to create a safer and more supportive campus community.

The Enough is Enough (EiE) section of this document contains detailed processes and procedures in place to help students understand consent and how to seek help.

Regardless of the information included in this document, **if you have faced or are facing unwanted sexual behavior, please contact the Title IX Coordinator for assistance and guidance.**

#### **Who is Mandl's Title IX Coordinator**

Ms. Ana Tejada

Dean of Academic & Student Affairs

[atejada@mandlacademics.com](mailto:atejada@mandlacademics.com)

212.247.3434 ext.136

## **Campus Crime Reporting and Statistics**

§6433

Mandl is required under 20 US 1092(f) to ensure that students, prospective students, and the Mandl community at large has access to the campus crime statistics that are filed annually with the United States Department of Education (USDE). To ensure universal access, the annual statistics are published on Mandl's website. The [United States Department of Education's](#) web site address for campus crime statistics and a campus phone number for a designated college campus contact who is authorized to provide crime statistics for Mandl are also published on the website. Additionally, the statistics are published in the Annual Safety Report (ASR) that is distributed to every member of the Mandl community on or before October 1<sup>st</sup> of each year. As part of the onboarding process, students and prospective students receive the link to the ASR and other safety policies and procedures. Additionally, the Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education.

The President, along with the Title IX Coordinator and the members of the Advisory Committee on Campus Safety, take consistent and frequent steps to ensure that students and prospective students are informed of the existence of the campus crime statistics, the annual safety report, and other campus safety policies and procedures at Mandl.

Additional Information, See Title 34 - Education Section 668.46 - Institutional security policies and crime statistics. <https://www.govinfo.gov/content/pkg/CFR-2023-title34-vol3/xml/CFR-2023-title34-vol3-sec668-46.xml>

## **Investigation of Violent Felony Offenses**

§6434

### **Policy Statement**

Consistent with Mandl's commitment to maintaining a safe and secure learning environment, the college will promptly, efficiently, and thoroughly investigate any violent felony offense occurring on any property controlled by Mandl. Such investigations will be coordinated with law enforcement agencies including, but not limited to, the NYPD. This policy is intended to enable the College to comply with applicable provisions of the New York State Education Law and the Jeanne Clery Act as amended.

### **Applicability of the Policy**

All members of the campus community should be familiar with this policy.

### **Definitions**

Violent Felony Offense: A Class B violent felony offense, Class C violent felony offense, Class D violent felony offense, or Class E violent felony offense, as defined in New York State Penal Law § 70.02.

<https://www.nysenate.gov/legislation/laws/PEN/70.02>

## **Missing Students**

Mandl is a commuter college without any dorms or off-campus housing; however, in cases where a student is reported missing and their last known location is a Mandl operated property, the Title IX Coordinator will contact the NYPD to transfer the responsibility for the investigation.

The Title IX Coordinator will assist the NYPD in any manner requested until the completion of the investigation.

In cases where any law enforcement agency is investigating the disappearance of a Mandl student from their jurisdiction, the Title IX Coordinator will assist that agency in any manner requested until the completion of the investigation.

## **Violent Felony Offenses:**

Mandl is committed to maintaining a safe and secure environment that supports learning and community access to facilities and services. Therefore, the college will aggressively pursue the prompt, efficient, and thorough investigation resolution of any violent crime on college operated or controlled property. The college will take the following steps after a report of a violent felony offense:

Responding designated senior staff will determine if the circumstances require immediate intervention in order to prevent further injury to victims or to insure the apprehension of offenders.

If the offender(s) are no longer on campus and the immediate threat has ended, designated senior staff will take the appropriate measures to provide support to victims and implement established protocols for criminal investigations.

If it is determined that the elements of the offense are consistent with any Violent Felony Crime as defined under New York State Law, the college will contact the NYPD in order to transfer responsibility for the investigation.

The college will assist the NYPD in any manner requested until the completion of the investigation.

**Mandl is required to file an annual report on its compliance with Education Law § 6434 with the New York State Commissioner of Education.**

## **Bias-related Crime Prevention**

### **§6436**

It is the policy of Mandl to comply with legal requirements of §6436 of Article 129-A of New York State Education Law (Regulation by Colleges of Conduct on Campuses and Other College Property Used for Educational Purposes). Accordingly, Mandl provides information to incoming students regarding bias-related crime and its prevention.

### **Policy**

Mandl provides the following information to students and employees to assist in the prevention of and response to bias incidents.

Mandl does not tolerate bias crimes or bias incidents. If you are the victim of, or witness to, a bias crime or incident on any Mandl controlled facilities or at college sponsored events, including online or distance activities, report it using the procedures herein.

Hate crimes, also called bias crimes are very serious crimes in New York State. Bias crimes are criminal activities motivated by the perpetrator's bias attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, religious practice, ethnicity, gender, gender identity or expression, sexual orientation or disability. Penalties for bias--related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of underlying criminal offense, the use of violence or previous convictions of the offender. **Perpetrators who are students will also be subject to campus disciplinary procedures where sanctions including dismissal from the College are possible. This campus has a zero tolerance for hate crime.**

If you are the victim of, or witness to, a hate/bias crime at Mandl or at an event or activity sponsored by the college, report it immediately to one of the Campus Security Authorities (CSAs), the Title IX Coordinator, or to the appropriate local police agency. Since Mandl does not have its own police force, the college relies on local law enforcement to respond to reported crimes at our campus and events.

Bias incidents may be addressed through Mandl's discrimination complaint procedures or through the college's student conduct processes.

All members of the Mandl community are highly urged to report all bias related incidents to the Title IX Coordinator.

Ms. Ana Tejada

[atejada@mandlacademics.com](mailto:atejada@mandlacademics.com)

212.247.3434 ext.136

The Title IX Coordinator will assess what resources, if any, are required or would be helpful to the reporting individual and forward the incident to the appropriate college personnel.



Please note, Campus Security Authorities (CSAs)\*, as designated in the Annual Security Report (ASR), are required to report, at a minimum, anonymized statistical data regarding bias crimes and incidents, also known as hate crimes, to the Title IX Coordinator for publication in the annual security report.

\*As required under, (34 CFR 668.46a), the college must designate certain administrative personnel as "Campus Security Authorities" (CSA) in accordance with the Clery Act. A CSA must report to the appropriate law enforcement personnel any allegations of Clery Act crimes that are "made in good faith." A CSA must report the statistics regardless of whether the victim wants to speak to the police. The Title IX office provides training to CSA's annually to notify them of their status and explain what is expected of them.

The following persons are recognized as Campus Security Authorities:

- President
- Vice Presidents
- Deans
- Associate Deans
- Department Chairs
- Program Directors
- Academic Advising Staff
- Library Staff
- Faculty
- All individuals with significant responsibilities for student activities

### **Applicability of the Policy**

All members of the campus community should be familiar with this policy.

### **Definitions**

Bias-related crime – when a person 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, gender identity or expression, 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, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Bias Incidents: Bias incidents directed at a member of a group within Mandl that may or may not rise to the level of a crime include bigotry, harassment or intimidation based on national origin, ethnicity, race, age, religion, gender, gender identity or expression, sexual orientation, disability, veteran status, color, creed, or marital status.

### **Applicable Legislation**

New York State Hate Crimes Act of 2000 (Penal Law Article 485).

<https://www.nysenate.gov/legislation/laws/PEN/485.05>

NYS Article 129-A

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

### **Examples of Hate Crimes**

Examples of hate crimes may include, but are not limited to threatening phone calls based on bias, hate mail (including electronic mail), physical assaults, vandalism, destruction of property, and fire bombings.

The term "hate" can be misleading. When used in a hate crime law, the word "hate" does not mean rage, anger, or general dislike. In this context "hate" means bias against people or groups with specific characteristics that are defined by the law.

At the federal level, hate crime laws include crimes committed on the basis of the victim's perceived or actual race, color, religion, national origin, sexual orientation, gender, gender identity, or disability.

The "crime" in hate crime is often a violent crime, such as assault, murder, arson, vandalism, or threats to commit such crimes. It may also cover conspiring or asking another person to commit such crimes, even if the crime was never carried out.

Bias or Hate *Incidents* are acts of prejudice that are not crimes and do not involve violence, threats, or property damage.

Hate crimes have a far-reaching impact compared to most other types of crime. The victims of hate crimes extend beyond the immediate target to include others who share similar characteristics. These crimes affect families, communities, and sometimes the entire nation.

For more information please see:

[Designated Hate Crimes](#)



## What is a hate crime?

A hate crime is a crime that is motivated in whole or substantial part by bias against certain personal characteristics. According to New York State law, there must be an underlying crime in order for an incident to be classified as a hate crime. That means authorities must first determine there was a crime committed. If it's determined that the crime was motivated by bias, then hate crime charges may be added to the original charge.

These enhanced penalties exist because while any crime has a negative impact on the victim, hate crimes impact victims on a much deeper and emotional level, and the impact is wider—creating fear and community unrest with those who share the victim's characteristics. There are many types of underlying crimes that, when combined with biased intent, can be considered hate crimes, including physical assault, verbal threats, robberies and burglaries, and property damage such as graffiti.

New York law also specifically provides that anyone who places a swastika or noose—both historical expressions of hate—with the intent to harass, annoy, threaten, or alarm, can also be charged with aggravated harassment.

### Examples of hate crimes

- ✔ A passenger on the train says, "I hate gays," and threatens to beat a same-sex couple holding hands.
- ✔ A group of teenagers spray paint a swastika on a building or hang a noose from a tree.
- ✔ A passerby spits in someone's face and yells, "You Asians are spreading the Coronavirus!"

### What groups are recognized under New York hate crime law?

New York State law considers the following identities when determining whether a crime was motivated by bias:

- Race or color
- Ancestry or place of national origin
- Gender identity or expression
- Religion or religious practice
- Gender
- Disability
- Sexual orientation
- Age

### What if there isn't an underlying crime?

One can still be victimized by bias and hate if there is no underlying crime. A bias incident is when someone verbally harasses or discriminates against you based on your identity, but the incident does not involve a physical attack, a threat of attack, or property damage.

Bias incidents are taken seriously as examples of discrimination, but they are not necessarily crimes. Some bias incidents may be protected by free speech provisions of the Constitution. Others may give rise to civil penalties in New York City under the NYC Human Rights law, which is administered by the NYC Commission on Human Rights.

### Examples of bias incidents

- ✔ Someone walks by a Latinx person on the street and yells, "I hate Mexicans," and, "Go back to your own country!"
- ✔ A group of teenagers call a Black teenager the "N" word.
- ✔ A restaurant owner tells a customer in a turban, "Muslims are not welcome here".

## What should I do...

### ...if I find graffiti that includes hate speech or hate symbols, like a swastika?

Graffiti is a crime in New York, and graffiti that includes hate speech or hate symbols can be considered a hate crime. Swastikas and nooses are the most common hate symbols.

If you find graffiti that includes hate speech or hate symbols, call 911 and say "hate crime". It would also be helpful to take a picture of the graffiti to share with law enforcement.

### ...if I find stickers or fliers promoting a white supremacist group on a lamppost?

Even though stickers, fliers, and posters are protected by the First Amendment and are not considered to be hate crimes, it's important to report the biased or hateful messages.

If the fliers include certain images such as a swastika or a noose, that may elevate charges against the people who distributed the materials and should be reported to your local precinct.

### ...if someone physically threatens me while making biased remarks?

A physical threat, even without contact, can be considered a crime. As soon as someone includes a physical threat along with biased language, it could be classified as a hate crime.

If someone yells, "I'm going to punch your Asian face," before physically engaging a victim, it may be a hate crime and you should report the incident to police by calling 911 or going to your local precinct.

### ...if someone verbally harasses me about my identity, but doesn't threaten or touch me?

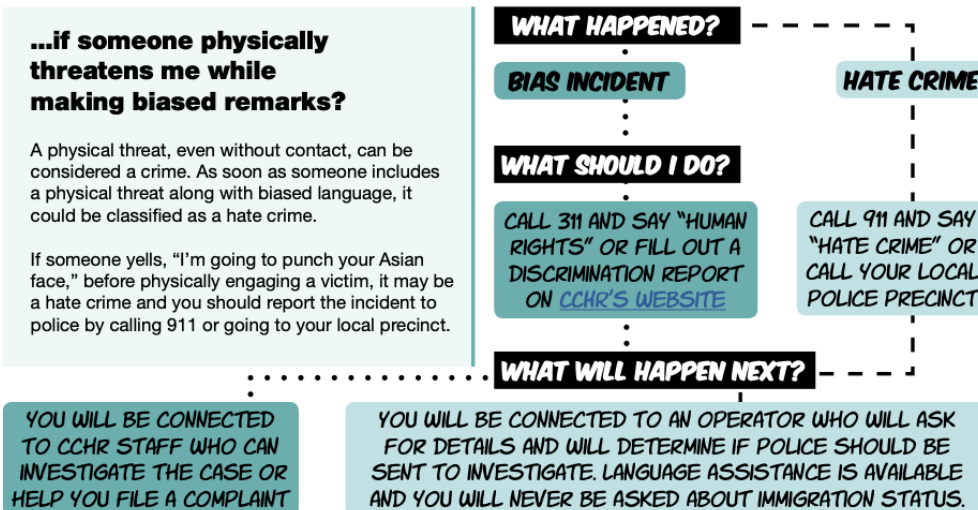
If a person harasses you because of your race, national origin, religion, gender, sexual orientation or gender identity, disability, or any other protected category, that can be considered discriminatory harassment and you should call 311 and say "human rights" or report the bias incident to the NYC Commission on Human Rights (CCHR)

If you are not sure if the harassment was discriminatory or if it was based on your identity, you can still call or email the CCHR and they will help you understand your rights and assist you in filing a complaint.

