

# MERCY COLLEGE

## DEPARTMENT OF CAMPUS SAFETY

### 2020 Annual Security & Fire Safety Report



## TABLE OF CONTENTS

General Policy Statement	3
Security & Access to Campus Facilities	3-4
Department of Campus Safety	5-6
Crime Reporting	6-7
Campus Security Authorities	8-11
Timely Warnings	11
Emergency Notification and Response	11-12
Emergency Drills, Testing & Evacuations Procedures	12
Procedures to Follow if a Crime of Sexual Assault, Domestic Violence	13
Dating Violence or Stalking Has Occurred	13
Campus Sex Crimes Prevention Act (Registered Sex Offenders)	14
Reports of Missing Students	14
Investigation of Violent Felonies	14-15
Advisory Committee on Campus Security	15-16
Weapons on Campus	16
Daily Log	16
Hate Crimes and Bias Related Incidents	16
Office of Security Awareness and Crime Prevention Activities	17-19
Mercy College Policy on Drugs and Alcohol	26
Amnesty for Drug and Alcohol Use	27
Programs to Prevent Domestic Violence, Dating Violence, Sexual	28-37
Assault, and Stalking	28-37
Policy and Procedures Relating to Sexual Misconduct	38-70
Campus Crime Statistics: Definitions	71-73
<u>Mercy College Crime Statistics: Dobbs Ferry Campus 2017, 2018, 2019</u>	75-77
<u>Mercy College Crime Statistics: Bronx Campus 2017, 2018, 2019</u>	78-80
<u>Mercy College Crime Statistics: Manhattan Campus 2017, 2018, 2019</u>	81-83
<u>Mercy College Crime Statistics: Yorktown Campus 2017, 2018, 2019</u>	84-86
<u>Mercy College Crime Statistics: Brooklyn Campus (CNR) 2019</u>	87-89
<u>Mercy College Crime Statistics: Harlem Campus (CNR) 2019</u>	90-92
<u>Mercy College Crime Statistics: New Rochelle Campus (CNR) 2019</u>	93-95
<u>Annual Fire Safety Report: 2017, 2018, 2019</u>	96-100

## THE CLERY ACT

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and related amendments, as well as New York State Education Law, colleges and universities are required to prepare and publish an Annual Security Report by October 1 of each calendar year. As a result of the COVID-19 Pandemic, this requirement was temporarily extended to the end of the 2020 calendar year. The Annual Security Report includes statistics for the previous three years concerning specific reported crimes that occurred on campus and on public areas within, or immediately adjacent to and accessible from, the campus. These statistics are compiled from campus incident reports, reports from designated Campus Security Authorities, and from local police departments and precincts. The report also describes institutional policies relevant to campus security, such as policies concerning alcohol and drug use, crime prevention and reporting, including crimes that involve dating violence, domestic violence, sexual assault and stalking, as well as emergency and evacuation procedures and protocols. This report is prepared by the College's Department of Campus Safety in cooperation with the local law enforcement agencies that surround all Mercy College campuses. Campus crime, arrest, and referral statistics include those reported to Campus Safety and local law enforcement agencies. An online copy of this very same report can be found on the Mercy College Website under the Annual Security Report tab. In addition, an e-mail notification is made annually to all enrolled students and all employees that provides the website address through which the report can be accessed. Printed copies of the report may also be obtained at the Department of Campus Safety located in Main Hall, room 234 at the Dobbs Ferry campus or by calling (914) 674-7225. All prospective students and employees may obtain a copy as described above.

## SECURITY AND ACCESS TO CAMPUS FACILITIES

### Campus Facilities

During Calendar Year 2019, Mercy College was made up of four distinct campuses: Dobbs Ferry, Manhattan, Bronx, and Yorktown Heights.

In August of 2019, Mercy College also assumed responsibility for three distinct campuses that previously made up part of the College of New Rochelle (CNR). Founded in 1904, the College of New Rochelle found itself fiscally unable to sustain operations and as part of an agreement with New York State, Mercy College agreed to conduct a "Teach Out" of CNR's remaining student population. This responsibility for three of the former CNR campuses and personnel was scheduled to expire in August of 2020. As a result of the COVID-19 pandemic, however, Mercy's responsibility ceased in June of 2020.

CNR's main campus in New Rochelle was located at 29 Castle Place. Its Manhattan Campus was located at 313 West 125<sup>th</sup> St. Finally, its Brooklyn Campus was located at 1368 Fulton St.

The Dobbs Ferry Campus is located at 555 Broadway, Dobbs Ferry, New York.

Dobbs Ferry normal hours of operation are 7:00AM to 11:00PM Monday to Saturday, and Sunday 7:00 AM to 6:00 PM. After hours, only currently enrolled students and employees are permitted to be on the Dobbs Ferry Campus for the purpose of school related work.

The Manhattan Campus is open 7:30AM to 11:00PM Monday to Friday, and 8:00AM to 6:00PM on Saturday. It is located at 66 W 35<sup>th</sup> St., NY, NY.

The Bronx Campus is open 7:00AM to 11:30PM Monday to Friday, 8:00AM to 8:00PM on Saturday, and 8:00AM to 6:00PM on Sunday. It is located at 1200 Waters Place, Bronx, NY.

The Yorktown Heights Campus is open 7:00AM to 9:30PM Monday to Friday and 8:00AM to 2:00PM on Saturday. It is located at 2651 Strang Blvd., Yorktown Heights, NY.

Though primarily a commuter school, Mercy College has two residence halls, Hudson and Founders' Hall, located at the Dobbs Ferry campus. These are restricted to residents and their guests according to guest protocols presented in the Student Handbook which require all visitors to sign in and provide advance notice of their arrival if remaining overnight. Access to the residence halls by College employees is on an "as needed" basis and incorporates a strict control procedure implemented by Campus Safety and the Office of Residence Life. The Assistant Dean of Student Affairs, Resident Directors (RD's) and Resident Assistants (RA's) supervise the residence halls. There is an RA on every wing. An RA is an upper class student (sophomore/junior/senior) who has received extensive training in many different aspects of residence hall living. The RD's and RA's undergo training in enforcing residence hall safety and security policies and awareness of potential safety hazards and concerns. One RA is on always duty from 8:00 PM to Midnight. In addition, there is one RD on duty throughout the day, each day. Residents must produce their ID each time they enter the hall. Security for the residence halls is provided by contract security officers and specially trained student attendants on a 24/7 basis. Access control to the residence halls is supplemented by an online computerized card access system linked to student identification cards. The same rules apply to Mercy's off-campus hotels that are affiliated with the College when such hotels are used to accommodate excess demand. There are no off-campus student organizations affiliated with Mercy College.

The College of New Rochelle, at the time of the "Teach Out" only maintained one residence hall in operation. Resident and guest protocols were similar to those in Dobbs Ferry, although Angela Hall did not have a computerized access system.

In addition, the Facilities Department maintains the campus buildings and grounds with a concern for safety and security. It inspects campus facilities regularly, promptly makes repairs affecting safety and security and responds immediately to reports of potential safety and security hazards, such as broken windows and locks. Those with concerns about the physical safety of campus buildings and grounds can call the Facilities Office, Monday through Friday, 8:00 AM to 4:30 PM, at extension 7362/7540.

### Guest Policy

The public can attend cultural and recreational events on campus with access limited to the facilities in which these events are being held. To report any violations of this policy or to report suspicious persons, contact Campus Safety at (914) 674-7225. The College reserves the right to refuse entry or remove anyone regardless of status for rule infractions or safety reasons.

### Identification Cards

Students, faculty, and employees have access to academic, recreational and administrative facilities on campus during regular hours of operation. All students and employees must obtain a MERCY COLLEGE IDENTIFICATION (ID) CARD. ID cards can be obtained at any of the four campuses. ID cards must be

carried at all times while on College property and presented when requested by College authority. ID cards must be presented to access the Bronx, Manhattan, and the Yorktown campuses.

## **DEPARTMENT OF CAMPUS SAFETY**

### Campus Safety Mission Statement:

The mission of the Mercy College Department of Campus Safety is to maintain a secure and open environment that fosters learning and growth for all members of the College community. We pledge to do so in a respectful and professional manner. In return, we ask that members of the Mercy College community assume their individual and collective responsibilities to assist us in our mission and help to make Mercy College the best learning environment possible.

### Department of Campus Safety Structure and Composition

The College utilizes NYS licensed security officers from a third party vendor, currently Securitas Security Services, as well as an in-house staff to provide security services. The Department of Campus Safety is comprised of an Executive Director for Campus Safety and Emergency Management, a Director, three Assistant Directors of Security, and a contract licensed guard company. Department of Campus Safety personnel, contract security supervisors, and contract licensed security officers who work for Mercy College do not have peace/police officer status as described in the New York State Criminal Procedure Law.

The executive staff of the Department is well versed in safety/security matters and has extensive knowledge of police procedure and/or safety measures at institutions of higher education. These individuals evaluate and oversee a force of contracted New York State Certified Security Guards and Supervisors. Security officers staff an operational command center and patrol the campus both on foot and in marked vehicles (at the Dobbs Ferry and New Rochelle campuses) twenty-four hours a day, seven days a week. Security Officers are also assigned to the Bronx, Yorktown, and Manhattan campuses. During the CNR “Teach Out,” Security Officers were also assigned to the Manhattan and Brooklyn Campuses, while an operational command center linked to Dobbs Ferry was also established in New Rochelle.

Mercy College Campus Safety officers have the authority to ask persons for identification and to determine whether individuals have lawful business with Mercy College. Mercy College security officers have the authority to issue parking tickets at the Dobbs Ferry Campus which are billed to the financial accounts of students, faculty, and staff. Campus Safety officers do not have the authority to make arrests. Criminal incidents are referred to the local police who have jurisdiction on the respective campuses.

### Working Relationship with other Law Enforcement Agencies

The Department of Campus Safety at Mercy College maintains a highly professional working relationship with the relevant local police departments that provide coverage to all Mercy College campuses. All crime victims and witnesses are strongly encouraged to immediately report any crime to Campus Safety and the appropriate police agency. Prompt reporting will ensure timely warning notices on-campus as necessary as well as accurate crime statistics. Mercy College has a written Memorandum of Understanding with the New York City Police Department and the Dobbs Ferry Police Department. Mercy College maintains an active on-going working relationship with the New York State Police, the Irvington Police Department,

the Tarrytown Police Department, and the Yorktown Police Department such that any crime that is committed on campus is referred to the local police department jurisdiction for further investigation and/or criminal prosecution.

Mercy College also maintained the existing relationships established by prior CNR security personnel with the New Rochelle Police Department during the course of the “Teach Out.”

The Department of Campus Safety also works closely with the Westchester County Police Department, New York State Homeland Security and Emergency Services, The Federal Bureau of Investigation, and The U.S. Secret Service as necessary.

## **CRIME REPORTING**

Students, faculty, staff and their visitors are urged to promptly report emergencies, criminal activity, accidents, unsafe situations, and suspicious activity to Campus Safety at (914) 674-9999 (x9999) and/or by calling 911. If the situation is of an extreme or life threatening nature, please contact 911 immediately and then follow up by contacting Campus Safety so that preparations can be made for the arrival of municipal first responders. In addition, incidents can be reported to any uniformed Campus Safety officer. A crime victim who does not wish to pursue action either through the institution or the criminal justice system may still voluntarily file a confidential report describing the details of the incident. Depending on the circumstances of the crime, the option exists to file a report while maintaining the confidentiality of the reporter. The purpose of a confidential report is to allow the complainant to maintain confidentiality while still allowing the College to take steps to ensure the safety of the community. A confidential report also allows the College to compile accurate and complete crime statistics for the purpose of making timely warning reports and publishing annual statistics. In exceptional circumstances, where it is not possible to fully guarantee the confidentiality of the complainant, the complainant will be so advised. The College strongly encourages campus mental health counselors who deem it appropriate to inform persons whom they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Crime Reports are classified, logged and fully investigated. Any required follow up measures are undertaken in concert with municipal and federal authorities as necessary. Reports may be sent to Human Resources, Student Affairs, or the Title IX office for further action.

The College has emergency call boxes (Blue Light Emergency Phones) deployed throughout the Dobbs Ferry Campus for use in an emergency. By pressing the red button on the face of the call box, users are immediately connected with the Campus Safety Command Center.

CNR’s main campus in New Rochelle also deployed a series of emergency phone call boxes throughout the campus.

Any actions taken by an individual that recklessly or intentionally endanger the mental or physical health of any member of the College community should be reported to the Vice President of Student Affairs, Assistant Dean of Student Affairs or The Department of Campus Safety. Members of the campus community can telephonically report criminal incidents to any of the contact points below:

**Mercy College Department of Campus Safety**

**Dobbs Ferry and all Campuses (Main Office – 24 hours)** (914) 674-9999 (emergencies)  
X9999  
Dobbs Ferry (Main Office – 24 hours) (914) 674-7225 (non-emergencies)  
Bronx (718) 678-8983  
Manhattan (212) 615-3319  
Yorktown (914) 455-2174

**Title IX**

Title IX Coordinator (914) 674-7679  
Deputy Title IX Coordinator (914) 674-7733

**Dobbs Ferry Campus**

Dobbs Ferry Police and Fire Department (914) 693-5500  
New York State Police Campus Sex Assault Unit (844) 845-7269  
Vice President of Students Affairs (914) 674-7775

**Bronx Campus**

NYPD 49<sup>th</sup> Police Precinct (718) 918-2000

NYFD (718) 665-2200  
Associate Dean of Business (718) 678-8462

**Manhattan Campus**

NYPD Midtown South Police Precinct (212) 239- 9811  
NYFD Midtown South Fire Department (212) 570-4226  
Director of Admissions (212) 615-3302

**Yorktown**

Yorktown Police Department (914) 962- 4141  
Yorktown Fire Department (914) 962-3866  
Associate Director of Enrollment Services (914) 674-7639  
New York State Police Campus Sex Assault Unit (844) 845-7269

## CAMPUS SECURITY AUTHORITIES

Members of the College community may make reports of crimes and security incidents to officials deemed Campus Security Authorities (CSA's). Each year, the Department of Campus Safety requests data, via campus e-mail, from these CSA's for inclusion in this report. CSAs are deemed to have significant responsibility for both student and/or campus activities. CSAs may include members of Campus Safety, Athletics, Student Affairs, Residence Life, etc. Mercy College CSAs undergo required annual online training to ensure that they are fully cognizant of their reporting responsibilities.

<b><u>General Counsel</u></b>	<b><u>Title</u></b>	<b><u>Room #</u></b>	<b><u>Phone #</u></b>
Kristen Bowes	General Counsel	104	914-674-7544
Susan Mulliken	Assistant GC		914-888-5136
<b><u>Human Resources</u></b>	<b><u>Title</u></b>	<b><u>Room #</u></b>	<b><u>Phone #</u></b>
Annette Picora	Director		914-674-7337
Kareema Gathers	Associate Director		914-888-5273
Whitley Humes	Associate Director		914-674-7838
Lauren Mackenzie	Associate Director		914-674-7836
Jessica Wong	HR Specialist		914-674-7389
Thomas McDonald	Title IX Coordinator/ Equity Compliance Specialist		914-674-7679
<b><u>Office of Campus Safety</u></b>	<b><u>Title</u></b>	<b><u>Room #</u></b>	<b><u>Phone #</u></b>
Konrad Motyka	Executive Director		914-888-5315
Cesar Robles	Director		914-674-7185
Armon Harp	Assistant Director		914-826-9254
Charles Longi	Assistant Director		914-674-7227
Securitas Officers			
<b><u>Student Affairs</u></b>	<b><u>Title</u></b>	<b><u>Room #</u></b>	<b><u>Phone #</u></b>
Kevin Joyce	Vice President, Student Affairs		914-674-7775
Nick Canzano	Assistant Dean of Students		914-674-7464
Felipe Henao (Student Life)	Assistant Dean of Students		914-674-7543
Jill Hart	Executive Director, Career Services		914-674-7457
Raj Kumar	Executive Director, Student Success		914-674-7798
Kristin Ackerman	Associate Director		914-674-7163
Leighann VanDeBogart	Director, PACT		914-674-7326
<b><u>Faculty Advisors to Student Groups</u></b>			
Gina Villazhinay	ALAS (Association of Latin American Students)		
Carolyn Hanesworth	Art Club		
Rayne de La Cruz	Bronx Anime Club		
Dana Horton	Black Student Union		



Michelle Naylor	CLS (Clinical Laboratory Science) Club		
Jack Simons	Counselors for Social Justice (CSJ)		
Christina Locario	CSA (Caribbean Student Association)		
Ilene Rothschild	Education Club		
Naushad Kollikkathara	Data Analytics Society		
Deb Devdutta	Environmental Alliance		
Sabrina Timperman	Future Veterinary Professionals Club		
Miguel Mateo	Literary Association		
Danielle Passeri	Mavericks Give Back		
Carolyn Cullen	Mental Health & Wellness Club		
Nanako Sakai	Mercy Anime Club		
Steve Ward	Mercy College A Cappella		
Nicole Maccarone	Cheerleading		
Nicole Asamoah	Mercy College Rotaract Club		
Mary Murphy	Mercy Exercise Science Club		
Marc Palmieri	Musical Drama Club		
Abdel-Kader Ben-Mohamed	National Association of Black Accountants		
Adam Castro	National Society of Leadership and Success		
Ashley O'Rourke	(National Speech Language Hearing Association)		
Ruth Hansen	Physical Therapy Club		
Mark Chmiel	Speech and Debate Club		
Taylor Carter	Swing Phi Swing Social Fellowship, Inc.		
Veterans of Mercy	Francisco Castano		
<b>Office of ACCESSibility</b>			
Sara Venezian	Director		914-674-7523
<b>Athletics</b>			
Matt Kilcullen	Director of Athletics		914-674-3065
William Sullivan	Sr. Associate Director		914-674-7566
Dawn Sachs	Associate Director		914-674-7612
Jordan Levine	Associate Director		914-674-7343
William Elliott	Head Athletic Trainer		914-674-3083
Brenna Hewitt	Associate Athletic Trainer		914-674-3083
Alexandra Feliz	Assistant Athletic Trainer		914-674-3083
Kyle Goodhart	Sports Information Director		914-674-7890
Chris Schoen	Assistant Director/Head Baseball		914-674-7406
Michael Maczko	Business Manager/Head MBB		914-674-7294
Danny Leon Jr.	Assistant Director/Head WSOC		914-674-7453
Faculty Representative(s)	Astrid Mel		914-674-7874

