

MONTEFIORE SCHOOL OF NURSING

53 Valentine St. Mount Vernon, NY 10550

JANUARY 2016

ANNEX TO THE MONTEFIORE MOUNT VERNON SECURITY MANAGEMENT PLAN

MESSAGE FROM THE SECURITY DEPARTMENT

Campus safety and security is a shared responsibility. The best protection against campus crime is an aware, informed and alert campus community; students, faculty and staff who use reason and caution; and a proactive security presence. The vast majority of the School's students, faculty, staff and visitors will never experience crime during their time at the School. However, despite the School's best efforts, crimes may still occur. The School is committed to maintaining a safe and secure campus. If you have any concerns, questions or comments about the School's campus safety and security program, please contact the Montefiore Mount Vernon Security Department at 914-361-6007.

SCOPE/GEOGRAPHY

This Plan applies to the Montefiore School of Nursing facility located at 53 Valentine Street, Mount Vernon, New York, which is a Montefiore Health System facility. This policy applies to all faculty, staff, and students of the SON. The geographic area covered by the SON includes the following areas: SON building, garage parking lot, streets surrounding the SON and MMV campus (attached building), and the MMV campus.

REPORTING CRIMES, SERIOUS INCIDENTS, AND OTHER EMERGENCIES

As part of a non-profit institution, the School recognizes that it is essential for all members of the School community to maintain the highest ethical standards of conduct and integrity. It is important for a School community member to act immediately in suspected cases of abuse or other crimes, or in a circumstance where a member finds himself/herself either a victim or a witness to questionable activity. In such situations:

- If immediate emergency assistance is required, or a crime is in progress, dial 911 to call the Mount Vernon Police Department. Call 2222 from a School or Hospital phone for a stat security response.
- For a non-emergency situation, call the Montefiore Mount Vernon Security Department 914-664-8000. The Security Department can help assess the situation and determine what other notification or action is necessary.

The Montefiore Mount Vernon Security Department maintains an excellent working relationship with the Mount Vernon Police Department and other emergency responders. The security

department reports serious crimes to the Mount Vernon Police Department for their assistance and follow-up investigation.

Pastoral and Professional Counselors

“Pastoral Counselors” and “Professional Counselors”, when acting as such, are not considered to be “campus security authorities” and are not required to report crimes for the purpose of investigating or inclusion in the School’s annual crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the School’s annual crime statistics or otherwise to the appropriate law enforcement agency.

A “Pastoral Counselor” is defined as a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

A “Professional Counselor” is defined as a person whose official responsibilities include providing mental health counseling to members of the School’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the School, but are under contract to provide counseling at the School.

Voluntary, Confidential Reporting of Crimes

The School encourages any victim of a crime committed on campus to report the crime to the Montefiore Mount Vernon Security Department (914-664-8000) or other campus faculty members or Dean. If requested by the victim and to the extent permitted by applicable law, the School will endeavor to keep confidential the identity of the victim. Reporting the crime to the School will enable it to keep accurate records of the number of crimes committed on campus, determine if there is a pattern of crime with regard to a particular location, method or assailant, and alert the other members of the campus community to potential danger thereby assisting the School’s efforts to protect the members of the campus community. Reports are counted and disclosed in the annual crimes statistics for the School.

SAFETY AND SECURITY AT THE MONTEFIORE SCHOOL OF NURSING

Montefiore Mount Vernon Security Department

The Montefiore Mount Vernon Security Department is primarily staffed by a third party contractor carefully selected by the Montefiore Mount Vernon Hospital. The Security Director, Security Manager and Security Site Supervisor are employed directly by Montefiore, and the other members of the Security Department are employed by a third party – McRobert’s Protective Agency.

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|-------------------------------------|---------------|
| Security Director | Lonnie Trotta |
| Security Site Manager | Michael Tozzi |
| Contracted Security Account Manager | John Kalle |

The Security Director, Security Manager and Security Site Supervisor are on call twenty-four hours a day, seven days a week, to deal with special situations and emergencies. In addition, the Montefiore Mount Vernon Hospital Security Department is comprised of an additional approximately 15 full-time Security Officers licensed by New York State. Montefiore Mount Vernon Hospital Security Department staff are not sworn officers and do not carry firearms, nor do they have arrest authority. They are assigned to both fixed and mobile posts, and patrols are conducted on foot across the hospital and school campus. All security guards receive both pre-employment and in-service training as required by the New York State Security Guard Act.

Working with the Mount Vernon Police Department

The Montefiore Mount Vernon Hospital Security Department maintains a strong, collaborative working relationship with the Mount Vernon Police Department. The Mount Vernon Police Department is located at 2 Roosevelt Square N, Mt Vernon, NY 10550. Their phone number is (914) 665-2500.

If the Mount Vernon Police Department is contacted about criminal activity occurring off campus involving students of the School, the Police Department may notify the school. However, there is no official Police Department policy requiring such notification. Students in these cases may be subject to arrest by the Mount Vernon Police Department, and School disciplinary proceedings. The Security Manager makes a good-faith effort to collect crime statistics for all Clery Act crimes committed in applicable geographical locations from the Mount Vernon Police Department which has jurisdiction over the Montefiore School of Nursing. Efforts to obtain statistics are documented. Mount Vernon Police Department statistics, when available, are disclosed in the annual security report and the annual Web-based data collection.

Crime Awareness and Prevention

Bias Crimes Information

Generally, a person commits a hate crime when he or she commits a specified offense and is motivated in whole or in part by bias on the part of the offender toward the race, color, national origin, gender, religion, sexual orientation, age (sixty or older), or disability of the victim.

Penalties for bias related crimes range from monetary fines up to a minimum of twenty years in prison, depending on the nature of a specific offense. Specific information regarding hate crime offenses and related penalties may be obtained from article 485 of the New York State Penal Law.

Whenever a member of the college community becomes a victim of a bias related crime, that member shall notify the Montefiore Mount Vernon Hospital Security Department as soon as possible. The Security Department will respond, ascertain information for a report, and make the following notifications as appropriate:

- Local police and other notifications where warranted.

All reports of bias crimes will be investigated and perpetrators will be subject to administrative discipline consistent with Montefiore Mount Vernon Hospital/School of Nursing policies and procedures as well as criminal prosecution as allowed by law.

