

MONTEFIORE SCHOOL OF NURSING

POLICY AND PROCEDURE FOR ADDRESSING SEX DISCRIMINATION AND GENDER-BASED MISCONDUCT

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**Montefiore School of Nursing
Policy and Procedures for Addressing Sex Discrimination and Gender-Based Misconduct**

I. Purpose

This Policy prohibits sex discrimination and gender-based misconduct at Montefiore School of Nursing (also referred to as "MSON"). Other forms of discrimination or harassment are addressed in MSON Student Handbook. In addition to defining what constitutes sex discrimination and gender-based misconduct, and identifying the resources available to those affected by sex discrimination and gender-based misconduct, this Policy also details MSON's procedures for responding to sex discrimination and gender-based misconduct. This Policy and the procedures identified herein are based on federal, state and local laws, including Title IX, the federal law that prohibits sex discrimination and Article 129-B of the New York State Education Law. This Policy is Effective August 1, 2024.

In April 2024, the United States Department of Education ("USDOE") issued revised Title IX regulations, effective August 1, 2024 (the "2024 Final Rule"). The 2024 Final Rule requires that institutions receiving federal funding implement specific grievance procedures to address complaints of sex discrimination and sex-based harassment involving students at post-secondary institutions. To achieve the twin goals of clarity and consistency MSON will apply one grievance procedure to all complaints of sex discrimination, including sex-based harassment, gender-based misconduct and other conduct prohibited by this Policy, regardless of whether the matter involves students, employees or both.

II. Policy Statement

MSON is committed to maintaining an academic and work environment in which all individuals are treated with respect and dignity. Each individual at MSON has the right to learn in a safe environment that promotes equal opportunities for all. All MSON students and employees deserve to learn and work in an environment that is free from sex discrimination and gender-based misconduct.

MSON does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

Accordingly, MSON is committed to:

1. Providing a safe, non-discriminatory and harassment-free environment;
2. Clearly defining sex discrimination and other prohibited conduct, including gender-based misconduct and retaliation;
3. Identifying clear guidelines for reporting incidents of sex discrimination and gender-based misconduct and monitoring barriers to reporting;
4. Providing support and resources to all parties affected by sex discrimination and gender-based misconduct;
5. Responding promptly and effectively to reports of sex discrimination and gender-based misconduct;
6. Ensuring that students, employees and affiliates receive effective training on this Policy, including awareness and prevention information about sex discrimination and gender-based misconduct;

7. Ensuring that MSON officials responsible for responding to complaints of prohibited conduct under this Policy receive effective training on their response obligations and that all employees receive effective training on their duty to report prohibited conduct to the Title IX Coordinator;
8. Widely disseminating this Policy and a "Students' Bill of Rights" through MSON's website, publications, student and employee orientations, employee training and other appropriate channels of communication.
9. Ensuring compliance with federal, state, and local law.

This Policy is not intended to regulate protected speech and will be interpreted in accordance with the principles of academic freedom. However, free speech principles and academic freedom are not limitless and do not protect speech or expressive conduct that violates this Policy or otherwise violates federal, state or local anti-discrimination laws.

This Policy prohibits sex discrimination and gender-based misconduct. The MSON community should also be aware of the following MSON and Montefiore policies:

1. **Non-Discrimination Policy** prohibits discrimination and harassment on the basis of protected statuses (other than sex). See MSON Student Handbook, p. 2.
2. **Code of Conduct** identifies the behavioral expectations for MSON students and potential behavioral sanctions. See MSON Student Handbook, p. 17-19

If any of the principles and procedures in this policy are inconsistent with those contained in another MSON policy, the principles and procedures in this policy will control, except that this policy does not override any applicable rights or provisions contained in any collective bargaining agreement or faculty policy.

III. Scope

This Policy applies to all MSON students, as well as faculty, administration (whether supervisors, administrators, and managers), and other staff, whether full-time or part-time (hereinafter collectively, "employees"), employees of contracted service providers, interns, volunteers, visitors, and other third-parties who engage with MSON's education program and activities. The ability of MSON to address third-party conduct governed by this Policy will depend on the relationship of that third-party with MSON.

This Policy prohibits sex discrimination, gender-based misconduct and other prohibited conduct occurring within MSON's education program or activity, including conduct that occurs on MSON premises and conduct that occurs off premises but has a reasonable connection to MSON, including but not limited to overnight trips, service learning programs and internships, practicums, preceptorships, study or research abroad, work-related travel, off-site conferences and conduct that is otherwise subject to MSON's disciplinary authority. This Policy's prohibition on sex discrimination, gender-based misconduct and other prohibited conduct equally applies to conduct that takes place via school-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, the recipient, including AI technologies. When MSON learns of misconduct that falls outside the scope of this Policy, it will be referred to appropriate MSON and/or Montefiore officials for investigation and/or resolution.

IV. Prohibited Conduct and Definitions

The following conduct is prohibited by this Policy.

As used below, conduct that is “based on sex” includes conduct that is based on sex stereotypes, sex characteristics, pregnancy or related condition, sexual orientation, gender identity or expression, or sexual and reproductive health decisions.

Prohibited Conduct:

- **Sex Discrimination** - any discrimination based on sex, including, but not limited to, sex-based harassment.
- **Sex-Based Harassment** - a form of sex discrimination that includes sexual harassment and other harassment based on sex that is quid pro quo harassment, hostile environment harassment, sexual assault, domestic violence, dating violence or stalking, as defined below:
 - **Quid Pro Quo Harassment** - when an employee, agent, or other person authorized by MSON to provide an aid, benefit or service under MSON’s education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
 - **Hostile Environment Harassment** - unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from MSON’s education program or activity.
 - MSON will evaluate the totality of the circumstances when determining whether there is a sex-based hostile environment in its education program or activity, which may require that MSON consider allegations about conduct that occurred outside of its education program or activity that may be contributing to the alleged sex-based hostile environment. The factors which MSON will consider are:
 - The degree to which the conduct affected The Complainant’s ability to access MSON’s education program or activity;
 - The type, frequency and duration of the conduct;
 - The parties’ ages, roles within MSON’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - the location of the conduct and the context in which the conduct occurred; and
 - other sex-based harassment in MSON’s education program or activity.
 - **Sexual Assault** is any nonconsensual sexual act, including:
 - **Sexual Assault: Contact (Fondling)** is any sexual contact, including sexual touching for the purpose of sexual gratification of either party or degrading or abusing such person, without a person’s consent. Sexual touching includes contact under or over clothing with another person’s private body parts, including the

anus, breasts, buttocks, genitals, groin or inner thigh; touching another person anywhere with any of those body parts; making another person touch any of those body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.

- **Sexual Assault: Penetration** – is any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue, or finger without a person’s consent.
- *Sexual Assault includes the crimes of incest or statutory rape.*
- **Domestic Violence** includes felony or misdemeanor crimes committed by a person who:
 - Is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim;
 - Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - Shares a child in common with the victim; or
 - Commits acts against a youth or adult victim who is protected from those acts under New York Social Services Law Section 459-A.
 - *Domestic violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct.*
- **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.
 - The existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.
 - *A relationship may be romantic or intimate regardless of whether the relationship was sexual in nature.*
 - *Dating violence can be a single act or a pattern of behavior, based on the frequency, nature and severity of the conduct.*
 - *Dating violence includes the threat of sexual assault or physical abuse.*
- **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress.
 - *This Policy addresses stalking that is based on sex. All other stalking will be addressed under other applicable policies.*
- **Gender-Based Misconduct** is an umbrella term that includes Sex-Based Harassment, as defined above, as well as:
 - **Sexual Harassment** - unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual’s sex. Conduct is considered unwelcome if the individual did not request or invite it and considered the conduct to be undesirable or offensive. This includes, but is not limited to situations when:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational experience;

- Submission or rejection of such conduct is used as a basis for a decision regarding an employment, academic or other MSON-related activity affecting such individual; or
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or participation in a MSON program, department or extra-curricular activity; or
 - Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working, learning, studying or school environment.
- **Sexual Exploitation** - unwelcome surveillance or acts that violate a person's right to privacy in connection with their body and/or sexual activity, including, but not limited to:
 - Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent;
 - Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, without that person's consent;
 - Disseminating or explicitly threatening to disseminate images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure;
 - Using or installing, or permitting the use or installation of a device for the purpose of recording another person's sexual activity, intimate body parts or nakedness in a place where the person would have a reasonable expectation of privacy, without that person's consent;
 - Exposing one's genitals in non-consensual circumstances; or
 - Inducing incapacitation for the purpose of making another person vulnerable to gender-based misconduct.
 - **Retaliation** includes intimidation, threats, coercion or discrimination against any person by MSON, a student (peer retaliation), or an employee or other person authorized by MSON to provide an aid, benefit, or service under MSON's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.
 - **Knowingly submitting false statements or information** means knowingly making false statements or submitting false information in connection with any allegation of prohibited conduct under this Policy (as opposed to providing information which, even if erroneous, is provided in good faith). Anyone who knowingly files a false claim or knowingly provides false information during an investigation may be subject to appropriate disciplinary action.