<b>Res Life Staff</b>			
Alex Colon	Associate Director, Res Life.	Manhattan	914-674-7647
Louis Cameron	Assistant Director, Student Life		914-888-5261
Jonathan Goldenberg	Resident Director	Founders: SW201	
Najja Beaulieu-Hains	Resident Director	Hudson: 108	
Jermaine Cail	Resident Director	Founders: NE001	
Diasia Burroughs	Resident Assistant (RA)	Hudson Hall	
Samuel Baiden	RA	Hudson Hall	
Omotola Emmanuel	RA	Hudson Hall	
Jillian Simmons	RA	Founders	
Brian Jean	RA	Founders	
Christian Manipis	RA	Founders	
Jadelyn Alers	RA	Founders	
Darius Tomlinson	RA	Founders	
Maria Garcia	RA	Founders	
Safia Hamada	RA	Founders	
Romessa Azhar	RA	Manhattan	
Armando Nuñez	RA	Manhattan	
<b>Office of the President</b>	<b>Title</b>	<b>Room #</b>	<b>Office Phone #</b>
Tim Hall	President		914-674-7307
Jessica Haber	Chief of Staff		914-674-7457
Grace Creighton	Executive Assistant		914-674-7369
Kim Boenheim	Special Assistant		914-674-7317
<b>Office of the Provost</b>	<b>Title</b>	<b>Room #</b>	<b>Office Phone #</b>
José Herrera	Provost		914-674-7500
Lu Mann	Associate Provost		914-674-7492
Saul Fisher	Associate Provost		914-674-7768
Nancy Heilbronner	Interim Associate Provost		
<b>School of Business</b>	<b>Title</b>	<b>Room #</b>	<b>Office Phone #</b>
Lloyd Gibson	Dean		914-674-7159
Victor Petenkemani	Associate Dean		914-674-7137
<b>School of Education</b>	<b>Title</b>	<b>Room #</b>	<b>Office Phone #</b>
Eric Martone	Interim Dean		914-674-7618
Roseanne Vallice-Levy	Associate Dean		914-674-7689
Mary Ellen Hoffman	Associate Dean		914-674-7334
<b>School of Health and Natural Sciences</b>	<b>Title</b>	<b>Room #</b>	<b>Office Phone #</b>

Joan Toggia	Dean		914-674-7746
Kathleen Golisz	Associate Dean		914-674-7814
<b>School of Liberal Arts</b>	<b>Title</b>	<b>Room #</b>	<b>Office Phone #</b>
Peter West	Dean		914-674-7803
Andrés Matías-Ortiz	Associate Dean		914-674-7458
<b>School of Social and Behavioral Sciences</b>	<b>Title</b>	<b>Room #</b>	<b>Office Phone #</b>
Stuart Sidle	Dean		914-674-7517
Eduardo Albrecht	Associate Dean		914-674-7301
Wendy Vescio	Associate Dean		914-674-7341

### **TIMELY WARNINGS TO THE COMMUNITY**

Timely Warnings are issued to the College Community when the Department of Campus Safety is made aware of a crime that occurs on or nearby campus property and which poses a continuing threat to the Community. These Warnings are issued in compliance with federal law for select crimes identified as part of the Clery Act. Victim information is kept confidential during this process and the Warning is designed to prevent a similar occurrence from affecting the Community in the future.

The decision to issue a Timely Warning is made by the Executive Director for Campus Safety and Emergency Management in consultation with other members of the College’s executive management as necessary. When it is appropriate, the College will issue an immediate notification via the public address system, text messaging, and electronic mail.

### **EMERGENCY NOTIFICATION AND RESPONSE**

Mercy College utilizes the REGROUP (MERCY ALERT) emergency mass notification system to transmit via telephone, text, or e-mail emergency messages to the College Community. Upon confirmation by the Department of Campus Safety of a significant on campus emergency or dangerous situation involving an immediate threat to the health or safety of students, faculty or employees Mercy College will, without delay, taking into account the safety of the community, determine the content of the notification and initiate the notification system unless the notification will, in the professional judgment of Campus Safety or upon conferral with the emergency responders, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Campus Safety will respond to the scene and/or confer with emergency responders to determine the level of the emergency. Campus Safety will notify the Mercy College Emergency Response Team who will be responsible for managing the emergency incident until closure. Follow up information will be provided to the community as appropriate, either through the continued use of the MERCY ALERT emergency mass notification system or via the broader electronic media described below.

In case of an imminent threat to life or property, Campus Safety will be responsible for issuing an Emergency Notification that will be disseminated to the entire campus community. Where time allows,

Campus Safety will collaborate with the Mercy College Emergency Response Team to craft an appropriate notification that may or may not be limited to a particular segment or segments of the campus community as appropriate. The emergency situation will be continuously assessed to determine if additional segments of the campus community require notification. Members of the larger community can learn about significant emergencies via the Mercy College social media platforms, through local media outlets, or via MERCY ALERT if their contact information has been included by a Mercy College affiliate. A test of the emergency broadcast system is conducted once a semester.

To disseminate emergency information to the College community, Mercy College may also utilize the Mercy College website, [www.mercy.edu](http://www.mercy.edu), Mercy Connect, Outlook e-mail, Mercy's Facebook page, Twitter or the Mercy College information line in addition to the MERCY ALERT emergency mass notification system.

Mercy College previously provided easy access to emergency preparedness and response information via any mobile device using the CrisisManager App. The CrisisManager App provided direct links to emergency phone numbers, maps of evacuation assembly areas, and procedures on how to respond to various types of emergencies such as active shooter, bomb threat, emotionally disturbed, fire/explosion, hazardous materials, medical, power and water outages, severe weather, sexual assault, suspicious package, and campus violence. In mid-2020, Mercy College transitioned to a new App called *Mavericks Safe* which offered enhanced safety features as well as a COVID-19 related self-screening capability.

## **EMERGENCY DRILLS, TESTING & EVACUATION PROCEDURES**

Mercy College facilitates emergency training and exercises for all members of the campus community to include students, staff, and faculty. During individual building evacuation drills, both announced and unannounced, building occupants are familiarized with campus evacuation procedures. All building occupants are given an opportunity to ask questions and express concerns during the instructional portion of the drills. Records are kept of each drill conducted.

Emergency Management training culminates in an annual emergency exercise that engages the Emergency Management Team (EMT) in a simulated drill that reflects actual events that have affected or might affect the higher education community. The EMT is made up of senior managers from throughout the College who meet regularly to develop and practice all hazard emergency plans and operations.

Campus Coordinators, primary and backup, are assigned to each of the four campuses. The Campus Coordinator role is to be prepared to respond to any emergency incident. Each Coordinator, mobile patrol, and security fixed post is equipped with emergency and first aid supplies.

*Note on all emergency notifications: When in the considered opinion of college or civil authorities, dissemination of information on a given emergency may hinder or cause additional harm, such notification may be delayed until such time that it is safe to do so.*

## **PROCEDURES TO FOLLOW IF A CRIME OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING HAS OCCURRED**

Under the provisions of Title IX of the Education Amendments of 1972 (Title IX), 20 USC §§ 1681 et seq., and its implementing regulations, 34 CFR Part 106, discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance is prohibited. Sexual harassment of students, which includes acts of sexual violence, cyber stalking and unwanted physical contact of a sexual nature, is a form of discrimination prohibited by Title IX. Sexual Harassment is unwelcome conduct of a sexual nature that is sufficiently serious to adversely affect an individual's ability to participate in or benefit from an educational program. It includes unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal, or physical contact of a sexual nature on or off campus. Sexual Assault, Domestic Violence, Dating Violence and Stalking are forms of sexual harassment and are prohibited forms of discrimination under Title IX.

On March 7th, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4), which, among other provisions, amended section 485(f) of the Higher Education Act (HEA), otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain Campus Safety and Security-related requirements as a condition of their participation in the title IV, HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports.

Further, New York State amended the Education Law by adding Article 129-B on July 1, 2015 (in addition to Article 129-A, which has been on the books for a number of years). This new law, known as "Enough is Enough" imposes additional legal obligations for reporting sexual assault, dating violence, domestic violence, and stalking by Colleges, as well as sets forth detailed requirements for the way in which Colleges must handle these matters internally.

The procedures for reporting all incidents of sexual harassment, gender-based harassment, and sexual violence, including dating violence, domestic violence, sexual assault and stalking are set forth in **Mercy College's Policy and Procedures Relating to Sexual Misconduct**, attached hereto.

**Further information for reporting and support services can be found on Mercy's webpage, <https://www.mercy.edu/about-mercy/title-ix>**

Allegations of sexual misconduct including sexual harassment, sexual assault, stalking, or domestic and dating/intimate partner violence should be reported to one of the individuals listed below:

**Title IX Coordinator, Thomas McDonald**                      **914-674-7679**    **tmcdonald7@mercy.edu**  
**Executive Director for Campus Safety, Konrad Motyka**    **MH 234**                      **914-888-5315**  
**kmotyka@mercy.edu**

**Director of Campus Safety, Cesar Robles**    **MH 234**                      **914-674-7185**    **crobles5@mercy.edu**  
**Vice President of Student Affairs, Kevin Joyce**    **MH-223M**    **914-674-7775**    **kjoyce@mercy.edu**

## **CAMPUS SEX CRIMES PREVENTION ACT (REGISTERED SEX OFFENDERS)**

The New York State Division of Criminal Justice Services maintains a registry of convicted sex offenders, which is available to local law enforcement agencies. To obtain information about a Level 2 or Level 3 registered sex offender you may:

- 1) Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located.
- 2) Call the Division's sex offender registry at 800-262-3257

To obtain information about Level 3 offenders only, you may contact the Division's sex offender registry web site: [http://www.criminaljustice.ny.gov/nsor/contact\\_sor.htm](http://www.criminaljustice.ny.gov/nsor/contact_sor.htm) and then click on "Search for Level 3 Sex Offenses".

## **REPORTS OF MISSING STUDENTS**

In accordance with state and federal law, the College maintains protocols for investigating reports of a missing student. A missing student is defined as any Mercy College student residing in on campus student housing who has been reported missing from his or her residence. Reports of a resident student who is believed to be missing for 24 hours should be made to the Assistant Dean of Student Affairs (914-674-7349), Vice President of Student Affairs (914-674-7775), or the Department of Campus Safety (914-674-7225). If a student is reported missing to any other Mercy College entity, that unit will immediately notify Campus Safety. Whenever a student is believed to be missing, Campus Safety, working closely with Student Affairs and Residential Life staff, will commence a logical investigation to determine the possible whereabouts of the student. In the event the resident student is not found after these efforts are undertaken, the Dobbs Ferry Police Department and other relevant municipal authorities will be immediately notified and in all cases, no later than 24 hours. If the Police Department determines that the student should be classified as a missing person, Mercy College will support the investigation by providing whatever assistance is appropriate. The official determination that the student is missing can be made *at any time* depending on the specific circumstances.

## **MISSING STUDENT CONTACT DESIGNATION**

Each student living in on campus student housing has the option of registering a confidential contact person to be notified within 24 hours of the determination that the student is missing. The student has the option of selecting a person other than his/her general emergency contact. The information will be kept confidential and disclosed only in furtherance of a missing person investigation to authorized campus officials or municipal law enforcement. If a student is determined to have been missing for 24 hours and they are less than 18 years of age and not yet emancipated, their parent or legal guardian will be notified in addition to the confidential contact person, if the student has identified one.

## **INVESTIGATION OF VIOLENT FELONY OFFENSES**

In accordance with New York State Education Law, the College maintains a plan for the investigation of violent felonies, which includes coordination with appropriate law enforcement agencies. In addition, in compliance with New York State Law and subject to applicable state and federal law, including, but not

limited to, the New York State Campus Safety Act and the federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code 1092 (f) which gives the victim of a sexual offense the right to decide whether or not to report, the College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a violent felony.

The plan includes the following:

Upon notification to the Office of Campus Safety that a violent felony offense has occurred at or on the grounds of the College, the primary and immediate objectives are:

- The well-being of the victim and to ensure prompt medical attention, if necessary
- Local law enforcement (NYPD, DFPD, YKTNP, WPPD) would be notified to respond
- The College Executive Director for Campus Safety will be notified

Other objectives of the investigation will be:

- Identification and apprehension of the individual(s) responsible
- Identification of witnesses and gathering of statements
- Preservation of the crime scene and safeguarding of evidence

The Campus Safety Officers at the scene will be responsible for these measures until the arrival of local law enforcement; at that time the Police on site will assume responsibility for the scene. Campus Safety will assist as requested and act as the liaison between the Police and the College Community.

The College will, upon written request, disclose to the alleged victim of a crime of violence, or of a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **ADVISORY COMMITTEE ON CAMPUS SAFETY AND SECURITY**

In compliance with the NY State Education Law, Mercy College has formulated an Advisory Committee on Campus Safety, a sub-committee of Mercy College's Environmental Health and Safety Committee. This Committee is comprised of students, faculty, and staff members of the College. The Committee reviews current campus security policies and procedures and makes recommendations for their improvement. It shall also review current policies for:

1. Educating the college community, including security personnel and those who advise or supervise students, about sexual assault.
2. Reporting sexual assaults and dealing with victims during investigations.
3. Referring complaints to the appropriate authorities.
4. Counseling victims.
5. Responding to inquiries from concerned persons.

The Committee reports in writing to the College President on its findings at least once each academic year.

## **WEAPONS ON CAMPUS**

Firearms and dangerous weapons/instruments of any type are not permitted on campus, including the following: electronic dart gun, electronic stun gun, gravity knife, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, nunchakus or chuka sticks, sand bag, sand club, wrist-brace type slingshot or slingshot, shirken or “Kung Fu star”. In certain circumstances, an exception can be made for the possession of a firearm for a carrier who possesses a permit and with valid reason shown, if there is advanced written approval from the Vice President for Operations and Facilities. The use or sale of firearms or other dangerous weapons by anyone is a violation of state and federal law, as well as a violation of the Student Code of Rights and Responsibilities.

## **DAILY CRIME AND FIRE LOGS**

The Department of Campus Safety maintains a daily log of crimes and fire incidents that occur on campus. All reportable offenses, whether they are Clery classified or not, are logged—provided that they have occurred within the reportable geography (on campus and public property immediately adjacent to the campus.) and include the following information: 1) date crime was reported, 2) date and time of the incident, 3) the nature of the crime, 4) the general location of the crime, 5) the disposition, if known and 6), special notes. The Dobbs Ferry log is kept in the offices of the Department of Campus Safety, Main Hall Room 234. All other individual campus logs are kept at the security desks in the lobbies and are available for inspection during regular business hours. The logs are updated less than two business days after the latest report comes in unless disclosure is prohibited by law or would jeopardize the confidentiality of the victim. The logs contain the most recent 60 days’ worth of data. If you wish to review entries as far back as 7 calendar years, please make this request to the Department of Campus Safety either in person or by calling the office at 914-674-7185. Your request will be granted within two regular business days.

## **HATE CRIMES AND BIAS-RELATED INCIDENTS**

Bias or hate crimes are crimes motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, disability or alienage. Bias-related incidents are behaviors which constitute an expression of hostility against the person or property of another because of the targeted person's race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, disability or alienage.

According to New York Penal Law Section 485, a person commits a hate crime when he or she commits a specified criminal offense and either: (1) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or (2) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding



the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct. [§ 160.50]

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

A **SPECIFIED OFFENSE** is an offense defined by any of the following provisions of the NY State Penal Law:

Assault 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> degree, Aggravated assault upon a person less than eleven years old, Menacing 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, degree, Reckless endangerment 1<sup>st</sup>, 2<sup>nd</sup> degree, Manslaughter 2<sup>nd</sup> degree, sub.1, 1<sup>st</sup> degree sub. 1,2,3,4, Murder 2<sup>nd</sup> degree, Stalking 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> degree, Rape 1<sup>st</sup> degree, sub.1, Criminal sexual act 1<sup>st</sup> degree, Sexual abuse 1<sup>st</sup> degree, Aggravated sexual abuse 1<sup>st</sup> degree, sub.1a, 2<sup>nd</sup> degree, sub.1, Unlawful imprisonment 1<sup>st</sup>, 2<sup>nd</sup> degree, Kidnapping 1<sup>st</sup>, 2<sup>nd</sup> degree, Coercion 1<sup>st</sup>, 2<sup>nd</sup> degree, Criminal trespass 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> degree, Burglary 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> degree, Criminal mischief 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> degree, Arson 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> degree, Petit larceny, Grand larceny 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> degree, Robbery 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> degree, Harassment 1<sup>st</sup> degree, Aggravated harassment, sub. 1, 2, 4, or any attempt or conspiracy to commit any of the foregoing offenses.

The following represent the penalties for the commission of “hate crimes” in New York State if the *specified offense* is a class B felony:

<b><u>Maximum term</u></b>	<b><u>Penal law section</u></b>
6 years	70.00
8 years	70.02
12 years	70.04
4 years	70.05
10 years	70.06
20 years	any A1 felony

Students and employees who commit bias crimes are also subject to sanctions up to and including suspension, expulsion, or termination of employment, in accordance with the relevant disciplinary procedure. In order to effectively handle incidents of bias related crimes and prevent future occurrences of such crimes, victims or witnesses of a hate crime are encouraged to immediately report incidents by contacting the Executive Director for Campus Safety, the Vice President of Student Affairs (for student complainants), or the Executive Director of Human Resources (for employee complainants). Victims of bias crime can also avail themselves of counseling and support services through the Health and Wellness Office.

## **SECURITY AWARENESS AND CRIME PREVENTION ACTIVITIES**

Members of the College Community are urged to secure their valuables and be aware of their surroundings in order to safeguard their persons and individual property. To assist in this endeavor, the Department of Campus Safety participates in presentations held by Student Services and other Mercy College departments that are provided to students, faculty, and staff. Information on safety and security is provided

and emphasized via posters, the Campus Safety website, oral presentations, and crime alerts. In addition, the Department of Campus Safety independently conducts or provides training to the Community on active shooter and first aid topics.

All incoming students receive information about campus crime prevention programs during initial orientation –the third week of August each year. During orientation programs for residents, seminars are presented which address sexual assault, fire safety and other personal safety topics. Students are informed of many personal safety services available on campus, which include counseling, mental health services and emergency medical treatment. Employees receive similar information during the new employee orientation.