The Security Department utilizes the following methods to advise students, faculty and staff about security measures on campus:

- Postings on Student Bulletin Boards on the 3rd floor at the School of Nursing
- Memos as appropriate to the Dean

Sexual Crimes Information

Montefiore School of Nursing is committed to creating a community free from violence. Sexual assault, harassment, dating/domestic violence and stalking as defined by State and Federal law will not be tolerated at School of Nursing supported events or activities, on or off campus. The School of Nursing will take action, as needed, to discourage, prevent, correct and if necessary, discipline behavior that violates this standard of conduct. Such discipline will depend on the nature of the offense and may range from a disciplinary warning up to and including expulsion from the school. More detailed information related to disciplinary process and sanctions may be found in the Student Handbook.

Additionally, such offenses may constitute crimes according to Federal and New York State Law and would be subject to criminal prosecution.

Confidentiality is fundamental to all aspects of cases dealing with sexual assault. The names of sexual assault victims shall not be revealed by persons responsible for implementing and enforcing the provisions of this policy, except with the consent of the victim.

General Definition of Terms

Sexual Assault is defined as any sexual contact/ intrusion/ penetration that is absent or without consent by all parties. Examples include, but are not limited to: a) touching breasts or another's genitals without their consent (through clothing or skin to skin contact), b) having sexual contact/ intrusion/ penetration with someone who is incapacitated (one who is incapable of making a rational decision; e.g. from alcohol/drug usage), c) continuing sexual activity after either party has made clear, either verbally or by conduct, that they do not wish to have physical contact.

Dating/Domestic Violence is the intentional use of abusive tactics and physical force in order to obtain and maintain power and control over an intimate partner.

Stalking is defined in general terms as engaging in a course of conduct or repeatedly committing acts towards another person, including following another person without proper authority with either: intent to place the person in reasonable fear of bodily injury, or intent to cause substantial emotional distress to the person.

Applicable Laws & Penalties

New York State laws applicable to sexual assault are found in Article 130 of the New York State Penal Code. The laws provide the legal definitions of sex offenses. One significant element of every sex offense is the lack of consent.

Forcing or coercing someone to have sexual intercourse or engage in other sexual behavior is against the law. Specifically, in New York State, if a woman has sexual intercourse because she is fearful for her life or her safety, or if she is unable to consent, the behavior of the perpetrator is considered rape. The perpetrator does not need to use a weapon or beat her to make her fearful for her safety. She is considered unable to consent if she is incapacitated or is physically helpless due to

drug or alcohol consumption, is mentally incompetent, is asleep, or is less than 17 years of age. If a female has intercourse under these circumstances, it is rape. Forcing or coercing a man or a woman to engage in any sexual experience other than sexual intercourse under the circumstances mentioned above is considered sexual abuse. In part, the law defines various offenses and applicable penalties as follows:

Sexual Misconduct, a class A misdemeanor, up to 1 year imprisonment

Rape in the Third Degree, a class E felony, up to 3 years imprisonment

Rape in the Second Degree, a class D felony, up to 19 years imprisonment

Rape in the First Degree, a class B felony, up to 25 years imprisonment

Sodomy in the Third Degree, a class E felony, up to 3 years imprisonment

Sodomy in the Second Degree, a class D felony, up to 10 years imprisonment

Sodomy in the First Degree, a class B felony, up to 25 years imprisonment

Sexual Abuse in the Second Degree, a class A misdemeanor, up to 1 year imprisonment

Sexual Abuse in the First Degree, a class D felony, up to 10 years imprisonment

Stalking in the Fourth Degree, a class B misdemeanor, up to 6 months imprisonment and a fine.

Stalking in the Third Degree, a class A misdemeanor.

Stalking in the Second Degree, a class E Felony.

Stalking in the First Degree, a class D Felony.

Sexual Assault

Allegations of sexual assault or rape may be reported to campus security by calling extension 6314, local police by calling 911 and/or the State Police by calling the 24 hour hotline at 1-844-845-7269. Students are also encouraged to contact the Title IX Coordinator. Please see Article 129-B Policies attached to this document. These policies may also be found on the MSON Website and Moodlerooms.

Victims of a sex offense will be assisted by security personnel in notifying the police if desired.

If You Have Been Sexually Assaulted

- Go to a safe place. Call someone you trust for support. Sexual Assault Crisis Line Counselors are available 24 hours a day. To be automatically connected with 24-hour rape hotline, please call (914) 345-9111.
- Notify the Title IX Coordinator.
- Help preserve evidence. Don't change anything about the scene where the assault occurred. Don't wash any part of your body, comb your hair or change clothes.
- Get medical attention as soon as possible. A medical examination is important to detect injury and for possible protection against a sexually transmitted disease or pregnancy.
- Think about reporting the assault to the police. Telling the police does not mean that you have to prosecute (go to trial).

- If you do want to prosecute, it is essential to have a rape exam at a hospital emergency room soon after the assault. To increase your options later, this exam is recommended, even if you are unsure about prosecution.
- Following a sexual assault, you may feel shock, embarrassment, shame, guilt, disbelief, anger, anxiety or nothing at all. These are all normal reactions to a violent crime.
- Remember, IT IS NOT YOUR FAULT.
- Sometimes months or even years after an assault, survivors re-experience feelings they had immediately following the attack. Counseling or support groups may help at these times.
- You may be eligible for compensation of medical costs or losses incurred as a result of a sexual assault. In order to receive assistance, contact Victims Assistance Services at (914) 345-3113.
- Decisions made after a sexual assault are difficult; there are no right answers, only what is right for you. Get the support you deserve.

