

SEXUAL AND GENDER-BASED MISCONDUCT POLICY

Date: September 25, 2015

Supersedes: None

References: *Statement of Non-Discrimination Policy; Sexual Harassment Policy; Policy on Sexual and Gender-Based Misconduct and Policy for Alcohol and Drug Use Amnesty in Sexual Violence Cases*

I. PURPOSE

This Policy and its procedures is intended to provide for the process and procedures for the report, investigation and prompt and equitable resolution of sexual and gender-based misconduct and violence incidents involving faculty, employees and third parties and to reaffirm the commitment of New York Medical College (“College”) to ensure a safe and non-discriminatory educational and employment environment in accordance with Title IX, the *Violence Against Women Act*, *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, and other applicable federal and state laws.

II. POLICY

It is the policy of New York Medical College (the “College”) to prohibit all forms of sexual and gender-based misconduct and violence, which comprise a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. Sexual abuse, sexual assault, sexual exploitation, gender-based harassment, stalking, domestic violence and dating violence are all forms of sexual or gender-based misconduct. Sexual and/or gender-based misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship. Sexual and gender-based misconduct can be committed by anyone regardless of gender identity, and it can occur between people of the same or different sex or gender. The College does not tolerate any form of sexual or gender-based misconduct, and all sexual and gender-based misconduct is prohibited by this Policy. Furthermore, this Policy prohibits complicity for knowingly assisting in an act that violates this Policy and retaliation against an individual because of his/her good faith participation in the reporting, investigation, or resolution of violations of this Policy. Faculty and employees who violate this Policy may face discipline up to and including termination of employment or, as applicable, faculty appointment.

Nothing in this Policy shall be construed to abridge academic freedom and inquiry; the First Amendment rights of students, faculty and others; or the College’s educational mission.

III. SCOPE

This Policy and associated procedures apply to sexual and gender-based misconduct involving College faculty, employees or third parties within the control of the College (“Covered Person” or “Covered Persons”), that: (1) occurs on any College campus or in connection with College employment or educational programs or activities or events whether on or off College campus; or (2) creates a hostile environment for College faculty and employees. All College faculty,

employees, and third parties within the control of the College (i.e., vendors, alumni/ae, visitors, or local residents) are expected to and shall comply with this Policy and its procedures. If the complaint involves an allegation of faculty or employee sexual harassment, the procedures in the *Sexual Harassment Policy* are to be followed.

IV. DEFINITIONS

Accused shall mean a person accused of a violation of this Policy who has not yet entered the College's complaint process.

Respondent shall mean a person accused of a violation of this Policy who is in the College's complaint process.

Reporting individual shall mean the individual who reports a violation of this Policy to the College.

Affirmative Consent to Sexual Activity is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. The following principles provide further guidance:

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

Sexual Assault: Non-Consensual Sexual Intercourse — Any form of sexual intercourse (vaginal, anal, or oral) with any object without consent. Intercourse means: vaginal or anal penetration (however slight) by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact). See 18 U.S. Code 2246 (2).

Sexual Assault: Non-Consensual Sexual Contact — Any intentional sexual touching, however slight, with any object without a person's consent. Intentional sexual contact includes contact with the breasts, buttocks, or groin, or touching another with any of these body parts; making

another person touch any of these body parts; and any intentional bodily contact in a sexual manner. See 18 U.S. Code 2246 (3).

Sexual Violence is a broader term than sexual assault. The term encompasses sexual homicide, rape, incest, molestation, fondling, stalking, intimate partner violence, and verbal harassment of a sexual nature. Sexual violence includes creating an environment that feels unsafe based on sexual messages or images. Sexual violence is a sexual act that is completed or attempted against a victim's will or when a victim is unable to consent due to age, illness, disability, or the influence of alcohol or other drugs. The act may involve actual or threatened physical force, use of weapons, coercion, intimidation or pressure.

Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

Domestic Violence — The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards (a) a current or former spouse or intimate partner; (b) a person with whom one shares a child; (c) a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner; or (d) anyone who is protected from the respondent's acts under the domestic or family violence laws of New York. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.

Dating Violence — The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Dating violence can be a single act or a pattern of behavior in relationships.

Sexual Exploitation — Non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples of sexual exploitation include: observing another individual's nudity or sexual activity or allowing another to observe nudity or sexual activity without the knowledge and consent of all participants; non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all participants; exposing one's genitals in non-consensual circumstances; and inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Stalking — A course of conduct directed at a specific person that would cause a reasonable person to feel fear for the person's safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts and includes acts in which the stalker directly or indirectly or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with the targeted individual. Stalking

behaviors may also include: unwanted communication or contact—including face-to-face, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, etc.

Gender-based Harassment — Unwelcome conduct of a nonsexual nature based on a Covered Person’s actual or perceived sex, including but not limited to, conduct based on gender identity or gender stereotyping, gender expression, and nonconformity with gender stereotypes. Such conduct can be in the form of acts of aggression, intimidation, stalking, hostility, or the use of cell phones or the internet (sometimes known as “cyberbullying”). Gender-based harassment can occur if faculty or employees are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must unreasonably interfere with an individual’s employment or educational activities or create an intimidating, hostile, demeaning, or offensive employment environment.

Important Related Concepts: The definitions that follow provide further guidance as to the conduct this Policy prohibits:

Coercion — Unreasonable pressure for sexual activity. When someone makes it clear that he or she does not want to engage in sexual activity or does not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, and /or force. Ignoring objections of another person is a form of coercion.

Force — The use of physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

Incapacitation — A state where a person cannot make a rational, reasonable decision because the person lacks the ability to understand his or her decision. A person can become incapacitated as a result of disability, involuntary physical constraint, sleep, or consumption of alcohol or other drugs.