### Safety Tips

The following information will help protect you whether at home, work, or on a college campus. You should always be aware of your surroundings and the people present. Share these tips with your family and friends-

#### At Home

- Your obvious hiding places for keys are just as obvious to a potential thief.
- Use only initials and last names on mailboxes and phone listings.
- Be prepared to enter your house without hesitation. Have the house or apartment key in your hand.
- If a window or door has been forced or broken while you were out, do not enter. Go to your neighbor's home and call the police.
- Install the proper deadbolt locks and door viewer, and remember, they only offer protection when used.
- Make sure that all the windows have locks.
- Install good interior and exterior lighting for protection. For additional security use timers to make your home appear occupied when you are away.
- Trim bushes and shrubbery to remove an attacker's hiding place. Never leave messages on your door, since they advertise you are away and the time you plan to return.
- Teach family members not to answer the door automatically. Require identification from all repair, delivery, and police personnel.
- Never let strangers inside your home to use the phone. Offer to make the call for them. Never admit that you or a neighbor is home alone. Be sure door is locked while making the phone call.
- Use drapes and blinds for privacy.
- If you live in an apartment, avoid going to basement or laundry rooms alone. Consider having a neighbor accompany you or let someone know where you are and when you expect to return.
- Familiarize yourself with location of meters and fuse boxes in your home.

#### Using Elevators

- Avoid entering an elevator occupied by a lone stranger.
- If someone makes you feel uneasy, either don't get in or get off on the next floor.
- Always stand near the control panel.
- If you are attacked, push as many buttons as possible.

## Using the Telephone

- If you receive obscene or annoying phone calls hang up immediately. If the calls continue, report them to the police and the telephone company. List only your last name and initials in the phone book.
- If the call is a “wrong number” ask what number the caller dialed; never reveal your number or name.
- Do not divulge family information over the phone to anyone; instruct family members to take a message so that the call can be returned.

## In Your Car

- Always park in highly visible, well-lighted areas and be mindful of suspicious activity.
- Check the interior of the car before entering.
- Have your keys ready to unlock the door and enter without delay. Lock car doors while driving.
- If your car breaks down raise the hood or attach a handkerchief to the door handle, and stay in the car with the doors locked. If a motorist stops, roll the window down slightly and ask the person to call for assistance.
- Do not stop for a stranded motorist. Instead, go to the nearest phone booth and call the police for assistance.
- If you suspect someone is following you, drive to the nearest public place, police station, or fire station for help.
- Never leave house keys attached to car keys at service stations or parking lots.

## Walking

- Never leave purses unattended anywhere. The contents of your purse, if stolen, can be traced to you.
- Walk on the side of the street facing traffic.
- Walk near a curb to avoid passing close to shrubbery, doorways, and other places of concealment. Confine yourself to well-lighted areas and avoid shortcuts, such as alleys.
- If a driver stops to ask directions, avoid getting close to the car.
- If a car approaches and the occupants harass you, scream and run in the opposite direction of the vehicle, so that the driver will have to turn around to pursue you. Try to memorize the license plate number.
- Walk with someone whenever possible.
- Always be alert and aware. If someone bothers you, don't be embarrassed to attract attention to yourself - scream or yell.
- Try to let someone know where you are going and the time you expect to return home.
- If you see someone in trouble at a party or see a friend using force or pressuring another person, don't be afraid to intervene. You may save the target of the behavior from the trauma of a sexual assault, and your friend from making the biggest mistake of their life.

The Mercy College Department of Campus Safety can provide additional information on crime prevention on request.

## **MERCY COLLEGE POLICY ON DRUGS AND ALCOHOL**

### **V. 1. Illegal Drugs and Drug Paraphernalia**

The possession, use, or distribution of illegal drugs or drug paraphernalia is prohibited on all Mercy College property, in any Residential Area (which includes the Mercy College Residence Hall and the off-campus hotels) and at any off-campus College activity or event. The term illegal drug includes, without limitation, prescription medications or other drugs that are being used, possessed or distributed illegally. Such conduct may also violate a number of state and federal criminal laws that may subject violators to fines or terms of imprisonment.

Students will be ineligible for financial aid if they are convicted of an offense under federal or state law involving possession or sale of a controlled substance, provided that the conduct occurred while the student was enrolled and receiving federal financial aid. Ineligibility for financial aid will run from the date of conviction for the following periods: (a) for drug possession: a first offense carries a one-year disqualification, a second offense carries a two-year disqualification, and a third offense makes the student ineligible indefinitely, and (b) for sale of a controlled substance: a first offense carries a two-year disqualification, and a second offense makes the student ineligible indefinitely. A student can regain eligibility by successfully completing an approved drug rehabilitation program.

Violations of the Illegal Drugs and Drug Paraphernalia policy include, but are not limited to, the following conduct by students:

**Level I:** (a) Smell of marijuana smoke or any other illegal drug in a room in the Residential Area or any other location on the College Campus, or (b) possession or use of drug paraphernalia. Drug paraphernalia includes, but is not limited to; roach clips, bongs, and pipes. Minimum \$100.00 fine, 10 hours community service, completion of Marijuana education module, E-Toke, or a combination thereof, and disciplinary probation for Level I drug violation. •

**Level II:** (a) Possession or use of illegal drugs, or (b) the second instance of a Level I violation. Minimum \$200.00 fine, 20 hours community service, Illegal Substance education module, E-Toke, or a combination thereof, and disciplinary probation for a Level II drug violation.

**Level III:** (a) The third or more instance of a Level I violation, or (b) the second or more instance of a Level II violation. Minimum \$300 fine, 20 hours community service, Illegal Substance education module, E-Toke, or a combination thereof, and disciplinary probation for a Level III drug violation

**Level IV:** (a) Sale, manufacture or distribution of illegal drugs, or (b) the second instance of a Level II suspension or expulsion from the College for a Level III drug violation. Minimum \$500.00 fine and removal from housing and/or suspension or expulsion from the College for a Level IV drug violation.

Upon finding credible evidence of the above listed violations by any student, the College will take appropriate disciplinary action, as set out in the Student Handbook, and may impose sanctions up

to and including probation, suspension, or expulsion and as set out in Section 3 of this Policy. Mercy College will also cooperate fully with law enforcement agencies in the investigation and prosecution of drug-related crimes that occur on College premises or at College-related events and activities or that otherwise affect the College community.

## **2. Alcoholic Beverages**

The possession, use, service or consumption of alcoholic beverages is prohibited on all Mercy College property, in any Residential Area (which includes the Mercy College Residence Hall and the off-campus hotels) and at any off-campus College activity or event, including student-centered special events sponsored off campus by the College. These guidelines are intended to discourage the irresponsible distribution and consumption of alcoholic beverages as well as underage access to alcoholic beverages. Students also have the personal responsibility of discouraging drunkenness. At all staff functions and/or academic division events that students may attend, the organization sponsoring the activity is responsible for enforcing strict adherence to New York State Alcohol Beverage Control Laws and other laws of the State of New York. At certain College-sponsored events, the responsible use of alcohol on campus in moderation by persons who are not students at the College, and who are of legal drinking age, will be permitted.

In the State of New York, it is illegal for any person under the age of 21 to possess or consume alcohol. It is also illegal to obtain or use false or fraudulent proof of age obtained for the purpose of purchasing or consuming alcohol, to misrepresent one's age or the age of another as being under 21, to drive while ability impaired or while intoxicated, or to drink and drive under or over the age of 21. Any such conduct by a student, which is brought to the attention of a College official, will be treated as a violation of this policy.

Violations of the Alcoholic Beverages policy include, but are not limited to, the following behaviors by students:

- A. **Level I:** Student is found in the presence of alcohol or empty alcohol containers in any campus location, including any Residential Area. Minimum of a \$25 fine, assigned community service, or a combination thereof, and letter of reprimand for a Level 1 alcohol violation.
- B. **Level II:** (a) Possession or consumption of alcohol in any campus location, including any Residential Area, (b) presence at or hosting of a large or disruptive gathering where alcohol is present, or (c) the second instance of a Level I violation. Minimum of a \$100.00 fine, assigned community service or a combination thereof, completion of Alcohol 101 module, and disciplinary probation for a Level II alcohol violation.
- C. **Level III:** (a) Visible intoxication in any campus location, including any Residential Area, (b) participation in or presence at contests involving the consumption of alcohol or the possession of any paraphernalia related to such contests. This will also include the playing of water pong, when alcohol is also found in the student's room at the time of water pong activity, or (c) the second instance of a Level II violation. Minimum of a \$200.00 fine, assigned community service, or a combination thereof, completion of Alcohol 102 module, disciplinary probation and possible notice to student's parents, for a Level III alcohol violation.

D. **Level IV:** (a) Possession of kegs, grain alcohol or common source containers, (b) possession or use of funnels, (c) the third instance of a Level II violation or (d) the second instance of a Level III violation. Minimum of a \$300.00 fine, assigned community service, one (1) year disciplinary probation, possible removal from the Residential Area, possible suspension from the College, possible notice to the student's parents, mandatory attendance of C.H.O.I.C.E.S. alcohol awareness class, for a Level IV alcohol violation.

Notice to the student's parents, removal from the Residential Area, and possible suspension or expulsion from the College for a Level V alcohol violation.

Upon finding credible evidence of the above listed violations by any student, the College will take appropriate disciplinary action, as set out in the Student Handbook, and may impose sanctions up to and including probation, suspension or expulsion and as set out in Section 3 of this Policy. Mercy College will also cooperate fully with law enforcement agencies in the investigation and prosecution of drug-related crimes that occur on College premises or at College-related events and activities or that otherwise affect the College community.

### **3. College Sanctions for Violations of the Policy on Illegal Drugs and Alcohol**

Any member of the faculty, administration or staff, or any student who knows or believes that a violation of the College's policy on Illegal Drugs or Alcohol has taken place may file a complaint against such student, administrator, or staff or faculty member. In the case of a student, allegations will be investigated and adjudicated in accordance with the disciplinary procedures set out in the Student Handbook.

#### **Risks Associated with the Use of Illegal Drugs and Alcohol Health Risks**

Mercy College has the obligation to protect the interests and rights of students as well as those of the College community as a whole. At the same time, the College understands that drug abuse may be a symptom of deeper personal and emotional problems. The College may also offer assistance to students in such circumstances and emphasizes the reciprocal responsibility of the individual to seek such help.

The health consequences of alcohol and substance abuse may be immediate and unpredictable, such as fatalities associated with alcohol and drug overdoses, or more long-term, such as the liver and brain damage associated with the prolonged use of alcohol. The following are some of the health consequences of alcohol and other drug use:

- A. **Alcohol** – Short-term effects include depressed central nervous system, impeded attention and memory, impaired judgment, impaired vision, impairment of other senses, irregular sleep, impaired driving, unconsciousness, and, with excessive use, death. Long-term effects of heavy use include damage to the liver, heart and pancreas, irritation of the gastrointestinal system, high blood pressure, oral cancer, malnutrition and nutritional deficiencies and lowered resistance to disease. Use during pregnancy can cause severe damage to the developing fetus.

- B. **Depressants** - Short-term effects include depressed central nervous system, mildly impaired coordination, impaired judgment and short-term memory, impaired driving, and reduced anxiety/lethargy. In high doses, short-term effects can include irregular breathing, impaired reflexes, coma and death. Long-term effects of heavy use include disturbed sleep, chronic fatigue, anxiety, restlessness and depression, slower reflexes and impaired coordination, reduced sex drive and/or impotence, menstrual irregularities, hostility and mood swings and cross-tolerance to other depressants. Use during pregnancy can harm the developing fetus.
- C. **Hallucinogens** - Because some of these substances are synthetic, they may be particularly potent and may contain impurities. Short-term effects include changes in perception, mood, thought and brain function, loss of judgment, disorientation, mild confusion and/or hallucinations, visual disturbances, increased heart rate, blood pressure and body temperature, nausea, vomiting and/or abdominal discomfort. In high doses, some hallucinogens can cause death. Over the long term, heavy use can precipitate severe psychotic episodes. In addition, flashbacks can occur spontaneously. Their effects during pregnancy are not fully understood.
- D. **Opiates** - Short-term effects include impaired driving. Higher doses can cause drowsiness, sedation, dizziness or euphoria. Some may have a stimulating effect, with increased heart rate, blood pressure, tremors and seizures. Very high doses can cause decreased heart rate and blood pressure, muscle construction, cyanosis and death. Over the long term, heavy use can result in impaired vision, chronic constipation, a higher risk of pulmonary complications, and mood swings. Needle use can lead to abscesses, collapsed veins and infections. Use during pregnancy can harm a developing fetus and create a higher risk of premature birth, miscarriage and stillbirth.
- E. **Marijuana** - Short-term effects are the same as many of the short-term effects of depressants, stimulants and hallucinogens. They can include impaired judgment, short-term memory and intellectual performance, reddening of eyes, sensory distortion, impaired coordination, drowsiness, and impaired driving. Short-term use can also aggravate pre-existing heart problems and mental health problems. Over the long term, effects include respiratory damage, impairment of memory and concentration and interference with the physical, psychological and social development of young users. The effect of daily use during pregnancy may cause problems in the developing fetus, but the effect is not fully known.
- F. **Stimulants** - Short-term effects include increased alertness and energy, impaired driving, impaired judgment, increased breathing, heart rate and heart palpitations, anxiety, restlessness, hostility, paranoia and confusion, and visual and auditory hallucinations. Overdose can lead to death. Over the long term, use of stimulants can cause severe anxiety and paranoia, impaired coordination, tremors, high blood pressure, malnutrition, chronic sleeplessness, and damage to internal organs, such as the brain, heart, lung, liver and kidneys. Chronic use can lead to death. Use during pregnancy can cause damage to the developing fetus.

### **Legal Sanctions**

Federal and New York State laws make it a criminal offense to manufacture, distribute, dispense, possess with intent to distribute, or simply possess a controlled substance. Such substances include heroin,

cocaine, methamphetamine, ecstasy, LSD, PCP, marijuana, and a number of common pharmaceutical drugs if unlawfully obtained. The sanctions for violation of these laws, ranging from community service and monetary fines to life imprisonment, depend upon the particular offense, the drug type, and the drug quantity. Students convicted under these statutes may also forfeit federal financial aid eligibility.

Note that an individual need not be in actual physical possession of a controlled substance to be guilty of a crime. The unlawful presence of a controlled substance in an automobile is presumptive evidence of knowing possession of such substance by each passenger unless the substance is concealed on the person of one of the occupants. Similarly, the presence of certain substances in plain view in a room can sometimes be presumptive evidence of knowing possession of such substance by anyone in close proximity.

Further, pursuant to New York State law:

1. Any person under age 21 who is found to be in possession of alcohol with the intent to consume it may be punished by a fine and/or required to complete an alcohol awareness program and/or to provide up to 30 hours of community service. Alcoholic Beverage Control Law, § 65-c.
2. Giving or selling an alcoholic beverage to a person less than age 21 is a class A misdemeanor punishable by a sentence of imprisonment up to one year. Penal Law § 260.20
3. Any person who operates a motor vehicle while intoxicated or while his ability to operate such vehicle is impaired by the consumption of alcohol or drugs, is subject to suspension or revocation of driving privileges in the State, monetary fines up to \$1,000, and imprisonment for up to one year. Vehicle and Traffic Law § 1192
4. A person under 21 who presents false written evidence of age for the purpose of purchasing or attempting to purchase any alcoholic beverage may be punished by a fine, community service and/or completion of an alcohol awareness program. Alcoholic Beverage Control Law § 65-b(1). Possessing such false evidence may also be criminal possession of a forged instrument, which is a felony in New York, punishable by a fine of up to \$5000, imprisonment up to 7 years, or both. Penal Law § 170.25.
5. Appearing in public under the influence of narcotics or a drug other than alcohol to the degree that a person may endanger him or her or other persons or property, or annoy persons in his vicinity, is a violation, punishable by a fine and imprisonment up to 15 days. Penal Law § 240.40

### **Resources for Alcohol or Drug Abuse**

Anyone in need of assistance with respect to questions or personal problems regarding alcohol or other drugs should contact the Health and Wellness Center at (914) 674-7233. A description of alcohol and other drug programs for our campus appears in the Mercy College Student Handbook, which is available



on the Mercy web page under the Student Affairs tab. A link to Mercy College Counseling Services also appears here.

**For confidential counseling, referral, treatment, or recovery information:**

The Counseling Center is located at the Dobbs Ferry Campus in Room 108 of Main Hall and is open weekdays from 9 a.m. to 5 p.m. Short-term personal counseling and crisis intervention is available for alcohol and substance abuse, and counselors can refer students to licensed professionals who can provide alcohol and substance abuse treatment or recovery information. Students may meet with counseling staff on the Dobbs Ferry campus, including Dr. Ori Shinar, who can be contacted at 914-674-7233, [oshinar@mercy.edu](mailto:oshinar@mercy.edu). Dr. Shinar is at the Manhattan Campus on Tuesdays. Alyssa Prete, LMHC, is also at the Dobbs Ferry Campus, Main Hall Room 108, (914) 674-7796, [aprete@mercy.edu](mailto:aprete@mercy.edu).

**Community Resources for Preventing, Counseling and Educating Yourself about Alcohol and Substance Abuse**

A variety of resources exist for alcohol and substance abuse prevention, education, counseling and referral. For alcohol and drug-related information and resources:

- A. New York State Office of Alcoholism and Substance Abuse Services Hot Line: 1-800-522-5353
- B. New York City Department of Mental Health, Mental Retardation and Alcoholism Services: 212-219-5380
- C. Westchester County Department of Community Mental Health, Office of Alcohol and Substance Abuse: 914-995-5220
- D. Harrison Youth Council - 914-835-7500
- E. Hastings Youth Advocate Program - 914-478-2471
- F. Larchmont/Mamaroneck Community Counseling Center - 914-698-7549
- G. Pelham Guidance Council - 914-738-5653
- H. LIFENET: 1-800-LIFENET (1-800-543-3638) or in Spanish at 1-877-AYUDESE (1-877-298-3373)
- I. The Alcoholism Council of New York Help Line: 212-252-7022
- J. Alcoholics Anonymous - Information regarding meetings can be found at <http://www.aaseny.org>
- K. Al-Anon Info-center: 212-254-7320/6 or 800-344-2666
- L. Cocaine Anonymous: 212-262-2463 (212-COCAINE)
- M. Narcotics Anonymous: 212-929-6262
- N. Pills Anonymous: 212-874-0700

**Detoxification and Outpatient/Inpatient Rehabilitation Facilities, NYC and Westchester County**

**New York County**

Bellevue Hospital Center  
462 First Ave.  
New York, NY 10016  
(212) 562-4141

St. Luke's-Roosevelt Hospital Center  
1000 Tenth Ave.  
New York, NY 10019  
(212) 523-6491

Greenwich House, Inc.  
50B Cooper Square  
New York, NY 10003  
(212) 677-3400

**Kings County**

Kings County Hospital Center  
606 Winthrop St.  
Brooklyn, NY 11203  
(718) 245-2630

Interfaith Medical Center  
1545 Atlantic Ave.  
Brooklyn, NY 11213  
(718) 613-4330

Bridge Back to Life Center, Inc.  
175 Remsen St., 10<sup>th</sup> Floor  
Brooklyn, NY 11201  
(718) 852-5552

**Queens County**

Flushing Hospital Medical Center  
4500 Parsons Blvd.  
Flushing, NY 11355  
(718) 670-5078

Samaritan Village, Inc.  
144-10 Jamaica Ave.  
Jamaica, NY 11435  
(718) 206-1990

Daytop Village, Inc.  
316 Beach 65<sup>th</sup> St.  
Far Rockaway, NY 11692  
(718) 474-3800

**Bronx County**

St. Barnabas Hospital  
4535 East 183<sup>rd</sup> St.  
Bronx, NY 10457  
(718) 960-6636

Montefiore Medical Center  
3550 Jerome Ave., 1<sup>st</sup> Floor  
Bronx, NY 10467  
(718) 920-4067

Bronx-Lebanon Hospital Center  
1276 Fulton Ave., 7<sup>th</sup> Floor  
Bronx, NY 10456  
(718) 466-6095

**Richmond County**

Staten Island University Hospital  
375 Seguine Ave.