### ...if I'm not sure if I experienced a hate crime or a bias incident?

If someone has physically harmed you or threatened to harm you, you should call 911. But you should feel free to call either 311, 911, or both if you are unsure which one to call.

Whether you call 311 or 911, your complaint will be forwarded to the right place. It is more important to report the incident than to worry about which number to use.



Source: [https://www.nyc.gov/assets/cchr/downloads/pdf/materials/OPHC\\_WhatIsAHateCrime\\_FINAL.pdf](https://www.nyc.gov/assets/cchr/downloads/pdf/materials/OPHC_WhatIsAHateCrime_FINAL.pdf)

## **Prohibition on Marketing of Credit Cards**

§6437

Pursuant to NYS Education Law Section 6437, the advertising, marketing or merchandising of credits cards through Mandl School, the College of Allied Health, or at its events is prohibited.

New York State law restricts the advertising, marketing, and merchandising of credit cards to students on college campuses, except in accordance with an official credit card marketing policy. This statute was enacted to address a concerning trend where college students, often lacking financial management skills, are solicited for credit cards on campus, leading to substantial credit card debt, negative credit histories, and in some cases, bankruptcy.

## **Policy**

Mandl will not sell or otherwise make available student lists to credit card companies. The term "credit card companies" as used in this policy includes all financial institutions and any other issuers of credit cards. Mandl bans the advertising, marketing or merchandising of credit cards to students on its campus.

In addition, Mandl has instituted the following policies:

- Banking institutions are prohibited from soliciting students on campus
- All entities and departments of Mandl are prohibited from including credit card applications and brochures with their departmental materials
- Mandl and its employees are not permitted to engage in revenue-sharing arrangements with any lender, nor accept any gifts or services from loan providers. Mandl and its employees will not steer borrowers to particular lenders or delay loan certification.
- Credit card and debt education will be a regular part of campus programming, including at new student programs.

## **Notification of Fire Safety Standards and Measures in College-Owned or Operated Housing**

§6438

Mandl does not have any college-owned or college-operated housing.

### **FIRE SAFETY, FIRE RELATED INFORMATION**

Fire safety and emergency training for faculty and staff occurs regularly. Annual fire inspections are conducted.

Smoking is prohibited inside all college facilities.

### **A. Fires, Emergency Building Evacuations, Evacuation for People with Physical Disabilities**

In the event of fire, smoke condition, or odor of gas:

- Call 911.
- Activate the nearest alarm pull station as you leave the building.
- Follow evacuation instructions.

- Quickly and calmly evacuate the building from the nearest exit. **Do not use the elevators.**
- Do not re-enter a building that is in alarm.
- Proceed to the previously designated area of refuge and remain there.

Emergency evacuation plans are identified and posted throughout the college.

Any member of the Mandl community that requires special arrangements to evacuate the building safely should work with the Accessibility Coordinator. Arrangements will be made to reasonably assure that assistance is provided to anyone who requires it. Contact the Office of the Dean for pre-plan arrangements or questions.

Ms. Ana Tejada

[atejada@mandlacademics.com](mailto:atejada@mandlacademics.com)

212.247.3434 ext.136

- **If you are unable to evacuate, call 911.**

## Article 129-B Written Rules and Policies

### ENOUGH IS ENOUGH (EiE)

Uniform Sexual Assault Policy to Protect New York's College Students.

New York State has the most aggressive policy in the nation to fight against sexual assault on college campuses. By standing up and saying "Enough is Enough," New York State made a clear and bold statement that sexual violence is a crime, and students can be assured they have a right to have it investigated and prosecuted as one.

The "Enough is Enough" legislation requires all colleges to adopt a set of comprehensive procedures and guidelines, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement.

### FOR IMMEDIATE HELP

To report a sexual assault on a New York college campus to the State Police, call the dedicated 24-hour hotline at 1-844-845-7269. In an emergency, call 911. For confidential support resources, call the New York State Domestic and Sexual Violence Hotline at 1-800-942-6906. In New York City, call 1-800-621-HOPE (4673) or dial 311.

### POLICY STATEMENT

Mandl seeks to create and maintain a safe environment where all community members—students, faculty, administrators, staff, guests, and visitors—can learn and work without fear of sex or gender discrimination, including sexual misconduct. Mandl strictly prohibits sexual misconduct by its students, faculty, administrators, or staff. This policy covers various forms of sexual misconduct, including sexual assault, gender-based harassment, sexual harassment, stalking, and domestic and intimate partner violence.

The college will promptly investigate all allegations of sexual misconduct and take appropriate disciplinary action if a violation is found. Mandl is dedicated to supporting victims of sexual misconduct by providing support services and accommodations. Equally important, Mandl offers education and training programs designed to prevent sexual misconduct within our community.

In addition to sexual misconduct, Mandl prohibits other forms of discrimination and harassment. Incidents falling under the Title IX regulations' definition of "sexual harassment" will be processed according to the college's Title IX Grievance policy, as determined appropriate by the Title IX Coordinator and consistent with the Department of Education's May 19, 2020 "Final Rule."

Members of the Mandl community should consult Mandl's Nondiscrimination and Anti-Harassment Policy if they believe they have experienced other types of discrimination and harassment.

All policies in this document apply equally to all members of the Mandl community.

The protections described herein apply 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. The law is clear that membership in any protected class does not reduce one's protections under this law. These categories are intended to match current federal and New York State discrimination law protected categories.

This Policy applies to any allegation of sexual misconduct that takes place on Mandl property, or any other property on which a Mandl-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 campus.

A particular situation may potentially invoke one or more college policies or processes. Mandl reserves the right to determine the most applicable policy or process and to utilize that policy or process.

This document (i) defines the prohibited conduct; (ii) sets forth the available resources and reporting options; (iii) describes Mandl's procedures for responding to complaints of domestic violence, dating violence, stalking, and other sexual misconduct, including the investigation and adjudication process; and (iv) describes programs implemented by Mandl to educate and increase awareness among the college community regarding sexual misconduct.

**Part 1** includes and defines selected terms in an effort to facilitate a more thorough understanding of the institutional Code of Conduct and policies herein. Please reference Part 1 as you read through this document.

### **Who is Mandl's Title IX Coordinator**

Ms. Ana Tejada

Dean of Academic & Student Affairs

[atejada@mandlacademics.com](mailto:atejada@mandlacademics.com)

212.247.3434 ext.136

### **When Should I Contact a 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 issues of sexual misconduct that arise during or following the investigation of a complaint. As noted above, Dean Tejada is Mandl's designated Title IX Coordinator, overseeing and responding to reports of sexual misconduct in compliance with Title IX (20 U.S.C. § 1681), the Clery Act (20 U.S.C. § 1092(f)), and New York State Education Law Article 129-B.

Mandl encourages all community members to reach out to the Title IX Coordinator in the following circumstances:

**Emergency Access:** You need immediate access to an individual trained in interviewing victims of sexual assault, in accordance with Clery Act requirements for prompt and sensitive response to victims.



- **Exploring Options:** You wish to explore your options if you believe you have experienced sex-based harassment, sex discrimination, or sexual misconduct, including domestic violence, dating violence, sexual assault, or stalking, as defined by Title IX and Article 129-B.
- **Reporting Awareness:** You become aware of a situation involving sex-based harassment, sex discrimination, or sexual misconduct that you believe may require an investigation by the college to ensure compliance with Title IX and the Clery Act.
- **Assistance and Management:** You need assistance in managing a situation involving sex-based harassment, sex discrimination, or sexual misconduct that indirectly affects you, ensuring support services are provided as required by Article 129-B.
- **Advice and De-escalation:** You seek advice on potential methods to de-escalate or resolve a challenging situation related to sex-based harassment, sex discrimination, or sexual misconduct, in line with best practices outlined in Title IX and the Clery Act.
- **Policy Questions:** You have questions regarding Mandl's policies and procedures related to safety, alcohol and other drugs (AOD) policies, and sex-based harassment, sex discrimination, or sexual misconduct, as mandated by Title IX, the Clery Act, and Article 129-B.

Mandl is committed to creating a safe and supportive environment for all its members, and the Title IX Coordinator is here to help ensure compliance with federal and state laws and to provide support to those in need.

For more information about Title IX and the College's Policies on safety and security, including the annual Safety Report (ASR), please visit: [www.mandlacademics.info](http://www.mandlacademics.info)

**Link:** [https://www.mandlacademics.info/\\_files/ugd/34d88e\\_93ca34fa427d425aa2db6e587a3035c1.pdf](https://www.mandlacademics.info/_files/ugd/34d88e_93ca34fa427d425aa2db6e587a3035c1.pdf)

**It is each student's responsibility to be familiar with Mandl's policies and procedures related to sexual harassment, assault, and sex-based bias/discrimination and harassment.**

### **Part 1:**

"Accused" shall mean a person accused of a violation who *has not yet entered an institution's judicial or conduct process.*

"Advisor" means a support person who accompanies a respondent or reporting individual for the limited purpose of providing support, advisement, and guidance in cases involving sexual assault, domestic violence, dating violence, stalking, or any other sexual misconduct. A support person may not directly address the hearing panel, question witnesses, or otherwise actively participate in the student conduct process.

Under New York State Education Law 129-B, also known as the "Enough is Enough" law, an advisor can play several key roles in assisting individuals involved in cases of sexual misconduct, dating violence, domestic violence, and stalking. Specifically, advisors can:

**Assist and Advise:** Advisors can assist and advise reporting individuals, accused, or respondents throughout the conduct process, including during any investigatory interviews and hearings.

**Support During Hearings:** They can accompany the reporting individual or respondent during all stages of the disciplinary process, including meetings, investigations, and hearings.

Provide Guidance: Advisors can provide guidance on the process, help in understanding the procedures, and support the individual in making informed decisions.

Ensure Fair Treatment: They help ensure that the individual's rights are respected and that they are treated fairly throughout the process.

Advisors are often chosen by the individuals themselves and can be anyone they trust, such as a family member, friend, or attorney.

“Affirmative consent” is 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 the 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. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. 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. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to choose knowingly 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. When consent is withdrawn or can no longer be given, sexual activity must stop.

“Amnesty” for Alcohol and/or Drug Use: The health and safety of every student at the Mandl School, the College of Allied Health 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 institution 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 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.

The legislation does not require amnesty for drug dealers or those who use drugs or alcohol as a weapon or to facilitate assault. It covers personal drug use and possession whether intentional or accidental.

“Business day” means any day except any Saturday, any Sunday, any day which is a federal legal holiday in the United States or any day on which banking institutions in the State of New York are authorized or required by law or other governmental action to close. Typically, the day covers the period from 9 a.m. to 5 p.m.

"Bystander" shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the rules or policies of Mandl. Bystanders are not directly involved but have the choice to intervene, speak up, or do something about it. “They are someone who is present and thus potentially in position to discourage, prevent, or interrupt an incident.”<sup>1</sup>

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<sup>1</sup> <https://www.health.ny.gov/publications/2040.pdf>

“Bystander intervention” are safe and positive actions to prevent harm or intervene when there is a risk posed to another person. Bystander intervention includes recognizing situations of potential harm, identifying safe and effective intervention options, and taking action to intervene. “Bystander intervention is the act of feeling empowered and equipped with the knowledge and skills to effectively assist in the prevention of sexual violence. Bystander intervention doesn’t have to jeopardize the safety of the bystander”.<sup>2</sup>

"Code of Conduct" shall mean the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in Mandl.

“Coercion”: is verbal and/or physical conduct, including intimidation, and explicit or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is used to compel someone to engage in sexual contact against their will. Coercion is more than an effort to persuade, entice, or attract another individual to engage in sexual activity. When an individual makes it clear that they do not want to participate in a particular form of sexual activity, that they want to stop or that they do not want to go beyond a certain sexual activity, continued pressure can be coercive. In evaluating whether coercion was used, the frequency, duration, and intensity of the other individual’s verbal or physical conduct or threats are all relevant, as is the degree of isolation of the individual being subjected to that conduct or those threats.

“**Complainant**” also referred to as *reporting individual* 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.

“College official” refers to any person employed by Mandl to perform administrative or instructional duties.

“College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Mandl, either solely or in conjunction with another entity.

"Confidentiality" means the condition of not wishing to have information passed on to anyone else. Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a) and Section 6439(5)&(6). Licensed mental health counselors, medical provider and pastoral counselors are examples of institution employees who may offer confidentiality. *Even Mandl offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.* Many off-campus resources such as rape crisis centers are also confidential, and with the exception of certain child abuse and imminent threats, individuals working in such organizations have no obligation to report information back to the reporting individual’s campus. Also, see “Privacy”.

“Consent” must be knowing, voluntary, and mutual. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. **See**

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<sup>2</sup> <https://www.health.ny.gov/publications/2040.pdf>

## **“Affirmative Consent”.**

“Dating violence” is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(i) The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

(iii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is also considered a crime for the purposes of Clery Act reporting.

“Designee” refers to other appropriate official who is trained and has responsibility for implementing the Student Conduct process or administering the Student Conduct system, in part or in whole. In cases involving sexual assault the appropriate official is trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual to provide information regarding options to proceed, and applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible.