V. REPORTING PROCEDURES FOR SEXUAL OR GENDER-BASED MISCONDUCT

The College encourages all Covered Persons affected by sexual or gender-based misconduct to report such incidents immediately and to seek immediate assistance. Seeking assistance promptly may be important to ensure the individual’s physical safety or to obtain medical care or other support. It may also be necessary to preserve evidence, which can assist law enforcement and/or the College in responding effectively. Assistance is available 24 hours a day, 7 days a week.

To report an incident, the Covered Person may contact the Town of Mount Pleasant Police at (914) 769-1941 or 911 or the Westchester County Department of Public Safety at (914) 864-7700 or 911. The College also encourages Covered Persons to report sexual and gender-based misconduct to the Title IX Coordinator and/or the College’s Security Office as promptly as

possible so that the College can investigate and respond effectively. If the Covered Person reports the misconduct to the College's Security Office, the Security personnel will promptly report the incident to the Title IX Coordinator. Generally, once the College receives a report, it must investigate. A Covered Person may meet with the Title IX Coordinator to learn more about the process before making a report.

The contact information for the Title IX Coordinator is as follows:

TITLE IX COORDINATOR (Not Confidential)

Katherine Dillon Smith, MSW
Director of Student & Residence Life
(914) 594-4527
Email: Katherine_Dillon@NYMC.edu

DEPUTY TITLE IX COORDINATOR (Not Confidential)

Theresa R. Haviland
Director, Human Resources
(914) 594-4560
Email: TERRI_HAVILAND@NYMC.EDU

The contact information for the College's Security Office is as follows:

SECURITY OFFICE (Not Confidential)

- Located in the Basic Sciences Building, Room 223, Valhalla, NY
- Main: 914-594-4226, or Dial ext. 4226 from any campus phone
- William Allison-Security, Director
Located in Basic Sciences Building, room 223B, Valhalla, NY
914 594-4577
Email: william_allison@nymc.edu
- Kim Bologna, Weekday Shift Supervisor
Located in Basic Sciences Building, Room 223, Valhalla, NY
914 594-4662
Email: kim_bologna@nymc.edu
- Charles Longo, Evening Supervisor
Located in Basic Sciences Building, Room 223, Valhalla, NY
914 594-4339
Email: charlie_longo@nymc.edu

The College recognizes that Covered Persons may be more comfortable disclosing sexual or gender-based misconduct to a College employee or faculty member that they know well. However, any College employee or faculty who receives a report is required to inform a Title IX Coordinator about the incident. The College will endeavor to follow up on any report it receives about possible sexual or gender-based misconduct, whether from a student, employee, faculty or other member of the community or an anonymous source.

1. The College's Title IX Coordinator and Deputy Title IX Coordinators

The College's Title IX Coordinator is together with the Deputy Title IX Coordinators responsible for overseeing the College's response to Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator oversees the administration of this Policy and its procedures in a neutral and equitable manner.

The Title IX Coordinator's function and responsibilities include, but are not limited to:

- Regular training for Covered Persons regarding their rights and obligations under Title IX
- Overseeing investigations of reports and complaints of sexual and gender-based misconduct
- Ensuring appropriate accommodations and interim measures are taken promptly upon learning of a report or complaint of sexual or gender-based misconduct
- Monitoring and assessing ongoing compliance with Title IX
- Serving as a Title IX resource to the College community as appropriate

A Covered Person should contact the Title IX Coordinator or Deputy Title IX Coordinator(s) in order to:

- Seek information or training about rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct,
- File a complaint or make a report of sex discrimination, including sexual misconduct,
- Notify the College of an incident or policy or procedure that may raise potential Title IX concerns,
- Get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct, and
- Ask questions about the College's policies and procedures related to sex discrimination, including sexual misconduct.

2. Confidentiality

The College values the privacy of Covered Persons and other community members. It wants all community members to seek the assistance they need without fear that the information they provide will be shared more broadly than they would like. Federal and state laws, however, impose reporting obligations on College personnel that, in some circumstances, can require certain personnel to share information from a report of sexual or gender-based misconduct with government authorities, the College's Security Office or others at the College. Even when College employees have an obligation to report to others, which means their office is described as "Not Confidential" in Article VII. **Resources Available** of this Policy, they will explain their reporting obligations, protect and respect the Covered Person's privacy to the greatest extent possible and share information only on a need-to-know basis.

Advocates, counselors, clergy and healthcare providers can provide a Covered Person with immediate and long-term help. Conversations with them are confidential, except as described in Article VI. **Resources Available** of this Policy. They will listen and help access additional assistance, and explain options for obtaining additional support from the College and others. They can also arrange for medical care and accompany a Covered Person, or arrange for someone to accompany students, to seek such care. Covered Persons may use these resources whether or not they decide to make an official report or participate in College disciplinary proceedings or the criminal process. These advocates, counselors, clergy, and healthcare providers are familiar with the College's disciplinary process, can explain what to expect, and provide support while disciplinary or criminal processes are pending.

3. Requesting Confidentiality When Reporting an Incident to the College

When a complainant reports sexual or gender-based misconduct to the Title IX Coordinator or Deputy Title IX Coordinators and/or the College's Security Office, he/she may request at any point after the report is made that the office not disclose his or her identity to anyone else, including the person who allegedly committed the misconduct, that no investigation into a particular incident be conducted, and/or that no disciplinary action be taken against the respondent. While such requests may limit the College's ability to investigate and respond to the reported misconduct, the Title IX Coordinator and/or the College's Security Office, in consultation with appropriate College personnel, including the Office of the General Counsel, will consider the request(s) in light of the College's obligation to provide a safe and non-discriminatory working environment for all members of its community, including for the complainant. The Title IX Coordinator will promptly notify the complainant making the request(s) whether the College will be able to honor it. A complainant may receive support and safety services regardless of their reporting choices.