Definitions

- **Affirmative Consent (“Consent”)** is defined as a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate Consent. This definition does not vary based upon a participant’s sex, sexual orientation, gender identity or expression. In addition:
 - Consent to any sexual act or prior consensual 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 or alcohol;
 - Consent may be initially given but withdrawn at any time;
 - Consent cannot be given when a person is incapacitated (as hereafter described);
 - Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm; and
 - When Consent is withdrawn or can no longer be given, sexual activity must stop.
 - **Note on New York State Law:**
 - **The age of consent in New York State is 17 years old.** Children under 17 years of age cannot legally consent to sex or sexual contact with an adult (someone who is 17 years of age or older).
 - **Any sexual contact in New York between a child under 17 and an adult is a crime, and any such illegal behavior between a member of the MSON community who is under 17 and a member who is an adult will be reported to an appropriate law enforcement agency.** Other jurisdictions may have different standards, and any illegal behavior in such jurisdiction will also be reported to an appropriate law enforcement agency.
 - Other individuals who are legally incapable of Consent to sex or sexual contact in New York State include the mentally disabled, mentally incapacitated, physically helpless, and certain persons who are committed to the care and custody of a client or patient of a health care provider or certain governmental departments, offices or agencies (including the state department of correctional services, a hospital, the office of children and family services, the office of mental health, the office for people with developmental disabilities, or the office of alcoholism and substance abuse services), where the actor is an employee or volunteer of such department or health care provider.
- **Complaint** is any oral or written request to MSON that objectively can be understood as a request for MSON to investigate and make a determination about alleged sex discrimination, gender-based misconduct or other conduct prohibited by this Policy.
- **Complainant** is a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination, gender-based misconduct or other conduct prohibited by this Policy or a person other than a student or employee who is alleged to have been subjected to sex discrimination, gender-

- based misconduct or other conduct prohibited by this Policy and who was participating or attempting to participate in MSON's education program or activity at the time of the alleged misconduct.
- **Confidentiality** is the commitment not to share any identifying information with others, except as required by law in emergency circumstances (such as risk of death or serious bodily harm). Confidentiality may only be offered by individuals who are not required to report known instances of prohibited conduct to the Title IX Coordinator. See Appendix D.
 - **Day** means a business day, unless otherwise specified.
 - **Incapacitation** occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by a 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. Evaluating incapacitation requires an assessment of an individual's:
 - Decision-making ability;
 - Awareness of consequences;
 - Ability to make informed judgments;
 - Capacity to appreciate the nature and the quality of the act; and
 - Level of consciousness.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not diminish one's responsibility to obtain affirmative consent. See Appendix B for the Student Alcohol and Drug Use Amnesty Policy.
 - **Party** is a Complainant or Respondent.
 - **Preponderance of the Evidence** is a standard of evidence used during the investigation and determination of prohibited conduct under this Policy. A preponderance of the evidence means that it is more likely than not that prohibited conduct occurred.
 - **Privacy** is the assurance that an individual or MSON will only reveal information about allegations of prohibited conduct to those that need to know the information in order to carry out their duties or responsibilities required by law and/or this Policy. Employees who are unable to offer confidentiality because they have a duty to report known prohibited conduct to MSON, may offer privacy. See additional discussion in Section VIII-C.
 - **Relevant** means related to the allegations of prohibited conduct under investigation. Questions are relevant when they seek evidence that may aid in showing whether prohibited conduct occurred. Evidence is relevant when it may aid the decisionmaker in determining whether prohibited conduct occurred.
 - **Report** is information conveyed to MSON about alleged sex discrimination, gender-based misconduct or other conduct prohibited by this Policy.
 - **Respondent** is a person alleged to have violated this Policy.
 - **Writing** Whenever this Policy requires a "writing," electronic mail satisfies the writing requirement.

V. Title IX Coordinator

Reports or Complaints of sex discrimination or gender-based misconduct, should be directed to the Title IX Coordinator.

MSON's Title IX Coordinator is:

Frank Di Giovanni, MPH
Director of Compliance
Montefiore New Rochelle Hospital
16 Guion Place, New Rochelle, NY 10801
(914) 365-4808
(914) 365-3976
fdigiova@montefiore.org

Inquiries about Title IX may be referred to MSON's Title IX Coordinator, the United States Department of Education, Office for Civil Rights or both.

The Title IX Coordinator is responsible for coordinating MSON's compliance with its obligations under Title IX of the Education Amendments of 1972, New York State Education Law Article 129-B ("Enough is Enough") and other federal, state and local laws pertaining to sex discrimination and gender-based misconduct.

The Title IX Coordinator has overall responsibility for implementation and compliance with this Policy, including overseeing MSON's response to Reports and Complaints of sex discrimination and gender-based misconduct, providing education and training about this policy, and carrying out the other functions of the position as set forth in this Policy.

The Title IX Coordinator will monitor MSON's education program and activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers.

The Title IX Coordinator will receive annual training as required by law.

VI. Resources and Information for Individuals Affected by Sex Discrimination and Gender-Based Misconduct

A. Obtaining Immediate Medical Attention and Emotional Support

Individuals who have experienced sexual violence should promptly seek medical attention both to address their own health and to preserve potential evidence. This is strongly encouraged, regardless of whether the individual wants to file a complaint or pursue an investigation with MSON or local law enforcement.

MSON strongly encourages individuals affected by gender-based misconduct to seek emotional support, either on or off-campus.

Information and resources, including emergency assistance, hospitals, medical care, mental health treatment, counseling and other support services, are included in Appendix D.

If desired, MSON can assist with accessing these resources.

B. Reporting to Outside Law Enforcement

Students, employees and other members of the MSON community have the right to report to local law enforcement and/or State Police ("outside law enforcement"). However, MSON will not require that a Complainant report to outside law enforcement, nor will MSON do so without the Complainant's agreement, except in exceptional circumstances. MSON may report gender-based misconduct to outside law enforcement without the Complainant's consent if MSON determines that the Respondent poses a serious continuing threat to the physical safety of the Complainant or any other person.

If a student, employee or other community member chooses to report gender-based misconduct to outside law enforcement, MSON can provide assistance if desired.

MSON will cooperate with police investigations, but will not delay its investigation of a Complaint in the absence of extenuating circumstances and will conduct its investigation simultaneously with any police/criminal justice system investigation. The MSON process and police/criminal justice system work independently of one another. Because the standards for finding a violation of the New York State Penal Law are different from the standards in this Policy, criminal investigations or reports are not solely determinative of whether or not misconduct under this Policy has occurred. A plain language explanation of distinctions between the New York State Penal Law and MSON's policy and processes for addressing gender-based misconduct is included in Appendix C.

Protective Orders

MSON may also assist an individual with obtaining an Order of Protection or other protective measures via reports to law enforcement or otherwise.

If an Order of Protection or the equivalent is violated on MSON's campus, campus security may provide assistance by calling on and assisting local law enforcement in effecting an arrest for such violation.

Additional information about law enforcement is included in Appendix C.

VII. Employee Reporting/Response Obligations Bystander Intervention

MSON expects all members of the MSON community to take reasonable and prudent actions to prevent or stop an act of sex discrimination or gender-based misconduct, and provide assistance if an act has occurred. As discussed below, taking action or providing assistance may include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

To that end, all employees have a duty to report sex discrimination and gender-based misconduct to MSON, as further outlined below. Although all employees have a duty to report, no employee is authorized to investigate or resolve a suspected violation of this Policy, unless specifically designated and directed to do so by the Title IX Coordinator.

A. Employee reporting obligations

All employees of MSON are required to notify the Title IX Coordinator, when the employee has information about conduct that reasonably may constitute sex discrimination, gender-based misconduct or other conduct prohibited by this Policy, but will otherwise protect an individual's privacy to the greatest extent possible and share information with other MSON staff only on a need-to-know basis.

An employee's duty to report is triggered when the employee has any knowledge or information, whether from firsthand observation, being directly informed or confided, or having heard about it in some other fashion, of a known or suspected instance of prohibited conduct.