“Domestic violence” is (i) A felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(E) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

(ii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

“Hostile environment” is created when conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the school’s educational programs or activities. This includes actions that create an intimidating, hostile, or offensive educational environment. Hostile environment harassment can be verbal, physical, or psychological, and it includes behaviors that might not be directed at a specific individual but still create an overall hostile atmosphere. It is important to note that a one-time incident may rise to the level of harassment if such conduct is sufficiently severe.

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

- The nature, frequency, and duration of the conduct:
  - How often the conduct occurred and over what period of time (even once may be sufficient).
  - Whether the behavior was a one-time occurrence or part of a pattern of behavior.
  - Whether the conduct arose in the context of other discriminatory conduct.
- The identity and relationships of persons involved:

- The positions of power or authority held by the individuals involved.
- The relationship between the alleged perpetrator and the victim.
- The location of the incidents and the context in which they occurred:  
Where the conduct took place (e.g., on-campus, off-campus, online).  
The settings or events during which the behavior occurred (e.g., during school-sponsored events).
- The severity of the conduct:  
Whether the conduct was physically threatening, humiliating, or merely offensive.  
The impact on the victim's psychological well-being and academic performance.
- The degree to which the conduct affected one or more students' education:  
How the conduct impacted the victim's ability to participate in or benefit from the College's educational programs or activities.  
Any changes in the victim's academic performance, attendance, or involvement in school activities.
- The effect on the College community:  
The broader impact of the conduct on the school environment.  
Whether the behavior created a hostile or intimidating atmosphere for others in the community.
- The existence of any patterns of such conduct:  
Previous incidents involving the same individuals.  
Similar reports or complaints from other students or members of the College community.

"Incapacitation" occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent.

1. Alcohol and Other Drugs: 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. The impact of alcohol and other drugs varies from person to person as they can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. The perspective of a reasonable person will be the basis for determining whether the Respondent should have known about the impact of alcohol or other drugs on the Reporting Individual's ability to give consent. The use of alcohol and other drugs is never an excuse for a policy violation.

"Institution" shall mean any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in New York. In this document, "institution" refers to the Mandl School, The College of Allied Health.

"Intimidation" generally refers to actions that cause another person to feel afraid or coerced, often involving the use of threats or other forms of psychological pressure. This can be particularly relevant in situations of sexual misconduct, dating violence, domestic violence, and stalking, where intimidation might be used to control or silence victims.

"Member of the College community" includes any individual who is a matriculated or non-matriculated student taking classes, student employee, faculty, staff; any other person working for the college, such as vendors or contractors.

**"Non-Fraternization"** Even with consent, amorous or sexual relationships may not be conducted by persons in unequal positions. Mandl 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 Mandl's ability to provide an appropriate and safe working and learning environment for the college community and may constitute sexual harassment or other unlawful discrimination.

"Not responsible" -- in the context of New York State Education Law 129-B, the term "not responsible" is used to denote an individual who has been accused of a violation but has not been found guilty after the institution's judicial or conduct process has been completed. Specifically, during the resolution of cases involving sexual misconduct, dating violence, domestic violence, or stalking, a finding of "not responsible" indicates that there was insufficient evidence to determine that the accused violated the institution's code of conduct based on the standards and procedures outlined by the institution. All accused individuals enter the institutional conduct process on the presumption that the respondent is not responsible for the alleged sex discrimination, sexual misconduct, dating violence, domestic violence, or stalking until a determination is made at the conclusion of the school's grievance procedures.

"Off campus" shall be defined as any location not included in the definition of "on campus".

"On campus" shall be defined as campus and is defined in Higher Education Act (Clery Act), 20 U.S.C. section 1092(f)(6)(A)(ii).

The term "campus" means— (I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor). (iii) The term "noncampus building or property" means— (I) any building or property owned or controlled by a student organization recognized by the institution; and (II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution. (iv) The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes. (v) The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

"Privacy" may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials. Most employees at Mandl are required to report known incidents of sexual assault, or other crimes, so they are not confidential resources. Still, most college employees can offer "privacy." **Privacy is the default.** It means that an employee may have to share information pursuant to federal or state law or college policy with certain other college employees, but **they will not share the private information beyond what is required or needed to comply with law and policy**, and will otherwise limit redisclosure as much as possible. They may not however, offer true confidentiality. See "Confidentiality".

"Reporting individual" shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a Title IX violation. The term reporting individual is limited to those directly impacted by the violation as victims. A bystander to a violation, or a third party who reports information about a violation that they have learned from a victim, is not themselves a reporting individual.

**"Respondent"** shall mean a person accused of a violation *who has entered an institution's (Mandl's) judicial or conduct process.*

**"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 activity" shall have the same meaning as "sexual act" and "sexual contact" as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3).

"Sexual act" means— contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

**"Sexual assault"** The term "sexual assault" means any nonconsensual sexual act proscribed by Federal or State law, including when the victim lacks capacity to consent. Falling under the definition of sexual assault are sexual activities as forced sexual intercourse, rape, sexual coercion, forcible sodomy, child molestation, incest, fondling, and attempted rape. For statutory rape, the age of consent in New York State is 17 years old.

**"Sexual contact"** means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

**"Sex discrimination"** includes all forms of sexual harassment, sexual assault and other sexual violence by employees, students, or third parties against employees, students or third parties. Students, employees and third parties are prohibited from harassing others, whether or not the harassment occurs on Mandl's campus or during work hours. All acts of sex discrimination, including sexual harassment and sexual violence are prohibited by Title IX.

**"Sexual exploitation"** is non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other illicit purpose. Acts of sexual exploitation include, but are not necessarily limited to: • Non-consensual streaming, sharing, or distribution of images, photography, video, or audio recording of sexual conduct, nudity, or state of undress when and where there is a reasonable expectation of privacy, without the knowledge and affirmative consent of all participants; • Observing, photographing, videotaping, or making any other visual or audio recording of sexual

conduct or nudity or state of undress when and where there is a reasonable expectation of privacy, without the knowledge and affirmative consent of all participants; • Exposing one's genitals in non-consensual circumstances; • Inducing incapacitation for the purpose of making another person vulnerable to sexual misconduct; 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**” the key elements of sexual harassment are:

Unwelcome Conduct: The behavior is not solicited or invited and is regarded as undesirable or offensive.

Severity and Pervasiveness: The conduct is severe, pervasive, and objectively offensive to create a hostile environment.

Impact on Education: The harassment is significant enough to limit or deny a person's ability to participate in or benefit from the educational program.

Under **Title IX of the Education Amendments of 1972**, sexual harassment is defined as:

- Quid Pro Quo: An employee of the institution conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
- Hostile Environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity.
- Sexual Assault, Dating Violence, Domestic Violence, and Stalking: These terms are defined according to the Clery Act and the Violence Against Women Act (VAWA).

#### **New York State Definition (Education Law Article 129-B)**

Under New York State Education Law Article 129-B, sexual harassment is defined as:

- Unwelcome Conduct: Any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.

Submission to or rejection of such conduct is used as the basis for academic or employment decisions affecting the individual.

Such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive educational environment.

Examples of Sexual Harassment: May include but are not limited to 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.

“**Stalking**” means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional distress or damage. Stalking may take many forms, waiting for, monitoring, and/or



pursuing contact. Stalking may occur in person or through telephone calls, text messages, unwanted gifts, letters, e-mails, surveillance, or other types of observation and communication.

Stalking is (i) engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) Fear for the person's safety or the safety of others; or
- (B) Suffer substantial emotional distress.

(ii) For the purposes of this definition—

(A) 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 means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. (iii) any incident meeting this definition is also considered a crime for the purposes of Clery Act reporting.

**"Preponderance of the Evidence"** means that the evidence, when taken as a whole, shows that it is more likely than not that the alleged incident occurred. This standard is commonly used in civil and administrative cases, including those involving allegations of sexual misconduct under Title IX and New York State Education Law Article 129-B. It ensures that decisions are made based on the most convincing evidence, even if the degree of certainty is not as high as that required in criminal cases.

**"Title IX Coordinator"** shall mean the Title IX Coordinator and/or his or her designee or designees (other appropriate official(s)). Higher education institutions receiving federal funding are required to designate a coordinator who is responsible for ensuring the school complies with Title IX. Individuals serving in this role are the key to helping create a campus that is free from sexual violence and discrimination and that welcomes and supports all students. Title IX Coordinators oversee the prompt investigation of complaints alleging sexual harassment; review findings as to whether sexual harassment occurred; review proposed remedies (including interim measures) necessary to address the sexual harassment, eliminate any hostile environment, and prevent its reoccurrence; and serve as consultants to any disciplinary hearing panel where sexual harassment has been determined to have occurred to ensure Mandl's compliance with Title IX. The Title IX Coordinator or an appropriate official trained in interviewing victims of sexual assault shall be available upon the first instance of disclosure by a reporting individual to provide information regarding options to proceed, and where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible.

The Violence Against Women Act amendments to the Clery Act require that certain college officials charged with responding to sexual assault, domestic violence, dating violence, and stalking receive annual training in various key areas.

Mandl mandates that officials who investigate or conduct proceedings related to allegations of dating violence, domestic violence, sexual assault, and stalking participate in annual training through workshops and digital courses. These sessions cover essential topics, including determining the relevancy of evidence

and its use during proceedings, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest.

The trainings also focus on conducting investigations and hearings that prioritize victim safety, employ trauma-informed practices, and promote accountability, while safeguarding the due process rights of the respondent. Additionally, these trainings provide comprehensive reviews of federal and state laws, as well as relevant court and administrative opinions.

#### Campus Sex Crimes Prevention Act (The CSCPA) of 2000

The Campus Sex Crimes Prevention Act of 2000 provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. It requires sex offenders to provide notice of each institution of higher education in that state in which that person is employed, carries on a vocation, or is a student. The underlying logic of the law is that the information on sex offenders on campus can help persons on campus guard against students or employees whom they know are past offenders. Convicted offenders are required to register with the college, and the college has the responsibility of obtaining the necessary information from its students and employees.

The CSCPA amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Visit the New York Division of Criminal Justice Services' Sex Offender Registry or go to <https://www.criminaljustice.ny.gov> for more information or contact NYS DCJS Sex Offender Registry at 518-457-5837 or 800-262-3257.

#### **Policies and Laws**

The following summary provides information about sexual offenses recognized under New York State Penal Law. Individuals who are victims of any sexual offense are urged to report it to the New York City Police Department and/or the District Attorney's Office.

**Sexual Misconduct** (NYS § 130.20) occurs when a person engages in sexual intercourse, and/or oral or anal sexual conduct with another person without the latter's consent. (NYS Class A Misdemeanor)

**Forcible Touching** (NYS § 130.52) occurs when a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. For the purposes of this policy, forcible touching includes squeezing, grabbing, or pinching. (NYS Class A Misdemeanor)

**Sexual Abuse** (NYS § 130.55/.60/.65) occurs when a person has sexual contact with another person without the latter's consent. The level of offense is elevated by the use of forcible compulsion, or when the latter person is incapable of consent by reason of physical helplessness, or when the latter person is less than fourteen years old. (NYS Class B, A, Misdemeanor(s), Class D Felony)

**Aggravated Sexual Abuse** (NYS § 130.65-A/.66/.67/.70) occurs when a person inserts a finger or foreign object in the vagina, urethra, penis, or rectum of a person who is incapable of consent. The level of offense is elevated by the use of forcible compulsion, when the latter person is incapable of consent by reason of physical helplessness, mental disability or incapacitation, or when the person is less than eleven years old. The level of offense is elevated when the insertion causes physical injury to the latter person. (NYS Class E, D, C, B Felony)

**Rape** (NYS § 130.25/.30/.35) occurs when a person engages in sexual intercourse with a person who is incapable of consent. The level of offense is elevated by the use of forcible compulsion, when the latter person is incapable of consent by reason of physical helplessness, mental disability or incapacitation, or when the latter person is less than seventeen years old.

**Criminal Sexual Act** (NYS § 130.40/.45/.50) occurs when a person engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent. The level of offense is elevated by the use of forcible compulsion, or when the latter person is incapable of consent by reason of physical helplessness, mental disability or incapacitation, or when the latter person is less than seventeen years old. (NYS Class E, D, B Felony)

**Facilitated Sex Offense with a Controlled Substance** (NYS § 130.90) occurs when (1) a person knowingly and unlawfully possesses a controlled substance/ compound or any substance that requires a prescription to obtain, and administers such substance to another person without such person's consent and with the intent to commit against such person conduct constituting a felony as defined under the sex offenses described in the NYS Penal Law (Part 2; Title H; Article 130), and (2) thereafter commits or attempts to commit such conduct constituting a felony as defined under the NYS Penal Law (Part 2; Title H; Article 130). (NYS Class D Felony)

**Predatory Sexual Assault** (NYS § 130.95) occurs when a person commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined, and (1) in the course of the commission of the crime or the immediate flight therefrom, he or she causes serious physical injury to the victim of such crime, or uses or threatens the immediate use of a dangerous instrument; or (2) the person has engaged in similar conduct as described above against one or more additional persons; or (3) the person has previously been subjected to a conviction for a felony defined in NYS § 130 of New York State Penal Law. (NYS Class A-II Felony)

## **Safety, Sex Discrimination, Sexual Misconduct, and Reporting**

Mandl seeks to create and to maintain a safe environment in which all members of the college community – students, faculty, and staff – can learn and work free from the fear of sexual assault and other forms of violence.