4. Accommodations/Interim Measures

In all cases, the College will take appropriate steps designed to mitigate the effects of the alleged sexual or gender-based misconduct, prevent its recurrence, and make accommodations for the complainant involved. The Title IX Coordinator will work with complainants affected by sexual or gender-based misconduct to ensure their safety and promote their well-being. Sometimes this assistance will take the form of actions or accommodations to support or protect the complainant in the immediate aftermath of an incident and while an investigation or a disciplinary action is pending. This may include academic, residential, and work accommodations; increased monitoring; supervision; security at locations or in connection with activities where the alleged misconduct occurred; and training and educational materials for the campus community. If there is reason for concern about possible retaliation or harm, the College will take protective measures in consultation with the affected complainant.

Following report of an incident, the Title IX Coordinator will provide written notice to the complainant and respondent of the accommodations that may be available. A complainant may request accommodations even in cases where a complainant has requested that no investigation be undertaken or the complainant or respondent has declined to participate in College disciplinary proceedings or the criminal process. The Title IX Coordinator will evaluate any

request for accommodations in light of the circumstances and information available at the time. The College will provide information about the accommodations only to those who need to know in order to make them effective.

Failure to comply with accommodations or interim measures is a violation of College policy and may lead to additional disciplinary action.

The Title IX Coordinator shall ensure that individuals are provided the following protections and accommodations:

- When the accused or respondent is a student, to have the College issue a "no contact order" consistent with College policies and procedures, where continued intentional contact with the reporting individual would be a violation of this Policy subject to additional conduct charges; if the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. Both the accused or respondent and the reporting individual shall, upon request and consistent with the College's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request. The College may establish an appropriate schedule for the accused and respondents to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the reporting individual;
- To be assisted by the College's Security Office or other College representative in obtaining an order of protection;
- To receive a copy of the order of protection or equivalent when received by the College and have an opportunity to meet or speak with a College representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person or persons;
- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension;
- To receive assistance from College Security in effecting an arrest when an individual violates an order of protection and to call on and assist local law enforcement in effecting an arrest for violating such an order;
- When the accused or respondent is a student determined to present a continuing threat to the health and safety of the community, to subject the accused or respondent to interim suspension pending the outcome of the conduct process under this Policy. Both the accused or respondent and the reporting individual shall, upon request and consistent with this Policy, be afforded a prompt review, reasonable under the circumstances, of

the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request;

- When the accused is not a student but a Covered Person and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with College policies and applicable collective bargaining agreements;
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation or other applicable arrangements in order to help ensure safety, prevent retaliation and avoid an ongoing hostile environment, consistent with the College's policies and procedures. Both the accused or respondent and the reporting individual shall, upon request and consistent with the College's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects him or her, and shall be allowed to submit evidence in support of his or her request.

5. Reporting to Law Enforcement

A Covered Person may report sexual or gender-based misconduct to the Town of Mount Pleasant Police, the Westchester County Department of Public Safety or the Westchester County District Attorney's Office – Sex Crimes Bureau (see "Resources" section above), or the local law enforcement agency where the misconduct occurred if the misconduct occurred outside of the Valhalla Campus. The College's process and the criminal justice system are separate and work independently from one another. Law enforcement authorities do not determine whether a violation of this Policy has occurred. The College's Security Office personnel and the other resources listed below in Article VI. **Resources Available** of this Policy are familiar with Town of Mount Pleasant and Westchester County law enforcement processes and can explain what happens when sexual or gender-based sexual misconduct is reported to law enforcement. While confidential support resources, the Title IX Coordinator and the College's Security Office can explain how to report sexual assault and other forms of gender-based misconduct to law enforcement, they cannot serve as a substitute for legal advice on these matters.

6. Time for Reporting

The College does not limit the time for submitting a report of gender-based misconduct. However, given that the College's ability to investigate and respond effectively may be reduced with the passage of time, reports should be promptly and timely filed as soon as possible and preferably in writing after the date of the alleged misconduct.

7. Reporting from Others and Anonymous Reports

In cases where sexual or gender-based misconduct is reported to the College by other than the complainant (for example, by a faculty member, another employee or friend of the complainant), the Title IX Coordinator will promptly notify the complainant that a report has been received. This Policy and its procedures will apply in the same manner as if the complainant had made the

initial report. The Title IX Coordinator will make every effort to meet with the complainant to discuss available options and on-campus and off-campus resources. Reports from an anonymous source will be treated in a similar fashion.

8. The College's Reporting Obligations

A federal law called the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (the "Clery Act") requires the College to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual or gender-based misconduct under this Policy. As described in the "Resources" section above, many employees who receive reports of sexual or gender-based misconduct are required by the Clery Act to notify the College's Security Office about such incidents for statistical reporting purposes. These notifications may include the classification and location of the reported crime but do not identify the students involved. The Clery Act also requires the College to issue a "timely warning" when it receives a report of certain crimes that pose a serious or continuing threat.