**Westchester/Rockland Counties**

Nyack Hospital  
160 N. Midland Ave.

Staten Island, NY 10309  
(718) 226-2790

Nyack, NY 10960  
(845) 348-2070

Richmond University Medical Center  
427 Forest Ave.  
Staten Island, NY 10301  
(718) 818-5375

St. John's Riverside Hospital  
2 Park Avenue  
Yonkers, NY 10703  
(914) 964-7300

Camelot of Staten Island, Inc.  
263 Port Richmond Ave.  
Staten Island, NY 10302  
(718) 981-8117

St. Vincent's Hospital  
275 North Street  
Harrison, NY 10528  
(914) 967-6500

### **AMNESTY FOR DRUG AND ALCOHOL USE**

The health and safety of every student at Mercy College is of the utmost importance. The New York State 911 Good Samaritan Law allows people to call 911 without fear of arrest if they are having a drug or alcohol overdose that requires emergency medical care or if they witness someone overdosing. The law does not protect those who sell or distribute controlled substances, have open warrants or who violate parole or probation.

In addition, Mercy recognizes that students who have been drinking and/or using drugs at the time that sexual harassment, gender-based harassment or sexual violence occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Mercy College strongly encourages students to report incidents of sexual harassment, gender-based harassment or sexual violence. Therefore, a complainant or bystander acting in good faith who reports any incident of sexual harassment, gender-based harassment or sexual violence to Mercy College or law enforcement authorities will not be subject to the College's Code of Conduct for violations of Mercy's Drug and Alcohol Use Policy occurring at or near the time of the commission of the sexual harassment, gender-based harassment or sexual violence.

### **PROGRAMS RELATING TO ALCOHOL AND DRUG USE**

Mercy provides two online education modules, one for Alcohol and the other Marijuana. Both online modules are available on the Mercy College website within the Health and Wellness Center page:

**e-CHUG:** The electronic "Check-Up to Go" is a brief, self-assessment that provides you with accurate, detailed and personalized feedback on your use of alcohol, and specific information and helpful resources in the Mercy College community. <http://interwork.sdsu.edu/echeckup/usa/alc/coll/mercy>

**e-TOKE:** The electronic "THC Online Knowledge Experience" is a brief, self-assessment that provides you with accurate, detailed and personalized feedback on your use of marijuana, and specific information and helpful resources in the Mercy College community. <http://interwork.sdsu.edu/echeckup/usa/mj/coll/mercy>

The e-CHUG program must be completed by all Residential students in order to be cleared to move into the Residence Halls. All student-athletes are required to complete the module as well. Student who are

found to be in violation of Alcohol policies must complete the e-CHUG module as a part of the sanctions for the violation.

The e-TOKE module is used as an education sanction for students who are found to be in violation of Illegal Substance policies pertaining to the use of marijuana specifically.

## **PROGRAMS TO PREVENT DOMESTIC VIOLENCE, INTIMATE PARTNER VIOLENCE, SEXUAL ASSAULT, AND STALKING**

### **Student Educational Programming**

The Title IX Coordinator, in coordination with the Office of Student Affairs, Department of Campus Safety, the Office of Human Resources and other applicable offices, is responsible for ensuring that the College engages in a comprehensive student orientation and ongoing education campaign, using multiple methods, to educate members of the College community about sexual misconduct, including domestic violence, intimate partner violence, stalking and sexual assault. The programming is: 1) be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs and informed by research or assessed for value, effectiveness, or outcome; and 2) considers environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels. Some of the information that is imparted includes, but it not be limited to:

- 1) All of the information contained in the Sexual Misconduct Policy, including: prohibited conduct, resources offered while the College takes administrative and/or conduct action against an accused; that College policies apply equally to all students regardless of sexual orientation, gender identity or gender expression; the role of relevant College officials relating to this Policy; and the consequences and sanctions for individuals who commit these crimes and code of conduct violations;
- 2) Awareness of violence, its impact on victims and survivors and their friends and family, and its long-term impact.
- 3) Bystander intervention and the importance of taking action to prevent violence when one can safely do so;
- 4) Risk assessment and reduction including, but not limited to, steps that all members of the Mercy community can take to lower the incidence of violations, which may contain information about clear and open communications about sex and each party's expectations, 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.

#### A) Required educational programming

The College provides educational programming via an electronic Sexual Violence Prevention program at <http://interwork.sdsu.edu/echeckup/svp/campus/mercy>:

- 1) To all first year and transfer students;
- 2) To each student leader and officer of student organizations recognized by the College, as well as those seeking recognition by the College, prior to receiving recognition or registration;
- 3) To student-athletes prior to participating in intercollegiate athletic competition;
- 4) To all students residing in College-sponsored housing prior to registering for the residence.

#### B) Other education

The College offers education to all other students not subject to required training, including international students, students that are also employees, students in student organizations, and online and distance learning students.

### **Faculty and Staff Training**

The Title IX Coordinator, in coordination with the Office of Student Affairs, Department of Campus Safety, the Office of Human Resources and other applicable offices, offers annual training to all new employees and current employees, including but not limited to faculty, staff, administrators, security officers, athletic staff and residence life staff regarding all aspects of this policy and on sexual misconduct (including domestic violence, dating violence, stalking and sexual assault).

### **Sexual Assault Awareness and Prevention Information**

In many cases, college students who are sexually assaulted are victimized by someone they know. Although rape by strangers occur, rape and sexual assault by an acquaintance or intimate partner is by far the more prevalent form of sexual violence among college students.

The majority of sexual assaults experienced by college students occur in situations involving drinking by the victim, the assailant, or both.

You should know-

- Every sixty seconds a person is sexually assaulted.
- One of every five dates ends up in a sexual assault.
- Seven of ten rapes are committed by someone the victim knows.
- Being sexually assaulted is never the victim's fault.

#### Sexual Assault

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

- in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.”** New York Enough is Enough Law
- Sexual conduct, including intercourse, **in the absence of affirmative consent is sexual assault** regardless whether the person engaging in sexual behavior without mutual consent is a stranger, acquaintance, or an intimate partner.
  - Consent to one act (i.e. kissing) is not consent to other activities such as sexual intercourse. The person seeking to engage in sexual behavior must receive consent from his/her partner at every stage including, but not limited to, sexual intercourse.
  - Be aware of the impact of alcohol and other drugs on your judgment and that of your partner’s. Alcohol and drugs frequently play a role in sexual assault.
  - Do Not provide drinks or drugs to an individual for the purpose of lowering inhibitions to facilitate sex. Affirmative consent requires “knowing and voluntary “consent. Someone who is drunk or on drugs may not be able to knowingly consent.
  - Do Not leave a drink unattended or accept one from someone you don’t know. “Date rape drugs” can easily be added to any beverage.
  - Date rape drugs are categorized as prescription, often illegal drugs that produce various effects on the body, most often sedative or depressing, and are often used in rape situations. They are usually odorless, colorless, and tasteless. Some common date rape drugs include Gamma Hydroxy Butyrate (GHB), Rohypnol, MDMA (Ecstasy) and Ketamine
  - Responsibility for avoiding sexual assault is squarely on the person seeking to engage in sexual behavior. He or she is responsible for seeking and receiving consent.
  - Be aware of your surroundings. Do Not go to a secluded place with someone you’ve just met or don’t know well. Suggest meeting at public places.
  - Do Not go to your date’s residence or invite him/her to yours if you are just getting to know the individual. Rape by an acquaintance occurs most often in the rapist’s home.

### Safety Measures

- Always keep your apartment door and windows locked. Always close your shades or blinds at night.
- Be alert and aware of your surroundings, both inside and outside. Pay attention to people, lighting, and access to phones and exits.
- If you ever feel unsafe or uncomfortable, run to an occupied office, store, or towards people.
- Use elevators, stairs and restrooms in well-trafficked areas.
- While on campus contact the Department of Campus Safety for an escort.
- Walk with a friend. Avoid deserted parking lots, laundry rooms, and other poorly lit locations.

### Communication & Affirmative Consent

- If you are initiating sexual conduct, you must seek affirmative consent from your partner. Continuing to engage in sexual conduct in the absence of consent, is sexual assault and is a violation of Mercy’s Sexual Misconduct Policy and possibly state criminal laws

- Unequivocally define your expectations with respect to sexual conduct and your expectations that your limits will be respected
- Meet new acquaintances in public places. Always have your own transportation or travel with good friends.
- Keep money in your pocket or purse for phone calls or pay for transportation if you must leave a situation abruptly.
- Be aware of how much alcohol is being consumed. It is best to avoid using alcohol. While not a direct cause of rape/sexual assault, alcohol can decrease your judgment and increase your vulnerability by lowering your alertness and ability to react.
- Use of alcohol and drugs may also affect your ability to seek consent or determine whether you received affirmative consent.
- Clearly define your sexual limit. If someone engages in behavior that makes you uncomfortable, let the person know immediately. Passivity may be, inappropriately, interpreted as permission. Say no clearly when you mean no.
- Ask for consent. If you don't receive consent - stop. Lack of response, passivity or silence is not affirmative consent.
- Do not pressure anyone to give consent.
- If you feel that you are being pressured into unwanted sex, say something as soon as you can, before the behavior continues.
- Embarrassment should not keep you from doing what is right for you. Do not hesitate to raise your voice, stand up abruptly, or scream if the situation warrants it.

### What to Do if You Are Attacked

- After an attack, try to be as calm as possible in order to think clearly. Get to a safe place and call for help immediately. If you are in the building, contact Campus Security immediately at 914-674-9999; anywhere else call 911, call a relative or a friend or a rape crisis center. See Resources List attached hereto.
- Remain in the same condition as when the attacker left. Do not change, wash, or destroy any clothing or any article that may be evidence.
- Do not wash, douche or comb your hair.
- Have a medical/gynecological exam at the nearest hospital emergency room as soon as possible. The doctor should note and treat any injury and take measures to combat the possibility of sexually transmitted diseases or pregnancy. If you report being raped, the doctor must collect semen smears as evidence.
- Show police any bruises or injuries, however minor, resulting from the attack. Also show injuries, however minor, resulting from the attack. Also show injuries to a friend or relative who might be available as a corroborative witness at the trial. If possible, photograph bruises.
- Leave the crime scene exactly as it is. Do not touch, clean up, or throw anything away.
- Give any clothing that was stained or torn (including undergarments) during the crime to the police.
- When calm, write down every detail about the incident, including: who, what, where, when, and how; what the attacker looked like (height, weight, clothing, type of build, color of skin, hair, eyes, facial oddities, scars jewelry, tattoos etc.); description of any vehicle used or the direction you last saw the attacker running; what kind of force or coercion was used;

any objects touched, taken, or left by the attacker; if the attacker said anything, try to remember the words, the grammar, any accents or speech defects; and if there were witnesses, list who and where they might be.

- Seek psychological support as well as medical attention. Even though the actual incident is over, you may suffer from rape trauma syndrome, which includes a variety of difficulties commonly experienced after a sexual assault
- A student can call the local police department or 911, or go directly to a hospital. If the student wishes, Safety and Security officers will call 911 on their behalf. It is important to note that if you are a victim of a sex offense, **do not destroy any evidence (including clothing) and do not take a shower or bath.**

It is important that such physical evidence be preserved in order to assist with any ensuing criminal investigation. If the student believes that she/he may be the victim of rape by being drugged, she/he should go directly to a hospital to receive a toxicology examination since such drugs only remain in a person's system for a short period of time. The Department of Campus Safety will assist with notification of other law enforcement authorities and/or medical professionals if the student so chooses.

Files relating to sex offenses are kept confidential by the Office of Safety and Security and by the Office of Student Affairs, unless otherwise required by law or Mercy policy.

### **Who is a perpetrator?**

Many people think that sexual assaults are only perpetrated by vicious strangers on dark, deserted streets. In fact, studies indicate that between 80 and 90 percent of all people who have been raped know their perpetrator(s). Rape or sexual assault by an acquaintance or intimate partner is not a legally distinct or lesser category of rape. It refers to a relationship and situational context in which rape occurs on a date. Rape or any sexual offense, whether on a date or not, is the same criminal offense involving the same elements of force, exploited helplessness or underage participation. With sexual assaults where the victim knows the perpetrator, alcohol use is often involved on the part of either the victim or the perpetrator. However, a sexual assault is still a crime regardless of the intoxication of the perpetrator or the victim.

### **Who is a victim?**

Anyone can be a victim, regardless of gender, age, race, sexual orientation, religion, ethnicity, class or national origin. Though women and girls are primary targets of these crimes, men and boys are sexually victimized too, and have been found to suffer the same aftermath as women. Regardless of whether the victim was abusing alcohol and/or underage, she or he is still the victim of the sex offense.

### **When is there lack of consent?**

Under the **New York Penal Law**, lack of consent to a sexual contact may be demonstrated in the following ways: (1) forcible compulsion including the use of physical force or threat (express or implied) which places the person in fear of physical injury to self or another; (2) incapacity to consent on the part of the victim; (3) circumstances in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or (4) circumstances in which the victim clearly expressed by words or actions that he or she did not consent to engage in such sexual act and a reasonable person would have understood such person's words or actions as an expression of lack of consent to such conduct.



A person is deemed incapable of giving consent if she/he is (a) under the age of 17, (b) mentally incapacitated (which may include incapacity due to the victim's ingestion of alcohol or drugs), (c) physically disabled or (d) physically helpless (asleep, unconscious or for any other reason physically unable to communicate unwillingness to act, which may also include incapacity due to the victim's ingestion of alcohol or drugs).

Under the **New York State Education Law**, which governs college campuses, there must be affirmative consent, which is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. 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. When consent is withdrawn or can no longer be given, sexual activity must stop.

In order to give consent, one must be of legal age (17 years or older). Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. 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 lack of consciousness or being asleep, being involuntarily restrained, or if the 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.

### **Who is responsible for sexual misconduct?**

In the absence of consent, the individual who engages in sexual behavior **without** consent is *always* responsible for committing the sexual assault regardless of the victim's appearance, behavior, or conduct on previous occasions. An assailant cannot assume that the way a person dresses or acts is an invitation for sexual advances. A person may welcome some forms of sexual contact and be opposed to others. The more impaired a person is from alcohol or drugs, the less likely she/he can give consent; having sex with someone who is "passed out" or sleeping is rape. And regardless of previous sexual activity, if someone does affirmatively consent to sexual behavior or if someone refuses sexual contact, the failure to stop sexual conduct constitutes forcible sex and violates Mercy College policy and possibly New York state law.

### **Bystander Intervention:**

The College encourages all community members, including faculty, students and visitors to take reasonable and prudent actions to prevent and stop an act of sexual harassment gender-based harassment or sexual violence that she/he may witness. Although these actions will depend on circumstances, may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. In addition, the College encourages all community members to report an incident of sexual harassment gender-based harassment, or sexual violence that they observe or become aware of to the Title IX Coordinator, and/or the Office of Public Safety and Student Affairs. Community members who chose to exercise this positive option will be supported by the College and protected from retaliation.

## **DEFINITIONS OF SEX OFFENSES**

### **Under VAWA**

The Violence Against Women Reauthorization Act of 2013 (“VAWA”), added additional categories of crimes to the Clery Act that the College is now required to report.

#### **Domestic Violence**

According to federal statute, “domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of [New York], or 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 [New York].” 42 U.S.C. § 13925(a).

#### **Dating Violence**

According to federal statute, “dating violence” means violence committed by a person--  
(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and  
(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship
  - (ii) The type of relationship
  - (iii) The frequency of interaction between the persons involved in the relationship.
- 42 U.S.C. § 13925(a).

Mercy further defines Dating, Domestic and Intimate Partner Violence as:

A pattern of coercive behavior that can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an intimate partner. Such violence may occur in all kinds of intimate relationships, including married couples, people who are dating, couples who live together, people with children in common, same-sex partners, and people who were formerly in a relationship with the person abusing them.

#### **Stalking**

According to federal statute, stalking is “engaging in a course of conduct directed at a specific person that would cause a reasonable person to--

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.” 42 U.S.C. § 13925(a).

Mercy’s Sexual Misconduct Policy further defines Stalking as:

Intentionally engaging in a course of conduct directed at a specific person that:

- (1) Is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or
- (2) Causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or
- (3) Is likely to cause such person to reasonable fear that her/his employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person’s place of employment or business, and the actor was previously clearly informed to cease that conduct.

**Under New York Law**

Under Article 130 of the New York State Penal Law, it is a sex offense to engage in sexual contact or to engage in sexual intercourse, sodomy or sexual abuse by contact without the consent of the victim or where the victim is incapable of giving consent. Criminal sex offenses are classified in degree according to the seriousness of sexual activity, the degree of force used, the age of the victim and the physical and mental capacity of the offender and victim.

**See chart on the following page for a list of some of the major sex offenses and their maximum penalties under New York State Law.**

Sexual assault is a crime of power, aggression and violence. Terms such as “date rape” and “acquaintance rape” tend to minimize the fact that the act of rape, or any sexual assault, is a serious crime. There is never an excuse or a reason for a person to rape, assault or even touch another person’s private parts without consent. The impact on survivors of such an attack can cause severe and lasting physical, mental and emotional damage.