When a duty to report is triggered, the employee *must immediately report* to the Title IX Coordinator, including all known information and details, even if the victim of the prohibited conduct does not wish to file a report or complaint. The reporting employee must identify themselves to the Title IX Coordinator, provide their contact information and cooperate with any follow-up inquiry by the Title IX Coordinator.

Employees who knowingly allow prohibited conduct to continue without reporting it will be disciplined.

B. Suspected Abuse or Maltreatment of Minors

All employees have a duty to report immediately to the NYS Maltreatment Hotline (800-342-3720) if they have reasonable cause to suspect abuse or maltreatment of minors (individuals under the age of 18).

C. Bystander Intervention

If someone suspects a friend, acquaintance, or stranger may be in a high-risk situation for becoming a victim, is being victimized, or has been victimized, it is important to decide as a bystander whether there is a safe and reasonable way to intervene effectively.

1) Do's:

Remind friends that Affirmative Consent is required, and it is the difference between sex and Sexual Assault and that someone can be too intoxicated to Consent.

Take the initiative to help friends who aren't thinking clearly from becoming targets of violence (or) take steps to stop a friend who chooses to use violence. When possible, prevent an intoxicated friend/person from going to a private location with an acquaintance or friend.

Contact the Security Department, the Title IX Coordinator or another person of authority who can assist.

2) Don'ts:

Let friends engage in activities, such as excessive alcohol/drug consumption, that impedes judgment and that therefore could lead to actions, including sexual advances that are unwelcome and/or endanger the rights, safety, and well-being of others.

Let friends walk/run alone in secluded areas or at night.

Leave a friend or acquaintance alone at a party.

Place yourself in a vulnerable situation where you are unable to voice Consent.

VIII. Reporting Sex Discrimination and Gender-Based Misconduct

MSON strongly encourages individuals affected by sex discrimination, gender-based misconduct or other conduct prohibited by this Policy to promptly report allegations to MSON. Reporting enables MSON to respond promptly and effectively to sex discrimination and other prohibited conduct, including taking steps to ensure campus safety and to preserve important evidence. However, there is no timeframe by which a complaint of prohibited conduct must be made.

A. How to Report

1. To MSON Officials. Anyone who wishes to make a Report or file a Complaint regarding a violation of this Policy may do so at any time by contacting any of the individuals designated below. These designated officials are trained to receive allegations of sex discrimination and gender-based misconduct, to ensure such complaints are investigated in accordance with this Policy and to help Complainants receive necessary assistance.

Students and employees are encouraged to report allegations to these designated officials, regardless of whether they have reported the incident to outside law enforcement authorities and regardless of where the incident took place.

Title IX Coordinator

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53 Valentine Street
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MSON Office of Student Services

Michael Main
Admissions Coordinator
Montefiore School of Nursing
53 Valentine Street
Mount Vernon, New York 10550
mmain@montefiore.org
914-361-6537

2. Anonymous Reporting. Individuals who wish to notify MSON of a violation of this Policy while remaining anonymous, may report to the Confidential Compliance Hotline.

Montefiore Health System Confidential Compliance Hotline

1-800-662-8595

MSON will investigate anonymous reports to the extent possible, although an anonymous report will likely affect MSON's ability to investigate and respond effectively. Additional information about confidential support services is included in Appendix D for information regarding confidential support services. See Appendix B for the Student Alcohol and Drug Use Amnesty Policy.

B. When a Report is Received

When any of the designated officials above are notified of any prohibited conduct under this Policy, they will provide a copy of this Policy to the Complainant (if the Complainant was the reporter) and will immediately notify the Title IX Coordinator. The Title IX Coordinator or their designee will address the matter in accordance with this Policy, including providing appropriate supportive measures (addressed in Section IX, below).

When any of the designated officials above are notified of a report of sexual assault, domestic violence, dating violence or stalking, they will notify the reporting individual: “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 to MSON; to be protected by MSON from retaliation for reporting an incident; and to receive assistance and resources from MSON.”

Information Shared at Public Awareness Events – When the Title IX Coordinator is notified of information about conduct that reasonably may constitute sex-based harassment or gender-based misconduct that was provided by a person during a public event to raise awareness about sex-based harassment that was held on MSON’s campus or through an online platform sponsored by MSON, MSON will not act in response to that information, unless it indicates an imminent and serious threat to the health and safety of a Complainant, any students, employees or other persons. MSON will, however, use this information to inform its efforts to prevent sex-based harassment and gender-based misconduct within its education program and activity, including providing tailored training, as necessary.

C. Confidentiality vs. Privacy in Complaints & Reporting

After a Report or Complaint is received, MSON is not able to guarantee **confidentiality**, because doing so may limit MSON’s ability to respond promptly and effectively, to ensure a safe, non-discriminatory and harassment-free environment and to effectuate this Policy.

However, MSON will maintain the **privacy** of the Complainant, reporter, Respondent, and witnesses to the greatest extent possible. Information in connection with the allegations will be shared with only those MSON staff who have a legitimate need for the information, or as otherwise required by law or this Policy. MSON will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of its grievance procedures. See Section XI-E.

Clery Act: MSON has an obligation to report certain crimes in its annual security report pursuant to the Clery Act. However, it will do so in an anonymized manner that identifies neither the specifics of the crime nor the identity of the alleged victim or the reporting individual. The Clery Act also requires MSON to issue timely warnings of certain crimes 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 efforts or when the warning itself could potentially identify the reporting individual; that a reporting individual shall not be identified in a timely warning.

FERPA: The Family Educational Rights and Privacy Act 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. However, MSON will generally not share information about prohibited conduct under this Policy with a parent without the permission of the reporting individual.

D. Filing External Complaints

In addition to reporting prohibited conduct to MSON, individuals have the right to avail themselves of any and all of their rights under the law, including but not limited to filing complaints with one or more of the external agencies listed below:

- U.S. Department of Education, Office for Civil Rights
- U.S. Equal Employment Opportunity Commission

- New York State Division of Human Rights
- New York City Commission on Human Rights

IX. Supportive Measures, Accommodations, and Interim Protective Measures

A. Supportive Measures

Supportive Measures are individualized measures offered as appropriate and as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent, designed to:

- Restore or preserve the individual's access to MSON's education program or activity, including measures that are designed to protect the safety of the parties or MSON's educational environment; or
- Provide support during MSON's grievance procedures or during the informal resolution process.

MSON will offer and coordinate supportive measures as appropriate for the Complainant, Respondent, reporter and all third-party witnesses. The Title IX Coordinator is responsible for coordinating and ensuring the effective implementation of supportive measures and accommodations. Individuals are encouraged to discuss their options for any supportive measures or accommodations with the Title IX Coordinator who may assist with identifying and obtaining reasonably available accommodations. The Title IX Coordinator may designate other individuals to offer and coordinate supportive measures, as necessary and appropriate.

Supportive measures are available when MSON becomes aware of allegations of prohibited conduct under this Policy, whether or not a Complainant chooses to move forward with an investigation and/or resolution. Supportive measures may be provided on an interim or continuing basis.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact (MSON-issued "no contact" orders),¹ leaves of absence, increased security and monitoring of certain areas of the campus, bans from areas of campus, and changes to academic, transportation, employment, or working situations (including transferring to a different class, and changing work or clinical assignment schedules).

¹ No contact orders prohibit continued intentional contact with the Complainant. If the accused/Respondent and Complainant/reporting individual observe each other in a public place, it shall be the responsibility of the accused/Respondent to leave the area immediately and without directly contacting the reporting individual. MSON may establish an appropriate schedule for the accused/Respondent to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the Complainant/reporting individual. Intentional and/or continued violations of a MSON-issued "no contact" order is a violation of MSON policy and may result in additional misconduct charges and additional disciplinary sanctions including suspension and expulsion for students, or up to and including termination of employment for employees.

MSON will endeavor to maintain as confidential any accommodations or protective measures to the extent that maintaining confidentiality would not impair the ability of MSON to provide such measures.

B. Interim Protective Measures

MSON may take reasonable and prudent interim measures to protect and ensure safety, prevent retaliation, avoid an ongoing hostile environment, and/or restore or preserve equal access to MSON's education program and activity. MSON will consider the safety of the MSON community when making decisions regarding appropriate interim measures. These interim protective measures may include:

Administrative Leave

Non-student employees may be placed on administrative leave during the pendency of the grievance process with or without pay and in accordance with any applicable policy providing for administrative leave.

Emergency Removals

Respondents may be subject to emergency removal from MSON's education program or activity if, after conducting an individualized safety and risk analysis, MSON determines that doing so is necessary to prevent an imminent and serious threat to the health or safety of a Complainant or any students, employees or other persons arising from the allegations of sex discrimination or gender-based misconduct. If a Respondent is subject to emergency removal, MSON will provide the individual with notice and an opportunity to challenge the decision immediately following the removal as set forth in Section IX-C.