VI. Resources Available

All contact information for the listed resources was confirmed as of the date of this Policy. Up to date contact information can always be found on the College's website at <https://www.nymc.edu/universitypolicies/>

The following resources are available to reporting individuals:

NYMC SECURITY OFFICE (Not Confidential)

- Located in Basic Sciences Building, Room 223, Valhalla, NY
- Main: 914-594-4226, or Dial ext. 4226 from any campus phone
- William Allison-Security, Director
Located in Basic Sciences Building, room 223B, Valhalla, NY
914 594-4577
Email: william_allison@nymc.edu
- Kim Bologna, Weekday Shift Supervisor
Located in Basic Sciences Building, Room 223, Valhalla, NY
914 594-4662
Email: kim_bologna@nymc.edu
- Charles Longo, Evening Supervisor
Located in Basic Sciences Building, Room 223, Valhalla, NY
914 594-4339
Email: charlie_longo@nymc.edu
- Blue Light Program
The College has 16 blue light emergency phone towers located on the Valhalla campus walkways and parking lots and in the student housing complex. These phones are used to report emergencies to security. The phones are easily recognized by the steady blue light at the top of the tower and the word "Emergency" on all 4 sides. Each phone has an identifying number and usage instructions just below the silver

faceplate. Pressing the red button on the silver phone face plate automatically dials in to a central number in the security office. The phone number and location is displayed on a monitor. If the phone is not answered immediately by security the call is automatically forwarded to Westchester County Department of Public Safety. Upon activation of the phone, the blue light goes from steady to a flashing strobe to alert others in the area and to guide emergency responders. Persons using these phones should make every effort to speak in a loud and clear voice.

MEDICAL SERVICES (Confidential)

- NYMC Valhalla Campus: Health Services in the Basic Sciences Building
914-594-4234
Monday – Thursday 8:30 a.m. – 4:30 p.m.
Friday – 8:30 – 3:00 p.m. (From October 1st through March 31st).
The nurse practitioner is unavailable between 1:00 – 2:00 p.m. daily. Physicals are by appointment only.

After Hours: If you need medical attention after 4:30 p.m. the following medical services are available to you:

- The Westchester Medical Group – Urgent Care Centers
914-681-3100
(They are affiliated with White Plains Hospital)
210 Westchester Avenue, White Plains, NY
Hours: Monday – Friday 9:00 a.m. – 9:00 p.m.; Saturday & Sunday 9:00 a.m. – 5:00 p.m.
The Urgent Care Center accepts walk-in patients anytime during its regular hours, no appointment is needed.
- Minute Clinic – Located within CVS pharmacy
1-866-389-2727
Website: <http://www.minuteclinic.com>
They are staffed with licensed nurse practitioners and physician assistants, board certified, most insurance accepted, open 7 days a week. No appointment needed, walk right in.
Hours: Monday - Friday 8:00 a.m. - 8:00 p.m.; Saturday & Sunday 10:00 a.m. - 4:00 p.m.

Westchester Locations:
375 White Plains Rd, Eastchester
1310 Boston Post Rd., Larchmont

- Pharmacy:

Bradhurst Pharmacy, Inc.
Cedarwood Hall, Valhalla, NY
914-345-3838 (on campus)

Atrium Pharmacy
19 Bradhurst Ave., Hawthorne, NY
914-345-0070

- New York City Locations

D.O.C.S. - 55 E. 34th St (between Madison/Park), NY, NY
(212) 252-6000

Hours: Walk In Hours: No appointment necessary

Monday-Thursday: 8 AM to 8 PM

Friday: 9 AM to 7 PM

Saturday: 9 AM to 3 PM

Sunday: 9 AM to 2 PM

Holidays: 9 AM to 1 PM

D.O.C.S. - 202 W. 23rd St. (at 7th Ave. Chelsea), NY, NY
(212) 352-2600

Hours: Walk-In Hours: No appointment necessary;

Open 24 hours a day/365 days a year including Holidays.

** They do accept NYMC student health insurance [Empire BC/BS PPO]

- Metropolitan Hospital - 1901 First Ave (between 97th & 99th St.), NY, NY

Fast Track Direct Line: (212) 423-6466

Hours: Daily from 7:00 a.m. to 8:00 p.m.

- St. Joseph's Hospital

Contact: Michael Delisi, M.D., Chairman, Family Medicine; Director, Employee Health Services

Location: Employee Health Office, 1135 Broad Street, Clifton, NJ

(973) 754-4100

Hours: Monday –Friday 8:30 a.m. to 4:30 p.m.

Contact: Mark Rosenberg, D.O., Chairman, Emergency Medicine

Location: SJH Emergency Department, 703 Main Street, Paterson, NJ

(973) 754-2222

Hours: 24/7

NYMC TITLE IX COORDINATOR (Not Confidential)

Katherine Dillon Smith, MSW

Director of Student & Residence Life

(914) 594-4527

Email: Katherine_Dillon@NYMC.edu

NYMC Deputy Title IX Coordinator (Not Confidential)

Theresa R. Haviland
Director, Human Resources
(914) 594-4560
Email: TERRI_HAVILAND@NYMC.EDU

ON CAMPUS (Not Confidential)

- Forensic Acute Care Team (FACT) at the Westchester Medical Center (100 Woods Road, Valhalla, NY). FACT is a team of experienced, highly qualified and compassionate physicians and nurses available 24 x 7 to offer various aspects of medical and/or forensic care to patients presenting with concerns for recent (within 96 hours) sexual abuse or assault. On-site mental health and social work services are available 24 x 7 as well victim advocacy service liaisons to community agencies. All services are *free of charge* including transportation to and from Westchester Medical Center. WMC Emergency Department charge nurse (914-493-8671).

OFF-CAMPUS RESOURCES

- Off-Campus Law Enforcement
 - Dial 911 for emergencies
 - Town of Mt. Pleasant Police: 914 769-194 or 911
 - Westchester County Department of Public Safety: 914 864-7700 or 911
 - Westchester County District Attorney – Sex Crimes Bureau 914-995-4172
- OFF-CAMPUS ADVOCACY, COUNSELING, AND HEALTH SERVICES
 - Westchester County Victim Assistance Services - 24 hour rape crisis hotline 914 345-9111 or toll free at 1-855-827-2255
 - Non crisis calls: New York State Coalition Against Sexual Assault 914 345-3113
Website: <http://nyscasa.org/?q=responding/crisiscenters>
 - Safe Horizon 212-523-4728
 - Gay and Lesbian Anti-Violence Project (24-hours) 212-714-1141
 - Westchester County Medical Center Emergency Room: 914 493-7307
 - Westchester County Family Justice Center-provides services for individuals who are victims of domestic violence, dating violence, sexual assault, and stalking- (914) 995-3100
Website: <http://women.westchestergov.com/domestic-violence>
 - NYS Domestic and Sexual Violence Hotline
1-800-942-6906
English and español, Multi-Language Accessibility
National Relay Service for Deaf or Hard of Hearing: 711
 - Rape Crisis and Sexual Violence Prevention Programs
Westchester Community Opportunity Program, Inc.,
2269 Saw Mill River Road, Bldg. 2