**New York State Penal and Criminal Procedure Laws**

<b>Crime</b>	<b>Illegal Conduct</b>	<b>Criminal Sanctions</b>
<u>Rape in the first degree</u> (PL § 130.35)	A person is guilty when he or she engages in sexual intercourse with another person by forcible compulsion, with a person who is incapable of consent by reason of being physically helpless (e.g. being asleep, unconscious or due to alcohol or drug consumption), who is less than 11 years old or less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison.

<u>Rape in the second degree</u> (PL § 130.30)	A person is guilty when being 18 years old or more, he or she engages in sexual intercourse with another person less than 15, or with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated	Is a class D felony, with penalties up to 7 years in prison.
<u>Criminal sexual act in the first degree</u> (PL § 130.50)	A person is guilty when he or she engages in oral sexual contact or anal sexual contact with another person by forcible compulsion, or with someone who is incapable of consent by reason of being physically helpless, or with someone less than 11 or with someone less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison.
<u>Forcible touching</u> (PL § 130.52)	A person is guilty when he or she intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire	Is a class A misdemeanor, with penalties up to 1 year in jail.
<u>Sexual abuse in the first degree</u> (PL § 130.65)	A person is guilty when he or she subjects another person to sexual contact: by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.	Is a class D felony, with penalties up to 7 years in prison.
<u>Aggravated sexual abuse in the first degree</u> (PL § 130.70)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class B felony, with penalties up to 25 years in prison.

<u>Aggravated sexual abuse in the third degree</u> (PL § 130.66)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class D felony, with penalties up to 7 years in prison.
---	--	--

<u>Facilitating a sex offense with a controlled substance</u> (PL § 130.90)	A person is guilty when he or she knowingly and unlawfully possesses a controlled substance or any substance that requires a prescription to obtain to another person, without such person's consent and with intent to commit against such person conduct constituting a felony, and commits or attempts to commit such conduct constituting a felony defined in Article 30.	Is a class D felony, with penalties up to 7 years in prison.
--	---	--

Appendix B of the College Policy and Procedures Relating to Sexual Misconduct (below) provides a comprehensive list of the various local counseling, health, mental health, victim advocacy, and legal assistance services for survivors of sexual violence. In addition, the College provides financial aid assistance to survivors through the PACT Office and other College counseling services. For visa and immigration assistance, survivors should contact the Westchester County Hispanic Coalition at <https://hispaniccoalition.org> or (914) 948-8466.



**POLICY AND PROCEDURES RELATING TO  
SEXUAL MISCONDUCT**

**Table of Contents**

I. Policy Statement.....5

II. Prohibited Conduct.....6

Sexual Harassment, Gender-Based Harassment and Sexual Violence 6

Retaliation.....

....6

III. Applicability.....

.....6

IV. Title IX

Coordinator.....

7

V. Immediate Assistance in Cases of Sexual Violence.....7

A. Reporting to Law Enforcement 7

B. Obtaining Immediate Medical Attention and Emotional Support 7

IV. Reporting Sexual Harassment, Gender-Based Harassment or Sexual Violence to Mercy College .....8

A. Filing a Complaint with Campus Authorities 8

1. Students

.....8

2. Employees, Contractors, Vendors and Visitors.....8

B. Support Assistance for Complainants 9

1. Students.....

.....9

2. Employees.....

.....9

C. Amnesty for Alcohol and/or Drug Use 9

D. Reporting Retaliation 9

E. Malicious Allegations 10

F. Employees Required to Report Incidents of Sexual Harassment, Gender-Based Harassment and Sexual Violence.....10

G. Reporting and Other Actions by Bystanders/Community Members.....11

H. Coordination With Outside Law Enforcement Authorities.....11

V. Rights and Obligations Relating to Confidentiality .....12

A.	<u>Confidential Resources</u>	12
1.	Students.....	.....12
2.	Employees.....	.....12
B.	<u>Handling Confidentiality Requests After a Report Has Been Received by the College</u>	12
	<u>Reporting Obligations Under Federal and State Law</u>	13
	Annual Crime Statistics.....	..13
	6. Timely Warnings.....	.....13
	7. NYS Campus Safety Act.....	.....13
	8. Notice to Parents.....	.....13
	9. Suspected Child Abuse.....	.....13
VI.	<u>Interim Protective Measures and Accommodations</u>	14
	O. No Contact Orders on Campus	14
	P. <u>Orders of Protection Through Law Enforcement Authorities</u>	14
VII.	<u>Investigating Complaints of Sexual Misconduct</u>	15
	<u>The Investigation</u>	16
	<u>Conflicts</u>	17
	<u>Mediation</u>	17
	<u>Admission and Acceptance of Penalty Prior to Finding</u>	17
	A. Timing.....	.....17
	<u>Report of Findings</u>	17
VIII.	<u>Disciplinary Action</u>	17
	E. <u>Discipline Against Students</u>	.....17



1. <u>Rights</u> .....	17
2. Penalties.....	18
3. Interim Suspensions.....	18
4. Notations on Transcripts.....	18
5. FERPA.....	19
F. <u>Discipline Against Employees</u> .....	19
G. Action Against Contractors, Vendors or Visitors.....	20
H. No Disciplinary Action.....	20
IX. Consensual Relationships.....	20
X. Filing External Complaints.....	20
XI. Additional College Obligations Under this Policy.....	20
G. Dissemination of Policies, Procedures and Notices.....	20
H. Student Education Programming.....	21
I. Faculty and Staff Training.....	22
J. Conducting Campus Climate Assessments.....	22
K. Annual Reporting.....	23
XII. Definitions of Terms in this Policy.....	23

A. Affirmative	
Consent.....	23
B. Complainant.....	
.....	23
C. Complaint.....	
.....	23
D. Dating, Domestic and Intimate Partner	
Violence.....	23
E. Forcible	
Touching/Fondling.....	23
F. Gender-Based	
Harassment.....	24
G. Managers.....	
.....	24
H. Rape and Attempted	
Rape.....	24
I. Respondent.....	
.....	24
J. Retaliation.....	
.....	24
K. Sexual	
Activity.....	24
L. Sexual	
Assault.....	24
M. Sexual	
Harassment.....	25
N. Sexual	
Misconduct.....	26
O. Sexual	
Violence.....	26
P. Stalking.....	
.....	26

Q. Vendor, Visitor or  
Contractor.....26

Mercy College Students' Bill of  
Rights.....Appendix A

Mercy College Sexual Resource  
List.....Appendix B

## **I. Policy Statement**

Every member of the Mercy College community, including students, employees, contractors, vendors and visitors, deserves the opportunity to live, learn and work free from sexual harassment, gender-based harassment, and sexual violence. Accordingly, Mercy is committed to:

- 1) Defining conduct that constitutes prohibited sexual harassment, gender-based harassment and sexual violence;
- 2) Providing clear guidelines for students, employees, contractors, vendors and visitors on how to report incidents of sexual harassment, gender-based harassment and sexual violence and a commitment that complaints will be handled respectfully;
- 3) Promptly responding to and investigating allegations of sexual harassment, gender-based harassment and sexual violence, pursuing disciplinary action when appropriate, referring the incident to law enforcement when appropriate, and taking action to investigate and address any allegations of retaliation;
- 4) Providing ongoing assistance and support to students and employees who make allegations of sexual harassment, gender-based harassment and sexual violence;
- 5) Providing all individuals involved in a complaint relating to sexual harassment, gender-based harassment and sexual violence with information regarding where and how to obtain supportive service both on and off-campus, as well as their rights under federal law, state law and Mercy policy, including filing a complaint with the College as well as with external agencies;
- 6) Providing awareness and prevention information on sexual harassment, gender-based harassment and sexual violence, including widely disseminating this policy, as well as a “students’ bill of rights”, disseminating information on resources available both on campus and locally, and implementing training and educational programs on sexual harassment, gender-based harassment and sexual violence to College constituencies.
- 7) Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents.

## **II. Prohibited Conduct**

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

This policy prohibits sexual harassment, gender-based harassment and sexual violence (together “sexual misconduct”) against any Mercy College student, employee, contractor, vendor or visitor.

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

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

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

- **Retaliation.**

This policy prohibits retaliation against any person who reports sexual harassment, gender-based harassment or sexual violence, assists someone making such a report, or participates in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint.

The complete definitions of these terms, as well as other key terms used in this policy, are set forth in Section XI below.

## **III. Applicability**

This Policy applies:

- C) To all persons regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.
- D) To all members of the College community, including students, employees, contractors, vendors and visitors.
- E) Regardless of whether the incident of sexual misconduct occurred on campus or off-campus if the incident involves a Mercy College student or employee.

#### **IV. Title IX Coordinator**

Mercy College has designated an employee as the “Title IX Coordinator.” This employee is responsible for compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education programs. The Title IX Coordinator has overall responsibility for implementing this policy, including by not limited to:

- 5) Receiving all complaints that are not strictly confidential;
- 6) Overseeing the investigation of complaints;
- 7) Ensuring all persons involved in a complaint are advised of their rights, in writing, under state and federal laws, and this policy;
- 8) Ensuring investigations are handled in a prompt and thorough manner, maintaining confidentiality when requested and where appropriate, and offering privacy for all persons involved to the greatest extent possible;
- 9) Keeping the College President and other appropriate senior administrators abreast of ongoing investigations, including findings of misconduct and penalties to be imposed under this policy;
- 10) Ensuring appropriate student education and staff training is conducted;
- 11) Ensuring a campus climate assessment is conducted in accordance with relevant law; and
- 12) Ensuring the College’s compliance with federal and state reporting obligations.

#### **V. Immediate Assistance in Cases of Sexual Violence**

##### **A. Reporting to Law Enforcement**

Students or employees who experience or observe any form of sexual violence on or off-campus (including Mercy College sponsored trips or events and students) are strongly encouraged to immediately report the incident by calling 911, contacting their local police department, state police, or contacting Mercy College Office of Safety and Security which is available 24-hours a day, 7 days a week at 914-674-9999 (or x 9999). The College shall have an appropriately trained employee available at all times to provide the complainant with information regarding options to proceed, including information regarding the criminal justice process and the preservation of evidence. College Safety and Security officers can also assist the complainant with filing a complaint both on and off-campus, and in obtaining immediate medical attention and other services.

##### **B. Obtaining Immediate Medical Attention and Emotional Support**

Mercy College is committed to assisting anyone who experiences sexual violence to seek comprehensive medical attention as soon as possible to treat injuries, obtain preventative treatment for sexually transmitted diseases, and preserve evidence, among other things. For rapes in particular, immediate treatment and the preservation of evidence of the incident are crucial for many reasons, including facilitating an investigation if the complainant decides to file a criminal complaint. In addition, individuals who have experienced or witnessed sexual violence are encouraged to seek emotional support as soon as possible, either on or off-campus.

On-campus resources, at no cost to students, include a nurse/nurse practitioner and registered nurses at the Dobbs Ferry campus and licensed mental health counselors at the Dobbs Ferry, Bronx and Manhattan campuses, through the Health and Wellness Center. Students at the Yorktown Heights campus can call x 9999 to seek assistance in obtaining immediate services, either locally or at other Mercy campuses.

Appendix B provides a list of emergency contacts and resources, including rape crisis centers, anonymous and confidential reporting hotlines, mental health counseling, victim advocacy services, legal assistance, and visa immigration services available throughout Westchester County and New York City. This list also includes a designation of which local hospitals are designated as SAFE (Sexual Assault Forensic Examination) or FACT (Forensic Acute Care Team) hospitals, which are specially equipped to handle rapes, including the gathering of evidence.

#### **IV. Reporting Sexual Harassment, Gender-Based Harassment or Sexual Violence to Mercy College**

Mercy College encourages individuals who have experienced sexual harassment, gender-based harassment or sexual violence (referred in this policy as “complainants”) to report the incident(s) to campus authorities, even if the incident has already been reported to outside law enforcement authorities, and regardless of whether the incident took place on or off-campus (including “study abroad” programs.) Such reporting will enable complainants to get the support they need, and provide the College with the information it needs to take appropriate action. After a report is made, the College shall inform the individual of her/his legal rights, including but not limited to those listed in Appendix A.

##### **A. Filing a Complaint with Campus Authorities**

- 1) **Students.** Students who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to one of the following campus officials/offices:

- Title IX Coordinator;
- Office of Safety and Security;
- Dean of Student Affairs;
- Residence Life staff.

- 2) **Employees, Contractors, Vendors and Visitors.** Employees who experience sexual harassment, gender-based harassment and sexual violence on or off-campus, and contractors, vendors or visitors who experience sexual harassment, gender-based harassment and sexual violence on a Mercy College campus or affiliated location, should bring their complaint to one of the following campus officials/offices:

- Title IX Coordinator;
- Office of Safety and Security
- Department of Human Resources

Once any of the campus authorities or offices above is notified of an incident of sexual harassment, gender-based harassment and sexual violence, she/he will immediately contact the Title IX Coordinator and shall coordinate with the appropriate College office(s) to address the matter in accordance with this policy, including taking appropriate interim and supportive measures. The individuals receive a complaint will maintain a complainant’s privacy to the greatest extent possible, and all information in connection with the complaint, including the identities of the complainant and the respondent, will be shared only with those who have a legitimate need for the information.

## **B. Support Assistance for Complainants**

Upon receipt of a complaint, the Title IX Coordinator will provide written notification to the complainant about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, among other services available to the complainant, available through the College as well as community resources as set forth in Appendix B.

In addition, the following support assistance will be provided:

- 3) **Students**. When the Title IX Coordinator receives a complaint of sexual harassment, gender-based harassment or sexual violence from a student, she/he will work with the Dean of Student Affairs to identify a trained staff member to assist the complainant with support services.
- 4) **Employees**. When the Title IX Coordinator receives a complaint of sexual harassment, gender-based harassment and sexual violence from an employee, she/he will work with the Office of Human Resources to assist the complainant with support services.

## **C. Amnesty for Alcohol and/or Drug Use**

The health and safety of every student at Mercy College is of the utmost importance. Mercy recognizes that students who have been drinking and/or using drugs at the time that sexual harassment, gender-based harassment or sexual violence occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Mercy College strongly encourages students to report incidents of sexual harassment, gender-based harassment or sexual violence. Therefore, a complainant or bystander acting in good faith who reports any incident of sexual harassment, gender-based harassment or sexual violence to Mercy College or law enforcement authorities will not be subject to the College's Code of Conduct for violations of Mercy's Drug and Alcohol Use Policy occurring at or near the time of the commission of the sexual harassment, gender-based harassment or sexual violence.

## **D. Reporting Retaliation**

Any individual who believes she/he has been retaliated against for making a report under this Policy, assisting someone making a report, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint may file a complaint with the Title IX Coordinator. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in this policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

## **E. Malicious Allegations**

Members of the Mercy College community who make false and malicious complaints of sexual harassment, gender-based harassment or sexual violence, as opposed to complaints which, even if erroneous, are made in good-faith, may be subject to disciplinary action



under this policy.

#### **F. Employees Required to Report Incidents of Sexual Harassment, Gender-Based Harassment and Sexual Violence**

The College has designated certain employees as “responsible employees” who have a duty to report incidents of sexual harassment, gender-based harassment and sexual violence, including all details of which they become aware, immediately to the Title IX Coordinator. Such employees are not permitted under any circumstances to maintain a complainant’s confidentiality, except that the Title IX Coordinator may honor a request for confidentiality under the circumstances described in Section V. below. However, these employees will maintain a complainant’s privacy to the greatest extent possible, and information reported to them will be shared only with the Title IX Coordinator, the responsible employee’s supervisor, and other people responsible for handling the College’s response to the report.

Before a complainant reveals any information to a responsible employee regarding an incident of sexual harassment, gender-based harassment and sexual violence, the employee shall advise the complainant of the employee’s reporting obligations—and if the complainant wishes to maintain confidentiality, direct the complainant to confidential resources at the Health and Wellness Center.

Mercy College has designated the following individuals as “responsible employees”:

- 1) **Safety and Security staff**
- 2) **Student Affairs staff** (with the exception of Health and Wellness staff and work-study students). Student Affairs staff includes, but is not limited to employees in the following offices:
  - Residence Life
  - Athletics
  - PACT
  - College Opportunity Program
  - Admissions
  - Enrollment Services
  - Career Services
  - ACCESSibility
- 3) **Human Resources staff**
- 4) **Provost’s Office staff**
- 5) **Deans and Academic Unit Heads**
- 6) **Managers**
- 7) **President’s Office staff**
- 8) **Senior College Administrators, including Vice Presidents**
- 9) **General Counsel’s staff**

Even in cases where a complainant requests confidentiality, the responsible employee nonetheless must report the incident to the Title IX Coordinator. See Section V.B. regarding the College’s obligations in handling requests for confidentiality.

## **G. Reporting and Other Actions by Bystanders/Community Members**

While those designated as “responsible employees” are required reporters pursuant to this policy, Mercy encourages all other community members, including other employees, students, contractors, vendors and visitors to report incidents of sexual harassment, gender-based harassment or sexual violence that they observe or become aware of to the Title IX Coordinator or other campus authority so that the College may take appropriate steps to eliminate the alleged discrimination and assist a complainant in obtaining the appropriate supportive measures she/he needs. Community members who choose to exercise this positive moral obligation will be supported by the College and shall be protected from retaliation. The College also encourages bystanders who witness sexual harassment, gender-based harassment or sexual violence to take reasonable and prudent actions to prevent or stop the conduct. Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

## **H. Coordination With Outside Law Enforcement Authorities**

In cases where the complainant files a complaint with outside law enforcement authorities as well as with the College, the College shall determine what actions to take based on its own investigation. The College may coordinate with outside law enforcement authorities in order to avoid interfering with their activities and, where possible, to obtain information regarding their investigation. Neither a law enforcement determination whether to prosecute a respondent, nor the outcome of any criminal prosecution, is dispositive of whether the respondent has committed a violation of this policy.

## **V. Rights and Obligations Relating to Confidentiality**

### **A. Confidential Resources**

- 1) **Students.** Students at the College who wish to speak to someone who will keep all of the communications strictly confidential regarding sexual harassment, gender-based harassment and sexual violence should speak to a mental health counselor and/or nurse/nurse practitioner at the College’s Health and Wellness Center. Mental health counselors and nurse/nurse practitioners will not report **any** information about an incident to College officials without the student’s permission, except where there is an imminent threat to the complainant or any other person, or pursuant to legal reporting obligations, set forth in Section VI below.