C. Modification of Interim Measures

MSON has the right to modify or amend supportive and interim protective measures.

A Complainant or Respondent may seek modification or reversal of MSON's decision to provide, deny, modify or terminate supportive measures or interim protective measures applicable to them. Requests for such modification will be reviewed by Montefiore New Rochelle Hospital's Director of Risk Management and must be made in writing and received within five (5) business days of the decision under review or if applicable, within five (5) business days of a material change in circumstances. The party seeking modification may submit evidence in support of their request. If the Director of Risk Management or other designated reviewer determines that the decision to provide, deny, modify, or terminate supportive measures or interim protective measures was unreasonable, or inconsistent with the definition of supportive measures or interim protective measures included within this Policy, the Director of Risk Management or other designated reviewer will have the authority to modify or reverse the original decision under review. The Director of Risk Management or other designated reviewer will notify the party seeking modification, in writing, within seven (7) business days of receipt of their written request for modification.

D. Accommodations

MSON will provide reasonable accommodations to students and employees participating in any process within this Policy, in compliance with applicable law.

Individuals seeking a reasonable accommodation related to the processes described in this Policy, should notify the Title IX Coordinator.

X. Initial Evaluation of Reports

Upon receipt, the Title IX Coordinator will evaluate all reports of conduct that purportedly violate this Policy. When the alleged behavior, if true, would constitute prohibited conduct under this Policy, the Title IX Coordinator will evaluate whether the report constitutes a complaint, triggering the institution’s grievance procedures outlined below in Section XI.

When the alleged behavior, if true, would not constitute prohibited conduct under this Policy, the Title IX Coordinator will refer the report to the appropriate office or official within MSON or Montefiore for response and resolution.

The Title IX Coordinator will conduct this initial evaluation of a report within ten (10) business days of receipt.

XI. Responding to Sex Discrimination and Gender-Based Misconduct

MSON has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by this Policy.

A Complaint is any oral or written request to MSON that objectively can be understood as a request for MSON to investigate and make a determination about alleged sex discrimination, gender-based misconduct or other conduct prohibited by this Policy.

The following individuals may file a Complaint:

<i>Complaints of sex discrimination (including sex-based harassment), gender-based misconduct and other prohibited conduct under this Policy</i>		
A Complainant, defined as:	A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination, gender-based misconduct or other prohibited conduct under this Policy;	A person other than a student or employee of MSON that has been subjected to conduct that could constitute sex discrimination, gender-based misconduct or other prohibited conduct under this Policy at a time when that individual was participating or attempting to participate in MSON’s education program or activity;
A parent, guardian or other authorized representative with the legal right to act on behalf of a Complainant; or		
MSON’s Title IX Coordinator.		

Complaints of sex discrimination (other than sex-based harassment)

The individuals listed above;

Any student or employee of MSON; or

Any person other than a student or employee who was participating in MSON's education program or activity at the time of the alleged sex discrimination.

Request That MSON Maintain a Complainant's Anonymity or Not Conduct an Investigation:

MSON will make every effort, consistent with its duty to provide a safe and non-discriminatory learning and working environment, to respect a Complainant's request that MSON maintain their anonymity and/or not conduct an investigation. If the Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Complaint, typically, a Complaint will not be pursued (See Section XI-C, *Withdrawing or Dismissing a Complaint*). However, MSON may nevertheless pursue a complaint when, in the Title IX Coordinator's judgment, the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or another person, or that the conduct as alleged prevents MSON from ensuring equal access on the basis of sex to its education program or activity.

When considering whether to initiate a Complaint, the Title IX Coordinator will make a fact-specific determination and will consider the following factors:

- The Complainant's request not to proceed with initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of MSON;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals,
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether MSON could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If the Title IX Coordinator initiates a Complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures as discussed in Section IX.

MSON at all times reserves the right to proceed with a Complaint as necessary to protect the safety of the campus community and workplace and to maintain compliance with all applicable laws and regulations.

A. Rights of Parties

Parties will have the following rights when MSON becomes aware of a Complaint of sex discrimination, gender-based misconduct or any other conduct prohibited by this policy.

- **Equitable Treatment:** Complainants and Respondents will be treated equitably.
- **Respondent is presumed not responsible:** The Respondent is presumed not responsible for the alleged prohibited conduct until a determination is made at the conclusion of the grievance procedures.
- **Conflict of Interest and Bias:** MSON requires that any Title IX Coordinator, investigator, facilitator or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. See Section XIII.
- **Timeframes for the Major Stages of the Grievance Process:** MSON has established the following timeframes for the major stages of the grievance procedures:
 - **Initial Evaluation of Reports:** 10 business days from receipt by the Title IX Coordinator
 - **Investigation:** 45 business days from receipt of the Complaint
 - **Evidence Review and Follow-Up Questioning:** 30 business days from initial sharing of the evidence file
 - **Determination:** 30 business days from conclusion of the evidence review process
 - **Sanctioning:** 30 business days from the written determination.
 - **Appeal:** 30 business days from receipt of the appeal
- **Reasonable Extension of Established Timeframes:** MSON has established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay: MSON will exercise due diligence to comply with the timeframes established for the major stages of the grievance procedures. However, the stated time frames may be extended for good cause depending on the nature of the allegations, the time of year, and any other unforeseen or extenuating circumstances. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. All parties will be notified in writing of any delay or extensions and the reason therefore. A party may request an extension of any deadline by submitting a written request to the Title IX Coordinator detailing the reason for the request and the amount of additional time requested. The Title IX Coordinator will have the sole discretion to grant or deny any such request.
- **Privacy:** MSON will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.
- **Non-Retaliation:** MSON strictly prohibits retaliation, including against witnesses.

- **Objective Evaluation of Evidence:** MSON will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
- **Impermissible Evidence:** Impermissible evidence, as defined in XI-E below, will not be accessed or considered (except by MSON to determine whether an exception applies); will not be disclosed; and will not otherwise be used, regardless of whether they are relevant.

B. When a Complaint is Filed

When the Title IX Coordinator receives a Complaint, the Complainant will be immediately advised in writing of MSON's policies and procedures, as described herein, including their rights (Section XI-A) and resolution options, including informal resolution (XI-D), the availability of interim supportive measures and accommodations (Section IX), and next steps in the grievance process (Section XI-E).

Notice of Allegations: After a Complaint is filed, and upon initiation of the grievance process, MSON will provide written notice to the parties who are known, with sufficient time for the parties to prepare a response before any initial interview. The Notice of Allegations will include the following information:

- MSON's grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including:
 - the identities of the parties involved in the incident(s),
 - the conduct alleged to constitute prohibited conduct with reference to applicable provisions in this Policy, and
 - the date(s), time, location(s) and factual allegations concerning the incident(s);
- Retaliation is prohibited;
- The Respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- Possible sanctions;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence;
- A reference to MSON's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process.

Consolidation of Complaints: MSON may, but is not required to, consolidate complaints of prohibited conduct under this Policy against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of prohibited conduct arise out of the same facts or circumstances. MSON may, but is not required to, consolidate complaints of conduct prohibited by other policies concerning the

Complainant and Respondent arising under the same facts and circumstances and reserves the right to apply the grievance procedures of this Policy to those allegations.

Updated Notices of Allegations: If, in the course of an investigation, MSON decides to investigate additional allegations of prohibited conduct under this or other MSON policies by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

C. Withdrawing or Dismissing a Complaint

MSON may dismiss a Complaint if:

- MSON is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in MSON's education program or activity and is not employed by MSON;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint in writing, the Title IX Coordinator declines to initiate a complaint, and MSON determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute prohibited conduct under this Policy, if proven; or
- MSON determines the conduct alleged in the complaint, even if proven, would not constitute prohibited conduct under this Policy. Before dismissing the complaint, MSON will make reasonable efforts to clarify the allegations with the Complainant.

MSON will promptly send notice of the dismissal and the reason(s) for such dismissal to the Complainant, and to the Respondent if the Respondent has already been notified of the allegations. MSON will include a notification that a dismissal may be appealed within 5 business days of the date of notice of dismissal and will provide an opportunity to appeal the dismissal of a complaint, pursuant to the procedures identified in Section XI-H.

When a Complaint is dismissed, any investigation or resolution or grievance process will be suspended. MSON will, at a minimum:

- Offer supportive measures to the Complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that the prohibited conduct does not continue or recur within MSON's education program or activity.