Elmsford, NY 10523
914-345-3113
Hotline: (914) 345-9111 or (800) 726-4041

NEW YORK STATE OFFICE OF VICTIM SERVICES

- For Assistance and resources - 800.247.8035 or see Website at <https://ovs.ny.gov/>

ADDITIONAL GOVERNMENT RESOURCES

The government resources listed here may provide additional assistance for students wishing to file an external complaint of gender-based misconduct or students with inquiries regarding the application of Title IX and its implementing regulations:

- Website: <http://www.notalone.gov>
- U.S. Department of Education, Office for Civil Rights
Website: <http://www.ed.gov/ocr>
- US Department of Education
Office for Civil Rights, New York – Region II
32 Old Slip, 26th Floor, New York, NY 10005
646-428-3800
Email: OCR.NewYork@ed.gov
- U.S. Department of Justice, Office on Violence Against Women
Website: <http://www.ovw.usdoj.gov>

[The Center for Changing Our Campus Culture](http://www.changingourcampus.org)
Website: www.changingourcampus.org

- US Department of Justice
Office on Violence Against Women
145 N Street, NE, Suite 10W.121, Washington, DC 20530
(202) 307-6026

VII. PROCEDURES FOR RESPONDING TO ALLEGATIONS OF SEXUAL OR GENDER-BASED MISCONDUCT

A. Procedural Rules

1. Privacy

The College will reveal information about its investigations and determinations of sexual and/or gender-based misconduct only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all individuals participating in an investigation,

meeting or proceeding under this Policy that they are expected to maintain the privacy of the process and that such individuals shall not be allowed to use any type of electronic recording device including, but not limited to, laptop computers, tape or digital recorders, cell phones, or PDAs of any investigation, meeting or proceeding under this Policy. This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or similar resources.

2. Advisors

The complainant and respondent, respectively, may be accompanied to any investigatory meeting related to an incident of misconduct by the advisor of their choice. Meetings will not be scheduled or postponed based upon the availability of an advisor. If the complainant or respondent wishes to be accompanied by an advisor to an investigatory meeting, he or she must inform the Title IX Coordinator, in writing, a minimum of 48 hours in advance of the meeting and indicate the name and phone number of the advisor.

The role of the advisor at the investigatory meeting is limited. Advisors may support the complainant or respondent, as applicable, and provide advice about the investigation and disciplinary process. During meetings, the complainant or respondent, as applicable, may confer quietly with his/her advisor in a non-disruptive manner. The advisor is not entitled to and may not intervene in a meeting or address the investigators or investigatory panel, including by questioning witnesses or making objections. Repeated violations may result in the advisor being asked to leave the meeting.

3. Declining to Participate

A complainant and/or respondent may decline to participate in the investigative or disciplinary process. The College may continue the process without the complainant's and/or respondent's participation. In most cases, a refusal to participate in the investigative process will preclude a complainant or respondent from participating before the Investigatory Panel.

4. Time Frame for Investigation

The College will seek to resolve every report of sexual or gender-based misconduct within approximately sixty to ninety calendar days of an initial report, not counting any appeal. Generally, the time line will be as follows:

- a. Investigation begins within 5 days after the initial report
- b. Investigation completed within 30 days after the investigation begins
- c. A meeting (if any) shall be held with the Title IX Coordinator within 15 days after the receipt of the written report of the investigation
- d. Determination issued by Title IX Coordinator within 15 days after the conclusion of meetings
- e. Notice of sanctions issued within 5 days after the determination of the Title IX Coordinator

- f. Notice of appeals filed by either/both complainant and respondent within 5 days after the notice of determination and sanctions received by the complainant and respondent
- g. Decision on the appeal within 30 days after notice of appeal received

It is important to note that the time frames outlined above may vary depending on the details of a case and at certain times of the academic year (for example, during holidays or breaks, study periods or final exams). The College may extend any time frame within its reasonable discretion, with a written explanation to the complainant and respondent.

5. Equal Treatment of Complainant and Respondent

The College shall give the complainant the same rights that it gives to the respondent, and *vice versa*. Specifically:

- Throughout the investigation and disciplinary proceedings, the parties must have an equal opportunity to present relevant witnesses and other evidence.
- If the College allows one party to have advisors at any stage of the proceedings, it must do so equally for both parties. Any College-imposed restrictions on the ability of advisors to speak or otherwise participate in the proceedings must also apply equally.
- If the College permits one party to submit third-party expert testimony, it must do so equally for both parties.
- The appeals process (see “Appeals” section below) must be equally available to both parties.
- The Title IX Coordinator shall notify both parties, in writing, of the outcome of the complaint and any appeal.

6. Rights of the Parties

The complainant and the respondent will be afforded the following rights in the process:

- To be treated with respect, dignity, and sensitivity throughout the process.
- To seek support services at the College.
- To confidentiality and protection under applicable laws, including FERPA. The College will make all reasonable efforts to ensure preservation of privacy and restrict information to those with a legitimate need to know.
- To be informed of the process.
- To receive a written determination of findings after the investigation, and to appeal the determination.
- To a prompt, thorough and impartial investigation of the allegations.