Victim's Rights

1. Victims have the right to choose counseling and medical treatment and to prosecute and report their case through the court system. They have the right to refuse all these options without reproach from any school personnel.
2. Victims have the right to be treated with dignity and seriousness by school personnel.
3. Victims of crimes against an individual have the right to be reasonably free from intimidation and harm.
4. School personnel are encouraged to inform all victims that:
 - Victims are not responsible for crimes committed against them
 - Victims are not negligent and do not assume the risk of crime
 - Victims should always report their crime, despite the possibility of adverse publicity for the university
 - Victims will be made aware of appropriate student services, including counseling
 - Victims are entitled to the same support opportunities available to the accused in a school disciplinary proceeding
 - The victim has the right to information regarding the status of his/her case

Substance Abuse and Sexual Assault

Some Basic Facts on the criminal use of sedating substances to facilitate sexual assault:

For centuries alcohol has been used to facilitate sexual assault. Today it remains the substance most frequently associated with date rape, and the most accessible sedating substance. Other sedating drugs are increasingly being misused to commit sexual assault by spiking victims' beverages. These are referred to by a number of street names of which you should be aware. These include Liquid Ecstasy, Liquid X, Grievous Bodily Harm and Easy Lay for GHB, and Special K for ketamine. Common street names for Rohypnol include Roofies, Roachies, La Rocha and the forget pill.

The physical effects of alcohol and sedating drugs are very similar and include impaired judgment and motor coordination, dis-inhibition, dizziness, confusion and extreme drowsiness. If enough alcohol or sedating substances are consumed, an individual may fall unconscious or may not remember the details of what occurred. Depending on the substance and the presence of alcohol and other drugs in the person's system, more dangerous and sometimes life-threatening side effects may occur.

How to reduce the risk of being drugged and sexually assaulted:

- Do not leave beverages unattended.
- Do not take any beverages, including alcohol, from someone you do not know well and trust.
- At a bar or club, accept drinks only from the bartender or server.
- At parties, do not accept open-container drinks from anyone.
- Be alert to the behavior of friends and ask them to watch out for you. Anyone extremely intoxicated after consuming only a small amount of alcohol may be in danger.
- Limit alcohol consumption so you are better able to assess your surroundings and eat substantive food before drinking to help curb its sedating effects.
- When drinking in social settings, make arrangements with a friend so that you can leave together.

Most importantly, remember that whether you follow these tips or not, if someone sexually assaults you, it is not your fault. You are never to blame for someone else's actions.

Precautions

Even the best self-defense program cannot completely prevent sexual assault.

Be aware that everyone is a potential victim of sexual assault. The most vulnerable target is a woman alone. It is a myth that assault is provoked by a woman's dress or mannerisms. Opportunity and vulnerability are the key factors. Over 80 percent of all sexual assaults are committed by an acquaintance of the victim, but almost half of these victims tell no one about the attack. Many attacks begin with casual conversation. If your gut-level response to a stranger or friend is uneasiness, try and get out of the situation as quickly as possible, even if it means being rude or making a scene. The keys to prevention are awareness, trusting your intuition, and assertive behavior. Take the time to think ahead what you might do in the event of an attack.

The following tips are designed to increase your awareness of personal safety and to encourage you to think ahead about how you would react if assaulted:

- Be alert to your surroundings
 - Know your route and stay in well-lighted areas.
 - Walk confidently. Walk with other people whenever possible.
 - Consider carrying a whistle on your key chain and use it if you find yourself in danger.
 - Know the locations of public and blue light telephones, and keep change handy.
 - If you are walking alone, don't use headphones; they distract you and prevent you from being alert.
- If you travel by car
 - Always keep your car locked, while you are riding and when it is parked.
 - When returning to your car, do so with your keys in your hand.
 - Check the back seat before you get in.
 - After you get in, re-lock the car immediately and keep the windows up.

- Do not stop to assist stalled drivers. Drive on and call the police. Do not accept assistance if your car is stalled. Tell anyone who offers help to call the police.
- Do not pick up hitchhikers.
- If you travel by bus
 - Go to the bus stop with other people whenever possible, particularly at night.
 - Don't accept rides from strangers.
- If you feel you are being followed
 - Walk to the nearest occupied or well-lighted building, not to your car or a bus stop. If on campus, contact security for assistance; if off-campus, call the police. Note the appearance of the person or persons; note the license plate number of the car. Your personal safety should come before the security of belongings, such as books, bags, etc. When in doubt, leave them behind.
- If you feel threatened
 - Shout "Leave me alone." Others may hear you and/or the potential criminal may be frightened away.
 - Trust your instincts. If you feel in danger, you probably are; don't be embarrassed to seek assistance.
- At home, keep the doors and windows locked. Ask repair, service or delivery persons for identification or have them wait outside while you call to verify their employment.
- Learn to defend yourself.
- Teach children about the potential for sexual assault and what to do if they are ever approached inappropriately. Children should be told that they are never responsible for sexual assault and to tell a trusted adult if an assault should ever occur.
- Report all incidents to Security if on campus, to the police if off campus.

Sexual Harassment

Sexual harassment includes any unwanted verbal or physical sexual advances, requests for sexual favors, sexually explicit derogatory remarks, and sexually discriminating remarks which are offensive or objectionable to the person at whom they are directed or which cause a person discomfort or humiliation.

Sexual harassment can be as subtle as a look or as blatant as rape. Women are most often, though not solely, its victims.

Verbal harassment may include "humor" or "jokes" about women, sex, or sexual orientation, or remarks connecting a person's sex with intellectual or academic abilities. Whether verbal or physical, sexual harassment is an act of aggression. It is a violation of both federal (Section 703 of the Civil Rights Act of 1964 and Title IX Education Amendments of 1972) and New York State Human Rights law.

Verbal harassment may include: sexual innuendos and comments and sexual remarks about clothing, body, or sexual activities; suggestive or insulting sounds; sexual propositions, invitations or other pressure for sex ("My office hours are limited. Why don't you come by my house, or we can have dinner, and get to know each other better in privacy."); implied or overt threats ("It's simple; if

you want to pass the course, you have to be nice to me and sex is the nicest thing I can think of. It's up to you.”)

Physical harassment may include: patting, pinching or other inappropriate touching or feeling; brushing against the body; attempted or actual kissing or fondling; coerced sexual intercourse.

Other kinds of sexual harassment may include: leering or ogling (for example, an advisor who meets with a student and stares at her breasts); obscene gestures. If you feel you are being sexually harassed at The Montefiore School of Nursing, you may request help from several sources:

- **School Personnel**

Allegations of sexual harassment should be reported to the School's Dean extension 6220 or your faculty advisor.