The following sections explain how Mandl handles student complaints involving sexual misconduct, cases involving domestic violence, dating violence, stalking, harassment, and claims of discrimination based on sex. The applicable federal and state laws governing Mandl's policies also are explained in the sections below. Please read this very carefully and ask your academic advisor to clarify any of the sections for which you may have questions. We want to make sure you understand your rights as a student, Mandl's policies, and other issues related to sexual harassment, gender harassment, and sexual violence.

Mandl publishes the Annual Safety Report (ASR) and the Alcohol and Other Drugs (AOD) report annually on or before October 1st. It is crucial for students to be familiar with these documents, as they are designed to ensure the safety of both students and employees through increased knowledge and awareness. The policies and regulations outlined in this document are based on New York State laws, whereas the ASR is a federal requirement. In instances where there are divergent requirements, Mandl makes every effort to clearly explain these differences to the reader. One of these differences is that Education Law 129-B is not limited by the geographic reporting categories of the Clery Act (as outlined in the ASR). The rights and responsibilities of the law apply based on identity of the reporting individual and/or accused/respondent, not based on the geographic location of the violation.

All incoming Mandl students are asked to attend awareness workshops and seminars on sexual assault, domestic violence, dating violence, and stalking prevention provided by the college. Mandl asks that all students take this requirement seriously because knowledge and awareness are the best sources of prevention and empowerment.

### **Policy Statement on Harassment and Discrimination**

Harassment and discrimination are unequivocally unacceptable as they not only hinder an individual's educational or work performance but also undermine a person's sense of dignity and well-being within the community. This includes sexual harassment. The determination of what constitutes harassment or discrimination depends on the specific circumstances. Generally, these activities encompass verbal, physical, written, or other conduct that denigrates or shows hostility or aversion towards an **individual based on gender, race, color, religion, age, national origin, ethnicity, veteran status, sexual orientation, gender identity, marital status, disability, or any legally protected characteristic**. From a reasonable person's perspective, such conduct is considered unwelcome and substantially interferes with an individual's work or academic performance, creating an intimidating, hostile, or offensive environment, regardless of the perpetrator's intent.

Conduct must be sufficiently severe, persistent, or pervasive to create a hostile or abusive educational or work environment. A single incident may constitute harassment if it is significantly severe.

At Mandl, harassment and discrimination are not tolerated. Such behaviors undermine the College's mission and adversely impact the careers, educational experiences, and well-being of students, faculty, administrators, and staff. Harassment and discrimination are destructive to both individuals and the academic community, manifesting in both overt and subtle ways. When individuals are subjected to such behaviors, the fear of reprisal hampers the College's ability to fulfill its mission. Furthermore, many forms of harassment are recognized as violations of civil rights laws by federal courts, the US Equal Employment Opportunity Commission, the New York State Division of Human Rights, and the US Department of Education.

Harassment and discrimination are particularly egregious when they disrupt the relationship between teacher and student or supervisor and subordinate, exploiting the inherent power imbalance. Teachers or supervisors can decisively influence a student's, staff member's, or faculty member's career through grades, recommendations, promotions, and similar actions. However, harassment and discrimination can also occur between individuals of equal status within the institution.

Discrimination may affect various aspects of employment, including hiring, separation, training, salary, and benefits under the Employee Retirement Income Security Act (ERISA). **Sexual or other harassment or**

**discrimination can be based on race, color, national origin, ancestry, pregnancy, religion, marital status, gender, sexual orientation, gender identity, citizenship status, medical condition or disability (as defined by the Americans with Disabilities Act), age, or any other form of unlawful discrimination (under the Age Discrimination in Employment Act, Title VII of the Civil Rights Act of 1964, or other federal, state, or local laws), or retaliation for any claim of discrimination.**

Pattern of Conduct:

Causes discomfort or humiliation and includes harassing or discriminatory comments, statements, questions, jokes, or anecdotes.

Displaying or distributing sexually explicit jokes or pictures via email.

Pattern of Harassing or Discriminatory Conduct:

Causes discomfort or humiliation to a reasonable person at whom the conduct is directed.

Mandl remains committed to maintaining a safe and inclusive environment free from harassment and discrimination for all members of its community.

### **Sexual Harassment, Gender-Based Harassment and Sexual Violence**

This policy specifically prohibits sexual harassment, gender-based harassment and sexual violence (together “Sexual Misconduct”) against any Mandl student, employee or visitor.

Sexual harassment includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct that is sufficiently serious to adversely affect an individual’s participation in employment, education or other Mandl activities.

Sexual harassment is considered a form of employee misconduct and an employee who engages in such conduct, or, managerial and supervisory personnel who knowingly allow such behavior to continue, shall be subject to discipline in accordance with applicable rules and policies.

Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect an individual’s participation in employment, education or other Mandl activities.

Sexual violence is an umbrella term that includes: (1) sexual activity without **affirmative consent**, sexual assault, rape/attempted rape, and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking/cyberstalking (“stalking”), and (4) voyeurism.

The complete definitions of these terms, as well as other key terms used in this policy, are in Section 1 of this document.

### **Policy on Workplace Violence Prevention**

Mandl is dedicated to preventing workplace violence and will respond promptly to any threats or acts of violence, in compliance with New York State workplace safety regulations and Title IX (20 U.S.C. § 1681).

For the purposes of this policy, workplace violence is defined as any physical assault or aggressive behavior occurring where an employee performs work-related duties. This includes, but is not limited to:

- An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee, in accordance with New York Penal Law § 120.00.
- Any intentional display of force that would give an employee reason to fear or expect bodily harm, as defined under New York Penal Law § 120.15.
- Intentional and wrongful physical contact with an employee without their consent that results in injury, pursuant to New York Penal Law § 120.00.
- Stalking an employee in a manner that causes fear for their physical safety and health when such stalking arises through and in the course of employment, in compliance with New York Penal Law § 120.45 and related statutes.

Workplace violence presents a serious occupational safety hazard to Mandl and its employees. The college will respond promptly to any threats or acts of violence. All Mandl employees are responsible for helping to create an environment of mutual respect and for maintaining a safe and secure work environment. Individuals who violate this policy may be removed from college property and are subject to disciplinary action, up to and including termination, in accordance with Mandl policies and rules. They may also be referred to law enforcement authorities for criminal prosecution under applicable New York State laws.

Incidents involving workplace violence will be taken very seriously. Employees are responsible for reporting any incidents of workplace violence they become aware of. Reports can be made to the Title IX Coordinator, the Vice President of Academics, or the Vice President of Institutional Effectiveness, in alignment with Title IX reporting guidelines and New York State Education Law Article 129-B.

The college may, at the request of an employee or student, or at its own discretion, prohibit members of the public, including family members, from accessing college property unless necessary for college-related business. This policy is especially applicable when an employee or student anticipates that an encounter with said individuals may result in violence, in accordance with New York State Education Law Article 129-B.

## **Policy on Domestic Violence and the Workplace**

### **Policy Statement**

Mandl disapproves of violence against women, men, or children in any form, whether as an act of workplace violence or in any employee's personal life. Domestic violence can spill over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. Mandl is committed to full compliance of all applicable laws governing domestic violence in the workplace, to promoting the health and safety of its employees, and to making a significant and continual difference in the fight to end domestic violence.

### **Definitions**

For purposes of this policy, the following terms will be defined as follows:

- Domestic Violence: A pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.
- Intimate Partner: Includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time; couples who live together or have lived together; or persons who are dating or who have dated in the past, including same sex couples.
- Abuser: A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.
- Victim: The person against whom an abuser directs coercive and/or violent acts.

## Policy on Domestic Violence in the Workplace

If you are in need, call the City's 24-hour Domestic Violence Hotline: **800-621-HOPE (4673)** for immediate safety planning, shelter assistance, and other resources. TTY: 800-810-7444

### I. Building Employee Awareness

All Mandl employees are required to review and adhere to this policy and its procedures.

Mandl is committed to raising awareness about domestic violence among its employees by providing workshops and training sessions.

- Mandl will provide and prominently post a list of resources for survivors and perpetrators of domestic violence, including national and local resources, batterers' intervention programs, and contact information for the **New York State Office for the Prevention of Domestic Violence (OPDV)**. Contact information for Mandl personnel trained to offer confidential support and referrals will also be posted.
- Employees will be informed that New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims. This includes the prohibition of designating domestic violence as a pre-existing condition and denying or canceling insurance policies based on a person's status as a domestic violence victim (NYS Insurance Law § 2612).

Information on domestic violence will be integrated into existing materials, policies, protocols, and procedures, including the Workplace Violence Prevention Policy and health and wellness programs. Mandl will take all reasonable actions to educate employees about the effects of domestic violence, prevention methods, and reporting procedures. **See Policy on Domestic Violence and the Workplace**

### II. Non-Discriminatory and Responsive Personnel Policies for Victimized Employees

**Non-Discrimination:** Mandl will not discriminate against victims or perceived victims of domestic violence in employment decisions and will be responsive to their needs (NYS Human Rights Law, Executive Law § 296.1).

**Employment Decisions:** Mandl will not inquire about a job applicant's history of domestic violence victimization, and employment decisions will not be based on such history.

**Legal Compliance:** Mandl will comply with New York State laws that protect employees who are victims or witnesses of crimes, allowing them time off to appear as witnesses, consult with district attorneys, or exercise their rights (NYS Penal Law § 215.14, Criminal Procedure Law § 610.40, Family Court Act § 828, and Executive Law).

**Leave Assistance:** Mandl will assist employees in using their attendance and leave benefits when they need time off due to domestic violence victimization. Requests to care for or assist a family member who is a victim will be evaluated for eligibility under applicable laws and agreements (NYS Labor Law § 202-q).

**Documentation Support:** Mandl will work with employees to identify and provide the necessary documentation to justify absences related to domestic violence, ensuring their safety is not compromised.

**Benefit Changes:** Employees who separate from a spouse or terminate a relationship with a domestic partner due to domestic violence may be allowed to make reasonable changes to their benefits during the calendar year, in accordance with relevant laws and policies.

**Support for Discipline Issues:** Employees facing job performance or conduct issues due to domestic violence are encouraged to inform supervisory staff. These employees will receive support and clear information about performance expectations and evaluation. All efforts will be made to resolve performance issues, including referrals to assistance programs.

**Unemployment Insurance:** Employees who terminate or separate from employment due to domestic violence-related performance issues are encouraged to notify managerial staff to explore potential eligibility for unemployment insurance. Under certain circumstances, domestic violence victims may be eligible for unemployment benefits (NYS Labor Law § 593).

### III. Workplace Safety Plans

Mandl has a comprehensive domestic violence workplace safety response plan and will provide necessary resources and personnel to assist victimized employees in developing and implementing individualized safety plans.

- **Orders of Protection:** Mandl will comply with all court orders of protection, particularly those requiring abusers to stay away from the victim's workplace. Employees are urged to bring Orders of Protection to the attention of the Title IX Coordinator. These documents will be securely stored and accessible only to the Title IX Coordinator and the Vice President of Institutional Effectiveness. In emergencies, these officials will implement the college's emergency response plan and coordinate with law enforcement.
- **Individual Safety Plans:** Upon notification from a victimized employee, Mandl will develop individualized safety plans. These may include advising co-workers, alerting security, temporary



relocation, voluntary transfer, schedule changes, reassigned parking, entry/exit escorts, and managing harassment. Plans will address additional concerns if both the victim and offender are employed by Mandl.

#### **IV. Accountability for Employees Who Are Offenders**

Mandl will not tolerate or excuse conduct constituting workplace domestic violence and will hold accountable employees who:

1. **Use of Resources:** Use Mandl resources to commit acts of domestic violence.
2. **Acts of Violence:** Commit acts of domestic violence at the workplace or while on Mandl business.
3. **Misuse of Authority:** Use job-related authority or Mandl resources to negatively impact victims, assist perpetrators, or evade consequences.

Employees found violating these policies will face corrective or disciplinary action in accordance with collective bargaining agreements, statutes, and regulations. Law enforcement will be contacted as appropriate, potentially resulting in arrest and prosecution.

#### **V. Firearms**

1. **Prohibition:** Pursuant to New York State and federal laws, individuals convicted of domestic violence-related crimes or subject to protective orders are prohibited from possessing firearms (Federal Gun Control Act, 18 U.S.C. § 922(g)(8) and § 922(g)(9)).
2. **Compliance:** Employees failing to comply with these requirements will face corrective or disciplinary action, and law enforcement will be notified.

#### **VI. Training**

Mandl will provide training on this policy to management and supervisory personnel and offer ongoing educational opportunities for all staff, using materials approved by OPDV.

Training will equip support personnel to identify signs of victimization, make appropriate referrals, assist with safety planning, and develop individualized responses. Whereas training for all staff will cover the realities of domestic violence, its workplace impact, and safety risks.

#### **VII. Reporting Requirements**

Mandl is required to document all workplace incidents of domestic violence, including the number of reports, information/service requests, and referrals to domestic violence service providers. All documentation will be kept confidential, as permitted by law and policy.

#### **VIII. Confidentiality**

Information related to an employee being a victim of domestic violence will be kept confidential to the extent permitted by law and policy. Disclosure will only occur with the victim's consent, unless it is necessary to protect safety, comply with legal requirements, or enforce an order of protection. Confidentiality limitations will be discussed with victims seeking assistance. Only necessary personnel will be informed to protect safety or enforce orders of protection. Mandl will disclose the minimum information necessary and, where possible, notify victims before sharing information.