D. Informal Resolution

Informal resolution is one method to resolve a Complaint and provides an alternative to resolving a Complaint through MSON's formal grievance procedures, outlined below in Section XI-E. In some cases, informal resolution may offer a beneficial outcome for both parties. Informal resolution can take different forms, informed by the preferences and goals of the parties. For example, informal resolution may include one or several of the following strategies:

- **Administrative Resolution**, such as a mutual agreement to abide by a No-Contact Order and/or additional training or education for the area or Department where the Complaint originated;
- **Acceptance of Responsibility**, with or without acceptance of penalty;
- **Facilitated Discussion** between the parties in the presence of the Title IX Coordinator; or
- *Such other means of informal resolution agreeable to the parties and deemed appropriate by the Title IX Coordinator.*

Participation in an informal resolution is voluntary. Both parties must agree to engage in an informal resolution process and provide voluntary consent before it begins. Informal resolution may take place at any point prior to a determination of responsibility. All Complaints made under this Policy are eligible for informal resolution, although the Title IX Coordinator has the ultimate discretion to determine whether informal resolution will be available in a particular matter.

Before initiation of an informal resolution process, the Title IX Coordinator will provide the parties with written notice that an informal resolution is being offered to resolve the allegations. The written notice will include:

- A description of the allegations;
- The requirements of the informal resolution process, including the circumstances under which an informal resolution will preclude the parties from resuming an investigation and formal resolution arising from the same allegations;
- Notice that prior to entering into an informal resolution agreement, either party has the right to withdraw from the informal resolution process and resume an investigation and formal resolution process at any time;
- Notice that the parties' informal resolution agreement at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information MSON will maintain and whether and how MSON could disclose such information for use in grievance procedures, if a grievance procedure were initiated or resumed.

If both parties agree to begin an informal resolution process, the Title IX Coordinator will appoint a neutral informal resolution facilitator (the "facilitator"). The facilitator will not be the same person as the investigator/decisionmaker and will not have a conflict of interest or bias for or against Complainants or respondents generally or an individual Complainant or respondent. In addition, the facilitator may not participate as a witness or in any other capacity during any resumed or subsequent investigation or disciplinary action. The facilitator will receive all training required by this Policy and applicable law and regulation.

Either party has the right to end the informal resolution process at any time prior to finalizing an informal resolution agreement, and instead proceed with a formal grievance process, by notifying the Title IX Coordinator in writing of their desire to do so.

The time frame for investigations will be tolled while the parties engage in the informal resolution process. The Title IX Coordinator will reevaluate the parties' progress toward informal

resolution every thirty (30) days and has discretion to terminate the informal resolution process and resume the investigation at any time.

Informal Resolution Agreements: Any agreement reached through informal resolution must be acceptable to both parties and MSON. Terms of an informal resolution agreement might include continuation of a No-Contact Order, an agreement to engage in volunteer hours, training, reflection papers, priority in selection of classes or dorm assignments, and/or agreed upon sanctions agreed to by the parties and MSON.

If a resolution is reached, the facilitator will notify the parties in writing and a written memorandum will memorialize the agreement (the “informal resolution agreement”). Both parties and the Title IX Coordinator must sign the informal resolution agreement before it is finalized. Once finalized, the obligations in the agreement will be binding on the parties and the allegations of prohibited conduct under this Policy will be considered resolved. Violations of an informal resolution agreement will be referred for discipline or other appropriate action, as deemed appropriate by the Title IX Coordinator.

Finalized informal resolution agreements will be maintained for seven (7) years, in compliance with recordkeeping requirements outlined in Section XIV.

Information Shared During an Informal Resolution Process: Any information shared or learned during the informal resolution process will not be documented or referenced in a resumed or subsequent investigation or disciplinary process. However, information gathered from another source during a resumed or subsequent investigation will not be excluded from an investigatory report or subsequent adjudication merely because it was shared by a party during an informal resolution process.

E. Formal Grievance Procedures – Investigation, Evidence Review and Determination

When a Complaint is not otherwise withdrawn, dismissed or resolved through informal resolution, MSON will conduct a fair, prompt and impartial investigation and issue a determination in accordance with these procedures.

i. Investigation – Evidence Gathering

The Title IX Coordinator will designate a trained, competent, neutral investigator (the “investigator”) to conduct an adequate, reliable and impartial investigation. The investigator will also serve as the decisionmaker. Depending on the nature of the allegations, the investigation may include interviews with the parties and witnesses, collection of evidence (including, for example, email and other communications relevant to the Complaint) and review of documentation or any other steps deemed necessary by the investigator to thoroughly and fairly conduct the investigation. To the extent credibility is both in dispute and relevant to evaluating one or more allegations of prohibited conduct, the investigator must interview parties and witnesses in a manner that permits the investigator to adequately assess that party’s or witness’s credibility. All party and witness interviews will be recorded.

At all times, the burden is on MSON – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether prohibited conduct occurred.

The parties will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Impermissible evidence: The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by MSON to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless MSON obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Expert witnesses: The Title IX Coordinator will retain discretion of whether the presentation of an expert witness is permitted in any given case, based on the specific circumstances of the allegations and policy violations alleged, and the subject matter of the expert testimony sought to be presented.

Participation: Students are encouraged, but not required to cooperate with investigations under this Policy. Employees are required to cooperate with investigations under this Policy. Any party who is invited or expected to participate in any investigative interview or other meeting will be provided written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

Advisors: Parties may be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

Advisors must sign an Advisor Conduct Agreement prior to participating in MSON's grievance process. MSON will not limit the choice or presence of the advisor for a party in any meeting or proceeding, however, advisors must comply with the Advisor Conduct Agreement or they may be restricted from participation in MSON's grievance process. If an advisor violates the Advisor Conduct Agreement and is prohibited from participating in MSON's grievance process, the party will be permitted to select another advisor of choice.

Investigation Time Frame: The investigator will seek to conclude the investigation as promptly as practicable, and in any event generally within 45 business days from receipt of the Complaint. The facts and circumstances of each case may make it necessary for a reasonable extension of this established time frame for good cause.

ii. Investigation - Evidence Review and Follow-Up Questioning

After the initial phase of the investigation is completed, each party and the party's advisor, if any, will be given an equal opportunity to access the evidence that is relevant to the allegations of prohibited conduct and not otherwise impermissible (the "evidence file"). The evidence file will include the recordings of all party and witness interviews conducted during the investigation. The parties and their advisors must sign an Agreement Not to Disseminate the evidence file or any other information obtained solely through the grievance process, for any purpose unrelated to the grievance process itself.

The parties may submit a written response and/or proposed follow-up questions for any party or witness, due within ten (10) business days after the evidence file is provided. The investigator will include the parties' written responses in the evidence file and will consider the parties' written responses prior to making a determination. The investigator will review a party's proposed follow-up questions as follows:

Follow-Up Questioning: The investigator will schedule follow-up meetings with parties and witnesses, as soon as practicable and as needed, to conduct follow-up questioning. All follow-up interviews will be recorded in the same manner as initial interviews. Prior to conducting a follow-up meeting, the investigator will first determine whether a proposed follow-up question directed at the party or witness is relevant and not otherwise impermissible. If a question is relevant and not otherwise impermissible, the investigator will ask the question in a follow-up meeting with a party or witness. If the investigator determines that a question is not relevant or otherwise impermissible, it will be excluded and the investigator will provide the party who proposed the question with a written explanation of the decision to exclude it. If a question is unclear or harassing, the investigator will give a party an opportunity to clarify or revise the question. If the party sufficiently clarifies or revises the question, and the question is deemed permissible, it will be asked.

Once all follow-up meetings are completed, the investigator will share the recordings of all party and witness follow-up meetings with the parties. Parties may submit a final written response, due within five (5) days after the recordings of the follow-up meetings are provided. After follow-up meetings are completed, any further follow-up questioning will be conducted in the sole discretion of the investigator, in consultation with the Title IX Coordinator.

Party or Witness Refusal to Respond to Questioning: The investigator may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. However, the investigator will not draw an inference about whether prohibited conduct occurred based solely on a party's or witness's refusal to respond to such questions.

Evidence Review and Follow-Up Questioning Time Frame: The investigator will seek to conclude the evidence review and follow-up questioning phase as promptly as practicable, and in any event generally within 30 business days from the initial sharing of the evidence file. The

facts and circumstances of each case may make it necessary for a reasonable extension of this established time frame for good cause.