A student who speaks solely to a mental health counselor and/or a nurse/nurse practitioner must understand that the College may be unable to conduct an investigation into the particular incident or pursue disciplinary action against the respondent. Even so, these health care professionals will assist the student in receiving other necessary support. A student who first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement authorities and thereafter have the incident fully investigated (although a delay, even slight, may hinder an investigation by the College or law enforcement authorities.)

- 2) **Employees.** While there is no one directly employed by the College to whom employees can speak on a confidential basis regarding sexual harassment, gender-based harassment or sexual violence, free confidential support services are available through Mercy's Employee Assistance Program (EAP), which is listed on the Benefits Focus website. Confidential community counseling resources are also available throughout Westchester County and New York City. See Appendix B.

### **B. Handling Confidentiality Requests After a Report Has Been Received by the College**

After a report of an alleged incident of sexual harassment, gender-based harassment or sexual violence has been received by the Title IX Coordinator, a complainant may request that the matter be investigated without her/his identity or any details regarding the incident be divulged further, or that no investigation into a particular incident be conducted or that an incident not be reported to outside law enforcement authorities.

In all such cases, the Title IX Coordinator will weigh the complainant's request against the College's obligation to provide a safe, non-discriminatory environment for all College community members, including the complainant. Factors used to determine whether to honor such a request include, but are not limited to:

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

In cases where a complainant requests confidentiality and the College is able to honor that request, the College will take all reasonable steps to limit the effects of the alleged sexual harassment, gender-based harassment or sexual violence and prevent its recurrence consistent with the request for confidentiality. The College shall assist the complainant with academic, housing, transportation, employment and other reasonable and available accommodations regardless of her/his reporting choices. Such individuals are advised, however, that the College's ability to meaningfully investigate the incident and pursue disciplinary action may be limited.

### **C. Reporting Obligations Under Federal and State Law**

Regardless of a request for confidentiality, the College is required to abide by laws mandating disclosures in the following circumstances:

- 1) Annual crime statistics. The College must report certain crimes occurring in

specific geographic locations that shall be included in the College's annual security report pursuant to the Clery Act, though it is anonymous, and does not identify either the specifics of the crime or the identity of the complainant.

- 2) Timely warnings. The College is also required 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. The complainant will not be identified in the timely warning.
- 3) NYS Campus Safety Act. The College must notify the appropriate law enforcement agency as soon as practicable but in no case more than twenty-four hours after report of a violent felony or student who resides in housing owned or operated by such institution is missing; provided that such reporting requirement shall take into consideration applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code Section 1092(f) which gives the victim of a sexual offense the right on whether or not to report such offense to local law enforcement agencies.
- 4) Notice to parents. While the Family Educational Rights and Privacy Act (FERPA) allows the College to share information with parents when i) there is a health and safety emergency, or ii) when the student is a dependent on either parent's prior year federal income tax return, under New York State law the College is **not permitted** to share information about a report of domestic violence and dating violence, stalking or sexual assault with parents without the permission of the complainant.
- 5) Suspected Child Abuse. Certain members of the Mercy College community who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at Mercy or sponsored by Mercy (such as those in a clinical setting) are required to report immediately to the New York State Maltreatment Hotline at 1-800-342-3720 if they have reasonable cause to suspect abuse or maltreatment of individuals under the age of 18. If anyone other than New York State mandated reporters has reasonable cause to believe that a minor is being or has been abused or maltreated on campus, she/he should notify either the Title IX Coordinator or the College Safety and Security Department. If any community member witnesses child abuse while it is happening, she/he shall immediately call 911.

## **VI. Interim Protective Measures and Accommodations**

The College will take immediate steps to protect the complainant in the educational and employment setting, as well as the campus community at large, including taking interim protective measures and provide accommodations, as appropriate, during an investigation. The complainant will be informed in writing of such interim protective measures and accommodations, which may include, among other things:

- F) **No contact orders on campus**

- 1) Issuing a “no contact order” between the complainant and the respondent. Continued intentional contact with a complainant would be a violation of this policy subject to additional conduct charges.
- 2) If the respondent and a complainant observe each other in a public place, it shall be the responsibility of the respondent to leave the area immediately and without directly contacting the complainant.
- 3) Establishing an appropriate schedule for the respondents to access applicable College buildings and property at a time when such buildings and property are not being accessed by the complainant under certain circumstances;

**G) Orders of protection through law enforcement authorities**

- 1) Providing the complainant with assistance in obtaining an order of protection (or if outside New York, and equivalent protective or restraining order);
- 2) Providing a copy of the order the College may receive to the complainant and having an individual on campus who has knowledge, explain the order and answer any questions about it, including information from the order about the respondent’s responsibility to stay away from the protected person or persons;
- 3) Providing an explanation of the consequences for violating these orders, including but not limited to arrest, additional disciplinary charges, and interim suspension.
- 4) Receiving assistance from the College Office of Safety and Security in contacting local law enforcement to effect an arrest for violating such order;
- 5) Making necessary changes to academic programs, including a change in class schedule, making appropriate accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting the reporting individual to attend a class via skype or other alternative means, providing an academic tutor, or extending deadlines for assignments;
- 6) Addressing situations in which it appears that a complainant’s academic progress is impacted by the alleged incident;
- 7) Making necessary changes to residential housing situations;
- 8) Changing an employee’s work assignment or schedule;
- 9) Providing the complainant an escort to and from class or campus office;

- 10) Offering counseling services to the complainant and the respondent, through the Health and Wellness Center or a referral to an off-campus agency; and/or
- 11) Providing the complainant assistance with filing a criminal complaint.

Such protective measures, including “no contact” orders, will remain in place and supportive services will be provided for as long as necessitated during and after any investigation, though protective measures may be adjusted based on the findings after an investigation. Both the respondent and the complainant shall, upon request 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 her/him, and shall be allowed to submit evidence in support of her/his request. The request for such a review shall be made to the Dean of Student Affairs if either the complainant or respondent is a student, or to the College’s Executive Director of Human Resources if both the respondent and complainant are employees.

## **VII. Investigating Complaints of Sexual Misconduct**

If College becomes aware that sexual misconduct may have been committed against a student, employee, contractor, vendor or visitor, or by a student or employee, and determines that an investigation is required, it shall notify the reporting individual and take immediate steps to protect the complainant, prevent recurrence of the sexual harassment or sexual violence, and correct its effects on the complainant and others. The College will take also steps needed to ensure that it provides a prompt, fair, and impartial process from the initial investigation to the final result.

### **A. The Investigation**

Once the Title IX Coordinator determines that an investigation is warranted, she/he will ensure the investigation is conducted in a timely, thorough and impartial manner that provides the complainant and accused/respondent a meaningful opportunity to be heard. The Title IX Coordinator will coordinate investigative efforts with other College offices, and may designate another trained individual to conduct all or part of the investigation. The investigation shall be conducted by an individual who has received 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.

Complainants and respondents shall have the following rights during the investigation:

- 1) An opportunity to offer evidence during an investigation, and to review and present available evidence in the case file, or otherwise in possession and control of the College and relevant to the case;
- 2) To have charges filed against the respondent indicating: the alleged prohibited conduct committed, approximate date, time and location of occurrence, the factual allegations concerning the alleged violation, and possible sanctions;

- 3) To receive written or electronic notice, provided in advance, of any meeting they are required or eligible to attend, of the policy the respondent is alleged to have violated and in what manner, and the sanction(s) that may be imposed on the respondent based upon the outcome of the conduct process.
- 4) To be accompanied by a confidential advisor of choice (including an attorney) who may assist and advise the respondent and reporting individual throughout the investigative and appeal process including during all meetings related to these processes.
- 5) To exclude their own prior sexual history with persons other than the other party in the process or their own mental health diagnosis and/or treatment from admittance in the stage of the process that determines responsibility. Past finding of domestic violence and dating violence, stalking or sexual assault may be admissible in the stage of the process where sanction is determined.
- 6) To make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

#### **B. Conflicts**

If any administrator designated by this policy to participate in the investigation or resolution of a complaint (including but not limited to the Title IX Coordinator) is the respondent, or there exists a conflict for any other reason such as knowledge of the complainant and/or the respondent, the President will appoint another College administrator to perform such person's duties under this policy. If the President is the respondent, the investigation will be handled by the College's General Counsel or her/his designee.

#### **C. Mediation**

While mediation is not permitted in cases where sexual violence is alleged, it may be appropriate where sexual harassment or gender-based harassment allegations have been made by a student or employee but there is no allegation of sexual violence. Mediation is a process whereby the parties can participate in a search for fair and workable solutions. Mediation requires the consent of both the complainant and the respondent, but does not require the complainant and the respondent to meet face-to-face. Either party, however, has the right to end the mediation at any time and proceed with the investigation process. A respondent who is covered by a collective bargaining agreement may consult with and have a union representative present at any mediation session.

#### **D. Admission and Acceptance of Penalty Prior to Finding**

At any time prior to a finding of misconduct, the respondent may admit to the charges and accept the penalty that the Dean of Student Affairs or designee determines to be appropriate to address the misconduct. This agreed upon penalty shall be placed on the respondent's transcript consistent with Section IX A. 3) below. Before resolving a complaint in this manner, the Dean of Student Affairs must first consult with the complainant and provide

the complainant an opportunity to object to the proposed resolution, orally and/or in writing. If a resolution is reached over the complainant's objection, the Dean of Student Affairs or designee shall provide the complainant with a written statement of reasons supporting such resolution, and the complainant may appeal the decision to enter into the resolution to the Title IX Appeals Panel.

### **E. Timing**

The College will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs are carried out as timely and efficiently as possible. However, the College may need to temporarily delay the fact-finding portion of it investigation during the evidence-gathering phase of a law enforcement investigation. While some complaints may require extensive investigation, whenever possible, the investigation of complaints should be completed within sixty (60) calendar days of the receipt of the complaint. If there is a delay in completing the investigation, the Title IX Coordinator shall notify the complainant and the accused/respondent in writing and shall keep the parties continuously abreast of timing issues.

### **F. Report of Findings**

Following the completion of the investigation, the Title IX Coordinator or her/his designee will report the findings to the Dean of Student Affairs if the respondent is a student, the Provost if the respondent is a faculty member, or to the Executive Director of Human Resources if the respondent is an employee other than a faculty member.

## **VIII. Disciplinary Action.**

The appropriate College official (i.e. the Dean of Student Affairs, Provost or Executive Director of Human Resources) will review the investigation report. When it is determined that, by a preponderance of the evidence, a violation of this policy has occurred, she/he shall authorize such action as she/he deems necessary to properly correct the effects of or to prevent further harm to an affected party or others similarly situated. The College official shall apprise the President of the College of the findings of any investigation, as well as the recommended sanction(s) to be imposed.

### **A. Discipline Against Students**

#### **5) Rights**

In cases where it is recommended that discipline be imposed against an accused/respondent who is a student, the respondent and complainant shall be entitled to the following process and rights:

- a) To receive simultaneous (among the parties) written or electronic notice of the findings of fact, the decision and the sanction, if any, as well as the rationale for the decision and the sanction (notice shall go to the next of kin if the complainant is deceased);



- b) To choose whether to disclose or discuss the outcome of the conduct process.
- c) To appeal the findings and/or sanction to the Title IX Review Panel that is fair and impartial and does not include individuals with a conflict of interest. Members of this three-person appeal panel shall be specially trained in hearing such cases, including the effects of trauma. Notice of the appeals finding shall be sent by electronic or written form, simultaneously to the parties.
- d) To have all information obtained during the course of the conduct process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

#### 6) Penalties

The range of penalties against a student found to have committed a violation of this Policy include, but are not limited to: removal from housing, removal from a sports team or other school activity, suspension or expulsion.

#### 7) Interim Suspensions

When the respondent is a student who presents a continuing threat to the health and safety of the community, the College shall subject the respondent to interim suspension pending the outcome of the conduct process. Both the respondent and the complainant shall, upon request, be afforded a prompt review by the Dean of Student Affairs, 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 her/his request.

#### 8) Notations on Transcripts

In cases in which a respondent has been found responsible for committing a Clery Act reportable crime of violence, the College shall make a notation on her/his transcript stating that she/he was “**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, the College shall make a notation on the transcript of such students that they “**withdrew with conduct charges pending.**” Such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, such as after an appeal to the Title IX Appeals Panel, any such transcript notation shall be removed.

#### 9) FERPA

Nothing in this policy, including notice regarding the results of the disciplinary process, violates the Family Educational Rights and Privacy Act (FERPA), including any initial, interim and final decision (and the rationale) by a College official entitled to resolve student disciplinary matters.

## **B. Discipline Against Employees**

In cases where an employee is accused of sexual harassment, gender-based harassment or sexual violence, the matter will be referred for disciplinary action in accordance with applicable Mercy handbooks, policies, rules and/or collective bargaining agreements. Penalties for employees who are found to violate this policy may include, but are not limited to: reprimand, suspension or termination of employment following the relevant disciplinary procedures, if applicable.

An employee who presents a continuing threat to the health and safety of the community will be subjected to an interim suspension pending the outcome of any disciplinary action, in accordance with applicable Mercy College handbooks, policies, rules and/or collective bargaining agreements.

## **C. Action Against Contractors, Vendors or Visitors**

In cases where the person accused of sexual harassment, gender-based harassment or sexual violence is neither a Mercy student nor a Mercy employee, the College will take appropriate action, such as restricting her/his access to campus. In addition, the matter will be referred to local law enforcement authorities in appropriate circumstances and consistent with this policy.

## **D. No Disciplinary Action**

In cases where a determination is made not to bring disciplinary action, the Title IX Coordinator will inform the complainant and the respondent of that decision contemporaneously, in writing, and will offer counseling or other support services to both the complainant and the respondent.

## **IX. Consensual Relationships**

Sexual harassment may be at issue even in relationships that begin as consensual ones. In particular, such relationships can be problematic when one person in the relationship is, or could be perceived to be, in a position of institutional authority relative to the other person. In order to avoid that possibility, it is the policy of the College that any relationship in which one person has, or reasonably could be perceived to have, institutional authority over another member of the College community must be disclosed as follows, so that the matter may be addressed as appropriate under the circumstances. Any faculty member who is or becomes a party to a consensual relationship with a student—regardless of whether the student is in the faculty member’s class—must disclose that relationship to the Associate Provost or their School Dean. Any non-faculty College employee who is or become a party to a consensual relationship with any student must disclose that relationship to the Office of Human Resources. Any employee (faculty member or otherwise) who is in a relationship with another employee with someone for whom they supervise, must disclose the relationship to the Office of Human Resources.

## **X. Filing External Complaints**

Complainants have the right at any time to file complaints with the Office for Civil Rights (“OCR”) of the U.S. Department of Education, alleging violations of Title IX, and to file complaints with other appropriate agencies alleging violations of other federal, state or local laws, such as the New York State Division of Human Rights. Contact information for OCR, the New York State Division of Human Rights, and other relevant agencies is set forth in Appendix B.

## **XI. Additional College Obligations Under this Policy**

In addition to addressing possible violations of this Policy, Mercy College has the following obligations:

### **A. Dissemination of Policies, Procedures and Notices.**

The Title IX Coordinator, in coordination with the Office of Student Affairs, Office of Safety and Security, the Office of Human Resources and other applicable offices, is responsible for the wide dissemination of the following: (i) this policy; (ii) Mercy’s Notice of Nondiscrimination; (iii) the Title IX Coordinator’s name, phone number, office location, and email address; and (iv) contact information for the Office of Safety and Security.

Such dissemination shall include posting the documents and information on the college website and including it in any student or employee handbooks and in resident life materials. In addition, the Students’ Bill of Rights, which is appended to and made a part of this policy, must be distributed to any individual reporting an incident of sexual harassment, gender-based harassment or sexual violence at the time the report is made. It must also be distributed annually to all students. All of the above information shall be posted on the College Title IX website in an easily accessible manner to the public, posted in campus residence halls and campus centers, and shall include links or information to file a report and seek a response.

### **B. Student Educational Programming**

The Title IX Coordinator, in coordination with the Office of Student Affairs, Office of Safety and Security, the Office of Human Resources and other applicable offices, is responsible for ensuring that the College engages in a comprehensive student orientation and ongoing education campaign, using multiple methods, to educate members of the College community about sexual misconduct, including domestic violence, dating violence, stalking and sexual assault. The programming shall: 1) be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs and informed by research or assessed for value, effectiveness, or outcome; and 2) consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels. Some of the information to be imparted shall include, but not be limited to:

- 1) All of the information contained in this Policy, including: prohibited conduct, resources offered while the College takes administrative and/or conduct action against an accused; that College policies apply equally to all students regardless of sexual orientation, gender identity or gender expression; the role of relevant College officials relating to this Policy; and the consequences and sanctions for individuals who commit these crimes and code of conduct violations;

- 2) Awareness of violence, its impact on victims and survivors and their friends and family, and its long-term impact (without identifying victims in any way.)
- 3) Bystander intervention and the importance of taking action to prevent violence when one can safely do so;
- 4) 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.

a) Required educational programming

The College shall provide such educational programming:

- 1) To all new students, whether first-year, or transfer, undergraduate, graduate or professional;
- 2) To each student leader and officer of student organizations recognized by the College, as well as those seeking recognition by the College, prior to receiving recognition or registration;
- 3) To student-athletes prior to participating in intercollegiate athletic competition;
- 4) To all students residing in College-sponsored housing prior to registering for the residence.

b) Other education

The College shall offer education to all other students not subject to required training, including international students, students that are also employees, students in student organizations, and online and distance learning students.

**C. Faculty and Staff Training**

The Title IX Coordinator, in coordination with the Office of Student Affairs, Office of Safety and Security, the Office of Human Resources and other applicable offices, is responsible for ensuring that all new employees and current employees, including but not limited to faculty, staff, administrators, security officers, athletic staff and residence life staff receive annual training regarding all aspects of this policy and on sexual misconduct (including domestic violence, dating violence, stalking and sexual assault).

**D. Conducting Campus Climate Assessments**

The College shall conduct, no less than every other year or as otherwise required by law, a campus climate assessment to ascertain general awareness and knowledge of the provisions of this policy, including student experience with and knowledge of reporting and college adjudicatory processes, which shall be developed using standard and commonly recognized research methods. The assessment shall be structured to be in compliance with

applicable law, including Section 129-B of the New York State Education Law. The College shall publish the results of the surveys on its Title IX web page. The published results shall not contain any information which would enable a reader to identify any individual who responded to the climate assessment.