## IX. Law Enforcement and Legislation

Mandl will cooperate fully with law enforcement and government agencies. This policy will be interpreted and applied in accordance with all applicable local, state, and federal laws.

To receive assistance from Mandl or others in filing a criminal complaint, initiating legal proceedings in family court or civil court, and /or seeking an Order of Protection or the equivalent. In New York City, this assistance is provided by Family Justice Centers located in each borough:

<https://www.nyc.gov/site/ocdv/programs/family-justice-centers.page>

## Policy on Sexual Assault, Domestic Violence, Dating Violence, and Stalking Student Policy

In accordance with state and federal law, including Title IX of the Education Amendments of 1972, which prohibits sex/gender-based discrimination, Mandl is committed to maintaining a campus environment free from such discrimination. Title IX applies to all the College's programs and activities. Additionally, Title VII of the Civil Rights Act of 1964, as amended, prohibits sex discrimination in employment, and New York State Education Law Article 129-B mandates that higher education institutions adopt comprehensive policies to address sexual misconduct.

Consistent with these legal requirements, Mandl prohibits the following behaviors, collectively referred to as "Sexual Misconduct":

- Sexual harassment
- Sexual exploitation
- Sexual violence, including sexual assault and other non-consensual sexual touching
- Domestic violence
- Dating violence
- Stalking
- Other gender-based misconduct

## Students' Bill of Rights and Affirmative Consent

§6441 and §6443

### ***All students have the right to:***

*1. Make a report to local law enforcement and/or state police; 2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously; 3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution; 4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard; 5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available; 6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations; 7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the*

*incident; 8. 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; 9. Access to at least one level of appeal of a determination; 10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and 11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.*

Mandl is committed to providing support and assistance to victims/survivors 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 victims/survivors of these offenses, 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, at an externship, or while participating in Mandl sponsored activities.

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 decisions whether to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution.
- Participate in a fair and impartial process which provides adequate notice and an opportunity to be heard.
- Receive counseling services, where available.
- Discuss the incident to as few institutional representatives as possible.
- Not be the subject of any retaliation from the college, accused, and/or the respondent, their family, friends, or associates.
- Access to at least one level of appeal of a determination.
- Be accompanied by an advisor of choice who may assist the reporting person, accused, or respondent throughout the judicial or conduct process including all meetings and hearings related to such process.
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or administrative college process.

In accordance with the Students' Bill of Rights, reporting individuals shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options listed.

*“Affirmative consent is 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 the 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.”*

## College's Commitment and Response

Mandl takes all allegations of Sexual Misconduct seriously and is dedicated to providing resources and information to prevent such conduct. The College will promptly respond to complaints, reports, and allegations of sexual misconduct to end prohibited conduct, prevent its recurrence, and mitigate its effects on campus. The College respects the right of victims/survivors to choose whether to engage in the College's processes related to Sexual Misconduct.

Mandl is committed to supporting victims/survivors or complainants through various services, including support from the advising center and medical attention through Referral Services. It is important to note that the College is legally required to investigate all reports of sexual misconduct to the extent possible, based on available information, and will make every effort to maintain confidentiality.

## Reporting Responsibilities of "Responsible Employees"

Please note, "Responsible" employees have a duty to report incidents of sexual misconduct, including all relevant details, to the Title IX Coordinator. Such employees **are not permitted to maintain a complainant's confidentiality**, except that the Title IX Coordinator may honor a request for confidentiality under the circumstances. However, these employees will maintain a complainant's privacy to the greatest extent possible, and information reported to them will be shared only with the Title IX Coordinator and other people responsible for handling the college's response to the report.

To the extent possible, before a complainant reveals any information to a responsible employee, the employee will advise the complainant of the employee's reporting obligations—and if the complainant wants to maintain confidentiality, direct the complainant to a confidential resources.

Administrators, faculty, and other responsible employees are required by law to report any allegations of sexual harassment and other forms of sexual misconduct to the Title IX Coordinator, the Vice President of Academic Affairs, or their respective Deans/Chairs. The term "responsible employees" includes staff with significant responsibilities for students and campus activities, including discipline and campus safety. Confidential employees are not considered responsible employees.

All other employees are strongly urged to report any conduct related to sexual misconduct. Mandl and the Title IX Coordinator are mandated to respond promptly and appropriately to any allegations of sexual harassment or misconduct; therefore, the sooner reports are made, the more effectively the college will be able to respond and assist the person in need. Employees *other than those designated "Responsible"* are also strongly encouraged to maintain individual privacy to the greatest extent possible by sharing information, including the identities of the complainant and the respondent, only with the Title IX Coordinator.

Mandl will also consider the effects of off-campus conduct in evaluating whether there is a hostile environment on campus.

## Reporting Responsibilities and Procedures

Declining to consent to an investigation.

*Reporting individuals may obtain all resources outlined in the law even if they decline to participate in an investigation or process or actively oppose the institution proceeding in its process.*

Administrators, faculty, and other responsible employees are required by law to report allegations of sexual harassment, domestic violence, dating violence, stalking, sexual assault and other forms of sexual misconduct to the Title IX Coordinator or to the Vice President of Academic Affairs. Responsible employees include those with significant responsibility for students and campus activities. Designated confidential sources, or employees who can offer confidentiality, are excluded from this requirement. However, as noted above, to satisfy federal requirements, even employees who can offer confidentiality, must anonymously report an incident if it occurs on Clery geography, for the inclusion in the annual crime statistics report. See: **Confidentiality and Support Services**

The Title IX Coordinator will weigh requests from reporting individuals who do not consent to the institution's request to initiate an investigation against the institution's obligation to provide a safe, non-discriminatory environment for all members of its community. The institution will assist with academic, transportation, employment, and other reasonable and available accommodations regardless of reporting choices. Students should be aware that their rights to interim measures and accommodations referenced in Section 6444(4)(h) apply regardless of whether they decide to formally report and/or to participate in the investigation or conduct process.

There is no prescribed method for filing a complaint of sexual misconduct and *the college will respond to complaints whether they are oral or written*. Reporting individuals may, but are not required to, fill out the Incident Form available on the website. **Link:** <https://forms.gle/jktB2y1nzFHQYySLA>

Once any of the designated officials are notified of an incident of sexual misconduct, she/he will provide a copy of the Student Bill of Rights and coordinate with appropriate college offices to address the matter in accordance with this policy, including taking appropriate interim and supportive measures. These officials and offices will maintain a complainant's privacy to the greatest extent possible, and all information in connection with the complaint, including the identities of the complainant and the respondent, will be shared only with those who have a legitimate need for the information.

To disclose the incident and obtain confidential services from New York State, contact New York City hotlines at:  
[www.opdv.ny.gov/help/dvhotlines.html](http://www.opdv.ny.gov/help/dvhotlines.html).

Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages at <https://opdv.ny.gov/contact-opdv>

- Main Office Phone: **518-457-5800**
- Contact the New York State Domestic and Sexual Violence Hotline: **call 1-800-942-6906, text 844-997-2121** or chat at [opdv.ny.gov](http://opdv.ny.gov).

Assistance is also available through the following organizations:

**Note: These hotlines are for crisis intervention, resources and referrals, and are not reporting mechanisms.**

- Legal Momentum: [www.legalmomentum.org](http://www.legalmomentum.org)
- NYSCASA: <http://nyscasa.org/responding>

- NYSCADV: [www.nyscadv.org](http://www.nyscadv.org)
- Pandora's Project: <https://pandys.org/about-sexual-assault/need-help-now/>
- GLBTQ Domestic Violence Project: **24 Hour emergency hotline: 1-800-832-1901**
- Gay, Lesbian, Bisexual and Transgender National Hotline 1-888-843-4564
- RAINN: [www.rainn.org/get-help](http://www.rainn.org/get-help)
- Safe Horizons: [www.safehorizon.org](http://www.safehorizon.org)

### **Action by Bystanders and Other Community Members**

While only individuals designated as “responsible” employees are **required** reporters, Mandl encourages all other community members, including faculty, students and visitors, to take reasonable and prudent actions to prevent or stop an act of sexual misconduct that they may witness. Although these actions will depend on the circumstances, they may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. Community members who take action in accordance with this paragraph will be supported by Mandl, and anyone who retaliates against them will be subject to disciplinary charges.

### **Retaliation and Interim Measures**

Any person involved in retaliation against a complainant/reporting individual will face disciplinary action, up to and including expulsion or termination. The College will provide support services, including interim measures, to ensure the safety of the complainant and the campus community during the investigation. These measures are available even if the complainant decides not to pursue a formal complaint. Requests for interim measures can be made 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 implementing appropriate interim steps and coordinating the College's response with relevant offices on campus. Support services are also available to employees, visitors, third parties, and community members through the Title IX Coordinator.

### **Legal References**

**Title IX of the Education Amendments of 1972:** [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)  
**New York State Education Law Article 129-B:** Article 129-B  
[https://newyork.public.law/laws/n.y.\\_education\\_law\\_title\\_7\\_article\\_129-b](https://newyork.public.law/laws/n.y._education_law_title_7_article_129-b)

### **Additional Support**

If you have concerns regarding your safety, contact the Title IX Coordinator or the New York City Police Department immediately:

**Title IX Coordinator:** 212-247-3434 ext. 136

**New York City Police Department:** 911

Mandl will assist in the investigation and support the filing of reports or legal proceedings. The College will comply with law enforcement requests and will provide a timely warning for any threats to the campus community, ensuring ongoing educational efforts to combat sexual misconduct.

By adhering to these policies and procedures, Mandl ensures a safe and equitable environment for all members of its community.

## Reporting Retaliation

An individual may file a complaint with the Title IX Coordinator if the individual has been retaliated against for reporting sexual misconduct, opposing in a reasonable manner an act or policy believed to constitute sexual misconduct, assisting someone making such a report, or participating in any manner in an investigation or resolution of a sexual misconduct complaint. All retaliation complaints will be investigated in accordance with Mandl's written policies and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

## Reporting and Support

*You have the right to make a report to campus security, local law enforcement, and/or state police or choose not to report; to report the incident Mandl; to be protected by Mandl from retaliation for reporting an incident; and to receive assistance and resources from Mandl.*

If you have experienced any of the behaviors described in this policy, Mandl encourages you to seek help and support by reporting the conduct. Reporting sexual misconduct can be difficult, and victims/survivors or witnesses may experience various emotions when considering whether to report the conduct. Mandl prioritizes the safety and well-being of victims/survivors and encourages reporting to ensure the safety of the community.

### Who is Mandl's Title IX Coordinator

Ms. Ana Tejada  
Dean of Academic & Student Affairs  
[atejada@mandlacademics.com](mailto:atejada@mandlacademics.com)  
212.247.3434 ext.136

Mandl ensures emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who will be available upon the first instance of disclosure by a reporting individual to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible. The Title IX Coordinator or designee will discuss with the reporting individual that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. The Title IX Coordinator or designee will also explain **whether she or he is authorized to offer the reporting individual confidentiality or privacy** and will inform the reporting individual of other reporting options. Also see: **Confidentiality and Support Services**

*Mandl is committed to ensuring that the complaint is investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality. Consistent with Section 6444(5)(c)(ii) Mandl also guarantees the rights of a respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made pursuant to the provisions of this article and the institution's policies and procedures.*

Mandl will ensure that reporting individuals have information about resources, including intervention, mental health counseling, and medical services, which will include information on whether such resources are available at no cost or for a fee. Mandl will also provide information on sexually transmitted infections, sexual assault forensic examinations, and resources available through the New York state office of victim services. <https://codes.findlaw.com/ny/executive-law/exc-sect-621/>

Consistent with EDN § 6444, a reporting individual may withdraw a complaint or report from the institution at any time, and will not be penalized. Mandl may, consistent with other provisions of this law as well as federal law, still have obligations to investigate and/or take actions. Pursuant to this law, reporting individuals may participate as much or as little as they wish. If Mandl determines that an investigation is required, it will notify the reporting individuals and take immediate action as necessary to protect and assist them.

### **Confidentiality and Support Services**

Options for Confidential Disclosure (Section 6446)

*Even Mandl offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a nonconfidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.*

Please note, **privacy is the default setting for institution personnel**; however, **only a few designated personnel at Mandl have the ability to offer true confidentiality under the law**. Mandl employees who offer privacy will not make the reported information public; they will treat it with respect and only share it as necessary to comply with law and/or institution policy.

Mandl designates confidential support persons. Information revealed to a designated confidential source is private, and participation in a conversation with a confidential source will not trigger an investigation unless requested by the reporting individual. Confidential sources can assist in obtaining services for reporting individuals.

All students should be aware that Mandl is required to report certain crimes that occur in specific geographic locations as mandated by the Clery Act (20 U.S.C. 1092(f)). These reports are included in the institution's Annual Security Report (ASR) and are compiled in a manner that ensures the anonymity of both the specifics of the crime and the identity of the reporting individual.

In accordance with the Clery Act, Mandl is also required to issue timely warnings for crimes that occur within the defined Clery geography if they pose a serious or ongoing threat to students and employees. Exceptions to this requirement are made only when issuing such a warning might compromise ongoing law enforcement efforts or potentially identify the reporting individual. If an incident is reported that meets the Clery requirements for issuing a timely warning, the reporting individual will not be identified in that timely warning.

Further, even employees who are able to offer confidentiality are required to report the incident anonymously to ensure accurate statistics are gathered for annual reporting. If an incident shared with a confidential employee occurs within Mandl's designated Clery geography, the confidential source will report the type of incident to the Title IX Coordinator without disclosing the identity of the reporting individual.



