



Code of Conduct & Sexual Misconduct Policy

Student Information

Federal Campus Sex Crimes Prevention Act
New York State Article 129-B

I. Policy Statement

- a. All Monroe College (“the College”) students, staff and employees are entitled to study and work in a campus environment that is free of sexual discrimination and violence. Monroe College is committed to ensuring the safety of the College community by providing prevention programming and assessments to understand the scope and nature of sexual violence on campus.
- b. Monroe College is committed to educating students, staff and employees on sexual violence and intimate partner violence prevention as well as providing clear guidelines on actions that violate College policy. The College may sanction educational disciplinary actions as an outcome to an investigation where there is sufficient evidence of sexual misconduct. Information and data will be routinely collected and evaluated to improve safety, reporting, responsiveness and the resolution of incidents.

II. Prohibited Conduct

a. Campus Sex Crimes Prevention Act

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community of where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers services or is a student. The New York State Division of Criminal Justice Services maintains the state’s Sex Offender Registry, which contains information about individuals convicted of certain sex offenses. This information is available by calling 900-288-3838 or visiting www.criminaljusticestate.ny.us.

b. Non-Discrimination Policy

Monroe College does not discriminate. It expressly prohibits illegal discrimination, inclusive of harassment, against any individual on the basis of their race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, familial status, or any other protected characteristic under federal or state law in any of its employment practices or educational programs or activities.

c. Enough is Enough NYS Legislation

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

The “Enough is Enough” legislation requires all colleges to adopt a set of comprehensive procedures and guidelines, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement. With this law, students, faculty, and staff are better protected against rape and sexual assault.

i. Affirmative Consent

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. To be clear, 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. Further:

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

Consent must be knowing, voluntary and mutual. Voluntary consent means that consent under coercion such as a threat of violence is not consent. Mutual means that all parties must consent.

Consent can be given through words or actions so long as the word or action is clear regarding willingness to engage in the sexual activity. Whether through words or actions that clearly display consent, each party must affirmatively consent to participating in each sexual act or sexual contact. Consenting to one type of sexual act or contact is not blanket consent to any and all types of sexual contacts. Mutual consent is required for each and may be withdrawn at any time by either party. When consent is withdrawn, the activity must stop.

ii. Drug and Alcohol Amnesty Policy

The health and safety of every person with the College community is of utmost importance. Monroe College 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.

The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Monroe College's officials or law enforcement will not be subject to the College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Please note: Nothing in this section is construed to limit Monroe College's ability to provide amnesty in additional circumstances.

iii. Student Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the College;
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 College courteous, fair, and respectful counseling services, where and when 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 College representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the College, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the College;
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 College.

III. Title IX Coordinator and Enough is Enough State Legislation

a. Title IX Coordinators

New Rochelle Campus:

Kelsey McCausland, MPH
 Director of Health and Wellness and Title IX Coordinator
 914-740-6489
kmccausland@monroecollege.edu

Bronx Campus:

Elizabeth Maybruch
 504 Coordinator- Disabilities Office and Title IX Coordinator
 646-393-8207
emaybruch@monroecollege.edu

Mark Sonnenstein, MSW
 Dean of Student Services and Title IX Coordinator
 646-393-8233
msonnenstein@monroecollege.edu

b. Responsibilities of Title IX Coordinators

Monroe College's Title IX Coordinators are primarily responsible for overseeing the College's compliance with Title IX and other federal, state and local laws relating to sex/gender-based discrimination, harassment, and misconduct. If you have any questions or concerns regarding the Title IX Policy, please contact one of the above staff members. As the College's Title IX coordinator, they work to ensure the College's compliance with Title IX, and coordinate the investigation and disciplinary process, and look for patterns or systematic problems with compliance to ensure schools fulfill all their federal obligations.

c. Title IX Overview

Title IX of the Education Amendments of 1972 is a comprehensive federal law that protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. The law prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX applies to traditional educational institutions such as colleges and universities, including Monroe. Under Title IX of the Educational Amendments Act of 1972, the College is required to develop procedures to respond to claims of sexual harassment.

Title IX states: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

IV. Immediate Assistance in Case of Sexual Violence

a. Sexual Assaults

Acts of sexual violence, assault or abuse such as rape, acquaintance rape or other forms of nonconsensual sexual activity are not tolerated at Monroe College, which maintains a zero-tolerance position.

Such acts are criminal behaviors and create an environment contrary to the goals and missions of the College. It is important for members of the campus community to be aware that there can be serious legal consequences for serious sexual misconduct.

In a campus setting, sexual assault often occurs when one or both parties are under the influence of alcohol or other drugs. Therefore, it is important to understand that intercourse or other sexual activity with a person who is unable to give free and full consent (e.g., because of intoxication, substance abuse, or intimidation) may constitute sexual assault or rape. Furthermore, the offender's use of a mind-altering substance does not in any way diminish his or her responsibility for abusive behavior. There are several measures that you can take to reduce your chances of being a victim of sexual assault located under *Section VIII: Education, Onboarding, and Training*.

b. Steps to Take if You are a Victim of a Sexual Assault

The safety and well-being of the College community are of paramount importance to senior administrators. Monroe College's Title IX staff, Counseling Services, and Student Services offices are here to help victims get the continued support and resources needed.

Do not blame yourself -- sexual assault is never a victim's fault.

Survivors of sexual assault are encouraged to take the following actions immediately:

1. Go to a safe place as soon as possible.

Your safety is the highest priority. If you do not feel safe on campus, contact the Department of Public Safety at 914-740-6854 (New Rochelle Campus) or 646-393-8495 (Bronx Campus). If you are off campus, dial your local police at 911. You may also contact the WestCOP, Inc. Victim's Assistance Rape Crisis hotline at 1-855-827-2255 or Safe Horizon's Rape and Sexual Assault hotline at 212-227-3000.

2. Seek medical attention.

If you are in need of medical attention, please contact the Department of Public Safety at 914-740-6854 (New Rochelle Campus); 646-393-8496 (Bronx Campus) to be transported to the hospital or dial 911. You may also contact the WestCOP, Inc. Victim's Assistance Rape Crisis hotline at 1-855-827-2255, Safe Horizon's Rape and Sexual Assault hotline at 212-227-3000, or the Westchester Medical Center's Forensic Acute Care Team at 1-866-468-6962.

3. Reach out for support.

The College has resources to help victims of sexual violence.

If you need academic support after the alleged sexual offense, please contact the Office of Student Services at 914-740-6420 (New Rochelle Campus) or 646-393-8295 (Bronx Campus).