- To participate or decline to participate in the process.
- To report the incident to law enforcement if he/she wishes to do so.
- To understand that information collected in the process may be subpoenaed in criminal or civil proceedings.

B. The Investigation

The Title IX Coordinator will inform the complainant before starting an investigation. The complainant may request that an investigation not be undertaken. While honoring such a request may limit the College's ability to meaningfully investigate and pursue conduct action against an accused individual, the Title IX Coordinator, in consultation with appropriate College personnel, including the Office of the General Counsel, will honor such a request unless the College determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community. Factors to be considered in such a request include, but are not limited to, the following:

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

If the Title IX Coordinator determines not to investigate, the complainant shall be notified in writing, including that the determination was made at the complainant's request. At the complainant's request, the Title IX Coordinator will also notify the respondent in writing, including that the complainant asked the College not to investigate.

If the Title IX Coordinator determines to proceed with an investigation, the Title IX Coordinator shall notify the complainant in writing and take immediate action as necessary to protect and assist the complainant. With the investigation proceeding, the College will notify the respondent in writing that a report has been filed. The notice will describe the allegations in the report including the date, time, location and factual allegations concerning the violation(s) of this Policy and possible sanctions. The complainant and respondent will be given the opportunity to meet separately with the Title IX Coordinator to review this Policy and its procedures.

The College's process for responding to, investigating and determining sexual and gender-based misconduct reports will continue during any law enforcement proceeding. The Title IX Coordinator may need to temporarily delay an investigation while the police are gathering evidence but the Title IX Coordinator will resume the investigation after advised that the police

department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding.

The Title IX Coordinator will designate a specially trained investigator (or team of investigators) to interview the complainant, respondent and any witnesses. The investigator will also gather pertinent documentary materials (if any) and other information. The investigator will follow the protocols set forth below:

- **Fact and Evidence Gathering.** The investigator will interview and obtain statements from the complainant, respondent and any witnesses regarding the alleged incident (s), corroborating information; and relevant information about pre-and post-incident behavior and/or actions. The investigator will also obtain and preserve any physical or documentary evidence.
- **Preserving Evidence.** The investigator will direct the complainant, respondent, witnesses, and other interested individuals to preserve any relevant documentary or physical evidence.
- **Character Witnesses.** The investigator will not interview witnesses whose sole purpose is to provide character information.
- **Romantic or Sexual History in Sexual Assault Cases.** The investigator will not consider information concerning the romantic or sexual history of either the complainant or the respondent, except from either the complainant or respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual or gender-based misconduct.
- **Prior Conduct Violations.** The investigator will not consider the respondent's prior conduct violations, unless the Title IX Coordinator or the respondent's school provides information because:
 - The respondent was previously found to be responsible, and
 - The previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

The investigator will prepare a report detailing the relevant content from the interviews and the documentation gathered. The report will include the investigator's assessment of individual credibility and recommended findings of responsibility. The investigator may consult with appropriate College personnel including the Office of General Counsel. The respondent and complainant will each have the opportunity to review a copy of the investigative report and any other information that will be used during the disciplinary proceedings. The names and other identifying information of other students will be redacted from such materials in accordance with, if applicable, the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The Title IX Coordinator will supervise this review and ensure that reasonable time is afforded for review.

C. Informal Resolution

The Title IX Coordinator, upon consultation with appropriate College personnel, including the Office of the General Counsel, may seek to resolve certain gender-based misconduct cases through an informal process involving both the complainant and respondent. (For example, a complainant and respondent may agree with the Title IX Coordinator that education and training for the respondent are an appropriate and sufficient response in a particular case). This type of informal resolution can take place during the investigation or after its conclusion. If, based on the information known about the incident, the Title IX Coordinator believes such a resolution is possible, the Title IX Coordinator will speak with the complainant. If the complainant agrees, the Title IX Coordinator will then speak with the respondent. If both complainant and respondent are satisfied with a proposed resolution and the Title IX Coordinator believes the resolution satisfies the College's obligation to provide a safe and non-discriminatory working environment, the resolution will be implemented, the disciplinary process will be concluded and the matter will be closed. If these efforts are unsuccessful, the disciplinary process will continue. Before starting these discussions, the Title IX Coordinator will notify the complainant and respondent that each has the right to end the informal process at any time. **The College will not use informal resolution for cases involving allegations of sexual assault.**

D. Administrative Resolution

Both the complainant and respondent will have the opportunity to submit written responses to the investigative report and other relevant information to the Title IX Coordinator. The complainant and respondent will each have the opportunity to review any written submissions by the other. The Title IX Coordinator may set reasonable parameters for these written submissions. The Title IX Coordinator will review the investigative report and written submissions. If the Title IX Coordinator determines that a meeting is not necessary because the information in the written investigation report and the written submissions (if any) are sufficient by a preponderance of the evidence to make a determination (for example, where the complainant and the respondent do not disagree about the relevant facts), the Title IX Coordinator will proceed directly to make a determination, including an explanation of why a meeting is not necessary. In reaching If the Title IX Coordinator decides that a meeting is necessary, the complainant and respondent shall be duly notified.

E. Meetings

The Title IX Coordinator determines whether the respondent is responsible or not responsible by a preponderance of the evidence for a violation of this Policy. If the respondent is determined to be responsible, the matter proceeds to the sanctions stage.

1. Notice

The Title IX Coordinator will, whenever possible, give the complainant and respondent at least five days' advance notice of any meeting. The meeting is a closed proceeding, meaning that no one other than the Title IX Coordinator, the complainant and respondent, their respective advisors, witnesses (when called), and necessary College personnel may be present in the

meeting room or rooms during the proceeding. The Title IX Coordinator will work with other College personnel so that any student whose presence is required may participate in the procedures.