Mandl remains committed to maintaining transparency and ensuring the safety of our community while protecting the privacy of those who come forward. For any questions or further information, please contact the Title IX Coordinator.

**Who is Mandl's Title IX Coordinator**

Ms. Ana Tejada  
Dean of Academic & Student Affairs  
[atejada@mandlacademics.com](mailto:atejada@mandlacademics.com)  
212.247.3434 ext.136

**Additional Information:**

**Clery Act:** 20 U.S.C. 1092(f)

**Mandl Annual Security Report (ASR):** Available through the Title IX office or online [https://www.mandlacademics.info/\\_files/ugd/34d88e\\_93ca34fa427d425aa2db6e587a3035c1.pdf](https://www.mandlacademics.info/_files/ugd/34d88e_93ca34fa427d425aa2db6e587a3035c1.pdf)

Students should further be aware that the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, allows institutions to share information with parents when: i. there is a health or safety emergency, or ii. when the student is a dependent on either parent's prior year federal income tax return. Generally, Mandl will not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual.

By adhering to these guidelines, Mandl fulfills its obligations under the Clery Act while prioritizing the safety and confidentiality of our students.

**Confidential Resource at Mandl:**

Dr. Linda Chapilliquen  
Director of Evening Weekend Programs  
[lchapilliquen@mandlacademics.com](mailto:lchapilliquen@mandlacademics.com)  
21.247.3434 ext. 121

As noted, Mandl will uphold the privacy and confidentiality of all parties to the extent practicable, balancing this with the need to investigate and take appropriate action. Reports shall be investigated in accordance with institution policy and a reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy.

If the accused is a Mandl employee, the reporting individual can report the incident to the Vice President of Academics (if the employee is a faculty member) or to the Vice President of Institutional Effectiveness (if the employee is a member of the staff or administration). The reporting individual also has the right to request that a confidential support person assist in reporting to the appropriate authority.

As noted, Mandl will seek consent from reporting individuals prior to conducting an investigation. Declining to consent to an investigation will be honored unless Mandl determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the

community. Honoring such a request may limit Mandl's ability to meaningfully investigate and pursue conduct action against an accused individual. Factors used to determine whether to honor such a request include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the reporting individual is a minor; and
- Whether the institution possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

### **Protection and Accommodations**

- When the accused is a student, the victim may request to have the institution issue a "No Contact Order"
- consistent with college policy and procedure. If the accused and protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly or indirectly contacting the protected person. When a No Contact Order is issued in cases involving domestic violence, dating violence, sexual assault or stalking, both the accused and the reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with college policy. Parties may submit evidence in support of their request.
- To have assistance from the Title IX Coordinator in initiating legal proceedings including obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a
- college official who can explain the order and answer questions.
- To have assistance from the Title IX Coordinator or designee when an individual violates an Order of Protection and to facilitate contacting the appropriate law enforcement agency, when applicable.
- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused reviewed regarding an interim suspension, pending the outcome of a conduct process.
- When the accused is not a member of the college community, to have assistance from the Title IX Coordinator or other appropriate officials in obtaining a persona-non-grata letter, subject to legal requirements and college policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, employment, or other applicable arrangements in an attempt to reduce the opportunity of a hostile work environment.

## **Filing External Complaints**

Complainants who feel that they have been subjected to unlawful sexual harassment and/or violence have the right to avail themselves of all of their rights under law, including but not limited to filing complaints with one or more of the outside agencies listed below:

- U.S. Department of Education, Office for Civil Rights

<http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

U.S. Equal Employment Opportunity Commission

[https://www.eeoc.gov/federal/fed\\_employees/filing\\_complaint.cfm](https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm)

- New York State Division of Human Rights

<https://dhr.ny.gov/complaint>

- New York City Commission on Human Rights

<http://www1.nyc.gov/site/cchr/about/resources.page>

## **Affirmative Consent**

§6441

*“Affirmative consent is 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 the 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.”*

## **Alcohol and/or Drug Use Amnesty in Sexual Violence Cases**

Education Law Section 6442

*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 institution 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 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.*

The health and safety of every student at Mandl are of the utmost importance. Mandl recognizes that students who have been drinking and/or using drugs (whether voluntarily or involuntarily) 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 acting 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. Education Law Section 6442 does not require amnesty for drug dealers or those who use drugs or alcohol as a weapon or to facilitate assault. It covers personal drug use and possession whether intentional or accidental.

Note that this provision only covers the student disciplinary process. The legislation does not cover the criminal justice process (but see New York State Good Samaritan Law, Penal Law §220.78), does not cover areas outside of conduct, and does not apply to employees of the institution.

Further, most of Mandl's programs include the requirement to complete an externship in hospitals or healthcare facilities where the prohibition on drug and alcohol use in the workplace is governed by federal or state law or regulation, national standards or accreditation requirements. For example, if a student reports being sexually assaulted in a hospital placement while under the influence of prescription drugs stolen from the hospital pharmacy, this section would not prevent the student from being removed from the placement or from having restrictions placed on participation in the placement. The student would have amnesty from student judicial or conduct charges for that prescription drug use.

This section does not limit Mandl from seeking assistance for a student who is struggling with drug or alcohol addiction or is otherwise in danger provided that the assistance is not disciplinary in nature.

### **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 term "Force" includes:

**Physical Force:** Violence, the presence of a weapon, including but not limited to pushing or holding someone down.

**Threats or Harassment:** Including but not limited to revealing a fact or false statement to coerce someone into sexual activity.

**Intimidation:** Abuse of power or authority, implied threats.

**Coercion or Duress:** Using pressure or manipulation to compel someone into sexual activity.

### **Incapacity**

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. A person may be incapacitated due to unconsciousness, sleep, or other factors that inhibit their ability to consent. Engaging in sexual activity with someone who is incapacitated is a violation of both Mandl's Sexual Misconduct Policy and New York law.

## **Student Conduct Process**

Conduct proceedings are governed by the procedures set forth in the Mandl College Catalog and in the Annual Security Report (ASR).

Throughout conduct proceedings, the respondent and the reporting individual will have:

- The same opportunity to be accompanied by an advisor of their choice, who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct.
- The right to a prompt response and to have the complaint investigated and adjudicated in an impartial, timely and thorough manner.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements, including fairness, impartiality and a meaningful opportunity to be heard, and is not conducted by individuals with a conflict of interest.
- The right to receive advance written or electronic notice of the date, time and location of any meeting or hearing he or she is required or eligible to attend. Accused individuals will be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged and possible sanctions.
- The right to due process concurrent with a criminal investigation and proceeding. Temporary delays should not last more than five business days, except when law enforcement requests such delay based on the criminal investigation.
- The right to offer evidence during an investigation and to review available evidence.
- The right to present evidence and testimony at a hearing, where appropriate.
- The right to options for providing testimony via alternative arrangements, including telephone/video conferencing, or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the other party in the conduct process. Prior findings of domestic violence, dating violence, stalking or sexual assault may be admissible in the disciplinary stage that determines sanction.
- The right to make an impact statement, when applicable.
- The right to simultaneous (among the parties) written or electronic notification of the outcome to include the
  - findings, sanctions and explanation for same.
  - Access to at least one level of appeal of a determination before a panel which may include one or more students.
  - The right to the record of a student conduct hearing which shall be maintained for at least five years.
  - The right to choose whether to disclose or discuss the outcome of a conduct hearing.

## **Transcript Notations**

§6444(6)

Adopted to comply with NYS Education Law 129-B.

The following notations will be placed on transcripts after September 1, 2015.

**Please note that Notations will appear on the actual transcript, and will not be issued on a separate, detachable paper.**

## Policy

Permanent transcript notations indicating disciplinary action taken will be placed on student records where students have been found guilty of violating the student code of conduct in the instances of crimes of violence, including but not limited to sexual violence, violations that are equivalent to the definitions for Clery Act Part I Primary Crimes, or other conduct leading to the death or serious physical injury of another person.

Mandl will make a notation *on the transcript of students found responsible after a conduct process* that they were “**suspended after a finding of responsibility for a code of conduct violation**” or “**expelled after a finding of responsibility for a code of conduct violation.**” For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, Mandl will make a notation on the transcript of such students that they “**withdrew with conduct charges pending.**” Students may appeal to seek the removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension. At that time, a written appeal, setting forth the reason(s) why the transcript notation should be removed, must be delivered to the Vice President of Academics or designee within 30 days. The Vice President or a designee, will review the request and provide a written response within 30 days from the date the request was received. Notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation will be removed. Mandl retains the right to determine additional serious violations that will result in a permanent transcript notation.

The provisions of 129-B, §6444(6), requires **all institutions** to place notations on transcripts of students when two factors are met:

- The student is found responsible, after a process (or takes responsibility) for a code of conduct violation that is equivalent to the definitions for Clery Act Part I Primary Crimes; and
- The student is expelled, suspended, and/or withdraws with conduct charges pending.

Violations equivalent to crimes of violence, as defined in the Clery Act (as updated by the Violence Against Women Act Final Regulations) Part I crimes, as set forth in 34 C.F.R. §668.46(c), that require a transcript notation under §6444(6) are: murder; manslaughter; rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson. *Mandl reserves the right to include transcript notations for additional violations.*

## Definitions

Violations equivalent to crimes of violence, as defined in the Clery Act (as updated by the Violence Against Women Act Final Regulations) Part I crimes, as set forth in 34 C.F.R. §668.46(c), that require a transcript notation under §6444(6) are: **murder; manslaughter; rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson.**

- Criminal Homicide—Manslaughter by Negligence: The killing of another person through gross negligence.
- Criminal Homicide—Murder and Nonnegligent Manslaughter: The willful (nonnegligent) killing of one human being by another.
- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
- Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
- Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.
- Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### **Admissions Policy for Applicants with Transcript Notations**

In accordance with New York State Education Law Article 129-B, applicants seeking admission to Mandl College who have a transcript notation from another institution are required to meet with the head of the academic department relevant to their intended field of study. This meeting ensures that any issues related to the notation are fully understood and appropriately addressed, maintaining the integrity and safety of our academic community. Additionally, this process ensures that no barriers exist to the applicant's ability to obtain employment in the healthcare industry.

### **Campus Climate Assessment Policy**

In accordance with New York State Education Law Article 129-B, Mandl College will conduct Student Climate Assessments every two years. These assessments are essential for providing college administrators with valuable insights into student concerns. The data collected will enable informed decision-making to ensure a safe and supportive educational environment for all students. The results and summary of the most recent Climate survey are available for the Mandl community and public stakeholders to review on Mandl's website.

**The summary is available below:**

# Sexual Violence Prevention Campus Climate Survey

## **Background**

In Spring 2024, the Mandl community participated in the bi-annual survey aimed at determining the prevalence of sexual violence experienced by our college community. This survey, conducted in accordance with New York State Education Law Article 129-B, was designed to gather information about the incidence of sexual violence and the awareness of policies and resources among students and the broader Mandl community. These surveys provide critical insights to help Mandl identify areas for improvement and enhance our efforts to create a safe and supportive educational environment.

## Instrument & Implementation

Online survey developed by Mandl and administered to all Mandl students across all programs and class standings.

## Survey Response Rates and Demographics

- According to the Government Accountability Office (GAO), “the prevalence of sexual violence on college campuses, including rape and other forms of sexual coercion, can be difficult to measure”.<sup>3</sup> That same GAO report found that in their study “colleges' reported response rates ranged from less than 10 percent to more than 60 percent”.
- A total of 260 students responded to the survey for a **65% response rate**. This makes the response rates and question completion rates significantly above previous response rates.
- Nearly 41% of respondents are second semester students; 24% are first semester students; and 17% are in their third semester. Fourth semester students made up 14% of respondents to the 2024 survey.
- Almost 81% of respondents identify as female; nearly 17% identify as male, while 2% indicated being genderqueer/gender non-conforming.
- Nealy 32% of respondents identify as Hispanic (any race) while 25% identify as African American and another 20% indicate that they are Black Non-American (African, West Indian, etc.). Approximately 4% of the respondents identify as Caucasian (White/of European ancestry), while 5% indicate being South/Central Asian (Indian, Pakistani, Afghan, Nepalese, Sri Lankan, Tibetan, etc.). Another 8% indicate that they are Bi-racial/Multi-racial/Multi-ethnic.
- Of the respondents, 77% indicated that they identify as heterosexual; another 10% preferred not to answer the question while nearly 7% indicated that they are bisexual.

ANSWER CHOICES	RESPONSES	
Asexual: not sexually attracted to either males or females	1.16%	3
Bisexual	6.56%	17
Gay	1.16%	3
Heterosexual (straight)	77.22%	200
Lesbian	1.54%	4
Questioning	2.32%	6
Prefer not to answer	10.04%	26
TOTAL		259

<sup>3</sup> [https://www.gao.gov/products/gao-20-351#:~:text=Colleges%20reported%20response%20rates%20ranged,to%20more%20than%2060%20percent.&text=The%20Departments%20of%20Justice%20\(Justice.in%20conducting%20campus%20climate%20surveys.](https://www.gao.gov/products/gao-20-351#:~:text=Colleges%20reported%20response%20rates%20ranged,to%20more%20than%2060%20percent.&text=The%20Departments%20of%20Justice%20(Justice.in%20conducting%20campus%20climate%20surveys.)



- At 33%, 21-25 was the largest age group of respondents while 23% (the second largest group) indicated being between 31-35 years old. Another 20% of respondents indicated being between 26-30 years old. Of the total respondents, 10% indicated being between 41-50 years old.