Reasonable Steps to Prevent Unauthorized Disclosure of Evidence File: MSON will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through this grievance process, including:

- The evidence file will be provided through a secured access file sharing platform;
- To the extent practicable, materials within the evidence file will be labeled with a watermark unique to the party with whom it is shared;
- As appropriate, materials within the evidence file will be de-identified and a key of party and witness names will be provided;
- The parties and their advisors must sign an Agreement Not to Disseminate the evidence file or any other information obtained solely through the grievance process, for any purpose unrelated to the grievance process itself.
- Intentional and unauthorized disclosure of information and evidence obtained solely through this grievance process will be referred for discipline or other appropriate action, as deemed appropriate by the Title IX Coordinator.

iii. Determination

After the evidence review and follow-up questioning is completed, the investigator will make a determination of responsibility by evaluating all relevant and not otherwise impermissible evidence.

Burden of Proof: The investigator will use the preponderance of the evidence standard of proof to determine whether prohibited conduct occurred (i.e., whether it is more likely than not that the prohibited conduct occurred). The standard of proof requires the investigator to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the investigator is not persuaded by a preponderance of the evidence that the prohibited conduct occurred, whatever the quantity of the evidence is, the investigator will not determine that prohibited conduct occurred.

Written Determination and Notification: The investigator will notify the parties simultaneously in writing of the determination whether prohibited conduct occurred. This written determination will include the following:

- A description of the alleged prohibited conduct;
- Information about the policies and procedures that MSON used to evaluate the allegations;
- A description of the procedural steps taken and notifications to the parties and witnesses;
- The investigator's evaluation of the relevant and not otherwise impermissible evidence and determination whether prohibited conduct occurred as to each allegation;
- When the investigator finds that prohibited conduct occurred, a referral to the appropriate MSON office or official for appropriate disciplinary action (See Section XI-F below) and a notification that the parties may submit a written impact statement to the Title IX Coordinator within ten (10) business days of receipt of the written determination, for consideration by the Dean when evaluating sanctioning;

- When the investigator finds that prohibited conduct occurred, a statement that remedies other than the imposition of disciplinary sanctions will be provided by MSON to the Complainant, and, to the extent appropriate, other students identified by MSON to be experiencing the effects of the sex-based harassment (See Section XI-G below); and
- MSON's procedures and permissible bases for the parties to appeal.

Determination Time Frame: The investigator will seek to issue the determination as promptly as practicable, and in any event generally within 30 business days from conclusion of the evidence review and follow-up questioning phase. The facts and circumstances of each case may make it necessary for a reasonable extension of this established time frame for good cause.

F. Referral for Discipline

MSON will not impose discipline on a Respondent for prohibited conduct unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited conduct. Following a finding of responsibility under this Policy, MSON has the discretion to issue any disciplinary action it deems appropriate up to and including expulsion or termination.

The Title IX Coordinator will promptly refer a finding of responsibility to the appropriate official for sanctioning ("sanctioning officer"):

- For student discipline, MSON Dean;,,
- For faculty and administrators, Director of Human Resources; and
- For unionized staff, to Director of Human Resources.

Parties will be given an opportunity to submit an impact statement to the sanctioning officer. The sanctioning officer will consider the investigator's written determination and the parties' impact statements, and may also request to review the evidence file when evaluating the appropriate sanction. The sanctioning officer may also consult with the Title IX Coordinator and the designated investigator as needed.

The Title IX Coordinator will simultaneously notify the parties as soon as practicable of the sanctions to be imposed, except that the Complainant will only be notified of the sanctions that directly relate to said Complainant. The notice may also include any other remedial or preventative action being taken or provided by MSON.

i. Range of Sanctions for Students and Employees

When a student Respondent is found responsible for conduct prohibited by this Policy, sanctions may include suspension or expulsion. When an employee Respondent is found responsible for conduct prohibited by this Policy, sanctions may include termination of employment. Other sanctions that may be imposed include a warning, disciplinary probation, restriction from employment by MSON, removal from MSON housing, removal from courses or activities, loss of privileges, No-Contact Orders, exclusion from areas of the campus or facilities, removal or non-renewal of scholarships, community service, restitution or a fine. Depending on the circumstances of prohibited conduct, a Respondent may also be required to undergo an assessment and treatment by a therapist or counselor, attend an intervention treatment program and/or issue a letter of apology.

ii. Action against Third Parties

MSON's disciplinary authority may not extend to third parties (employees of contracted service providers, interns, volunteers, visitors and other third-parties conducting business with MSON), and MSON's ability to take action against a third party is usually limited. However, MSON will take appropriate actions within its control, including but not limited to, removing that individual's access to campus or limiting their involvement with MSON business.

G. Remedies for Complainants and Other Remedial Action

If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will coordinate the provision and implementation of remedies to a Complainant and any other people MSON identifies as having had equal access to MSON's education program or activity limited or denied by prohibited conduct.

The Title IX Coordinator will also take other appropriate, prompt and effective steps to ensure that prohibited conduct does not continue or recur within MSON's education program or activity. Such efforts may include additional training and awareness programs for MSON community.

H. Appeals

Both parties have the right to appeal from a determination regarding responsibility and from a dismissal of a Complaint or any allegations therein.

The appeal must be submitted to the Title IX Coordinator within five (5) days of the date of the dismissal of the Complaint or written determination (or in cases where a Respondent is found responsible, the sanctioning determination). The request for an appeal must clearly identify the grounds for the appeal. The possible grounds for an appeal are:

- There was a procedural irregularity that would change the outcome;
- There is new evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made;
- The Title IX Coordinator or investigator/decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome; or

Upon receipt of an appeal, the Title IX Coordinator will promptly notify the other party in writing that an appeal was filed and provide a copy of the appeal.

Appeal Panel: The appeal will be referred to an Appeal Panel, which will include three MSON faculty or administrators that have received appropriate training. The Appeal Panel will not include the Title IX Coordinator, the investigator or any informal resolution facilitator who worked on the case pending appeal. The parties will receive simultaneous notification of the appointment of the Appeal Panel.

Written Submissions to the Appeal Panel: Within ten (10) business days after receiving notice of the appointment of the Appeal Panel, the parties may submit a written statement supporting or challenging the grounds for appeal.

Appeal Panel Procedures: The appeal will be conducted in a fair and impartial manner. The appeal is not an evaluation of whether the determination or dismissal was against the weight of the evidence, but will instead be focused on the specific grounds for appeal provided by this Policy and identified in the appealing party's request for an appeal. The Appeal Panel will review the written determination, supporting documents and may consult with both parties. The Appeal Panel will reach a decision by majority vote of the panelists, or by unanimous decision if less than three panelists.

For appeals from a determination of responsibility, the Appeal Panel may affirm the original determination of responsibility, alter the determination of responsibility in whole or in part and/or alter the sanctions, depending on the circumstances. The Appeal Panel, in its discretion, may also refer the matter back for further investigation or consideration if appropriate.

For appeals from a dismissal of a Complaint, the Appeal Panel may affirm or overturn the dismissal. If dismissal of a Complaint is overturned, the matter will be referred back to the Title IX Coordinator for continuation of the grievance process.

The Appeal Panel will issue a written decision on the appeal within ten (10) business days of receipt of the parties' written submissions. The decision on appeal will describe the result of the appeal and the rationale for the result. The Title IX Coordinator will simultaneously provide the parties, as soon as practicable, with the Appeal Panel's written decision on appeal.

Decisions of the Appeal Panel are final.

Appeal Time Frame: The Appeal Panel will seek to issue the decision on appeal as promptly as practicable, and in any event generally within 30 business days from receipt of the request for appeal. The facts and circumstances of each case may make it necessary for a reasonable extension of this established time frame for good cause.

XII. Transcript Notations

Students suspended or expelled for committing an act of Sexual Assault, Stalking, Domestic Violence, Dating Violence or a violent crime as defined by the Clery Act will have a notation placed on their transcript as follows: "suspended [or expelled] after a finding of responsibility for a code of conduct violation." If a finding of responsibility is vacated for any reason, the transcript notation will be removed.

MSON will consider requests to remove transcript notations. Requests for removal of a transcript notation must be made in writing and directed to the Title IX Coordinator. A transcript notation will not be removed prior to one year after conclusion of the suspension. A transcript notation following expulsion will not be removed in any case.

Withdrawal while investigation pending: If a Respondent student withdraws from MSON while an investigation pursuant to this Policy is pending and declines to complete the disciplinary process, the following notation will be placed on their transcript: "withdrew while conduct charges pending."

XIII. Conflict/Bias

If any party believes that an individual involved in the investigation, resolution or appeals process has a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, either party may make a request to have that conflicted or biased individual removed from the process. Requests for removal must be made in writing to the Title IX Coordinator within five (5) days of the notification that the individual is to be involved or revelation of their conflict of interest or bias, whichever is later, and include a detailed description of the alleged conflict or bias. If the Title IX Coordinator is the individual with the alleged conflict or bias, the request for removal must be made in writing to the Dean.