1. **Community Resources**

Information regarding community resources and counseling sources are available in the Student Services Coordinator's Office on 1st floor or from your faculty advisor. An abridged list is published in your student handbook.

How to Report a Crime

All criminal incidents and emergencies should be reported to the Security Office located in the Mount Vernon Hospital, extension 6007. If necessary, the Mount Vernon Police will be informed of the incident. The Mount Vernon Police can be contacted directly by dialing 911 from any telephone.

Security will record, classify, and log all reports received. Individuals reporting incidents will be informed of their rights and given an opportunity to file a police report for insurance or criminal purposes. All reported incidents are reviewed on an ongoing basis to determine patterns and required corrective action. Third party reports will not be accepted by a police officer. Only persons who are involved directly in such incidents should report them.

In the event of a major emergency or anything that poses a threat to students, employees, or others, an alert will be prepared by posting notifications on all appropriate bulletin boards.

Montefiore Crime Statistic Information: Information related to crime statistics at the Montefiore School of Nursing can be obtained from the Security Department at the Montefiore Mount Vernon Hospital, see Student Catalogue for specific details. The information can also be viewed at the United States Department of Education website: <http://ope.ed.gov/security/>

Security and Access to Campus Building

The School takes very seriously its responsibilities to help secure its buildings for its students, faculty, staff and visitors. Access to the School between 10:00 PM and 6:00 AM is prohibited. A Security Officer is posted in the School Monday – Thursday 4:00 PM to 12:00 AM if school is in session. Security Officers are also posted at various points in the Montefiore Mount Vernon Hospital and patrols are in place on the campus twenty-four hours a day, seven days a week. Additional personnel are provided for special events held on campus.

The post assignments for Security Officers are constantly evaluated, and modified if necessary to meet current needs.

Additionally, a security escort is available to all students and employees upon request to provide an extra measure of security when walking throughout campus, including to/from the parking garage. A security escort may be a foot patrol officer or an officer in a vehicle.

The Montefiore Mount Vernon Hospital Security Department office is located on the first floor of the Hospital. The office can be contacted by calling 914-361-6007. The "Security Base", which is operational twenty-four hours a day, seven days a week, is located in the Emergency Department of the Hospital, and can be contacted via the Operator 914-664-8000. All calls for Emergency Assistance can be made by dialing 2222 from a Campus or Hospital phone. The Operator answering the call will dispatch security and/or other personnel as needed.

Valid identification cards must be displayed to gain entrance to all buildings.

Security Considerations in the Maintenance of Campus Facility

The School endeavors to maintain its facilities in a manner that minimizes hazardous conditions. Security Officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to the Montefiore Mount Vernon Hospital Security Department, where a report is then prepared. Reports are then routed to the appropriate department for corrective action. Members of the School are encouraged to report to the Montefiore Mount Vernon Hospital Security Department (914-664-8000) dangerous or hazardous conditions, or other events that could cause damage to campus facilities, and appropriate personnel will be dispatched to correct the condition.

Notifying the Campus About Crimes and Emergency Situations

To help prevent crimes or serious incidents, the Montefiore Mount Vernon Hospital Security Department (under the direction of the Security Manager) will issue a Security Advisory in a timely manner (i.e., generally as soon as pertinent information is available to it or other campus security authorities) about the commission of any Clery Act Crime (i.e., those listed in the annual crime statistics disclosure) committed on campus or in the vicinity via one or more of the following: text-message, voicemail, email, the School's website, or other available communication channels.

At times, the Montefiore Mount Vernon Hospital Security Department (under the direction of the Security Manager) may also issue a timely Security Advisory warning in the event that another situation on campus or in the vicinity arises that, in its judgment, could pose an ongoing threat to the School community. These warnings are intended to alert the School community to the potential threat, and to help prevent additional crime and promote safety. Crime prevention is of the utmost concern to everyone. In order for the School's efforts to be effective, security must be a responsibility shared by all members of the campus community. Anyone with information which may necessitate a timely warning should immediately report the circumstances to the Montefiore Mount Vernon Hospital Security Department by calling 8-9-1-1 or 2-2-2-2 from a School or Hospital phone. Security Memos may be periodically distributed to everyone in order to enhance campus safety and security.

Daily Crime Log

The Montefiore Mount Vernon Hospital Security Department office maintains a daily Crime Log for the Montefiore School of Nursing. The Log is also available for viewing in the School's Coordinator of

Student Services Office. The logs for the most recent 60- day period are available for public inspection, upon request, during normal business hours, Monday to Friday, and information for prior periods is available upon request to the Security Department, with at least 2 business days' prior notice. These logs include all crimes, and other serious incidents reported to the Security Department that occur on the School campus, including adjacent non-campus buildings or properties, on public property or within the Security Department's jurisdiction, or crimes reported to the Security Department by the Mount Vernon Police Department. The logs set forth the incident type, date the incident is reported, date and time of occurrence, and general location of the incident, as well as the disposition of the incident (if this information is known). An incident is posted into the log by the Security Department within 2 business days of it receiving a report of an incident; provided that the Security Department may exclude reports from a log in certain circumstances as permitted by law.

Campus Sexual Assault Policies

Respect for one another is essential to preserving the spirit of the School community. Membership in the community entails certain rights and responsibilities. All members of the community are afforded these rights, and are equally accountable to uphold their responsibilities. Members are also expected to abide by all Federal, New York State, and City laws.

Students, faculty and staff who violate the School's rules, expectations, or requirements are subject to disciplinary action, whether the conduct occurs on campus or otherwise in a School facility, or in connection with any School-sponsored activity. The School views all forms of sexual assault and all attempts to commit such acts as violations of the aforementioned rules, expectations and requirements, and will treat such acts as serious offenses that are likely to result in an appropriate sanction. Additionally, individuals who commit acts of sexual assault are also subject to prosecution under New York State criminal laws. Any criminal prosecution may take place independently of charges under School regulations.