ANSWER CHOICES	RESPONSES	
18-20	3.85%	10
21-25	33.08%	86
26-30	19.62%	51
31-35	22.69%	59
36-40	7.69%	20
41-50	10.00%	26
51-60	1.54%	4
Over 60	1.54%	4
TOTAL		260

- Additionally, 56% of the respondents indicated that they are not parenting or have any children of their own. Of the total respondents 29% indicated that they are parenting children under 10 years old, while 8% indicated that they are parenting teenagers. Nearly 7% of respondents said that they have adult children.

### Survey Take Aways

- Just under 5% of respondents disagreed or strongly disagreed with the statement that “college officials handle safety incidents in a fair and responsible manner”.
- Just under 10% of respondents disagreed with the statement that “faculty, staff, and administrators respect what students at Mandl think”.
- 4% of total respondents strongly disagreed and another 7% disagreed with the statement that “if a crisis happened on campus, I’m confident Mandl staff would handle it well”.
- 3% of total respondents strongly disagree with the statement that “campus officials respond quickly in difficult situations, while another 6% disagree.
- Less than 3% of total respondents either disagreed or strongly disagreed with the statement “I feel safe on this campus”.
- Less than 2% of respondents strongly disagreed with the statement “I believe that if a report of sexual assault or sexual harassment was made, campus officials would take the report seriously”, while another 2% disagreed with that statement. 65% of the respondents strongly agreed or agreed with the statement, while 17% indicated that they did not know.
- Only 4% of total respondents either disagreed or strongly disagreed with the statement that “campus officials would conduct a careful investigation in order to determine what happened”.

- Less than 4% of respondents either disagreed or strongly disagreed with the statement “I believe that campus officials would support and protect the person making the report”. Of total respondents, 63% either strongly agreed or agreed with the statement that Mandl officials would support and protect the person making the report. The remainder indicated that they did not know. Of those who said that they did not know, the majority were first semester students.
- The community is generally aware of the policies, laws, and available resources for incidents of sexual assault.
- Students are generally aware of the role of the Title IX Coordinator and how to contact the office for help. They are less aware of other relevant campus resources and safety and awareness programming available to them.
- Nearly 37% of total respondents indicated that they are not sure if they received emails from Mandl instructing them to complete the online training on Title IX sexual harassment and sexual assault because they don't check their emails frequently enough.
- **Since the last survey, Mandl has intensified its efforts to provide comprehensive awareness and prevention programs through integrated classroom activities and curriculum enhancements. The survey findings highlight that self-paced programming alone is only partially effective, reaching just 50% of our college community. Therefore, it is imperative to embed awareness-building initiatives throughout the curriculum to achieve higher participation rates and more effective prevention outcomes.**

## Results

- In general, Mandl saw improvements in student awareness of sexual violence and resources. There were some concerns, particularly around student knowledge and trust of campus procedures and policies around sexual assault. There were also concerns about student engagement with the programming that was offered and with student diligence in reading their Mandl emails that promote offered programming.

## Knowledge of Campus Policies and Resources

- Only 12% of respondents did not correctly identify the Title IX officers.
- 75% of respondents indicated that Mandl has informed them about its policies on Sexual Harassment, Sexual Assault, Stalking, Domestic Violence, and Dating Violence. 11% said that the college has not informed them about its policies on Sexual Harassment, Sexual Assault, Stalking, Domestic Violence, and Dating Violence. While nearly 14% said that they were not sure if the college did so.

- Almost 50% of respondents indicated that they have received training on the actions they can take to help prevent sexual assault, such as bystander intervention, clear communication with a potential partner, or some other action. Almost 30% indicated that they have not and another 20% indicated that they were not sure because they do not check their Mandl emails frequently to know about the programs that are offered.
- Just over 15% responded “I don’t know” to: “I understand Mandl’s formal procedures to address complaints of sexual assault”.

### **Climate Perceptions**

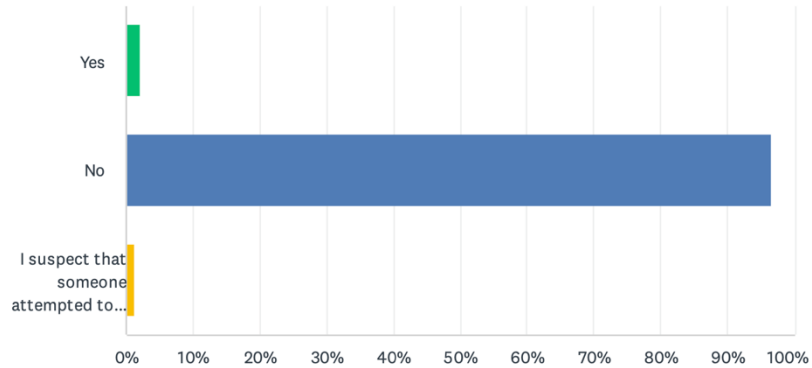
- 60% indicated that they either strongly agree or agree that they have confidence that Mandl administers the formal procedures to address complaints of sexual assault fairly. Nearly 18% indicated that they did not know.
- When asked: “if you were a victim of Sexual Assault, Stalking, or Dating and Domestic Violence off campus, would you be comfortable reporting it to the proper college authorities?”, 53% indicated “yes” while 32% said “no”. An additional 15% said “I didn’t know I could or should do that.”
- 86% of all respondents correctly identified what constitutes sexual harassment.
- Similarly, 86% correctly identified all of the categories of individuals who could commit acts that would be defined as sexual harassment.
- When asked how likely the respondents were to “confront other students who make inappropriate or negative sexual comments and gestures”, 49% indicated that they would be extremely likely or likely to confront other students. Nearly 32% indicated they felt neutral about whether they would confront other students, while 19% indicated that they would likely not confront other students who make inappropriate or negative comments and gestures.
- A little over 53% of students indicated that they would “confront a professor or staff member at Mandl who makes inappropriate or negative sexual comments or gestures”. Almost 29% indicated that they felt neutral about confronting inappropriate behavior from faculty or staff, while another 18% indicated that they were not likely to confront an employee of the college.
- When asked to indicate the level of agreement with the statement that they would “report other students who continue to engage in sexual harassment or unwanted sexual behaviors after having been previously confronted”, 35% of respondents said that they strongly agree that they would report the individual(s) to administration. Another 32% agreed with the statement that they would report a the individual after they first confronted them. Only 3% disagreed or strongly disagreed that they would report someone they had confronted previously.

- Of the total respondents, 33% strongly agreed and another 28% agreed that they would be willing to be interviewed as a witness in a sexual assault case if they know relevant information. Another 3% strongly disagreed or disagreed with the statement that they would be willing to be interviewed as a witness in a sexual assault case if they knew relevant information, while 18% indicated that they did not know if they would be willing to do so.
- When asked how likely the respondents were to “ask for verbal consent when I am intimate with my partner, even if we are in a long-term relationship”, 30% indicated that they were extremely likely while another nearly 21% indicated that they were likely. Of the total respondents, 27% said that they felt neutral about asking for verbal consent even from a long-term partner, while 22% indicated that they were unlikely to ask.
- 48% of total respondents indicated that they were extremely likely to “stop having sex with a partner if they say to stop, even if it started consensually”. Another 17% said that they would likely stop, while 19% felt neutral about stopping if it started consensually. Of the total respondents 15% indicated that they were not likely to stop if it started consensually.

## Experiences

- 96% of respondents responded “no” to the question that asked, “since starting at Mandl, have you observed a situation that you believe could have led to a sexual assault?” Of the total respondents, 3% answered affirmatively to this question and another nearly 1% said that they were not sure.
- Only 230 respondents answered the following question (32 respondents skipped answering it): “Since starting at Mandl, has anyone attempted, but not succeeded in, sexually assaulting you while you were (a) on campus; (b) off campus at an event or program connected with Mandl, including internship or externships or (c) at a social activity or party near campus such as at an apartment, restaurant, or bar?”

Answered: 230 Skipped: 32



ANSWER CHOICES	RESPONSES
Yes	2.17% 5
No	96.52% 222
I suspect that someone attempted to sexually assault me, but I am not certain.	1.30% 3
TOTAL	230

- Just under 94% of respondents indicated “no” to the question that asked whether “anyone had sexual contact with you by using physical force or threatening to harm you physically?”. Just over 6% of respondents answered “yes”.
- The survey asked “has someone had sexual contact with you when you were unable to provide consent or stop what was happening because you were passed out, drugged, drunk, incapacitated, or asleep? This question asks about incidents that you are sure happened.”

While just under 3% of respondents answered affirmatively to this question, nearly 11% of respondents indicated that they preferred not to answer.

ANSWER CHOICES	RESPONSES
Yes	2.68% 6
No	86.61% 194
Prefer not to answer	10.71% 24
TOTAL	224

- The survey also asked about alcohol consumption on a typical day when respondents were drinking in the past year. “A typical alcohol drink size is 12 ounces of beer, 8-9 ounces of malt liquor, 5 ounces of wine, or 1.5 ounces of hard liquor. How many drinks did you have on a typical day when you were drinking in the past year?”

Nearly 71% of respondents indicated drinking 1-2 drinks described on a typical day when they were drinking. Another nearly 13% indicated having 3-4 on a typical day when they were drinking, while

9.5% of respondents indicated that they could consume up to 10 drinks as described in the question on a typical day when they are drinking.

- Respondents were asked if they had ever experienced a “blackout”. “Have you ever had a “blackout” in the last two years? Definition of blackout: A blackout means not being able to remember what happened when you were drinking or using drugs. Blackouts are not the same as passing out. Passing out occurs when you lose consciousness. You don't pass out when you have a drug or alcohol blackout. In a blackout, you lose short-term memories. Blackouts tend to begin at blood alcohol concentrations (BACs) of about 0.16 percent (nearly twice the legal driving limit) and higher. At these BACs, most cognitive abilities (e.g., impulse control, attention, judgment, and decision-making) are significantly impaired. The level of impairment that occurs at such high BACs makes the intoxication level associated with blackouts especially dangerous.”

ANSWER CHOICES	RESPONSES	
Yes, I have had at least one blackout in the past two years.	4.25%	9
Yes, I have had more than two blackouts in the past two years.	3.30%	7
No, I have not had a blackout in the past two years.	72.64%	154
I'm not sure.	19.81%	42
<b>TOTAL</b>		<b>212</b>

- Respondents were asked to indicate whether a casual, steady, or serious dating or intimate partner has ever done the following to them (answers are summarized in the chart below):

	YES	NO	NOT SURE	PREFER NOT TO ANSWER	TOTAL
Scratched me	6.47% 15	79.31% 184	3.45% 8	10.78% 25	232
Slapped me	6.90% 16	78.45% 182	3.02% 7	11.64% 27	232
Physically twisted my arm	4.74% 11	81.47% 189	2.59% 6	11.21% 26	232
Slammed me or held me against a wall	6.49% 15	78.79% 182	2.60% 6	12.12% 28	231
Kicked me	4.31% 10	83.19% 193	2.16% 5	10.34% 24	232
Bent my fingers	4.74% 11	82.33% 191	2.59% 6	10.34% 24	232
Bit me	4.76% 11	81.82% 189	2.60% 6	10.82% 25	231
Tried to choke me	6.03% 14	80.17% 186	2.16% 5	11.64% 27	232
Pushed, grabbed, or shoved me	7.30% 17	78.97% 184	2.15% 5	11.59% 27	233
Dumped me out of a car	3.00% 7	84.55% 197	2.15% 5	10.30% 24	233
Threw something at me that hit me	6.44% 15	81.12% 189	2.15% 5	10.30% 24	233
Burned me	1.72% 4	85.84% 200	2.15% 5	10.30% 24	233
Hit me with a fist	5.58% 13	81.55% 190	2.15% 5	10.73% 25	233
Hit me with something hard beside a fist	3.86% 9	83.69% 195	2.15% 5	10.30% 24	233
Beat me up	3.86% 9	82.83% 193	2.15% 5	11.16% 26	233
Assaulted me with a knife or gun	2.60% 6	84.85% 196	2.16% 5	10.39% 24	231
Followed me to Work, School, or Home against my will	4.29% 10	82.83% 193	2.58% 6	10.30% 24	233
Checked my phone messages without my permission	9.01% 21	77.25% 180	3.00% 7	10.73% 25	233
Forbid me to talk to or see my friends	6.47% 15	81.03% 188	2.16% 5	10.34% 24	232
Threatened me	7.33% 17	79.31% 184	2.16% 5	11.21% 26	232

## Action Steps

The survey results highlight the need for enhanced programming over the next two years to deepen students' understanding of the relationship between alcohol, other drugs, and sexual assault. This initiative is crucial to ensuring compliance with Title IX, Clery Act requirements, and New York State Education Law Article 129-B, which mandates comprehensive education and prevention programs.

Additionally, as indicated in the response summary below, roughly 3%-9% of Mandl's students indicate that they have experienced some level of physical violence from a casual, steady, or serious dating or intimate partner. Another, 10% to 12% of respondents preferred not to answer these questions. Roughly 80% of the student population indicated that they have not experienced any of the listed forms of physical violence. We point out that one in four women in the United States experiences intimate partner violence, including

domestic abuse, verbal and emotional abuse, and stalking.<sup>4</sup> In response to these findings, Mandl is committed to continuing and expanding its programming over the next two years to specifically address the recognition of intimate partner violence and the resources available for help.