If you wish to receive counseling or need help finding an appropriate counselor, please contact our Counseling Services Office at 914-740-6402 (Tuesday: 11am-5pm, Thursday: 9am-3pm). You may also contact the WestCOP, Inc. Victim's Assistance Rape Crisis hotline at 1-855-827-2255, Safe Horizon's Rape and Sexual Assault hotline at 212-227-3000. For more information on services and support, refer to the [Resource and Services Guide](#).

4. Consider collecting evidence.

Law enforcement experts recommend that you do not wash or change clothing, sheets, towels, etc. to preserve any evidence that might be helpful in an investigation. Further, it is recommended that you do not shower, bathe, douche, brush your teeth, use mouthwash, comb your hair, etc. until after a medical professional examines you to help retain evidence. If you decide to seek medical attention, it is best to do so within 72 hours of the assault to preserve evidence.

- Note: you are not obligated to press charges just because you consent to a collection of forensic evidence; however, this evidence is important should you later decide to prosecute. The Department of Public Safety or Police will provide transportation if necessary. Make sure to bring a full change of clothing, because the clothes you wore at the time of the incident might be kept as evidence.
- Note: sexual assault forensic exams are free and confidential regardless of medical coverage.

5. Know your options.

You do not need to pursue any action until you have decided which option is best for you. You may work with Monroe College to come to a resolution, you may initiate criminal proceedings and/or you may initiate a civil process against the perpetrator. Students who decide to work with Monroe College to investigate and resolve the incident should contact their campus Title IX Coordinator: New Rochelle Campus- Kelsey McCausland, 914-740-6489; Bronx Campus- Elizabeth Maybruch, 646-393-8207; Mark Sonnenstein, 646-393-8233.

Employees should contact Human Resources (Kerry McLaughlin, 646-393-8306) to help with the investigation and resolution. If you decide to move forward with a criminal investigation, please contact the Department of Public Safety and/or your local police where the incident occurred. If you would like someone to accompany you to make the report, please contact your Title IX Coordinator.

c. Survivor Bill of Rights

1. Survivors have the right to be treated with dignity and seriousness by campus personnel.
2. Survivors of crimes against one's person have the right to be reasonably free from intimidation and harm.
3. Survivors will be informed of counseling and other student services that are available, both on and off campus.
4. Survivors are entitled to the same support opportunities the College permits the accused in a campus disciplinary proceeding, which includes the opportunity to have others present during a disciplinary proceeding (see the Monroe College Code of Conduct for further information).
5. Both the survivor and the accused will be informed of the outcome of any disciplinary proceeding brought alleging a sexual offense. This includes the final determination of the proceeding and any sanction imposed against the accused. The sanctions that may be imposed are detailed in the Monroe College Code of Conduct.
6. Any survivor who does not wish to remain in his or her present residence hall or class section may be granted a transfer to any available housing or class section, upon request, if available.
7. Survivors may request that Monroe issue a "no contact order" barring the alleged perpetrator from contacting them during or after an investigation. Such an order will be issued at the sole discretion of the College. In addition, you may pursue a request for restraining order, order of protection, or similar lawful order from civil or criminal court. For more information regarding accommodations, please refer to

section VI: Interim Measures and Retaliation Policy under Protections and Accommodations.

As noted above, Monroe will inform both the accuser and the accused of the outcome of any institutional disciplinary proceeding alleging a sex offense. Compliance with this paragraph does not constitute a violation of the Family Educational Rights and Privacy Act ("FERPA"). For the purposes of this paragraph, the outcome of a disciplinary proceeding means only the College's final determination with respect to the alleged sex offense, and any sanction that is imposed against the accused.

Monroe will, upon request, disclose the results of any disciplinary hearing conducted by the College against a student who is the alleged perpetrator of a crime of violence or a non-forcible sex offense to the alleged victim or the alleged victim's next of kin if the alleged victim is deceased. Written request by the alleged victim or the alleged victim's next of kin if the alleged victim is deceased is required.

V. Reporting Sexual Misconduct

Monroe College makes every effort to ensure that students and others can easily report sexual misconduct, harassment and discrimination. These reports can relate to incidents or emergencies that occur either on or off campus. In addition, incidents can be reported at the Department of Public Safety office located in the Bronx at King Hall or New Rochelle at Allison Hall or any location where a Public Safety officer is posted. In case of a fire, medical, or police emergency, please dial 9-1-1.

a. Filing a Complaint

All members of the campus community are encouraged to promptly report sexual misconduct, harassment, discrimination, emergencies and suspicious activity, even when the victim does not elect to, or is unable to, make such a report. Any individual who believes they are a victim of sexual assault, discrimination or harassment has the right to pursue more than one of the reporting options below simultaneously. They can also choose not to participate in any of the options below:

To *confidentially disclose* the incident, please contact one of the following, who by law may maintain confidentiality and assist in obtaining services:

On-Campus:

- Counseling Services: 914-740-6402

Off-Campus New Rochelle Services:

- Westchester Hispanic Coalition Prevention Program: Hotline: 1-844-926-6627
- Family Ties of Westchester: 914-964-2063
- WestCOP, Inc Victims Assistance: Hotline: 855-827-225
- Westchester District Attorney's Office: 914-813-5800

Off-Campus Bronx Services:

- Safe Horizon's Rape and Sexual Assault Hotline: 212-227-3000
- Bronx District Attorney's Office Crime Victim's Assistance: 718-590-2114

Note: the hotlines listed above are for crisis intervention, resources, and referrals, and are not reporting mechanisms.

The incident may also be disclosed to the following college officials who can offer privacy and information about remedies, accommodations, evidence preservation, and how to obtain resources.

These officials will provide the information contained in the Students' Bill of Rights. Please note: the below College officials are private but not confidential resources, which means that they may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator.

Campus Deans:

- Anthony Allen, Senior Vice President, Bronx: 646-393-6811
- David Dimond, Senior Vice President, New Rochelle: 914-740-6436

Title IX Coordinators:

- Kelsey McCausland, New Rochelle Campus: 914-740-6489; kmccausland@monroecollege.edu
- Elizabeth Maybruch, Bronx Campus: 646-393-8207; emaybruch@monroecollege.edu
- Mark Sonnenstein, Bronx Campus: 646-393-8233; msonnenstein@monroecollege.edu

Department of Public Safety: available 24/7

- New Rochelle Campus: 914-740-6854
- Bronx Campus: 646-393-8495

To file a criminal complaint with local law enforcement

- New York State Police Sexual Assault Victims Unit: 631-756-3358
 - New York State Police: Hotline: 1-844-845-7269
 - New Rochelle Police Department: 1-844-845-7269
 - NYPD 46th Precinct, Bronx: 718-220-5254
- When the accused is an employee, a reporting individual may also report the incident to Monroe College's Human Resources Department or may request that one of the above referenced confidential or private employees to assist in reporting to Human Resources.