The School urges any victim of a sexual assault occurring on or near campus to report the crime to the Montefiore Mount Vernon Hospital Security Department (914-664-8000), the Mount Vernon Police Department (914-665-2500) and/or the New York State Police Campus Sexual Assault 24 Hour Hotline (844-845-7269). The victim is also encouraged to contact the Title IX Coordinator. School personnel and/or Security will assist the victim through the reporting process. Reporting a sexual assault may help prevent another assault. Reporting the incident does not mean that the victim must proceed with a School disciplinary process or a criminal prosecution. It is imperative that the victim make every attempt to collect and preserve any evidence of the crime for later prosecution. Time is a critical factor for evidence collection and preservation. Student victims have the option to change academic schedules if such changes are reasonably available. School personnel can assist victims in contacting on- and off- campus resources for medical, legal, or emotional support. There are also outside sources of support available to which victims can be referred to by staff. Please see Article 129-B Policies located at the end of this document. These policies may also be found on the Montefiore School of Nursing website and on Moodlerooms.

Campus Sex Crimes Prevention Act

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Clery Act and

FERPA, the Montefiore School of Nursing is providing a link to the New York State Police Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. A listing of all registered sex offenders in New York State is maintained by the New York State Division of Criminal Justice Services. Information regarding a registered sex offender can be obtained by calling the New York State Sex Offender Registry Information Line at 1-800-262-3257 or on-line at <http://www.criminaljustice.state.ny.us/nsor/index.htm>. The ZIP code for the Montefiore School of Nursing is 10550.

Illicit Drugs and Alcohol Policy

The issue of safety touches on many other areas of campus and city life, among them the use and sale of illegal drugs, underage drinking, and abuse of alcohol. The School is committed not only to educating students on issues concerning alcohol and drug use but also to responding to behavior that is in violation of the school's policies on substance abuse and alcoholic beverages. It should be noted that it is unlawful to sell, furnish or provide alcohol to a person under the age of 21 in New York State.

The unlawful possession, use, or distribution of illicit drugs at any facility of the School or in connection with any activity sponsored by or under the control or supervision of the School shall subject the student or employee of the School to appropriate disciplinary action by the School and referral by the School for criminal prosecution by appropriate governmental authorities. In addition, being under the influence of illicit drugs (other than lawfully prescribed drugs) when classes are in session or during working hours, or while engaged in activities sponsored by or under the control or supervision of the School, shall also subject the student or employee to disciplinary action. In the case of students, such disciplinary action may include suspension or expulsion. In the case of employees, such disciplinary action may include suspension or discharge.

Standards of Conduct on Alcohol

- Persons under the age of 21 years are prohibited from possessing any alcoholic beverage on School premises or at any event sponsored by the School or by a School organization whether the event is held at the School or not. It is the policy of the School to prohibit the serving of alcoholic beverages to persons who cannot establish that they are 21 years of age or older.
- Students, regardless of age, are prohibited from consuming alcoholic beverages on School premises or at School events. Students, regardless of age, are also subject to any further applicable restrictions of their individual school concerning alcoholic beverages.
- All students are prohibited from being under the influence of alcohol while engaged in academic or professional activities sponsored by, under the control of, or supervised by the School.
- Associates are prohibited from being under the influence of alcohol during working hours or while engaged in activities sponsored by, under the control of, or supervised by the School. Associates are also prohibited from bringing alcoholic beverages into or consuming alcoholic beverages on, School premises or at activities sponsored by, under the control of, or supervised by the School.

- A limited exception exists only in regard to the non-intoxicating consumption of alcoholic beverages at events sponsored by the School or any of its recognized departments or divisions to which an Associate, who is 21 years of age or older, is expressly invited.

Information on Legal Sanctions

The possession, use, or distribution of illicit drugs, depending on the nature of the crime, contains penalties up to imprisonment for life.

Criminal penalties and sanctions may also result from the misuse of alcoholic beverages. For example:

- A person under the age of 21 who possesses alcoholic beverages with intent to consume is subject to a \$50 fine and/or completion of an alcohol awareness program.
- A person under 21 who presents falsified proof of age when purchasing or attempting to purchase alcoholic beverages commits a criminal violation and can be fined up to \$100 and be required to perform community service not to exceed thirty hours.
- A person who drives while intoxicated commits a criminal misdemeanor that is punishable by up to one-year imprisonment and up to a \$1,000 fine, plus revocation of that person's driver's license for six months.
- Mount Vernon law prohibits consumption of an alcoholic beverage or possession with intent to drink an open container containing an alcoholic beverage in any public place except where a permit has been obtained.

Weapons Policy

The possession of any weapon (as defined in local, state and federal statutes, and includes, without limitation, firearms, knives and explosives) on any School campus is strictly prohibited. This prohibition applies to all facilities owned, leased or otherwise controlled by the Montefiore School of Nursing and/or Montefiore Medical Center, and whether academic or otherwise. Failure to comply with this Policy may result in disciplinary action by the School (up to and including, in the case of a student, suspension or expulsion and, in the case of an employee, termination of employment) and also may result in criminal prosecution. In addition, the School reserves the right to confiscate the weapon. This Policy applies to all members of the School community as well as all visitors and guests, and regardless of whether the possessor is licensed to carry that weapon.

Exceptions to this Policy may only be made with the written permission of the Security Manager in consultation with the Dean.

CRIME STATISTICS FOR MONTEFIORE SCHOOL OF NURSING

The Clery Act requires the School to publish statistics by October 1 each year for certain crimes that have taken place as a matter of information and record. The following statistics reflect those crimes that were reported to the Security Department and the other campus security authorities during the indicated period relating to the Montefiore School of Nursing.

Effective October 1, 2014 the Clery Act Report for the Montefiore School of Nursing can be accessed via the web- <http://ope.ed.gov/security>

Please note, when conducting a search at the website, enter Dorothea Hopfer School of Nursing to access reports prior to November 6, 2013. The report is also available for viewing in the School's Coordinator of Student Services Office.

The statistics are printed as reported to the Security Department. The statistics were valid at publication, but may not reflect current trends.

Clery Act Crime Definitions

Criminal Homicide

- *Murder and non-negligent manslaughter* - The willful (non-negligent) killing of one human being by another.
- *Negligent manslaughter* - The killing of another person through gross negligence.

Sex Offenses

Forcible Sex Offenses

- *Forcible rape* - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity (or because of his or her youth).
- *Forcible sodomy* - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- *Sexual assault with an object* - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity
- *Forcible fondling* - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.