#### **E. Annual Reporting**

College is required to report to the State of New York aggregate data relating to domestic violence, dating violence, stalking and sexual assault, in accordance with state and any applicable law.

### **XII. Definitions of Terms in this Policy**

**A. Affirmative Consent** is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. 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. When consent is withdrawn or can no longer be given, sexual activity must stop.

In order to give consent, one must be of legal age (17 years or older). Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. 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 lack of consciousness or being asleep, being involuntarily restrained, or if the 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.

**B. Complainant** refers to the individual who alleges that she/he has been the subject of sexual harassment, gender-based harassment or sexual violence, and can be a Mercy student, employee (including all full-time and part-time faculty and staff), contractor, vendor or visitor. Under this policy, the alleged incident(s) may have been brought to the college's attention by someone other than the complainant.

**C. Complaint** is an allegation of sexual harassment, gender-based harassment or sexual violence made under this policy.

**D. Dating, Domestic and Intimate Partner Violence** is a pattern of coercive behavior that can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an intimate partner. Such violence may occur in all kinds of intimate relationships, including married couples, people who are dating, couples who live together, people with children in common, same-sex partners, and people who were formerly in a relationship with the person abusing them.

**E. Forcible Touching/Fondling** is intentionally touching the sexual or other intimate parts of another person without the latter's consent for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire.

**F. Gender-Based Harassment** is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently severe and pervasive to adversely affect an individual's participation in employment, education or other Mercy College activities. The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.

**G. Managers** are employees who have the authority to either (a) make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities; or (b) make recommendations on tangible employment decisions that are given particular weight. Managers include vice presidents, deans, directors, or other persons with managerial responsibility, including, for purposes of this policy, department chairpersons and executive officers.

**H. Rape and Attempted Rape** is the penetration or attempted penetration, no matter how slight, of any body part by a sex organ of another person, without the consent of that person.

**I. Respondent** refers to the individual who is alleged to have committed sexual harassment, gender-based harassment or sexual violence against a Mercy College student, employee, contractor, vendor or visitor.

**J. Retaliation** is adverse treatment of an individual as a result of that individual's reporting sexual harassment, gender-based harassment or sexual violence, assisting someone with a report of sexual harassment, gender-based harassment or sexual violence, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence report. Adverse treatment includes threats, intimidation and reprisals by either a complainant or respondent or by others such as friends or relatives of either a complainant or respondent.

**K. Sexual Activity** is:

- 1) penetration, however slight, of the vulva or the anus by the penis, hand/fingers or other object;
- 2) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- 3) intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person; or
- 4) intentional touching, either directly or through the clothing of any other body part, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.

**L. Sexual Assault** is any form of sexual activity that occurs without consent.

**M. Sexual Harassment** is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct of a sexual nature when:

- 1) Submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo); **or**
- 2) Such conduct is sufficiently severe and pervasive to adversely affect an individual's participation in employment, education or other Mercy College activities (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

Conduct is considered "unwelcome" if the individual did not request or invite it and considered the conduct to be undesirable or offensive.

While it is not possible to list all circumstances that might constitute sexual harassment, the following are some examples of conduct that might constitute sexual harassment depending on the totality of the circumstances:

- 1) Inappropriate or unwelcome physical contact or suggestive body language, such as touching, groping, patting, pinching, hugging, kissing, or brushing against an individual's body;
- 2) Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;
- 3) Visual displays or distribution of sexually explicit drawings, pictures, or written materials; or
- 4) Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures.

For purposes of this policy, sexual harassment also includes acts that violate an individual's right to privacy in connection with her/his body and/or sexual activity such as:

- 1) Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- 2) Disseminating images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure;
- 3) Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.

**N. Sexual Misconduct** is sexual harassment, gender-based harassment or sexual violence, as defined in this policy.

**O. Sexual Violence** is an umbrella term that includes: (1) sexual activity without affirmative consent, such as sexual assault, rape/attempted rape, and forcible

touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking as defined below.

**P. Stalking** is intentionally engaging in a course of conduct directed at a specific person with whom the perpetrator currently has, previously has had, or desires to have, some form of sexual or romantic relationship, that:

- 1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
- 2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
- 3) is likely to cause such person to reasonably fear that her/his employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

**Q. Vendor, Visitor or Contractor** is an individual who is present at a Mercy campus or unit but is not a student or employee. Vendors and Contractors have business-related work with the College.



**APPENDIX A**  
**Mercy College**  
**Students' Bill of Rights**

All **Mercy College** 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 to disclose a crime or violation and participate in the disciplinary process and/or criminal justice process free from pressure by the College;
4. Participate in a College disciplinary 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 health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few 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 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, respondent throughout the disciplinary 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 disciplinary process of the College.

## APPENDIX B

### MERCY COLLEGE RESOURCE LIST

#### Emergencies

<b>Mercy College Emergency</b>	<b>(914) 674-9999</b>
<b>Police, Fire, Medical Emergency</b>	<b>911</b>
<b><u>Mercy College Health and Wellness</u></b>	<b>MH Room 108</b>
<b>Dobbs Ferry Campus</b>	
Dr. Ori Shinar, Psy.D. Director of Mental Health Counseling	<b>(914) 674-7233</b>
Alyssa Prete, LMHC	<b>(914) 674-7796</b>
Colleen Powers, Director of Health and Wellness and Nurse Practitioner	<b>(914) 674-7707</b>
<b>Bronx Campus</b>	
Ingrid Mitchell, LMSW, Room 2294	<b>718-678-8775</b>
Manhattan Campus (Tuesdays)	
Dr. Ori Shinar, Psy.D. Director of Mental Health Counseling	<b>(914) 674-7233</b>

#### Community Resources for Sexual Assault/Domestic/Intimate Partner Violence

##### Westchester County

<b>Westchester County Family Justice Center</b>	<b>(914) 995-3100</b>
<b>FACT at Westchester Medical Center</b> – for forensic sexual assault exams	<b>(914) 493-7000</b>
<b><u>24-Hour Hotline --- Rape Crisis Counseling</u></b>	
Victims Assistance Services of WestCOP, Inc.	<b>(855) 827-2255</b>
Westchester Hispanic Coalition - ALAS	<b>(855) 252-7942</b>

##### **24-Hour Hotline --- Shelters/Counseling/Advocacy/Legal Services/Non-Residential Services**

Hope's Door	<b>(888) 438-8700</b>
My Sisters' Place	<b>(800) 298-7233</b>
Putnam/Northern Westchester Women's Resource Center	<b>(845) 628-2166</b>

##### **LGBTQ Resources**

The LOFT	<b>(914) 948-2932</b>
Gay and Lesbian National Hotline	<b>(888) 843-4564</b>
National Coalition of Anti-Violence Program (NCAVP)	<b>(212) 714-1141</b>
	<b>TTY (914) 995-7397</b>

##### **Sexually Transmitted Diseases**

Hudson Valley Community Services (for HIV testing)	<b>(914) 345-8888</b>
--	-----------------------

##### **Westchester County Health Clinic**

<b>Office</b>	<b>(914) 995-5800</b>	<b>White Plains District</b>
<b>Yonkers District Office</b>	<b>(914) 231-2500</b>	

##### **Legal Assistance**

Pace Women's Justice Center (legal helpline)	<b>(914) 287-0739</b>
Legal Services of the Hudson Valley	<b>(877) 574-8529</b>
My Sisters' Place Legal Center	<b>(914) 683-1333</b>

Westchester Hispanic Coalition (914) 948-8466  
Empire Justice Center (914) 422-4329

**For Further Information and Referral:**

NYS Coalition Against Sexual Assault & Domestic Violence (800) 942-6906  
National Domestic & Sexual Violence Hotline (800) 779-7233

**To Report Child Abuse** (NYS Registry) (800) 342-3720

**New York City**

**Sexual Violence Hotlines and Websites**

Safe Horizon, [www.safehorizon.org](http://www.safehorizon.org) (for a list of all hotlines) (800) 621-HOPE  
Rape, Abuse & Incest National Network (RAINN) (800) 656-HOPE New  
York City Alliance Against Sexual Assault [www.svfreenyc.org](http://www.svfreenyc.org)

**Sexual Assault Forensic Examiner (SAFE) Hospitals**

**Bronx**

North Central Bronx (HHC), E 210th St & Kossuth Ave  
Lincoln Medical and Mental Health Center (HHC), 234 E 149th St  
Jacobi Hospital (HHC), Eastchester Rd & Pelham Pkwy S

**Brooklyn**

Woodhull Medical and Mental Health Center (HHC), 760 Broadway  
Coney Island (HHC), 2601 Ocean Pkwy,  
Kings County Hospital Center (HHC), 451 Clarkson Ave

**Manhattan**

St. Luke's Hospital (CHP), Amsterdam Ave & W 113th St  
Roosevelt Hospital (CHP), 1000 10th Ave  
Beth Israel-Petrie Campus (CHP), 1st Ave & E 16th St  
Bellevue Hospital (HHC), 1st Ave & E 27th St  
Harlem Hospital (HHC), 506 Lenox Ave  
Metropolitan Hospital Center (HHC), 1901 1st Ave  
Mount Sinai Medical Center (Mount Sinai), 1 Gustave L Levy Pl  
New York Presbyterian Hospital-Columbia (NYP), 622 W 168th St  
New York-Presbyterian Hospital- The Allen Pavilion (NYP), 5141 Broadway  
New York-Presbyterian Hospital-Weill Cornell (NYP), 525 East 68th Street

**Queens**

Queens Hospital Center (HHC), 82-68 164th St  
Elmhurst Hospital (HHC), 79-01 Broadway

**Staten Island**

Richmond University Medical Center (IN), 355 Bard Ave

**Intimate Partner/Dating/Domestic Violence**

**NYC Family Justice Centers.** To be connected with a city Center, call **311**

**Bronx**, 198 E. 161<sup>st</sup> Street

**Brooklyn**, 350 Jay Street

**Manhattan**, 80 Centre Street

**Queens**, 126-02 82<sup>nd</sup> Avenue, Kew Gardens

**Day One** (youth dating and domestic violence services, including legal) (800) 214-4150

## Confidential Sexual Assault Counseling Resources

### **Bellevue Hospital Center: Rape Crisis and Advocacy Program (212) 562-3435**

1st Avenue at 27th Street New York, NY 10016

### **Beth Israel Medical Center: Rape Crisis & Domestic Violence Intervention (212) 420-4516**

317 East 17th Street, 4th floor New York, NY 10003

### **Elmhurst Hospital: SAVI:Sexual Assault Violence Intervention(718) 334-1418**

79-01 Broadway Queens, NY 11373

### **Harlem Hospital: Center for Victim Support (212) 939-4613**

506 Lenox Ave New York, NY 10037

### **Kingsbridge Heights Community Center: Changing Futures Program (718) 884-0700**

3101 Kingsbridge, Bronx, NY 10463

### **Mount Sinai Medical Center: Mt. Sinai SAVI: Survivors of Rape (212) 423-2140**

1 Gustave Levy Pl New York, NY 10029

### **New York City Children's Centers (NYCCC): NYCCC Brooklyn Behavioral Health Clinic**

1819 Bergen St Brooklyn, NY 11233

**(718) 613-3055/56**

### **New York Presbyterian - Weill Cornell Medical College: Domestic and Other Violence Emergencies (DOVE)**

**(212) 305-9060**

622 W 168th St New York, NY 10032

### **North Central Bronx Hospital: Sexual Assault Treatment Program (718) 519-2121**

3424 Kossuth Avenue Bronx, NY 10467

### **Safe Horizon: Rape Crisis Center (855) 234-1042**

100 E 122nd St New York, NY 10035

## Community Resources for Mental Health or Counseling Services

### **Westchester**

Echo Hills Community Counseling Center (Hastings) 914-478-0633

Family Abuse Hotline 914-347-4558

Family Services of Westchester 914-631-2022

For a Psychologist in your area 1-800-964-2000

Mental Health Association of Westchester Crisis Hotline 914-347-6400

Mobile Crisis Team 914-493-7075

No Mas Abuso 1-800-942-6908

Phelps Counseling Services 914-366-3619 (ask for Rita Barbieri and mention Mercy College) Rape Crisis Hotline 914-345-9111

Westchester Jewish Community Services 914-949-6761

Westchester Medical Center 914-493-5190 (ask for Kathy and mention Mercy College)

Westchester Self-help Clearinghouse 914-761-0600

### **Bronx and Queens**

Jacobi Hospital Psych. Emergency 718-918-4850

Madeleine Borg Community Services / Pelham Pkwy South 718-435-5700

Montefiore Hospital Psychiatric Outpatient 718-920-4295

Manhattan Multi Cultural Counseling Services 212-388-8191 or 646-420-6633

Elmherst Mobile Crisis Unit 718-334-3443  
Our Lady of Mercy Psychiatric Outpatient 718-304-700  
Pelham Bay Family Counseling 718-409-1047  
Queens Mobile Crisis Teams 718-334-3443  
Riverdale Marriage/Family Counseling 718-432-1780  
Throgs Neck Family Counseling 718-792-4178

**Manhattan**

Lifenet 800-543-3638  
NYSPI Depression Evaluation Service 212-543-5734  
United Way of New York City 212-251-2500

**External Agencies for Student and Employee Complaints**

**Students:**

**Office for Civil Rights**

**U.S. Department of Education**

32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: 646-428-3900  
FAX: 646-428-3843; TDD: 800-877-8339  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

**New York State Division of Human Rights**

Bronx Office (Headquarters)  
One Fordham Plaza, 4<sup>th</sup> Floor  
Bronx, NY 10458  
Telephone: (718) 741-8400  
[InfoBronx@dhr.ny.gov](mailto:InfoBronx@dhr.ny.gov)

**Manhattan Office**

Adam Clayton Powell State Office Building  
163 West 125th Street, 4th Floor  
New York, New York 10027  
Telephone No. (212) 961-8650

**Employees**

**United States Equal Opportunity Employment Commission (EEOC)**

New York District Office  
33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004  
Telephone: 1-800-669-4000  
Fax: 212-336-3790  
TTY: 1-800-669-6820

**New York City Commission on Human Rights**

100 Gold Street, Suite 4600, in lower Manhattan,  
Telephone: 311

**New York State Division of Human Rights**

Bronx Office (Headquarters)

One Fordham Plaza, 4<sup>th</sup> Floor

Bronx, NY 10458

Telephone: (718) 741-8400

[InfoBronx@dhr.ny.gov](mailto:InfoBronx@dhr.ny.gov)

## CAMPUS CRIME STATISTICS: DEFINITIONS

In accordance with recent updates to the Clery Act, data included in this document is presented to enable the reader to review crime activity both on campus and on streets adjacent to College property. Reported on-campus offenses include those occurring on College property and in campus buildings. A specific breakdown of offenses occurring in College owned residence halls appears under the “Residence Halls” heading.

Two other categories presented in Campus Crime Statistics Chart are “non-campus buildings or property” and “public property.” With regard to the first category, there are no off-campus student organizations owning buildings or property. The second category, “public property” includes thoroughfares, streets, sidewalks and parking facilities immediately adjacent to the campuses.

Campus crime statistics also include arrests and disciplinary referrals made to campus authorities for alcohol, drugs and weapons possession. As defined by the Campus Safety Act, a disciplinary referral is an instance when a student is formally reported in writing to a College officer for possible sanction.

As required by the Clery Act, colleges are required to report hate crimes. A hate crime occurs when a person is victimized intentionally because of his or her actual or perceived race, gender, religion, sexual orientation, ethnicity, disability or marital status.

The crimes reported are based on complaints filed with the following offices: Office of the Vice President of Student Affairs, Office of the Provost, Office of the Vice President for Enrollment Services, Office of the Title IX Coordinator, Office of the Executive Director of Human Resources, Office of the Director of Athletics, Office of the Director of Residential Life, or Office of the Vice President of Enrollment Management.

Formal requests for crime statistics for areas defined as “public property” and “non-campus buildings and property” are made with the local police departments. These offenses are defined in the “Uniform Crime Report” and the “Crime Awareness and Campus Security Act.”

### Definitions of Reportable Crimes

#### Criminal homicide

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

#### Sex offenses

- Forcible sex offenses- Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will, where the victim is incapable of giving consent.
- Forcible rape- The carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against that person’s will, where the victim is incapable of

giving consent because of his or her temporary or permanent mental or physical incapacity (or because of his or her youth).

- Forcible sodomy- Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- Sexual assault with and object- The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person forcibly and/or against that person's will; or not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- Forcible fondling- The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- Sex offenses, non-forcible- Unlawful, non-forcible sexual intercourse.
- Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape- Non-forcible sexual intercourse with a person who is under the statutory age of consent.

#### Other Crimes

1. Robbery- The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
2. Aggravated assault- An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)
3. Burglary- The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.
4. Motor vehicle theft- The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even though the vehicle is later abandoned, including joy riding.)
5. Arson- Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.



6. Dating violence is violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
7. Domestic violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; 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, 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.
8. Stalking is 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 to suffer substantial emotional distress.

#### Other Offenses

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

**Mercy College Department of  
Campus Safety  
(914) 674-7225**

MERCY COLLEGE CRIME STATISTICS DOBBS FERRY CAMPUS

Type of Offense		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Criminal Homicide</b>					
<i>Murder and Non-negligent</i>	2017	0	0	0	0
	2018	0	0	0	0
<i>Manslaughter</i>	2019	0	0	0	0
<i>Negligent</i>	2017	0	0	0	0
<i>Manslaughter</i>	2018	0	0	0	0
	2019	0	0	0	0
<b>Sex Offenses</b>					
<i>Forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	3	3	0	0
<i>Non-forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Robbery</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Aggravated Assault</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	1
<b>Burglary</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	2	1	0	0
<b>Motor Vehicle Theft</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	1
<b>Arson</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Stalking</b>	2017	1	0	0	0
	2018	0	0	0	0
	2019	1	0	0	0
<b>Domestic Violence</b>	2017	1	0	0	0
	2018	1	0	0	0
	2019	0	0	0	3
<b>Dating Violence</b>	2017	0	0	0	0
	2018	0	0	1	0
	2019	0	0	0	2
<b>Fondling</b>	2017	3	3	0	0
	2018	1	1	0	0
	2019	1	1	0	0

Other Offenses		Non-Arrest Campus Referrals			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	17	17	10	0
	2018	39	39	4	0
	2019	11	11	0	0
<b>Drug Abuse Violations</b>	2017	22	21	2	0
	2018	22	22	3	0
	2019	17	17	0	0
<b>Illegal Weapons Possession</b>	2017	1	1	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Other Offenses		Arrests			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	5
	2018	0	0	0	0
	2019	0	0	0	3
<b>Illegal Weapons Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	2

Type of Offense		On Campus	Residential Facility	Non-campus Building or Property	Public Property	
<b>Hate Crimes</b>						
	<i>Simple Assault</i>	2017	0	0	0	0
		2018	0	0	0	0
		2019	0	0	0	0
<i>Larceny Theft</i>		2017	0	0	0	0
		2018	0	0	0	0
		2019	0	0	0	0
<i>Intimidation</i>		2017	0	0	0	0
		2018	0	0	0	0
		2019	0	0	0	0
<i>Vandalism</i>		2017	0	0	0	0

2018	0	0	0	0
2019	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Crime information was requested from local Police Departments for all Mercy Campuses as well as Off-Campus buildings. Any statistics received are included above.