Disciplinary proceedings will be conducted in accordance with the College's Policies and Procedures. When the accused is an employee of an affiliated entity or vendor of the College, College officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

Human Resources Department
 Kerry McLaughlin
 646-393 8306
kmclaughlin@monroecollege.edu

Note: You may withdraw your complaint or involvement from Monroe College's process at any time. Monroe College may continue the investigation process to ensure safety within the College community even if your participation in the investigation is withdrawn.

Note: Regardless of whether you chose to report the crime to local law enforcement, you may request a change in academic, living, transportation, or working situations. Monroe will make accommodations if staff determine such accommodations are necessary and reasonably available.

You may also request that Monroe issue a "no contact order" barring the alleged perpetrator from contacting you during or after an investigation. Such an order will be issued at the sole discretion of the Monroe. In addition, you may pursue a request for restraining orders, orders of protection, or similar lawful orders from civil or criminal court. For more information regarding accommodations, please refer to section VI: Interim Measures and Retaliation Policy under Protections and Accommodations.

For more information regarding on and off campus resources, please refer to the [Resource and Services Guide](#).

b. Options for Confidential Disclosure

1. The College is committed to ensuring that reporting individuals have the following:

- a. Information regarding privileged and confidential resources they may contact regarding domestic violence, dating violence, stalking or sexual assault;
- b. Information about counselors and advocates they may contact regarding domestic violence, dating violence, stalking, or sexual assault;
- c. Assurances that even Monroe College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution;
- d. Information about how the College weighs a request for confidentiality and respond to such a request. Such information shall, at a minimum, include that if a reporting individual discloses an incident to an College employee who is responsible for responding to or reporting domestic violence, dating violence, stalking, or sexual assault but wishes to maintain confidentiality or does not consent to the College's request to initiate an investigation, the Title IX Coordinator must weigh the request against the College's obligation to provide a safe, non-discriminatory environment for all members of its community. The College will assist with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of reporting choices;
- e. Information about public awareness and advocacy events, including guarantees that if an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public event, the College is not obligated to begin an investigation based on such information. The College may use the information provided at such an event to inform its efforts for additional education and prevention efforts;
- f. Information about existing and available methods to anonymously disclose including, but not limited to information on relevant confidential hotlines provided by New York state agencies and not-for-profit entities;
- g. Information regarding institutional crime reporting including, but not limited to: reports of certain crimes occurring in specific geographic locations that are included in the College's annual security report pursuant to the Clery Act, 20

U.S.C. 1092(f), in an anonymized manner that identifies neither the specifics of the crime nor the identity of the reporting individual; that the College is obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual; that a reporting individual will not be identified in a timely warning; that the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, allows Monroe College 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; and that generally, the College will not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual.

2. The College may take proactive steps, such as training or awareness efforts, to combat domestic violence, dating violence, stalking or sexual assault in a general way that does not identify those who disclose or the information disclosed.

3. If the College determines that an investigation is required, it will notify the reporting individuals and take immediate action as necessary to protect and assist them.

4. The College should seek consent from reporting individuals prior to conducting an investigation. Declining to consent to an investigation will be honored 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. Honoring such a request may limit the College's ability to meaningfully investigate and pursue conduct action against an accused individual. Factors used to determine whether to honor such a request include, but are not limited to:

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

c. A Note Regarding Confidentiality and Privacy

Monroe College understands that claims of harassment or discrimination can be sensitive. If the complainant requests confidentiality or asks that the complaint or disciplinary action not be pursued against the alleged perpetrator, the College will take all reasonable steps to investigate and respond to the complaint consistent with the individual's request. Such steps may include, for example, offering counseling services, offering accommodations, providing the campus with additional training, and implementing other measures, independent of disciplinary action, that could assist the complainant or address the harassment.

However, confidentiality cannot be guaranteed in every situation. The College must weigh a request for confidentiality or request not to pursue a formal investigation and disciplinary action with its responsibility to provide a safe, non-discriminatory environment to all students and employees. Thus, in some cases, it may be necessary to explain to the individual that confidentiality may not be ensured, pursue an investigation, and take all necessary steps to end the alleged misconduct and prevent its recurrence.

The Title IX Coordinator will be the final authority on the degree to which Monroe can ensure confidentiality in a specific case. In weighing a request for confidentiality and whether to pursue a formal investigation of an incident, the Title IX Coordinator will consider the seriousness of the alleged harassment, the complainant's age, whether there have been other harassment complaints about the same individual, and any relevant state and federal laws including FERPA.

In all cases, Monroe will take the steps necessary to ensure that records are maintained securely and in a manner that prevents inclusion of unnecessary information regarding the identity of the victim, to the extent permissible by law.

- o **Difference between Confidentiality and Privacy:**

- o Confidentiality:

- o Confidentiality can be provided when speaking with an individual who cannot share information to any other entity without the permission of the individual, unless required by law. Confidential on-campus resources are offered through the Counseling Center. Please see the full list of resources in Monroe College Resources and Services.

- o Privacy:

- o Monroe College staff and faculty who cannot guarantee confidentiality will protect your privacy to the best of their ability. The information reported to a non-confidential resource will be relayed as necessary to the Title IX Coordinator for further investigation and/or to determine a solution.