Non-Forcible Sex Offenses

- *Incest* - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory rape* - Non-forcible 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 a 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 that 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 a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking and all attempts to commit any of the aforementioned acts.

Motor Vehicle Theft

- The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.)

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.

Hate Crimes

- Any of the aforementioned offenses and larceny/theft, simple assault, threat/intimidation, vandalism, and any other crime involving bodily injury reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. Categories of bias are:
 - Race. A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
 - Gender. A preformed negative opinion or attitude toward a group of persons because those persons are male or female. Gender bias is also a Clery Act specific term, not found in the FBI's Hate Crime Data Collection Guidelines.
 - Religion. A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Muslim, Protestants, atheists).
 - Sexual orientation. A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

- Ethnicity/national origin. A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- Disability. A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Other Offenses

- *Liquor law violations* - The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)
- *Drug abuse violations* - Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- *Weapon law violations* - The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

Montefiore School of Nursing will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the School against a student who is the alleged perpetrator of such crime or offense. If the accused is a student, the sanction may include the suspension or expulsion of the accused.

If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Clery Act Geography Definitions

- *On Campus* - (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). Montefiore School of Nursing 53 Valentine Street Mt. Vernon, NY falls into this category.
- *Non Campus Building or Property* - (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by an institution that is used in direct

support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. The parking Garage opposite Montefiore Mount Vernon Hospital 12 N. Seventh Av. Mt. Vernon, NY falls into this category. Montefiore Mount Vernon Hospital Methadone Maintenance Treatment Program 3 South 6th Avenue 3rd Floor Mount Vernon, NY also falls into this category.

- *Public Property* - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

STATISTICS:

Offense	Year	On-Campus	Non-Campus	Public
Murder/Non-Negligent Manslaughter	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Negligent Manslaughter	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Sex Offense, Forcible	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Sex-Offense, Non-Forcible	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Robbery	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Aggravated Assault	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Burglary	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Motor Vehicle Theft	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Arson	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Arrests: Weapons: Carrying, Possessing, Etc.	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Disciplinary Referral: Weapons: Carrying, Possessing, Etc.	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Arrests: Drug Abuse Violations	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Arrests: Liquor Law Violations	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Disciplinary Referrals: Liquor Law Violations	2014	0	0	0
	2013	0	0	0
	2012	0	0	0

Hate Crimes: There were no reported Hate Crimes for the years 2012, 2013 and 2014.

Important telephone numbers and e-mail addresses:

- **POLICE EMERGENCY- 911**
- **SECURITY EMERGENCY – 2222**
- Montefiore Health System
Lonnie Trotta, Security Director
Telephone 718-920-6131
Fax: 718-798-3375
ltrotta@montefiore.org
- Montefiore Mount Vernon Hospital Security Department
Michael Tozzi, Security Manager
Telephone: 914-361-6007
Fax: 914-365-5435
mtozzi@montefiore.org
- The Mount Vernon Police Department
2 Roosevelt Square N, Mt Vernon, NY 10550
914-665-2500.

The Montefiore School of Nursing has a long-standing commitment to equal opportunity and affirmative action. We apply every good faith effort in achieving nondiscrimination and equality of opportunity in employment and in all spheres of academic life. All School-wide decisions with regard to faculty, staff and students are based on equitable and equally applied standards of excellence. Unlawful Harassment procedures have been established, both as a legal obligation under applicable law and as a visible and formal expression of school policy. The School's policy is designed to insure that recruitment, hiring, training, promotion, and all other personnel actions take place, and all programs involving students, both academic and non-academic, are administered without regard to race, religion, creed, color, national origin, sex, age, disability, veteran or disabled veteran status, genetic predisposition/carrier status, marital status, sexual orientation, gender identity or citizenship status as those terms are used in the law. In addition, this policy is designed to maintain a work and academic environment free of harassment and intimidation.

The Montefiore Health System (MHS) utilizes a comprehensive emergency management program as the basis for all mitigation, preparedness, response, and recovery activities. Administrative aspects of the program are documented in detail in the MHS Emergency Management Manual. Site-specific emergency procedures for the SoN are addressed in the School's Comprehensive Emergency Management Plan (CEMP). The SoN CEMP describes emergency management policies, procedures, and activities at the level of the academic institution, and serves as an interface with the overall Montefiore Mount Vernon Emergency Operations Plan (EOP).

Montefiore School of Nursing Daily Crime Log

The Montefiore Mount Vernon Hospital Security Department office maintains a daily Crime Log for the Montefiore School of Nursing. The Log is also available for viewing in the School’s Coordinator of Student Services Office. The logs for the most recent 60- day period are available for public inspection, upon request, during normal business hours, Monday to Friday, and information for prior periods is available upon request to the Security Department, with at least 2 business days’ prior notice.

These logs include all crimes, and other serious incidents reported to the Security Department that occur on the School campus, including adjacent non-campus buildings or properties, on public property or within the Security Department’s jurisdiction, or crimes reported to the Security Department by the Mount Vernon Police Department. The logs set forth the incident type, date the incident is reported, date and time of occurrence, and general location of the incident, as well as the disposition of the incident (if this information is known). An incident is posted into the log by the Security Department within 2 business days of it receiving a report of an incident; provided that the Security Department may exclude reports from a log in certain circumstances as permitted by law.

INCIDENT TYPE	DATE REPORTED	DATE AND TIME OF OCCURRENCE	LOCATION OF INCIDENT	DISPOSITION

Article 129-B Policies

This section of the Montefiore School of Nursing (MSON) Handbook states policies related to Article 129-B, an Act to amend the education law , in relation to sexual assault, dating violence, domestic violence, and stalking prevention. These policies are part of the MSON Code of Conduct. The provisions of this Policy shall apply regardless of whether the violation occurs on campus or off campus.

Definition of Terms

"Bystander" shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.

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

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

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

"Reporting individual" shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, or any other individual who makes a report of a violation.