2. Meeting Procedures

The Title IX Coordinator may set reasonable time limits for any part of the meeting. The complainant and respondent will each have the opportunity to present witnesses and other information consistent with this Policy and its procedures. The Title IX Coordinator may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the meeting, arrangements will be made for participation *via* alternate means. In cases where either the complainant or respondent opt not to participate in these proceedings, the Title IX Coordinator may still hear from the other.

Questioning: Only the Title IX Coordinator may ask questions of the complainant and respondent and any witnesses. If the Title IX Coordinator allows the parties to cross-examine the other party or any witness, the parties may do so by submitting questions to the Title IX Coordinator to ask the questions on their behalf. The parties and their advisors are not permitted to personally question or cross-examine the other party or any witness. The Title IX Coordinator may revise or not ask any or all submitted questions.

3. Equal Treatment

The Title IX Coordinator shall give the complainant the same rights that it gives to the respondent, and vice versa. Specifically,

- The Title IX Coordinator is not required to allow a complainant or respondent to be present for the entire meeting. However, if the Title IX Coordinator allows one party to be present for the entire meeting, it must do so equally for both parties. At the same time, when requested, the Title IX Coordinator should make arrangements so that the complainant and the respondent do not have to be present in the same room at the same time (e.g., by using closed circuit television or other means).
- The Title IX Coordinator is not required to allow cross-examination of witnesses, including the parties, if they present evidence at the meeting. However, if the Title IX Coordinator allows one party to cross-examine witnesses, it must do so equally for both parties, subject to the rules regarding “Questioning” under the “Meeting Procedures” section above.
- The Title IX Coordinator is not required to allow a complainant or respondent to make an opening statement. However, if the Title IX Coordinator allows one party to make such statement, it must do so equally for both parties.
- The Title IX Coordinator is not required to allow a complainant or respondent to make a closing statement. However, if the Title IX Coordinator allows one party to make such statement, it must do so equally for both parties.

4. Information Regarding Romantic or Sexual History

The Title IX Coordinator will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of gender-based misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the Title IX Coordinator deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual or gender-based misconduct.

5. Prior Conduct Violations

The Title IX Coordinator will not consider the respondent's prior conduct violations, unless such information is relevant because:

- The respondent was previously found to be responsible, and
- The previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

6. Record of Meeting

No audio recording of the meeting(s) will be permitted. The record of the meeting(s) maintained by the Title IX Coordinator shall be kept by the College for at least five years from the date of the meeting.

7. Cell Phones and Recording Devices

Cell phones and recording devices may not be used in the Title IX Coordinator meeting rooms unless approved by the Title IX Coordinator in advance.

8. Title IX Coordinator Determination and Standard of Proof

The Title IX Coordinator will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred in consultation with appropriate College personnel, including the Office of the General Counsel. Preponderance of the evidence means that the Title IX Coordinator must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy.

The Title IX Coordinator will generally render a written decision within 15 days after the conclusion of the meeting(s). The written decision will include the following:

- A determination that by a preponderance of the evidence a violation of this policy has occurred and that respondent is or is not responsible
- A listing of its findings of fact
- A summary of the written submissions of the parties
- A summary of testimony at the meeting
- A summary of evidence gathered during the investigation
- The conclusions drawn and an explanation of the basis for the determination;

- Recommendations for action or sanctions to be taken.

If the Title IX Coordinator's written decision finds the respondent responsible by a preponderance of the evidence, the matter will proceed to the sanctions stage. The Title IX Coordinator will transmit his/her written determination to the Sanctioning Officer (described below), the respondent, and the complainant. If the Title IX Coordinator written decision determines that there is not sufficient information, by a preponderance of the evidence, to support a finding of responsibility for a violation of the Policy, the matter is considered to be resolved and the respondent and complainant shall be duly notified in writing.

F. Sanctions

1. The Sanctioning Officer

The Dean of the faculty respondent's school, or his/her designee, or the Vice President of the respondent's administrative unit or department, or his/her designee, shall be the Sanctioning Officer under this Policy. The applicable Sanctioning Officer shall review the written report of the Title IX Coordinator and determine appropriate sanctions, in consultation with appropriate College personnel including the Title IX Coordinator and the Office of General Counsel, and as follows:

- For faculty respondents, after consultation with the Chancellor/CEO of the College; and
- For respondent employees, after consultation with the designated administrator in the Department of Human Resources.

To promote consistency with the College's handling of similar cases: (1) appropriate training will be provided to Sanctioning Officers initially and on a regular basis; and (2) prior to imposing any sanction, a Sanctioning Officer will consult with the Title IX Coordinator and other College personnel, including the Office of the General Counsel, about sanctions imposed in similar cases. Similar offenses may result in different sanctions where there are distinguishing facts and circumstances in the opinion of the Sanctioning Officer.

The Sanctioning Officer will impose sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with the College's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of sexual or gender-based misconduct.

The Sanctioning Officer will consider relevant factors, including if applicable: (1) the specific sexual or gender-based misconduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; (6)

the safety of the College community; and (7) the respondent's conduct during the disciplinary process.

In determining what sanctions will protect the safety of the College community, the Sanctioning Officer will be advised by the College's Security Office, the Office of the General Counsel, and other experts as appropriate, and will consider: (1) the risk that the respondent may engage in additional sexual or gender-based misconduct; and (2) the deterrent or permissive effect of a particular sanction on the campus community, including on particular individuals and organizations aware of the offense (keeping in mind that a sanction must always be fair and appropriate for the particular case).

The Sanctioning Officer will render a written decision of sanctions within five days following the receipt of the Title IX Coordinator's written determination. The sanctioning decision will be communicated in writing to the complainant and the respondent.

2. Potential List of Sanctions

The College may impose any one or more of the following sanctions on a respondent determined to have violated the Policy. This list is not intended to be exhaustive.