The individual with the alleged conflict or bias will be asked to provide a short, written response to the party's request for removal, which will be considered before a determination is made. If a conflict or bias exists, immediate steps will be taken to replace the individual at issue to ensure an impartial and fair process.

If any administrator designated by this Policy to participate in the investigation or resolution of prohibited conduct is the Respondent, the [Vice President Executive Director of Montefiore New Rochelle Hospital will appoint another administrator to perform such person's duties under this Policy.

XIV. Recordkeeping

The Title IX Coordinator will maintain the following records for seven years following the conclusion:

- All reports and complaints relating to allegations of prohibited conduct;
- For all Reports of prohibited conduct, records documenting the actions MSON took to respond promptly and effectively to address sex discrimination and other prohibited conduct within it's education program and activity;
- For all Complaints, records documenting the informal resolution process or grievance process and the resulting outcome, including records regarding dismissals and appeals, if applicable;
- All materials used to provide training required by this Policy.

XV. MSON Obligations Under This Policy

In compliance with state, federal and local laws, MSON has the following obligations under this Policy:

Dissemination of Policies, Procedures and Notices

The Title IX Coordinator is responsible for the wide dissemination of the following to MSON community: (i) this Policy; (ii) MSON's Notice of Non-Discrimination; (iii) the Title IX Coordinator's name, phone number, office location, and email address; and (iv) contact information for the campus Security Office. This information shall be disseminated widely to the MSON community through publications, websites, student orientations, new employee orientations, current employee training and other appropriate channels of communication.

Training and Educational Programming

MSON provides a comprehensive student onboarding and ongoing education campaign to promote awareness, encourage a safe and respectful MSON environment, and educate members of the MSON community about prohibited conduct under this Policy, including domestic violence, dating violence, stalking and sexual assault, in compliance with applicable law.

All MSON employees will be trained in accordance with applicable law and regulations. Employees will be trained upon hiring or change of position that alters any training requirement, and annually thereafter.

Investigators, decisionmakers, and other persons who are responsible for implementing MSON's grievance procedures or have the authority to modify or terminate supportive measures will also be trained on the following topics to the extent it is related to their responsibilities:

- MSON's obligations under 34 CFR § 106.44;
- MSON's grievance procedures under §§ 106.45 and 106.46, as outlined in this Policy;
- How to serve impartially, including by avoiding any prejudgment of the facts at issue, conflicts of interest, and bias; and
- The meaning and application of the term 'relevant' in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under §§ 106.45 and 106.46.

Informal resolution facilitators will also be trained on the rules and practices associated with MSON's informal resolution procedures outlined in Section XI-D, and on how to serve impartially, including by avoiding conflicts of interest and bias.

The Title IX Coordinator and any designees will be trained on all of the topics outlined above, as well as their specific responsibilities under §§ 106.8(a), 106.40(b)(3), 106.44(f) and (g), MSON's recordkeeping system, the requirements of § 106.8(f), and any other training necessary to coordinate MSON's compliance with Title IX and other applicable laws and regulations.

XVI. Implementation

This Policy is effective August 1, 2024 and will apply to sex discrimination, gender-based misconduct and other prohibited conduct that allegedly occurred on or after August 1, 2024.

Prohibited conduct that allegedly occurred before the effective date of this Policy, regardless of when it is reported, will be handled in accordance with the applicable MSON Policy that was in effect at the time the behavior occurred.

XVII. Re-Evaluation

MSON reserves the right to modify and/or amend any or all of the terms and/or procedures outlined herein at any time, in its sole discretion. In the event MSON determines that circumstances warrant modification or amendment of this policy, timely notice of the same will be communicated to all affected parties. This policy is made available to the entire faculty, staff, and student body of MSON, as well as all interested others, and can be accessed via MSON website

or can be obtained from the Title IX Coordinator, Deputy General Counsel, Dean, Assistant Dean or the MSON Office of Student Services.

XVIII. Policy Management and Responsibilities

Montefiore New Rochelle's compliance department is the Responsible Office under this Policy. The Vice President Executive Director of Montefiore New Rochelle Hospital Anthony, J. Alfano is the Responsible Executive, and the Dean of MSON Rebecca Greer is the Responsible Officer for the management of this Policy.

Effective Date August 1, 2024

Approved August 1, 2024



Responsible Officer

Appendices:

Appendix A: Students' Bill of Rights

Appendix B: Student Alcohol and Drug Use Amnesty Policy

Appendix C: A Plain Language Explanation of Distinctions between the New York State Penal Law and the MSON Disciplinary Processes

Appendix D: Resources and Reporting Options

Appendix A: Students' Bill of Rights

MSON is committed to providing options, support and assistance to victims/survivors of Sexual Abuse/Assault, Stalking, Domestic Violence and/or Dating Violence to ensure that they can continue to participate in MSON-wide and campus programs, activities, and employment. All MSON community members have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

All MSON 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.

See Section VIII.A. for information about filing a Report or Complaint, Section VIII.C. for information about confidentiality during the Report/Complaint process and an investigation and Appendix D for confidential support options.

Appendix B: Student Alcohol and Drug Use Amnesty Policy

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 a 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.

MSON will provide students with the assistance needed to respond to high risk drinking and/or other drug abuse. In a crisis, students are encouraged to seek such assistance by contacting the MMV or MNR Security Department or 911.

Montefiore New Rochelle Hospital Security Department
16 Guion Place
New Rochelle, New York 10801
914-365-3562
dmosher@montefiore.org

Montefiore Mount Vernon Hospital Security Department
53 Valentine Street
Mount Vernon, New York 10550
914-361-6007
fcabbelljr@montefiore.org

Additional resources and information can be found in MSON's Drug and Alcohol Policy.

Appendix C: A Plain Language Explanation of Distinctions between the New York State Penal Law and the MSON Disciplinary Processes

New York State Education Law Article 129-B requires that MSON officials explain differences between MSON processes and the criminal justice process in addressing sexual and interpersonal violence.

There are significant differences between the two systems because they have different, important goals. In the criminal justice system, prosecutors pursue cases when they believe there is sufficient evidence to prove, beyond a reasonable doubt, that an individual has committed a criminal act. A person who is convicted of a crime will face criminal penalties, such as incarceration, probation, or the imposition of a fine. MSON's disciplinary process seeks to determine whether an individual has violated MSON policy. In this process, a clear and convincing standard of proof is used to determine responsibility for alleged Title IX Violations, whereas a preponderance of the evidence standard will apply to allegations of other violations. A person who is found to have violated MSON policy may be suspended, expelled or otherwise restricted from full participation in the MSON community. This document is intended to help explain the differences between the criminal justice system and MSON disciplinary processes.

	Criminal Justice System	MSON Disciplinary System
Goals.	Public safety, deterrence, and punishment.	Education; safety; safe and supportive campus environment.
Governing Law.	NYS Penal Code; NYS Rules of Criminal Procedure (or another state's rules if the crime took place there), Federal Criminal Law, and Rules of Evidence.	Title IX; The Clery Act, as amended by the Violence Against Women Act; NYS Education Law Articles 129-A and 129-B; MSON's Policy and Procedures for Addressing Sex Discrimination and Gender-Based Misconduct; Student Bill of Rights; Faculty Policies; Code of Conduct.
How to report and whether there must be action once a report is made.	Crimes involving sexual violence may be reported to the local police agency or to the New York State Police. Certain crimes may also be reported to federal law enforcement agents. Once a report is made, the decision whether to investigate is made by the police/law enforcement agency, often in consultation with a District Attorney or other prosecuting agency. An investigation may be conducted without the consent or participation of a reporting individual. The	Victims may disclose sexual violence to confidential resources identified in Appendix D or to MSON employees who will ensure privacy to the extent consistent with MSON's obligation to provide a safe educational environment. Disclosures made to a confidential resource will not trigger an investigation. When a Report or Complaint is made to the Title IX Coordinator or another MSON employees, the Title IX Coordinator will conduct

	ultimate decision of whether to initiate a criminal prosecution is initially made by a prosecutor. In cases involving felony charges, the final charging decision is made by a Grand Jury.	outreach to the reporting individual and will generally commence an investigation of the incident.
Who investigates?	Police or other law enforcement officials.	Investigators employed or retained by MSON.
Procedures.	See Governing Law. Procedures established by police departments, prosecutors' offices, etc.	Policy and Procedures for Addressing Sex Discrimination and Gender-Based Misconduct
Standard of Evidence.	Crimes must be proven "Beyond a Reasonable Doubt."	A violation of prohibited conduct must be proven by a "Preponderance of the Evidence" standard.
Confidentiality.	Law enforcement agencies offer some confidential assistance, but a criminal charge and trial must be public.	MSON offers confidential resources, but filing a Complaint requires that relevant information be shared with those involved.
Privacy.	Criminal trials must be public.	Investigations and disciplinary proceedings are kept as private as possible, but information must be shared with certain individuals within MSON, the parties to the proceedings, and pursuant to law.
Who are the parties?	The prosecution/State and defendant. The victim/survivor is not a party, but often the critical witness for the prosecution.	Complainant and accused/Respondent.
Participation in the process.	In limited circumstances, a criminal prosecution can proceed without the participation or cooperation of the reporting individual, but without a reporting individual's participation, it is generally more difficult to prove a crime beyond a reasonable doubt.	Students are encouraged, but not required to participate in MSON's process. Employees are required to cooperate with investigations. MSON will be limited in its ability to respond if a Complainant does not participate.
Who initiates the proceedings?	A prosecutor, acting on behalf of the State (or the United States in federal cases).	MSON initiates proceedings, with the Complainant generally having an active role.