- o Mandated Reporting:

- o Monroe College staff and faculty who are non-confidential resources are mandated reporters for all of the information they collected about a reported incident. The mandated reporters will share information with the Title IX Coordinator. Reporting to a mandated reporter constitutes as an official reporter to Monroe College.

d. Confidential Resources

On-Campus:

- Counseling Services: 914-740-6402

Off-Campus New Rochelle Services:

- Westchester Hispanic Coalition Prevention Program: Hotline: 1-844-926-6627
- Family Ties of Westchester: 914-964-2063
- WestCOP, Inc Victims Assistance: Hotline: 855-827-225
- Westchester District Attorney's Office: 914-813-5800

Off-Campus Bronx Services:

- Safe Horizon's Rape and Sexual Assault Hotline: 212-227-3000
- Bronx District Attorney's Office Crime Victim's Assistance: 718-590-2114

Note: the hotlines listed above are for crisis intervention, resources, and referrals, and are not reporting mechanisms.

e. Responsible Employees

- Public Safety, New Rochelle Campus: 914-740-6854
- Public Safety, Bronx Campus: 646-393-8495
- David Dimond, Senior Vice President, New Rochelle: 914-740-6436
- Anthony Allen, Senior Vice President, Bronx: 646-393-6811
- Student Services, New Rochelle Campus: 914-740-6420
- Student Services, Bronx Campus: 646-393-8295

f. Crisis Management Team

Crisis Management Team members respond to crisis incidents reported to the Department of Public Safety, including incidents of sexual abuse. Members of the team include the following or their designated representative:

- Senior Vice President/Campus Dean
- Director of Public Safety or designee
- College Social Worker/Counselor
- Director of Health Services
- Senior Vice President/Dean of Student Services
- Title IX Coordinator

A member of the Crisis Management Team will inform the survivor of:

- Available counseling services, both on and off campus
- Available medical services off campus.
- Available options to report the incident to the proper authorities on campus and local police
- Available assistance from the College to notify these authorities, if such assistance is needed.

VI. Response to Reports

When reports are received, the following actions are taken:

- Students, faculty and staff are encouraged to report all sexual misconduct incidents to the police and are assisted in doing so. Victims are referred to the appropriate offices/agencies on and off campus, including health/medical services and judicial affairs.
- A summary of reported incidents is sent to the Senior Vice President of Administration for review and follow-up with students.
- A summary of reported incidents concerning staff and faculty is sent to the appropriate administrative or academic departments for review and follow-up.
- The Department of Public Safety distributes information on campus incidents to the College community through email and other communication channels.
- In the event of serious offenses/crimes on or off campus, such as robbery or assault, safety alerts are immediately distributed to the College community.
- The Department of Public Safety analyzes the reports, compiles report statistics, and develops strategies to reduce sexual misconduct incidents and enhance preventive measures.

1. Reporting individuals are advised of their right to:

- a. Notify Public Safety, local law enforcement, and/or state police; be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and decline to notify such authorities.
- b. Have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who are available upon the first instance of disclosure by a reporting individual to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. Such official will also explain whether he or she is authorized to offer the reporting individual confidentiality or privacy, and will inform the reporting individual of other reporting options;
- c. Disclose confidentially the incident to College representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals;
- d. Disclose confidentially the incident and obtain services from the state or local government;
- e. Disclose the incident to College representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;

- f. File a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate College representatives for information and assistance. Reports are investigated in accordance with College policy and a reporting individual's identity remains private at all times if said reporting individual wishes to maintain privacy;
 - g. Disclose, if the accused is a Monroe College employee, the incident to Monroe's Human Resources department or the right to request that a confidential or private employee assist in reporting to the appropriate human resources authority;
 - h. Receive assistance from appropriate College officials in initiating legal proceedings in family court or civil court; and
 - i. Withdraw a complaint or involvement from the College's process at any time.
2. You have the right to make a report to Public Safety, local law enforcement, and/or state police or choose not to report; to report the incident to to your campus Title IX Coordinator, Responsible Employees, or online; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College.
3. Reporting individuals will be provided information about resources, including intervention, mental health counseling, and medical services, as well as any related cost or fee. The College also provides information on sexually transmitted infections, sexual assault forensic examinations, and resources available through the New York state office of victim services, established pursuant to section 622 of the executive law.
4. **All individuals** are provided the following protections and accommodations:
- a. When the accused or respondent is a student, the College may issue a "no contact order" consistent with College policies and procedures, whereby continued intentional contact with the reporting individual would be a violation of College policy subject to additional conduct charges; if the accused or respondent and a reporting individual observe each other in a public place, it is 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 will, upon request and consistent with College 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 will 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 College buildings and property at a time when such buildings and property are not being accessed by the reporting individual;

Both the accused or respondent and the reporting individual will, upon request and consistent with College 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 will be allowed to submit evidence in support of his or her request.

- b. To be assisted by the College's Public Safety team, if applicable, or other officials in obtaining an order of protection or, if outside of New York state, an equivalent protective or restraining order;
- c. To receive a copy of the order of protection or equivalent when received by an College and have an opportunity to meet or speak with an 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;
- d. To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension;
- e. To receive assistance from Public Safety when an individual violates an order of protection. The College will, upon request, contact local law enforcement and assist in effecting an arrest for violating such an order, as consistent with law enforcement jurisdiction and procedures;
- f. 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 a judicial or conduct process consistent with this article and the College's policies and procedures. Both the accused or respondent and the reporting individual will, upon request and consistent with Monroe's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and will be allowed to submit evidence in support of his or her request;
- g. When the accused is not a student but is a member of the College community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and rules and policies of Monroe;
- h. 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 will 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 will be allowed to submit evidence in support of his or her request.

5. **Every student** is afforded the following rights:

- a. The right to request that student conduct charges be filed against the accused in proceedings governed by this article and the procedures established by the College's rules.
- b. The right to a process in all student judicial or conduct cases, where a student is accused of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the College's code of conduct, that includes, at a minimum: (i) notice to a respondent describing the date, time, location and factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions; (ii) an opportunity to offer evidence during an investigation, and to present evidence and testimony at a hearing, where appropriate, and have access to a full and fair record of any such hearing, which is reserved and maintained for at least five years from such a hearing and may include a transcript, recording or other appropriate record; and (iii) access to at least one level of appeal of a

determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest. In order to effectuate an appeal, a respondent and reporting individual in such cases will receive written notice of the findings of fact, the decision and the sanction, if any, as well as the rationale for the decision and sanction. In such cases, any rights provided to a reporting individual must be similarly provided to a respondent and any rights provided to a respondent must be similarly provided to a reporting individual.

- c. Throughout proceedings involving such an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the College's code of conduct, the right:
- i. For the respondent, accused, and reporting individual to 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. Rules for participation of such advisor is articulated in the Code of Conduct.
 - ii. To a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made pursuant to the provisions of this article and the College's policies and procedures, and other issues including, but not limited to domestic violence, dating violence, stalking or sexual assault.
 - iii. To an investigation and process that is fair, impartial and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest.
 - iv. To have the College's judicial or conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay.
 - v. To review and present available evidence in the case file, or otherwise in the possession or control of the College, and relevant to the conduct case, consistent with College policies and procedures.
 - vi. To exclude their own prior sexual history with persons other than the other party in the judicial or conduct process or their own mental health diagnosis and/or treatment from admittance in the College disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
 - vii. To receive written or electronic notice, provided in advance pursuant to the College policy and reasonable under the circumstances, of any meeting they are required to or are eligible to attend, of the specific rule, rules or laws alleged to have been violated.