- Reprimand/warning
- Disciplinary probation
- Restricting access to College facilities or activities Community service
- Issuing a "no contact" order to the respondent or requiring that such an order remain in place
- Moving or removal from College housing
- Dismissal or restriction from College employment
- Suspension (limited time or indefinite)
- Expulsion
- Termination of employment and/or faculty appointment

In addition to any other sanction (except where the sanction is expulsion or termination of employment and/or faculty appointment), the College will require any respondent determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the sexual or gender-based misconduct violation at issue. The College may also recommend counseling or other support services for the respondent. Third parties found to be in violation of this policy may have their relationship with the College terminated and/or be excluded from any College facility or facilities.

3. Ongoing Accommodations for Complainant

Whatever the outcome of the investigation and disciplinary process, a complainant may request ongoing or additional accommodations and the Title IX Coordinator, in consultation with appropriate College personnel, including the Office of the General Counsel and the Dean of the complainant's school, will determine whether such measures are appropriate. Potential ongoing accommodations include but are not limited to:

- Providing an escort for the complainant
- Moving the complainant's residence
- Changing the complainant's academic schedule
- Adjusting the complainant's work schedule
- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

G. Records Disclosure and Investigatory File

Disciplinary proceedings conducted by the College are subject to the *Family Educational Records and Privacy Act* (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the College without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

A file will be created for each reported complaint under this Policy consisting of the initial complaint, the written investigative report, the written decision of the Title IX Coordinator, including a record of the remedial action to be taken, if any, the written decision on sanctions, if any, written appeal and any other documents or information submitted by or to the College during the process. The file and an electronic database management file will be maintained by the Title IX Coordinator in accordance with applicable law and record retention policies of the College.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

VIII. PRESERVATION OF RIGHTS

This Policy and its procedures do not in any manner abrogate or abridge any rights under any applicable collective-bargaining agreement or faculty grievance procedures to contest any sanctions imposed on union represented employees or faculty of the College under this Policy.

IX. RETALIATION

This Policy prohibits retaliation against any individual who in good faith filed and/or participated in the investigation of a complaint, even if the complaint is unsubstantiated. Both the complainant and respondent will be so informed by the Title IX Coordinator at the outset of the process. Retaliation includes threats, intimidation, reprisals, harassment, and/or any other adverse action threatened, expressly or impliedly, or taken against anyone who reports a violation or suspected violation of this Policy or who participates in an investigation of a complaint. Such prohibited retaliation may take place in person, over the telephone or through electronic or social media means. Regardless of how it manifests itself, retaliation is prohibited.

The College shall take all reasonable and legally appropriate actions to protect individuals from retaliation. Anyone who either observes or becomes aware of such retaliatory behavior is strongly encouraged to report it to the Title IX Coordinator, and all College employees have the obligation and responsibility to do so. The Title IX Coordinator will review the facts and recommend the appropriate disciplinary action, leading up to and including expulsion for students and termination of employment for employees. Violations of this prohibition will be addressed through this Policy and/or other College disciplinary procedures, as deemed appropriate in the College's discretion.

X. KNOWING FALSE CLAIMS OR INFORMATION

The College considers any allegation of sexual or gender-based misconduct a serious matter and encourages individuals to report all such incidents to the College as more fully described in this Policy. All good faith reports will be treated with seriously. However, as false claims can have a significant adverse effect on one's reputation, any individual who *knowingly* files a false allegation of misconduct under this Policy, or who *knowingly* provides false information during an investigation or proceeding under this Policy, may be subject to appropriate disciplinary action, leading up to and including expulsion for students and termination of employment for employees.

XI. TIME LIMITS

The College will exercise due diligence in complying with the stated time limits set forth in this Policy. Occasionally, stated time limits may be extended for good cause (e.g., the unavailability of witnesses, an unusually complex investigation, the academic calendar or other considerations). Any party may request an extension of any deadline by submitting a written request to the Title IX Coordinator detailing the reason for such request and the amount of additional time requested. The Title IX Coordinator has total discretion to grant or deny any such request.

XII. EDUCATION/TRAINING AND CAMPUS CLIMATE ASSESSMENTS

As part of the College's commitment to providing a safe and non-discriminatory educational and employment environment, this Policy shall be disseminated widely to the College community through publications, websites, student orientation, new employee orientation, current employee training and other appropriate channels of communication. The College also mandates unlawful harassment training programs for College employees and students to promote awareness and a safe and respectful College environment.

In addition, the College shall develop and implement an ongoing education campaign to educate members of the College's community about domestic violence, dating violence, stalking, and sexual assault, in compliance with applicable federal laws, including the Clery Act, as amended by the *Violence Against Women Act*, and with *Article 129-B of the New York State Education Law*. The educational training programs shall also include prevention including bystander intervention training and risk reduction strategies.

XIII. REVIEW AND ASSESSMENT

The College shall regularly review this Policy to determine its effectiveness and relevance to students and 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 the College determines that circumstances warrant modification or amendment of this Policy, timely notice of the same will be communicated to all affected parties.

XIV. EFFECTIVE DATE

This Policy shall be effective immediately.

XV. POLICY RESPONSIBILITIES AND MANAGEMENT

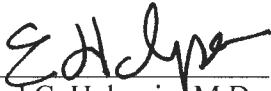
Responsible Executive: The respective Deans of the School of Medicine, the School of Health Sciences and Practice, and the Graduate School of Basic Medical Science; Vice Presidents

Responsible Officer: The Title IX Coordinator and Deputy Title IX Coordinators; Director of Human Resources

Responsible Department: Office of Student Affairs; Human Resources Department

Questions relating to the interpretation and implementation of this Policy are to be directed to the the Office of the General Counsel.

APPROVED:



Edward C. Halperin, M.D., M.A.
Chancellor and Chief Executive Officer

10.1.15
Date