To provide a clearer understanding of the types of abuse reported, the following examples are noted:

- Physical Abuse:
    - Scratching, slapping, physically twisting arms, slamming or holding against a wall, kicking, bending fingers, biting, trying to choke, pushing, grabbing, shoving, dumping out of a car, throwing objects, burning, hitting with a fist or hard objects, beating up, and assaulting with a knife or gun.
  - Stalking and Harassment:
    - Following to work, school, or home against the victim's will, checking phone messages without permission, forbidding contact with friends, and making threats.
1. Enhanced Training and Workshops:
    - Implementing mandatory training sessions on the intersection of substance abuse and sexual violence, focusing on prevention, bystander intervention, and support resources.
    - Offering specialized workshops that provide tools for recognizing signs of intimate partner violence and strategies for accessing support services.
  2. Increased Awareness Campaigns:
    - Launching campus-wide campaigns to educate students about the prevalence and impact of intimate partner violence, **utilizing both digital and in-person platforms**.
    - Disseminating information on available resources, including counseling services, hotlines, and local support organizations.
  3. Collaborative Efforts:
    - Partnering with local community organizations and experts to deliver comprehensive and relatable educational content.
    - Establishing support networks and peer groups to encourage a supportive community environment.
  4. Policy Reinforcement:
    - Ensuring that all campus policies related to sexual assault, intimate partner violence, and substance abuse are clearly communicated and accessible to the entire college community.
    - Regularly reviewing and updating policies to reflect best practices and compliance with federal and state regulations.

These initiatives align with the requirements set forth by the Clery Act, which mandates transparency around campus crime policy and statistics, and Title IX, which requires institutions to prevent and respond to sex-based discrimination and harassment. Furthermore, they comply with Article 129-B of New York State Education Law, which emphasizes the importance of educational institutions in providing a safe and supportive environment for all students.

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<sup>4</sup> Smith, S.G., Chen, J., Basile, K.C., Gilbert, L.K., Merrick, M.T., Patel, N., Walling, M., & Jain, A. (2017). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.



By implementing these actions, Mandl aims to create a safer and more informed campus community, where students are empowered to prevent and respond to incidents of sexual violence and intimate partner violence effectively.

## If you or someone you know is experiencing domestic or gender-based violence, help is available.

- Call 311 to be connected to the nearest NYC Family Justice Center (Monday-Friday, 9am-5pm)
- Find resources and support in NYC by searching the City's [NYC HOPE Resource Directory](#).
- Call the City's 24-hour Domestic Violence Hotline: **800-621-HOPE** (4673) for immediate safety planning, shelter assistance, and other resources. TTY: 800-810-7444

### In an emergency, dial 911.

## Locations

### NYC Family Justice Center, Bronx

198 East 161st Street, 2nd Floor  
718-508-1220

Subway: 4, B, and D to Yankee Stadium  
Bus: BX1, BX2, BX6, and BX13

### NYC Family Justice Center, Brooklyn

350 Jay Street, 15th Floor  
718-250-5113

Subway: A, C, F, and R to Jay Street  
or 2, 3, 4, and 5 to Borough Hall  
Bus: B25, B26, B38, B54, B57, B61, B62, B65, B67, B75, and B103

### NYC Family Justice Center, Manhattan

80 Centre Street, 5th Floor  
212-602-2800

Subway: 4, 5, and 6 to Brooklyn Bridge-City Hall  
J and Z to Chambers Street  
N, Q, and R to Canal Street  
1, 2, 3, A, and C to Chambers Street  
Bus: M5, M9, M22, and M103

## NYC Family Justice Center, Queens

126-02 82nd Avenue

718-575-4545

Subway: E and F to Kew Gardens-Union Turnpike

Bus: Q10, Q37, Q46, and Q60

## NYC Family Justice Center, Staten Island

126 Stuyvesant Place

718-697-4300

Staten Island Railroad to St. George Ferry Terminal

Bus: S40, S42, S44, S46, S48, S51, S52, S61, S62, S66, S74, S76, S78, S81, S86, S90, S91, S92, S94, S96, and S98

Centers for Disease Control and Prevention, (CDC), HHS

800-232-4636 • [www.cdc.gov](http://www.cdc.gov)

National Coalition of Anti-Violence Programs

212-714-1141 • [www.avp.org/index.php](http://www.avp.org/index.php)

National Domestic Violence Hotline

800-799-SAFE (7233) • [www.thehotline.org](http://www.thehotline.org)

National Sexual Assault Hotline

800-656-HOPE (4673) • [www.rainn.org](http://www.rainn.org)

Victim Connect Resource Center, National

Center for Victims of Crime

855-484-2846 • [www.victimconnect.org](http://www.victimconnect.org)

# APPENDIX

## NEW YORK STATE PENAL LAW DEFINITIONS

New York State Penal Law contains the following legal provisions relating to sexual assault, dating violence, domestic violence, and stalking. More specific information can be found in the New York State Penal Code, which is available online at: [ypdcrime.com/penal.law/part\\_index.htm](http://ypdcrime.com/penal.law/part_index.htm)

These definitions are provided for educational and awareness purposes only.

Consent (NY Penal Law Section 130.05): Whether or not specifically stated, it is an element of every offense in Article 130 of the NY Penal Law that the sexual act was committed without consent of the victim.

Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or where the offense charged is rape in the third degree or criminal sexual act in the third degree, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

A person is deemed incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of corrections and community supervision or a hospital and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital; or committed to the care and custody of a local correctional facility and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility; or committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care; or a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree, criminal sexual act in the third degree, aggravated sexual abuse in the fourth degree, or sexual abuse in the third degree as defined in, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient.

Sexual Assault: New York State does not specifically define sexual assault.

Sexual Misconduct (NY Penal Law Section 130.20): When a person (1) engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

Rape in the Third Degree (NY Penal Law Section 130.25): When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old; (2) Being twenty-one years old or more, engages in sexual intercourse with another person less than seventeen years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the Second Degree (NY Penal Law Section 130.30): When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

Rape in the First Degree (NY Penal Law Section 130.35): When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

Criminal Sexual Act in the Third Degree (NY Penal Law Section 130.40): When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal Sexual Act in the Second Degree (NY Penal Law Section 130.45): When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

Criminal Sexual Act in the First Degree (NY Penal Law Section 130.50): When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

Forcible Touching (NY Penal Law Section 130.52): When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire; or subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions. Forcible touching includes squeezing, grabbing, or pinching.

Persistent Sexual Abuse (NY Penal Law Section 130.53): When a person commits a crime of forcible touching, or second or third degree sexual abuse, and, within the previous ten year period, excluding any time during which such person was incarcerated for any reason, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, sexual abuse in the third degree, sexual abuse in the second degree, or any offense in Article 130, of which the commission or attempted commission thereof is a felony.

Sexual Abuse in the Third Degree (NY Penal Law Section 130.55): When a person subjects another person to sexual contact without the latter's consent. It is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

Sexual Abuse in the Second Degree (NY Penal Law Section 130.60): When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

Sexual Abuse in the First Degree (NY Penal Law Section 130.65): When a person subjects another person to sexual contact (1) by forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old and the actor is 21 years old or older.

Aggravated Sexual Abuse in the Fourth Degree (NY Penal Law Section 130.65-a): When a person inserts a (1) foreign object in the vagina, urethra, penis, rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Third Degree (NY Penal Law Section 130.66): When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Second Degree (NY Penal Law Section 130.67): When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the First Degree (NY Penal Law Section 130.70): When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being

physically helpless; or (3) when the other person is less than 11 years old. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Course of Sexual Conduct Against a Child in the Second Degree (NY Penal Law Section 130.80): When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

Course of Sexual Conduct Against a Child in the First Degree (NY Penal Law Section 130.75): When a person over a period of time, not less than three months in duration,: (1) Engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact, with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct, which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact, with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

Facilitating a Sex Offense with a Controlled Substance (NY Penal Law Section 130.90): When a person: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this Article 130; and (2) commits or attempts to commit such conduct constituting a felony defined in Article 130.

Sexually Motivated Felony (NY Penal Law Section 130.91): When a person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification. A "specified offense" is a felony of: assault in the first or second degree, gang assault in the first or second degree, stalking in the first degree, strangulation in the first or second degree, manslaughter in the first or second degree, murder in the first or second degree, aggravated murder, kidnapping in the first or second degree, burglary in the first, second, or third degree, arson in the first or second degree, robbery in the first, second, or third degree, promoting prostitution in the first or second degree, compelling prostitution, disseminating indecent material to minors in the first degree, use of a child in a sexual performance, promoting an obscene sexual performance by a child, promoting a sexual performance by a child, or any felony attempt or conspiracy to commit any of the foregoing offenses.

Incest in the Third Degree (NY Penal Law 255.25): A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest in the Second Degree (NY Penal Law 255.26): A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest in the First Degree (NY Penal Law 255.27): A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

Stalking in the Fourth Degree (NY Penal Law Section 120.45): When a person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct. "Following" shall include the unauthorized tracking of such person's movements or location through the use of a global positioning system or other device.

Stalking in the Third Degree (NY Penal Law Section 120.50): When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime or stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

Stalking in the Second Degree (NY Penal Law Section 120.55): When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sand club, slingshot, shuriken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third degree against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree against any person; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death;

or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

Stalking in the First Degree (NY Penal Law Section 120.60): When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime or commits a misdemeanor sex offense, a felony rape in the second or third degree, a felony criminal sexual act in the second or third degree, or a felony female genital mutilation.

Dating Violence: New York State does not specifically define “dating violence.” However, under New York Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an “intimate relationship” with the victim. See “Family or Household Member” for definition of “intimate relationship.”

Domestic Violence (NY Social Services Law 459-a; NY Criminal Procedure Law Section 530.11): New York state does not specifically define “domestic violence” within its Penal Law.

However, it does define domestic violence in the Social Services Law under the Domestic Violence Prevention Act. A “victim of domestic violence” under that law means any person over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person’s child is a victim of an act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation; and (i) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and (ii) such act or acts are or are alleged to have been committed by a family or household member.

A family or household member is defined as persons related by consanguinity or affinity; Persons legally married to one another; Persons formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time; or any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”.

A parent means natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.



Further, under the NY Criminal Procedure Law Section 530.11, the family courts and the criminal courts have concurrent jurisdiction over any proceeding concerning: acts which would constitute disorderly conduct (including disorderly conduct not in a public place), harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree, between spouses or former spouses, or between parent and child, or between members of the same family or household except that if the respondent would not be criminally responsible by reason of age, then the family court shall have exclusive jurisdiction over such proceeding. Notwithstanding a complainant's election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section.

Members of the same family or household with respect to a proceeding in the criminal courts means: persons related by consanguinity or affinity; persons legally married to one another; persons formerly married to one another regardless of whether they still reside in the same household; persons who have a child in common, regardless of whether such persons have been married or have lived together at any time; and persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors the court may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship".

More information on New York's special courts for domestic violence and integrated domestic violence is available online at: <https://www.nycourts.gov/courts/family-violence/index.shtml>.

## Update to Title IX –effective August 1, 2024

### Pregnancy Accommodations Policy

**Purpose:** Mandl is committed to supporting students and employees who are pregnant, have pregnancy-related conditions, or are new parents. In compliance with the 2024 Title IX Final Rule and other applicable federal and state laws, this policy outlines the accommodations available to pregnant and parenting students and employees to ensure equal access to educational programs and employment opportunities.

**Scope:** This policy applies to all students and employees of Mandl, including those in academic, administrative, and extracurricular activities.

#### Policy Statement:

Mandl prohibits discrimination based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. This includes any form of harassment or unequal treatment in admissions, educational programs and activities, or employment.

Students and employees seeking pregnancy accommodations should contact the Title IX Coordinator. Requests can be made verbally or in writing and will be processed promptly and equitably.

Mandl will provide reasonable accommodations to students and employees based on their needs, which may include, but are not limited to:

- **Modifications to Academic Deadlines:** Flexibility in assignment deadlines, rescheduling of exams, or access to alternative assignments.
- **Classroom Adjustments:** Adjustments to seating arrangements, permission to eat or drink in class, or allowances for frequent breaks.
- **Medical Leave:** Voluntary leave of absence for the medically necessary time period with reinstatement upon return, in compliance with Title IX (§ 106.40(b)(3)(iv)).
- **Lactation Support:** Access to private, clean spaces for lactation and reasonable time for milk expression.
- **Workplace Adjustments:** Temporary job restructuring, light-duty assignments, and modified work schedules.

Mandl may request medical documentation to support the need for specific accommodations. However, the College will only seek the minimum necessary information and will keep all medical information confidential.

Students and employees who take a leave of absence due to pregnancy or related conditions will be reinstated to their previous status upon return, without any academic or employment penalties. It is important to note, however, that accommodation measures, such as a leave of absence or other appropriate academic adjustments, may result in an extended graduation or program completion timeline for students.

The College will provide supportive measures, such as academic support to ensure that pregnant and parenting students can continue their education without undue burden.

Any individual who believes their rights under this policy have been violated may file a complaint with the Title IX Coordinator. The College will investigate complaints promptly and take appropriate corrective action.

Mandl will provide training to faculty, staff, and students on their rights and responsibilities under Title IX and this policy. The College will also raise awareness about the available accommodations and support services for pregnant and parenting individuals.

Mandl's Title IX Coordinator:

Ms. Ana Tejada

[atejada@mandlacademics.com](mailto:atejada@mandlacademics.com)

212.247.3434 ext. 136