- viii. To receive written or electronic notice, provided in advance pursuant to the College and reasonable under the circumstances, of any meeting they are required to or are eligible to attend, of the specific rule, rules or laws alleged to have been violated and in what manner, and the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process, at which time the designated hearing provides a written statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.
 - ix. To make an impact statement during the point of the proceeding where the decision-maker is deliberating on appropriate sanctions.
 - x. To simultaneous (among the parties) written or electronic notification of the outcome of a judicial or conduct process, including the sanction or sanctions.
 - xi. To be informed of the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process and the rationale for the actual sanction imposed.
 - xii. To choose whether to disclose or discuss the outcome of a conduct or judicial process.
 - xiii. To have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.
6. For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), the College makes a notation on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For the respondent who withdraws from the College while such conduct charges are pending, and declines to complete the disciplinary process, Monroe College will make a notation on the transcript of such students that they “withdrew with conduct charges pending.” The College publishes a policy on transcript notations and appeals seeking removal of a transcript notation for a suspension, provided that such notation will not be removed prior to one year after conclusion of the suspension, while notations for expulsion will not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation will be removed.
7. Monroe College has entered into memoranda of understanding and collaborative partnerships with existing community-based organizations, including rape-crisis centers and domestic violence shelters and assistance organizations, to refer students for assistance or make services available to students, including counseling, health, mental health, victim advocacy, and legal assistance, including resources and services for the respondent.
8. To the extent practicable, the College ensures that students have access to a sexual assault forensic examination by employing the use of a sexual assault nurse examiner in their campus health center or entering into memoranda of understanding or agreements with at least one local health care facility to provide such a service.

9. Nothing in this publication diminishes the rights of any member of the College's community under any applicable collective bargaining agreement.

VII. Interim Measures and Retaliation Policy

a. Retaliation Prohibited:

Monroe College strictly prohibits retaliation against any individual who brings a good faith complaint under this policy or participates in any portion of a Title IX investigation. Retaliatory conduct violates not only College policy and Title IX, but may also violate state and federal law. If you believe you have experienced retaliation in relation to a Title IX investigation, contact the Title IX Coordinator immediately.

b. Protections and Accommodations:

- I. When the accused or respondent is a student, the College may issue a "no contact order" consistent with current policies and procedures, whereby continued intentional contact with the reporting individual would be a violation of College policy subject to additional conduct charges; if the accused or respondent and a reporting individual observe each other in a public place, it will 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 will, upon request and consistent with College 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 will be allowed to submit evidence in support of his or her request. The College established an appropriate schedule for the accused and respondents to access applicable campus buildings and property at a time when such buildings and property are not being accessed by the reporting individual;

Both the accused or respondent and the reporting individual will, upon request and consistent with College 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 are allowed to submit evidence in support of his or her request.

- II. To be assisted by the College's police or security forces, if applicable, or other officials in obtaining an order of protection or, if outside of New York state, an equivalent protective or restraining order;
- III. 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 the 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;

- IV. To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension;

- V. To receive assistance from Public Safety in effecting an arrest when an individual violates an order of protection or, if Public Safety does not possess arresting powers, then to call on and assist local law enforcement in effecting an arrest for violating such an order, provided that nothing in this article limits current law enforcement jurisdiction and procedures;

- VI. 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 a judicial or conduct process consistent with this article and the College's policies and procedures. Both the accused or respondent and the reporting individual are, upon request and consistent with the College's policies and procedures, afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and are allowed to submit evidence in support of his or her request;

- VII. When the accused is not a student but is a member of the College's community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and rules and policies of the College;

- VIII. 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 will be, 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 will be allowed to submit evidence in support of his or her request.

VIII. Investigations and Disciplinary Process

a. Grievance Procedure and Disciplinary Action

If you believe that you have been the victim of domestic violence, dating violence, stalking, or sexual assault, you may elect to pursue disciplinary action against the perpetrator or perpetrators through Monroe College's Title IX Grievance Procedure. The Title IX Grievance Procedure is designed to provide a prompt, fair, and impartial investigation into alleged misconduct.

The investigation is conducted by Monroe officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing that protects the safety of victims and promotes accountability.

Monroe College uses the preponderance of the evidence standard to resolve the complaint and determine if disciplinary action is warranted. The "preponderance of the evidence" standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it, meaning it must be more likely than not that the conduct at issue occurred.

Monroe College's disciplinary procedure includes the following steps:

1. Preliminary conference, counseling, and complaint review.
2. If the Title IX Coordinator initiates a Formal Investigation, an impartial investigator will be assigned to your complaint. The investigator will meet with both parties to collect statements, review evidence, and interview witnesses.
3. Both the accuser and the accused are entitled to the same opportunities to have others present during a proceeding related to the investigation, including the opportunity to be accompanied to any meeting by an advisor of their choice. Advisors are strictly prohibited from directly participating or responding on behalf of an individual in any meeting unless requested to do so directly by Monroe College staff.
4. The investigator will summarize critical evidence and outline their findings and any recommended action necessary to address and remedy the discrimination in an Investigation Report. A copy of the Investigation Report will be provided upon request to both parties, and both parties will have an opportunity to submit a written response to the Report.
5. The Investigation Report and any responses will be submitted to the Dean of Students to determine any appropriate disciplinary action.
6. Following a thorough review, the Dean of Students will simultaneously issue an Outcome Letter to both parties. Both parties will also be provided with information regarding their right to appeal the decision, any change to the outcome prior to the time that results become final and notification when such results become final.

Monroe College will complete its investigation and issue a determination within sixty (60) calendar days after receiving notice of an allegation of sexual assault. The College may extend this timeframe for good cause. The College will take all reasonable efforts to apprise the parties of the progress of the investigation.

b. Sanctions

Individuals found to have engaged in sexual assault or harassment including rape, acquaintance rape, domestic violence, dating violence or stalking may be subject to probation, suspension, termination, or expulsion.

▪ **Transcript Notation Policy for Violent Crimes**

Effective October 5, 2015, pursuant to Article 129-B §6444.6 of the New York State Education Law, if a student is found responsible through the College's conduct process for crime(s) of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. § 1092(f)(1)(F)(i)(I)-(VIII) ("Clery crimes of violence"), the appropriate College Campus Administrator will direct that a notation be placed on the student's transcript.