"Sexual act" shall mean

(a) contact between the penis and the vulva or the penis and the anus, and for purposes of contact involving the penis occurs upon penetration, however slight; (b) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; (c) 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 (d) the intentional touching, not through the clothing, of the genitalia of another person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

"Sexual Assault" is defined as any sexual contact/ intrusion/ penetration that is absent or without consent by all parties. Examples include, but are not limited to: (a) touching breasts or another's genitals without their consent (through clothing or skin to skin contact), (b) having sexual contact/ intrusion/ penetration with someone who is incapacitated (one who is incapable of making a rational decision; e.g. from alcohol/drug usage), (c) continuing sexual activity after either party has made clear, either verbally or by conduct, that they do not wish to have physical contact.

"Dating/Domestic Violence" is the intentional use of abusive tactics and physical force in order to obtain and maintain power and control over an intimate partner.

"Stalking" is defined in general terms as engaging in a course of conduct or repeatedly committing acts towards another person, including following another person without proper authority with either: intent to place the person in reasonable fear of bodily injury, or intent to cause substantial emotional distress to the person.

“Affirmative Consent to Sexual Activity” 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.

Principles of guidance regarding affirmative consent are as follows:

- a. 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.
- b. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- c. Consent may be initially given but withdrawn at any time.
- d. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- e. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- f. When consent is withdrawn or can no longer be given, sexual activity must stop.

Policy for Alcohol and/or Drug Use Amnesty

The health and safety of every student at MSON is of utmost importance. MSON 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. MSON strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to MSON 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 MSON's officials or law enforcement will not be subject to MSON'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.

Student's Bill of Rights

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.
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 MSON representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by MSON, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of MSON;
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 MSON.

Student Rights

Upon disclosure, an individual has the right to make a report to MSON security, local law enforcement, and/or state police or choose not to report; to report the incident to MSON; to be protected by MSON from retaliation for reporting an incident; and to receive assistance and resources from MSON.

Students also have the right to

- a. Notify campus security, local law enforcement, and/or state police;
- b. Have emergency access to MSON's Title IX Coordinator or other appropriate designated official who has been trained in interviewing victims of sexual assault who shall be available upon 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, and detailing 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.;
- c. Disclose confidentially the incident to MSON representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals;
- d. Disclose confidentially the incident and obtain services from the state or local government;
- e. Disclose the incident to MSON representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals; licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.
"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.
- f. File a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance. 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;

g. Disclose, if the accused is an employee of MSON, the incident to MSON Department of Human Resources or the right to request that a confidential or private employee assist in reporting to the Department of Human Resources authority;

h. Receive assistance from appropriate MSON representatives in initiating legal proceedings in family court or civil court; and

i. Withdraw a complaint or involvement from the MSON process at any time.

Resources

The MSON Title IX Coordinator is the Director of Human Resources Montefiore New Rochelle Hospital or her designee. Resources for reporting individuals include access to the Title IX Coordinator, Sexual Assault Nurse Forensic Program (SAFE) nurse examiner, Employee Assistance Program (EAP), Occupational Health, and Emergency Department services. Access to the Title IX Coordinator, Employee Assistance Program, and SAFE program are included in student fees. MSON shall ensure that students have access to a sexual assault forensic examination through the Montefiore Mount Vernon Hospital. Students will be charged for Emergency Department services.

MSON shall assist with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of reporting choices.

Information on sexually transmitted infections, sexual assault forensic examinations, and other resources is available through the New York State Office of Victim Services. The website address is <https://ovs.ny.gov>.

No Contact Order

When the accused or respondent is a student, reporting individuals may request that MSON issue a "no contact order" consistent with policies and procedures, whereby continued intentional contact with the reporting individual would be a violation of MSON policy subject to additional conduct charges. If the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual.

Prompt Review

Both the Accused or Respondent and the Reporting Individual shall, upon request and consistent with MSON policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request. MSON will establish an appropriate schedule for the Accused and Respondents to access applicable MSON buildings and property at a time when such buildings and property are not being accessed by the Reporting Individual.

The Reporting Individual will be assisted by MSON's security officers, if applicable, or other officials in obtaining an order of protection, and have an opportunity to meet or speak with a

MSON representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the Accused's responsibility to stay away from the protected person or persons;

Both the Accused or Respondent and the Reporting Individual shall receive an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension. They shall also receive assistance from MSON security in effecting an arrest through local law enforcement when an individual violates an order of protection. When the Accused or Respondent is a student determined to present a continuing threat to the health and safety of the community, MSON may subject the Accused or Respondent to interim suspension pending the outcome of a judicial or conduct process under MSON's policies and procedures. Both the Accused or Respondent and the Reporting Individual shall, upon request and consistent with the MSON's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request.

A Reporting Individual, the Accused and/or Respondent shall, upon request and consistent with MSON policies, be afforded a prompt review of the need for and terms of any reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation or other applicable arrangements in order to help ensure safety, prevent retaliation and avoid an ongoing hostile environment, that directly affects him or her, and shall be allowed to submit evidence in support of his or her request.

Judicial Proceedings

MSON shall ensure that every student be afforded the following rights:

a. The right to request that student conduct charges be filed against the Accused. This request shall be initiated with the Title IX Coordinator. Upon the request of the Title IX Coordinator, an investigation will be conducted by the Coordinator of Student Services and the Director of Security.

b. the right to a process in all student judicial or conduct cases, where a student is accused of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the MSON's code of conduct, that includes, at a minimum:

(i) notice of the date, time, location and factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions;

(ii) an opportunity to offer evidence during an investigation, and to present evidence and testimony at a hearing with the Assistant Dean, and have access to a full and fair record of any such hearing, which shall be preserved and maintained for at least five years from such a hearing and may include a transcript, recording or other appropriate record; and

(iii) access to at least one level of appeal of a determination before a panel, which will include the President of Student Council, the Dean and one faculty member. In order to effectuate an appeal, a respondent and reporting individual in such cases shall receive written notice of the findings of fact, the decision and the sanction, if any, as well as the rationale for the decision and sanction. In such cases, any rights provided to a Reporting Individual must be similarly provided to a Respondent and any rights provided to a Respondent must be similarly provided to a Reporting Individual.