---

This report includes statistics from the Dobbs Ferry Campus

Crimes reported in the Residence Hall column are included in the “on-campus” category.

There were no reported hate/bias crimes in 2017, 2018 as well as 2019.

**MERCY COLLEGE CRIME STATISTICS BRONX CAMPUS**

Type of Offense		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Criminal Homicide</b>					
<i>Murder and Non-negligent</i>	2017	0	0	0	0
	2018	0	0	0	0
<i>Manslaughter</i>	2019	0	0	0	0
<i>Negligent</i>	2017	0	0	0	0
<i>Manslaughter</i>	2018	0	0	0	0
	2019	0	0	0	0
<b>Sex Offenses</b>					
<i>Forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Non-forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Robbery	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Aggravated Assault	2017	0	0	0	0
	2018	1	0	0	0
	2019	0	0	0	0
Burglary	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Motor Vehicle Theft	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Arson	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Stalking	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Domestic Violence	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Dating Violence	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Fondling	2017	0	0	0	0
	2018	0	0	0	0
	2018	0	0	0	0

Other Offenses		Non-Arrest Campus Referrals			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Illegal Weapons Possession</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Other Offenses		Arrests			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Illegal Weapons Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Type of Offense		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Hate Crimes</b>					
<i>Simple Assault</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Larceny Theft</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Intimidation</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Vandalism</i>	2017	0	0	0	0

2018	0	0	0	0
2019	0	0	0	0

Crime information was requested from local Police Departments for all Mercy Campuses as well as Off-Campus buildings. Although not all departments responded, any statistics received are included above.

---

This report includes statistics from the Bronx, Campus.

Crimes reported in the Residence Hall column are included in the “on-campus” category.

There were no reported hate/bias crimes in 207, 2018 as well as 2019



**MERCY COLLEGE CRIME STATISTICS MANHATTAN CAMPUS**

Type of Offense		<b>On Campus</b>	<b>Residential Facility</b>	<b>Non-campus Building or Property</b>	<b>Public Property</b>
<b>Criminal Homicide</b>					
<i>Murder and Non-negligent</i>	2017	0	0	0	0
	2018	0	0	0	0
<i>Manslaughter</i>	2019	0	0	0	0
<i>Negligent</i>	2017	0	0	0	0
<i>Manslaughter</i>	2018	0	0	0	0
	2019	0	0	0	0
<b>Sex Offenses</b>					
<i>Forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Non-forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Robbery</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Aggravated Assault</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Burglary</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Motor Vehicle Theft</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Arson</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Stalking</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Domestic Violence</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Dating Violence</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Fondling</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Other Offenses		Non-Arrest Campus Referrals			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Illegal Weapons Possession</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Other Offenses		Arrests			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Illegal Weapons Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Type of Offense		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Hate Crimes</b>					
<i>Simple Assault</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Larceny Theft</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Intimidation</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Vandalism</i>	2017	0	0	0	0

2018	0	0	0	0
2019	0	0	0	0

Crime information was requested from local Police Departments for all Mercy Campuses as well as Off-Campus buildings. Although not all departments responded, any statistics received are included above.

-----  
This report includes statistics from the Manhattan Campus.

Crimes reported in the Residence Hall column are included in the “on-campus” category.

There were no reported hate/bias crimes in 2016, 2017 as well as 2018

MERCY COLLEGE CRIME STATISTICS YORKTOWN CAMPUS

Type of Offense		<b>On Campus</b>	<b>Residential Facility</b>	<b>Non-campus Building or Property</b>	<b>Public Property</b>
<b>Criminal Homicide</b>					
<i>Murder and Non-negligent</i>	2017	0	0	0	0
	2018	0	0	0	0
<i>Manslaughter</i>	2019	0	0	0	0
<i>Negligent</i>	2017	0	0	0	0
<i>Manslaughter</i>	2018	0	0	0	0
	2019	0	0	0	0
<b>Sex Offenses</b>					
<i>Forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Non-forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Robbery	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Aggravated Assault	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Burglary	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Motor Vehicle Theft	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Arson	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Stalking	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Domestic Violence	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Dating Violence	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Fondling	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Other Offenses		Non-Arrest Campus Referrals			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Illegal Weapons Possession</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Other Offenses		Arrests			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Illegal Weapons Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Type of Offense		On Campus	Residential Facility	Non-campus Building or Property	Public Property	
<b>Hate Crimes</b>						
	<i>Simple Assault</i>	2017	0	0	0	0
		2018	0	0	0	0
		2019	0	0	0	
<i>Larceny Theft</i>	2017	0	0	0	0	
	2018	0	0	0	0	
	2019	0	0	0	0	
<i>Intimidation</i>	2017	0	0	0	0	
	2018	0	0	0	0	
	2019	0	0	0	0	
<i>Vandalism</i>	2017	0	0	0	0	
	2018	0	0	0	0	

2019                    0                    0                    0                    0

Crime information was requested from local Police Departments for all Mercy Campuses as well as Off-Campus buildings. Although not all departments responded, any statistics received are included above.

---

This report includes statistics from the Yorktown Campus.

Crimes reported in the Residence Hall column are included in the “on-campus” category.

There were no reported hate/bias crimes in 2017, 2018 as well as 2019

MERCY COLLEGE (CNR ) CRIME STATISTICS BROOKLYN CAMPUS

Type of Offense		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Criminal Homicide</b>					
<i>Murder and Non-negligent</i>	2017	0	0	0	0
	2018	0	0	0	0
<i>Manslaughter</i>	2019	0	0	0	0
<i>Negligent</i>	2017	0	0	0	0
<i>Manslaughter</i>	2018	0	0	0	0
	2019	0	0	0	0
<b>Sex Offenses</b>					
<i>Forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Non-forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Robbery</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Aggravated Assault</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Burglary</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Motor Vehicle Theft</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Arson</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Stalking</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Domestic Violence</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Dating Violence</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Fondling</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Other Offenses		Non-Arrest Campus Referrals			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Illegal Weapons Possession</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Other Offenses		Arrests			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Illegal Weapons Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Type of Offense		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Hate Crimes</b> <i>Simple Assault</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Larceny Theft</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Intimidation</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Vandalism</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0



Crime information was requested from local Police Departments for all Mercy (CRN) Campuses as well as Off-Campus buildings. Although not all departments responded, any statistics received are included above.

---

This report includes statistics from the BROOKLYN Campus.

Crimes reported in the Residence Hall column are included in the “on-campus” category.

There were no reported hate/bias crimes in 2019

MERCY COLLEGE (CRN) CRIME STATISTICS HARLEM CAMPUS

Type of Offense		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Criminal Homicide</b>					
<i>Murder and Non-negligent</i>	2017	0	0	0	0
	2018	0	0	0	0
<i>Manslaughter</i>	2019	0	0	0	0
<i>Negligent</i>	2017	0	0	0	0
<i>Manslaughter</i>	2018	0	0	0	0
	2019	0	0	0	0
<b>Sex Offenses</b>					
<i>Forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Non-forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Robbery	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Aggravated Assault	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Burglary	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Motor Vehicle Theft	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Arson	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Stalking	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Domestic Violence	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Dating Violence	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Fondling	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Other Offenses		Non-Arrest Campus Referrals			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Illegal Weapons Possession</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Other Offenses		Arrests			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Illegal Weapons Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Type of Offense		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Hate Crimes</b>					
<i>Simple Assault</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Larceny Theft</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Intimidation</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Vandalism</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Crime information was requested from local Police Departments for all Mercy Campuses as well as Off-Campus buildings. Although not all departments responded, any statistics received are included above.

---

This report includes statistics from the Harlem Campus.

Crimes reported in the Residence Hall column are included in the “on-campus” category.

There were no reported hate/bias crimes in 2019

MERCY COLLEGE (CRN) CRIME STATISTICS NEW ROCHELLE CAMPUS

Type of Offense		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Criminal Homicide</b>					
<i>Murder and Non-negligent</i>	2017	0	0	0	0
	2018	0	0	0	0
<i>Manslaughter</i>	2019	0	0	0	0
<i>Negligent</i>	2017	0	0	0	0
<i>Manslaughter</i>	2018	0	0	0	0
	2019	0	0	0	0
<b>Sex Offenses</b>					
<i>Forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<i>Non-forcible Sex Offenses</i>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Robbery	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Aggravated Assault	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Burglary	2017	0	0	0	0
	2018	0	0	0	0
	2019	2	0	0	0
Motor Vehicle Theft	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Arson	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Stalking	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Domestic Violence	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Dating Violence	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Fondling	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Other Offenses		Non-Arrest Campus Referrals			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Illegal Weapons Possession</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Other Offenses		Arrests			
		On Campus	Residential Facility	Non-campus Building or Property	Public Property
<b>Liquor Law Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Drug Abuse Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Illegal Weapons Violations</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Type of Offense		On Campus	Residential Facility	Non-campus Building or Property	Public Property	
<b>Hate Crimes</b>						
	<i>Simple Assault</i>	2017	0	0	0	0
		2018	0	0	0	0
		2019	0	0	0	
<i>Larceny Theft</i>	2017	0	0	0	0	
	2018	0	0	0	0	
	2019	0	0	0	0	
<i>Intimidation</i>	2017	0	0	0	0	
	2018	0	0	0	0	
	2019	0	0	0	0	
<i>Vandalism</i>	2017	0	0	0	0	
	2018	0	0	0	0	
	2019	0	0	0	0	

Crime information was requested from local Police Departments for all Mercy Campuses as well as Off-Campus buildings. Although not all departments responded, any statistics received are included above.

---

This report includes statistics from the New Rochelle Campus.

Crimes reported in the Residence Hall column are included in the “on-campus” category.

There were no reported hate/bias crimes in 2019

## Fire Safety Report 2019

### Definition

For the purposes of fire safety reporting, a fire is, “Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner”.

### Fire Statistics

The following statistics are for the Residential Life facility located at 555 Broadway on the Dobbs Ferry Campus.

<b>Cause Categories</b>	<b># of Fires</b>	<b>Cause of Fires</b>
<b>Unintentional Fire</b>		
Cooking	0	none
Smoking materials	0	none
Open Flames	0	none
Electrical	0	none
Heating Equipment	0	none
Hazardous Products	0	none
Machinery/ Industrial	0	none
Natural	0	none
Other	1	none
<b>Intentional Fire</b>	0	none
<b>Undetermined Fire</b>	<b>0</b>	none
<b>Deaths related to fire</b>	0	none
<b>Injuries related to fire</b>	0	none
<b>Property damage (value)</b>	0	none

### Fire Safety Systems

There are 2 on-campus student housing facilities located at 555 Broadway, Dobbs Ferry, NY 10522. The Residential Life facilities have a sprinkler system with sprinkler heads located in all of the hallways and students’ rooms. The hallways in the Residential Life facilities have audible horns and strobe lights that are activated during a fire alarm. All hallways and public areas of the Residential Life facilities have smoke detectors that are connected directly into the fire alarm panel which is central station monitored. Fire extinguishers and fire alarm pull stations are located throughout the buildings and emergency exit routing signs are located in all hallways. 8 fire evacuation drills were held in 2019.



## Fire Safety Report 2018

### Definition

For the purposes of fire safety reporting, a fire is, “Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner”.

### Fire Statistics

The following statistics are for the Residential Life facility located at 555 Broadway on the Dobbs Ferry Campus.

<b>Cause Categories</b>	<b># of Fires</b>	<b>Cause of Fires</b>
<b>Unintentional Fire</b>		
Cooking	0	none
Smoking materials	0	none
Open Flames	0	none
Electrical	0	none
Heating Equipment	0	none
Hazardous Products	0	none
Machinery/ Industrial	0	none
Natural	0	none
Other	0	none
<b>Intentional Fire</b>	0	none
<b>Undetermined Fire</b>	0	none
<b>Deaths related to fire</b>	0	none
<b>Injuries related to fire</b>	0	none
<b>Property damage (value)</b>	0	none

### Fire Safety System

There are two on-campus student housing facility that is located at 555 Broadway Dobbs Ferry, NY 10522. The Residential Life facility has a sprinkler system with sprinkler heads located in all of the hallways and student’s rooms. The hallways in the Residential Life facility have audible horns and strobe lights that are activated during a fire alarm. All hallways and public areas of the Residential Life facility have smoke detectors that are connected directly into the fire alarm panel which is central station monitored. Fire extinguishers and fire alarm pull stations are located throughout the building and emergency exit routing signs are located in all hallways. 8 fire evacuation drills were held in 2018.

## Fire Safety Report 2017

### Definition

For the purposes of fire safety reporting, a fire is, “Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner”.

### Fire Statistics

The following statistics are for the Residential Life facility located at 555 Broadway on the Dobbs Ferry Campus.

<b>Cause Categories</b>	<b># of Fires</b>	<b>Cause of Fires</b>
<b>Unintentional Fire</b>		
Cooking	0	
Smoking materials	0	none
Open Flames	0	none
Electrical	0	none
Heating Equipment	0	none
Hazardous Products	0	none
Machinery/ Industrial	0	none
Natural	0	none
Other	0	none
<b>Intentional Fire</b>	0	none
<b>Undetermined Fire</b>	0	none
<b>Deaths related to fire</b>	0	none
<b>Injuries related to fire</b>	0	none
<b>Property damage (value)</b>	0	none

### Fire Safety System

There are two on-campus student housing facility that is located at 555 Broadway Dobbs Ferry, NY 10522. The Residential Life facility has a sprinkler system with sprinkler heads located in all of the hallways and student’s rooms. The hallways in the Residential Life facility have audible horns and strobe lights that are activated during a fire alarm. All hallways and public areas of the Residential Life facility have smoke detectors that are connected directly into the fire alarm panel which is central station monitored. Fire extinguishers and fire alarm pull stations are located throughout the building and emergency exit routing signs are located in all hallways. 4 fire evacuation drills were held in 2017.

## **Residential Life Policy**

It is Mercy College policy that the Residence Halls are completely smoke free. Smoking is also prohibited outdoors in front of the buildings and windows. Cooking in rooms is strictly forbidden. Students are also prohibited from having hot plates, toaster ovens, toasters, electric skillets, steamers, coffee pots, popcorn poppers, microwave ovens and any other cooking devices in their rooms. In addition, the following items are also considered prohibited items; halogen bulbs or halogen lamps, electric blankets, air conditioners, incense or candles. All prohibited items will be confiscated and students will be subject to discipline and sanctions as set forth in a disciplinary hearing.

The entire text regarding the policy for students in the Residential Life facility can be found at [www.mercy.edu/studentlife/residentiallifehandbook.pdf](http://www.mercy.edu/studentlife/residentiallifehandbook.pdf)

## **Residential Life Evacuation**

### **PROCEDURE**

- 5) If you hear an alarm – don't investigate. Leave your room and close the door
  - 6) If you see a fire or encounter a significant smoke condition - pull the nearest fire alarm box
    - D. Once the fire alarm has sounded the R.A.s will check that all residents are evacuating the building, and if possible, closing all doors and windows while exiting. Take your keys with you
    - E. Assistance should be afforded to any individual requiring help in evacuating the building
    - F. **IMPORTANT:** Once a fire alarm has sounded the building will be evacuated following standard evacuation procedures. All residents will report to the designated assembly area
    - G. **DON'T PANIC – EXIT CALMLY**
    - H. **DO NOT USE THE ELEVATORS**
  - 5) **DO NOT RETURN** to the building until instructed to do so by the Safety and Security Office or fire department personnel
- If the fire alarm is activated – the building must be evacuated regardless of the reason for the alarm (burnt food, facilities repair, etc.). Failure to evacuate the building is a violation of fire regulations and a serious violation of College policy.

**IF YOU CANNOT EXIT** (because of fire or smoke in the corridor, or any other condition):

- 6) Remain calm
- 7) Close the door
- 8) If you become trapped in a building during a fire and a window is available place an article of clothing (shirt, coat, etc.) outside of the window as a marker for rescue crews
- 9) If there is no window stay near the floor where the air is less toxic
- 10) If smoke comes in under the door stuff the opening with articles of clothing to prevent smoke from coming in
- 11) Open the window slightly at the top and bottom but close the window if smoke comes in. Do not break the windows
- 12) Shout at intervals to alert emergency crews of your location

## PLAN AHEAD

- Know the location of fire alarms, fire exits and extinguishers and the location of your primary fire exit
- Count the number of doors to the nearest exit. In a fire, smoke can make it hard to see. Find the nearest exit in the opposite direction; you'll use it if fire keeps you away from your primary exit
- Keep your room key near the bed where you can get it quickly if there's a fire

Resident Assistants (RAs) instruct students on proper evacuation procedures at the first floor meeting of the year. Students are also instructed that the evacuation information is located within the Mercy College Emergency Response Plan for Dobbs Ferry during their Residential Life orientation program.

The Residential Life hand book [www.mercy.edu/studentlife/residentiallifehandbook.pdf](http://www.mercy.edu/studentlife/residentiallifehandbook.pdf) outlines the policy for Residential Life evacuations.

The Mercy College Emergency Response Plan for Dobbs Ferry details the procedures for building and Residential Life evacuations. The Plan is available online via the Mercy College Campus Safety website.

Fire Safety education is made available through the Campus Safety website and also addressed in the Emergency Response Plan available to all faculty, staff and students. Fire drills are held on a regular basis on all four campuses in accordance with applicable law.

### **Reporting a Fire**

To report a fire on campus call 911 or utilize the pull stations located throughout the Residential Life facility. Any information regarding a fire that has occurred should be reported to the Campus Safety office (914) 674- 7225 or the Residential Life office (914) 674- 7277. Information regarding a fire that has occurred may also reported to the Resident Director (RD) or Resident Assistant (RA).