- Where the sanction is a suspension, the following notation will be listed: "Suspended After a Finding of Responsibility for a Code of Conduct Violation."
- Where the sanction is expulsion, the following notation will be listed: "Expelled After a Finding of Responsibility for a Code of Conduct Violation."

If a student respondent withdraws from the College, while such conduct charges are pending and the student declines to complete the disciplinary process, the appropriate College Campus Administrator will direct that the following notation be placed on the student's transcript: "Withdrew with Conduct Charges Pending."

- Conduct charges are considered "pending" once a student is informed in writing that there are allegations that the student may have violated the College's Code of Conduct.

▪ **Vacating a Finding of Responsibility**

If a finding of responsibility is vacated for any reason, any such transcript notification will be removed.

▪ **Further Appeals**

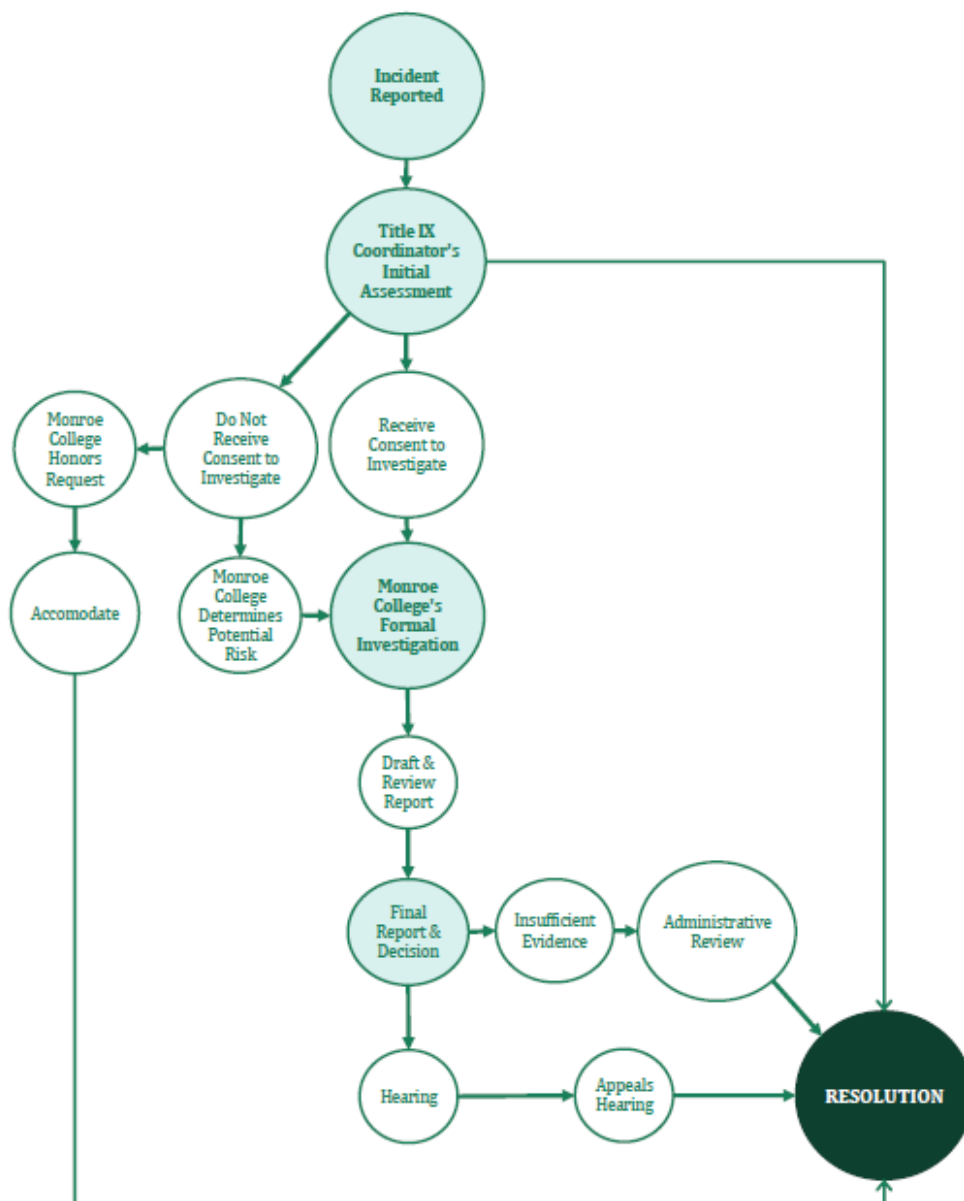
A student whose transcript states "Suspended After a Finding of Responsibility for a Code of Conduct Violation" may appeal, in writing, to the appropriate College Campus Administrator to have the notification removed. Appeals may be granted provided that:

- One year has passed since the conclusion of the suspension;
- The term of suspension has been completed and any conditions thereof; and
- The appropriate College Campus Administrator has determined that the student is once again "in good standing" with all applicable College and academic and non-academic standards.

c. Investigative and Disciplinary Flow Chart

Investigation and Disciplinary Flowchart for Sexual Offense Cases

RESPONSE TO REPORTS



This flowchart is also available online:

[https://www.monroecollege.edu/uploadedFiles/Content/About_Monroe/Investigation%20and%20Disciplinary%20Flowchart%20for%20Sexual%20Offense%20Cases\(1\).pdf](https://www.monroecollege.edu/uploadedFiles/Content/About_Monroe/Investigation%20and%20Disciplinary%20Flowchart%20for%20Sexual%20Offense%20Cases(1).pdf)

d. Reporting of Findings

- **Reporting Aggregated Data to the Department**

Pursuant to subdivision (j) of rule 3016 of the civil practice law and rules, in any proceeding brought against the College which seeks to vacate or modify a finding that a student was responsible for violating College Code of Conduct regarding a violation covered by this article, the name and identifying biographical information of any student are presumptively confidential and will not be included in the pleadings and other papers from such proceeding absent a waiver or cause shown as determined by the court.

Such witnesses will be identified only as numbered witnesses. If such a name or identifying biographical information appears in a pleading or paper filed in such a proceeding, the court, absent such a waiver or cause shown, shall direct the clerk of the court to redact such name and identifying biographical information and so advise the parties.