c. Throughout proceedings involving an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate MSON's code of conduct, the Respondent, Accused, and Reporting Individual shall have the right to be accompanied by an advisor of choice who may assist and advise them throughout the judicial or conduct process including during all meetings and hearings related to such process. The advisor may speak to the person whom he or she is advising, but may not speak on behalf of that person or participate in any other way in the proceedings.

d. To a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by properly trained individuals.

e. To an investigation and process that is fair, impartial and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest.

f. To have the MSON's judicial or conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

g. To review and present available evidence in the case file, or otherwise in the possession or control of the MSON, and relevant to the conduct case, consistent with MSON policies and procedures.

h. To exclude their own prior sexual history with persons other than the other party in the judicial or conduct process or their own mental health diagnosis and/or treatment from admittance in the MSON disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.

i. To receive written or electronic notice, provided in advance pursuant to MSON policy and reasonable under the circumstances, of any meeting they are required to or are eligible to attend, of the specific rule, rules or laws alleged to have been violated and in what manner, and the sanction or sanctions that may be imposed on the Respondent based upon the outcome of the judicial or conduct process, at which time the designated hearing or investigatory officer or panel shall provide a written statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.

j. To make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

k. To simultaneous (among the parties) written or electronic notification of the outcome of a judicial or conduct process, including the sanction or sanctions.

l. To be informed of the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process and the rationale for the actual sanction imposed.

m. To choose whether to disclose or discuss the outcome of a conduct or judicial process.

n. To have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

The standard of evidence used in adjudication of these cases will be preponderance of evidence. Possible sanctions if a student is found responsible for violation of the code of conduct, with regards to sexual misconduct include disciplinary sanctions including suspension or expulsion.

For crimes of violence, including, but not limited to sexual violence, MSON shall 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 a Respondent who withdraws from the MSON while such conduct charges are pending, and declines to complete the disciplinary process, MSONs shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." In cases of suspension, these transcript notations will be removed one year after conclusion of the suspension. Notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

Options for Confidential Disclosure

MSON 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.

Professional counselors, medical providers, and clergy, including Employee Assistance Counselors, may offer confidentiality with regard to domestic violence, dating violence, stalking, or sexual assault. If a reporting individual discloses an incident to an MSON employee who is responsible for responding to or reporting domestic violence, dating violence, stalking, or sexual assault but wishes to maintain confidentiality or does not consent to MSON's request to initiate an investigation, the Title IX Coordinator will weigh the request against MSON's obligation to provide a safe, non-discriminatory environment for all members of its community.

MSON is not obligated to begin an investigation based on information disclosed through a public awareness event such as a candlelight vigil, protest, or other public event. MSON may use the information provided at such an event to inform its efforts for additional education and prevention efforts;

To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: <http://www.suny.edu/violence-response/> Please refer to table below regarding information about existing and available methods to anonymously disclose on confidential hotlines provided by New York state agencies and not-for-profit entities:

NAME	PHONE NUMBER	WEBSITE
Safe Horizon Domestic Violence Rape & Sexual Assault Stalking	Domestic Violence Hotline: 800-621-HOPE (4673) Crime Victims Hotline: 866-689-HELP (4357) Rape & Sexual Assault Hotline: 212-227-3000	www.safehorizon.org

Office for the Prevention of Domestic Violence - New York State Domestic and Sexual Violence	NY State Hotline 800-942-6906 NY City Domestic and Violence Hotline (800) 621-HOPE (4673)	www.opdv.ny.gov
Westchester Government Rape & Sexual Assault Teen Dating Violence Domestic Violence Stalking	Family Helpline/Hotline Weekdays 9am – 5pm (914) 995-5972 Weekend & After Hours (914) 995-2099	www.women.westchestergov.com
Hopes Doors Domestic Violence, Emergency Shelter, Support and Counseling, Referrals for Assistance.	Crisis Hotline 1-888-438-8700	www.hopesdoorny.org
My Sister’s Place Domestic Violence, Emergency Shelter, Support and Counseling, Legal Services.	800-298-SAFE (7233)	www.mspny.org
Pace Women’s Justice Center Legal Assistance, Emergency Orders of Protection	Legal Advise Hotline (914) 287-0739	www.law.pace.edu/wjc
Westchester Community Opportunity Program (WESTCOP)/Victims Assistance Services (VAS) Domestic or dating violence, rape or sexual assault, stalking, bullying (including cyber-bullying), harassment and hate crimes.	(914) 345-3113	www.westcop.org
The Samaritans Helping People in Crisis (Mostly Suicide)	Completely Confidential Hotline 212-673-3000	http://samaritansnyc.org/
National Hotlines	National Domestic Violence Hotline 800-799-7233 National Sexual Assault Hotline 800-656-4673	www.victimsofcrime.org/

Information regarding MSON crime reporting and MSON's annual security report may be found on Moodlerooms under Student Services/Safety and Security and the school's statistics may be found online at www.ope.ed.gov/security.

MSON is obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement. Warnings will be issued through Everbridge mass notification system.

The Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, allows MSONs to share information with parents when there is a health or safety emergency, or when the student is a dependent on either parent's prior year federal income tax return; and that generally, MSON shall not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual. MSON may take proactive steps, such as training or awareness efforts, to combat domestic violence, dating violence, stalking or sexual assault in a general way that does not identify those who disclose or the information disclosed. If MSON determines that an investigation is required, it shall notify the reporting individuals and take immediate action as necessary to protect and assist them.

MSON shall seek consent from reporting individuals prior to conducting an investigation. Declining to consent to an investigation shall be honored unless MSON 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 the MSON'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:

- a. Whether the accused has a history of violent behavior or is a repeat offender;
- b. Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
- c. The increased risk that the accused will commit additional acts of violence;
- d. Whether the Accused used a weapon or force;
- e. Whether the Reporting Individual is a minor; and
- f. Whether MSON 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.

Student Onboarding

All new first-year and transfer students shall, receive training on the MSON's Code of Conduct and student's rights with respect to sexual and interpersonal violence, the dangers of drug and alcohol use, involuntary consumption of incapacitating drugs and the danger of mislabeled drugs and alcohol, the importance of communication with trusted friends and family whether on campus or off campus, and the availability of MSON officials who can answer general or specific questions about risk reduction; and consequences and sanctions for individuals who commit these crimes and code of conduct violations.