<p>Testimony.</p>	<p>In a court, testimony is generally public. Other parties are, through counsel, entitled to cross-examine witnesses.</p>	<p>Parties and witnesses will be questioned by the investigator. Parties may suggest follow-up questions, which will be reviewed and asked by the investigator in follow-up meetings.</p>
<p>Role of attorneys.</p>	<p>Both the State and the defendant are represented by counsel; counsel may question witnesses.</p>	<p>The parties may have an Advisor of their choice and at their expense (who may or may not be an attorney) present with them during any MSON meeting or interview. The role of an advisor is limited and does not change if the advisor is an attorney.</p>
<p>Mental Health and Sexual History.</p>	<p>In New York, a reporting individual's prior sexual and mental health history is generally, but not always, inadmissible in a criminal case. There are limited circumstances under which directly relevant evidence of that kind may be admitted.</p>	<p>Evidence regarding sexual history is generally not admissible, but subject to quite limited exceptions, such as if evidence about prior sexual behavior is offered to prove that someone other than Respondent committed the conduct alleged, or if the evidence concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is offered to prove consent. NYS Education Law Article 129-B also permits parties to exclude information about their own mental health history in the fact-finding phase of the disciplinary process.</p>
<p>Possible Results.</p>	<p>If a prosecution takes place, the defendant may</p> <ul style="list-style-type: none"> • plead guilty or "no contest" • have the case dismissed by the judge (on legal grounds) 	<p>The Respondent may be found "responsible" or "not responsible" for violations of MSON's Policy. Alternatively, parties may choose a method of Informal Resolution, such as mediation.</p>

	<ul style="list-style-type: none"> • be found “guilty” or “not guilty” by a judge or jury 	
Sanctions.	An individual found guilty may be fined, imprisoned, or both. In some courts, alternative sanctions are sometimes used.	An individual found responsible for violating MSON policy may be given a range of sanctions (depending on the severity of the conduct and other factors, such as prior judicial history), ranging from a warning to suspension or expulsion from MSON (for students), and up to and including termination (for employees).

* Adapted from SUNY, available at <https://system.suny.edu/media/suny/content-assets/documents/sexualviolenceprevention/College-and-Criminal-Process-Resource.pdf?bcs-agent-scanner=22624693-1166-7240-b9e7-8ab3f887c299>.

Appendix D: Resources and Reporting Options

On-Campus Resources

Confidential MSON Resources

A report made to the following MSON resources will not trigger an investigation by MSON:

Carebridge Employee Assistance Program
844-300-6072
clientservice@carebridge.com

Additionally, if an individual discloses information through a public awareness event, such as candlelight vigils, protests, or other public event, the institution is not obligated to begin an investigation based on such information, though it may use the information to inform its efforts for additional education and prevention.

Non-Confidential MSON Resources

A report also may be made to MSON's Title IX Coordinator, Security Department, Dean, Assistant Dean, or other "campus security authorities" (See Section VIII.A.) however it will trigger an investigation by MSON.

Off-Campus Resources²

Law Enforcement

MSON's first and foremost concern for anyone who has been the victim of an incident of Sexual Abuse/Assault, Stalking, Domestic violence, Dating violence, or any other crime is their physical safety. Thus, if anyone who has been a victim of such unlawful behavior is feeling physically unsafe, he/she should immediately call the Security Department, the local police precinct, 911, or the state police for assistance.

New York City Police Department & State Police
911 (Emergency)

Local Police Precincts
Mount Vernon Police Department
1 Roosevelt Square
Mount Vernon, NY 10550
914-665-2500

Medical Care & Evidence Preservation

If anyone has been the victim of an incident of Sexual Abuse/Assault, Stalking, Domestic Violence, Dating Violence, or any other crime is in need of immediate medical treatment, he/she should go to the nearest hospital emergency room or call 911.

² Fees may apply to off-campus resources. Complainants should check with each resource to determine whether reporting is confidential.

Additionally, victims of Sexual Assault should consider the following:

Sexual Assault Forensic Examination

Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services.

To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

To obtain a **Sexual Assault Forensic Examination (SAFE)**, a sexual assault victim may contact Jacobi Medical Center, Social Work Department, 1400 Pelham Parkway, room 1E4, Bronx, NY 10467, tel. 718-918-5800, or the North Central Bronx Hospital, Sexual Assault Treatment Program, 3424 Kossuth Avenue, Bronx, NY 10467, tel. 718-519-4912. Both Jacobi Medical Center and North Central Bronx Hospital are SAFE-designated hospitals. Emergency care and support is available 24 hours/7 days a week, and a Victim Service Program social worker or volunteer advocate is on call at all times.

Financial Assistance for Healthcare

The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: <https://ovs.ny.gov/help-crime-victims>, or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

Sexually Transmitted Infections

Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available from Planned Parenthood in New Rochelle, New York.

Victims of Sexual Assault, Stalking, Domestic Violence, Dating Violence or other crime should also consider seeking mental health services.

MSON is well aware of the emotional trauma often suffered by a victim of sexual violence, and therefore it has designated trained counselors in its Counseling Center to serve as sexual assault coordinators for MSON. They can be reached by calling (929) 246-6791 or emailing oasc@MSON.med.edu and asking for a sexual assault coordinator. Advice and support will be offered on a confidential basis as the victim begins to make choices regarding how to proceed post-assault.

Other Resources Not Affiliated with MSON

The NYC Alliance Against Sexual Assault on-line at www.svfreenyc.org or (212) 229-0345 has compiled numerous resources available to victims.

SOVRI (Support for Orthodox Victims of Rape and Incest) Hotline at Beth Israel Medical Center, (888) 613-1613 is a confidential hotline (no caller- ID is used) that may be called anonymously for information and support.

Manhattan Family Justice Center can provide a wide range of services and support. The Manhattan location is at 80 Centre Street, New York, NY, 10013; **Phone:** (212) 602-2800; <https://www.nyc.gov/site/ocdv/programs/family-justice-centers.page>

Family Court Volunteer Lawyer Program (part of the New York State Access to Justice Program)

900 Sheridan Avenue
Bronx, NY 10451
Phone: (718) 618-2150
Hotline: (718) 618-2150
volunteerattorneys@nycourts.gov

Safe Horizon (NYC)
2 Lafayette Street, 3rd Floor
New York, NY 10007
Phone: (212) 227-3000
<https://www.safehorizon.org>
Hotline: (866) 689-4357

Family Services of Westchester
6 Gramatan Ave.
Mount Vernon, NY 10550
Phone: (914) 668-9124

Planned Parenthood
New Rochelle Health Center
150 Lockwood Avenue, Suite LL-1
New Rochelle, NY 10801
Phone: (914) 632-4625

Lifenet Helpline (800) LIFENET [1-800-543-3638] is a general crisis hotline

Immigration & Visa Assistance Services for Victims of Sexual & Interpersonal Violence:

U.S. Citizenship and Immigration Services (USCIS)
<http://www.uscis.gov/citizenship/learners/find-help-your-community>

USCIS Find Legal Services Webpage
<http://www.uscis.gov/avoid-scams/find-legal-services>

Board of Immigration Appeals (BIA) (Listing of attorneys by state who provide immigration services either for free or for little cost)
<http://www.justice.gov/eoir/probono/states.htm>

American Immigration Lawyers Association (AILA) Immigration Lawyer Referral Service
<http://www.aialawyer.org/>

American Bar Association (ABA) (Information on finding legal services by state)
https://www.americanbar.org/groups/legal_services/flh-home/