- **Privacy in Legal Challenges**

1. Monroe College annually reports to New York State the following information about reports of domestic violence, dating violence, stalking and sexual assault:
 - a. The number of such incidents reported to the Title IX Coordinator.
 - b. Of those incidents above in letter a, the number of reporting individuals who sought the College's judicial or conduct process.
 - c. Of those reporting individuals in letter b, the number of cases processed through the College's judicial or conduct process.
 - d. Of those cases in letter c, the number of respondents who were found responsible through the College's judicial or conduct process.
 - e. Of those cases in letter c, the number of respondents who were found not responsible through the College's judicial or conduct process.
 - f. A description of the final sanctions imposed by the College for each incident for which a respondent was found responsible, as provided in letter d, through the College's judicial or conduct process.
 - g. The number of cases in the College's judicial or conduct process that were closed prior to a final determination after the respondent withdrew from the College and declined to complete the disciplinary process.
 - h. The number of cases in the College's judicial or conduct process that were closed because the complaint was withdrawn by the reporting individual prior to a final determination.
2. While New York State has a reporting mechanism for colleges like Monroe to efficiently and uniformly provide the information outlined in subdivision one of this section, it does not release the information if doing so would compromise the confidentiality of reporting individuals or any other party in the best judgment of the State.

IX. Education, Onboarding and Training

a. Student Onboarding and Ongoing Education

The College has adopted a comprehensive student onboarding and 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 reauthorization of 2013, 20 U.S.C. 1092(f).

Included in this campaign is a requirement that all new first-year and transfer students will, during the course of their onboarding orientation process at Monroe, receive training on the following topics:

- a. The College prohibits sexual and interpersonal violence and will offer resources to any victims and survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the College;
- b. Relevant definitions including, but not limited to, the definitions of sexual assault, domestic violence, dating violence, stalking, confidentiality, privacy, and consent;
- c. Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression;
- d. The role of the Title IX Coordinator, Public Safety, and other relevant offices that address domestic violence, dating violence, stalking, and sexual assault prevention and response;
- e. Awareness of violence, its impact on victims and survivors and their friends and family, and its long-term impact;
- f. Bystander intervention and the importance of taking action to prevent violence when one can safely do so;
- g. Risk assessment and reduction including, but not limited to, steps that potential victims, perpetrators, and bystanders can take to lower the incidence of violations, which may contain information about the dangers of drug and alcohol use, including underage drinking and binge drinking, involuntary consumption of incapacitating drugs and the danger of mislabeled drugs and alcohol, the importance of communication with trusted friends and family whether on campus or off campus, and the availability of College officials who can answer general or specific questions about risk reduction; and
- h. Consequences and sanctions for individuals who commit these crimes and code of conduct violations.

All new students, whether first-year or transfer, undergraduate, or graduate, will undergo training on sexual harassment, violence, discrimination and misconduct.

That group includes international students, students that are also employees, leaders and officers of registered or recognized student organizations, and online and distance education students, as well as those the College identifies as high-risk populations. The College requires that each student leader and officer of student organizations recognized by or registered with the College, as well as those seeking recognition by Monroe, complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to receiving recognition or registration. The College also requires that

each student-athlete complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to participating in intercollegiate athletic competition.

The College employs a diverse number of forums, materials, and methods to educate students about violence prevention and to share information on domestic violence, dating violence, stalking and sexual assault prevention with parents of enrolling students.

The College offers to all students general and specific training in domestic violence, dating violence, stalking and sexual assault prevention and conducts a campaign in compliance with the Violence Against Women Act, 20 U.S.C. 1092(f), to educate the student population.

The College's programs and policies are regularly assessed to determine their ongoing effectiveness and relevance for students.

b. Bystander Intervention Options

The College community is encouraged to remember the "Four Ds":

- **DIRECT:** Address the situation directly. Use this when the person that you're trying to stop is someone who knows and trusts you. Consider other intervention methods when drugs or alcohol is being used.
- **DISTRACT:** Distract either person in the situation to intervene. Interject yourself into a conversation where another person seems unsafe.
- **DELEGATE:** Find others who can help you to intervene in the situation. This might include asking a friend to distract one person in the situation while you distract the other to separate the individuals, or asking someone to go sit with them and talk.
- **DELAY:** You may not be able to do something right in the moment. If you're feeling unsafe or if you're unsure whether or not someone in the situation is feeling unsafe, you may just want to check in with the person. In this case, you can combine a distraction technique by asking the person to use the bathroom with you or go get a drink with you to separate them and then asking them, "Are you okay?"

Please remember that your safety is of the utmost importance. Contact the Department of Public Safety at 914-740-6854 (New Rochelle Campus) or 646-393-8495 (Bronx Campus) if you do not feel comfortable intervening.

Bystander intervention resources:

- Step Up: <http://www.stepupprogram.org>
- Bystander Intervention Toolkit: <http://www.health.ny.gov/publications/2040.pdf>
- Men Can Stop Rape: <http://www.mencanstoprape.org/Theories-that-Shape-Our-Work/bystander-intervention.html>

c. Staying Safe on Campus

College campuses can give you a sense of security -- a feeling that everyone knows each other and watches out for one another. Unfortunately, there are perpetrators who take advantage of this feeling of safety and security to commit acts of sexual violence.

We can all take steps to increase safety on campus. As **bystanders**, students can learn ways of **stepping in** to prevent crimes like sexual assault from occurring.

When it comes to personal safety, there are steps you can take as well to minimize your risk, as outlined below.

Sexual violence can happen to anyone, and it's not the only crime that can occur on a college campus. It's important to remember that if you are sexually assaulted on campus it is not your fault – and that help and support are available.

Increasing on-campus safety:

The following tips may reduce your risk for many different types of crimes, including sexual violence.

- **Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as your campus Title IX Coordinator, Counseling Services, Public Safety, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number (New Rochelle: 914-740-6854 OR Bronx: 646-393-8495) into your cell phone for easy access.
- **Stay alert.** Always be aware of your surroundings. Consider inviting a friend to join you or asking Public Safety for an escort. If you are alone, only use headphones in one ear to stay aware of your surroundings.
- **Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other [social media settings](#).
- **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
- **Think about “Plan B”.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone battery runs out, do you have a few numbers memorized to get help? Do you have emergency cash in case you cannot use a credit card? Do you have the address to your dorm memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- **Be secure.** Lock your door and windows when you are asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

d. Safety in social settings

It is possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

- **Make a plan.** If you are going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to alert other people in your group. Do not leave someone stranded in an unfamiliar or unsafe situation.

- **Protect your drink.** Do not leave your drink unattended, and help your friends watch their drinks. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It is not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
 - **Know your limits.** Keep track of how many drinks you have had, and be aware of your friends' behavior. If one of you feels extremely tired or more intoxicated than the norm given your consumption, you may have been drugged. Leave the party or situation and find help immediately.
 - **It is okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it is okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous.
 - **Be a good friend.** Trust your instincts. If you notice something that does not feel right, it probably is not. Learn more about how to keep your friends safe in social settings.
- e. **More information on Education, Onboarding and Training**
- Please see: <https://www.monroecollege.edu/Education-and-Prevention/>

X. College Obligations Under this Policy

In addition to addressing possible violations of this policy, Monroe College has the following obligations:

a. Dissemination of Policies, Procedures and Notices

Monroe College's Title IX Coordinators, in coordination with the Office of Student Services, Public Safety, Human Resources, and other appropriate offices, are responsible for the wide dissemination of the following on each campus:

- i. This Code of Conduct Policy;
- ii. Monroe College's Notice of Non-Discrimination;
- iii. The Title IX Coordinators' name, phone number, office location, and email address; and
- iv. Contact information for the campus Department of Public Safety

Documents and related information are posted on the College's website and included in student and employee handbooks, as well as in residence life materials.

In addition, the Students' Bill of Rights is distributed to any individual reporting an incident of sexual misconduct at the time the report is made. It is also distributed annually to all students, made available on the College's website, and posted in college campus buildings and on-campus housing.

b. Training and Educational Programming

Monroe College's Title IX Coordinators, in coordination with other applicable offices, including Public Safety, Human Resources and Student Services, are responsible for ensuring that the College provides:

- i. training to College employees on their obligations under this policy;
- ii. education on this policy and on sexual misconduct (including domestic violence, dating violence, stalking and sexual assault) to new and continuing students;
- iii. awareness and prevention of sexual harassment, gender-based harassment and sexual violence among all students and employees.

The trainings include all employees who are required to report incidents of sexual harassment, gender-based harassment or sexual violence under this policy, as well as those employees who have been designated as confidential employees.

Student Onboarding and Continuing Education

1. Each campus has a comprehensive student onboarding and ongoing education campaign to educate students about sexual misconduct, including domestic violence, dating violence, stalking, and sexual assault. During the student onboarding process, all new first-year and transfer students receive training on this policy and on a variety of topics relating to sexual misconduct.
2. Each campus offers and administer appropriate educational programming to residence directors, resident assistants, athletes, and student leaders.
3. Each campus provides educational programming to any other student groups that Monroe College determines could benefit from education in the area of sexual harassment, gender-based harassment and sexual violence.
4. Each campus shares information on domestic violence, dating violence, stalking and sexual assault prevention with parents of enrolling students.

c. Campus Climate Assessments

1. The College conducts a campus climate assessment at least once a year to ascertain general awareness and knowledge of Title IX-related concerns and matters, including student experience with and knowledge of reporting and college adjudicatory processes. The results are shared on the College's website.
2. Among the areas addressed in the confidential survey:
 - a. the Title IX Coordinator's role;
 - b. campus policies and procedures addressing sexual assault;
 - c. how and where to report domestic violence, dating violence, stalking or sexual assault as a victim, survivor or witness;
 - d. the availability of resources on and off campus, such as counseling, health and academic assistance;
 - e. the prevalence of victimization and perpetration of domestic violence, dating violence, stalking, or sexual assault on and off campus during a set time period;
 - f. bystander attitudes and behavior;

- g. whether reporting individuals disclosed to the College and/or law enforcement, experiences with reporting and College processes, and reasons why they did or did not report;
 - h. the general awareness of the difference, if any, between the College's policies and penal law; and
 - i. general awareness of the definition of affirmative consent.
3. The College works to ensure that answers to such assessments remain anonymous and that no individual is identified. The results of the surveys are shared on the College's website (monroecollege.edu) without any personally identifiable information or information which can reasonably lead a reader to identify a respondent.
 4. The College does not share information discovered or produced from the campus climate assessments unless required by Court Order.

XI. Definitions of Important Terms

- **Accused** is defined as a person accused of a violation who has not yet entered Monroe College's judicial process.
- **Affirmative Consent** is defined as a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in 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.
 - A. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
 - B. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 - C. Consent may initially be given but withdrawn at any time.
 - D. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
 - E. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
 - F. When consent is withdrawn or can no longer be given, sexual activity must stop.
- **Bystander** is defined as a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of Monroe College.

- **Bystander Intervention** is defined as a safe and positive option that may be carried out by a person or persons to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- **Confidentiality** is defined as information shared by an individual with designated campus or community professionals cannot be revealed to any other entity without the express permission of the individual, unless required by law. These campus and community professionals include licensed mental health counselors, medical providers and pastoral counselors. Students in need of confidential assistance may contact the Director of Health and Wellness Services and/or the Counseling Services Office. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, or if a report involves suspected abuse of a minor under the age of eighteen (18). Confidential entities, like many other professions, including employees in higher education, are required by state law to notify Child Protective Services or local law enforcement in cases of suspected child abuse.

Please note: All Monroe College employees that are not listed above are not confidential resources, because they are mandated to report any incidents of sexual assault or other crimes. However, all Monroe College employees will maintain good faith in protecting your privacy best they can. If you do speak with a non-confidential resource, information will be shared with the Title IX Coordinator for and investigation and/or resolution.

- **Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of "domestic violence".
- **Domestic Violence** is defined as a felony or misdemeanor crime of violence committed:
 - A. by a current or former spouse or intimate partner of the victim;
 - B. by a person with whom the victim shares a child in common;
 - C. by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - D. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - E. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Hate Crime** is defined as a crime reported to local police agencies or to the Department of Public Safety that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

- **Privacy** is defined as the information relating to a report of misconduct will only be shared with a limited number of trained college professionals who “need to know” in order to provide support for the individual and to ensure safety for individuals and the community as well as review, investigate, and resolve the report. The professionals with knowledge of the situation will be limited as much as possible to preserve privacy and ensure safety of the reporter.
- **Reporting Individual** is defined as a victim, survivor, complainant, claimant, or witness with victim status. A bystander, or a third party reporter, is not considered a reporting individual.
- **Sexual Assault** is defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes, but is not limited to, the offenses defined below.
 1. **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 2. **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the person is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 3. **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 4. **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.
- **Sexual Harassment** is defined as unwelcome, sexual or gender-based verbal, written or physical conduct that is, sufficiently severe, persistent or pervasive that it, has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the College’s educational, social and/or residential program, and is based on real or reasonably perceived power differentials (quid pro quo), the creation of a hostile environment or retaliation.
- **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.