

# STUDENT HANDBOOK

2022-2023



FOR  
WARD

MERCY  
COLLEGE

FOR THOSE WITH A PASSION TO GET AHEAD

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## A MESSAGE FROM THE PRESIDENT

Dear Mercy College Student,

Welcome to the 2022-2023 academic year at Mercy College.

This Student Handbook is an excellent resource for quick access to academic support services, housing, dining and policies and procedures for the College Community, and is designed to help you navigate your way at Mercy College.

Your decision to pursue a degree of higher education demonstrates your dedication to personal success and achievement. As you work to meet these goals, the faculty and staff of Mercy College are here to support you in every way possible.

During your time here, you will have the opportunity to immerse yourself in activities and events outside of the classroom to enrich your life. From guest speakers to athletics to clubs and internships, I encourage you to take full advantage of all that Mercy has to offer.

Whether you are entering your first semester or finishing your degree this year, your success is our top priority. Your Mercy College education will help you meet all of life's challenges and opportunities. Please take a moment to familiarize yourself with the information in this helpful guide.

I wish you all the best for a successful academic year.

A handwritten signature in black ink that reads "Tim Hall". The signature is written in a cursive, flowing style.

Tim Hall  
President

Founded in 1950 by the Sisters of Mercy for members of their order, Mercy College opened to the public as a women's college in 1961. The College was accredited by the Middle States Commission on Higher Education in 1968. In the next half-decade, Mercy College boldly set a course for its future by declaring itself coeducational, non-sectarian and independent. In addition, it doubled the size of its existing physical footprint and initiated the first of many community outreach efforts that together changed the course of education in the New York area and influenced the lives of now more than 53,000 Mercy College alumni.

Mercy College's innovative spirit soared in the 1970s when the College established multiple branch campuses and extension centers throughout New York City and Westchester County. This broadened the College's reach to include new and more students, and it also positioned Mercy as a leader in higher education for those who were the first generation in their families to seek college degrees and for the adult student market.

Always looking to enhance academic and career opportunities for its students, Mercy College introduced graduate study programs with its first graduate degree program (in nursing) in 1981. Since then, Mercy has introduced 30 graduate programs across the five Schools, and in 2006, the College began offering its first doctoral program (in physical therapy). Over the years, Mercy College has become one of the New York metropolitan area's leaders in preparing health care professionals, as well as a leader in teacher education preparation for the New York City school system and surrounding communities.

The College expanded with online programs in the late 1980s, and was soon granted the authority to offer entire degree programs online. Thousands of Mercy College students take one or all of their courses online through the more than 40 undergraduate and graduate programs offered.

Ever responsive to student expectations and growing workforce needs, the College has, in recent years, added new academic programs in areas including Corporate and Homeland Security, Cybersecurity, Computer Arts and Design, Exercise Science, International Relations and Diplomacy, and Sport Management.

In 2009, the College launched its innovative Personalized Achievement Contract (PACT) program, which pairs students with a highly trained professional mentor to provide them with personalized mentoring throughout their college experience. The PACT program has earned national recognition and is a model for fostering success and engagement across higher education.

Throughout its history, Mercy College has remained dedicated to its mission - to make available the transformational power of a college education. The College's commitment to quality, student support and affordability - as well as innovation - remains as strong as ever. Today, Mercy is home to a diverse and vibrant student body. Students come from 34 states and 21 countries. The College has been named to the "most exciting schools" list (Cool Colleges Guide) and a Smart Choice Honors Program (Peterson's).

## **OBJECTIVES**

A core value of a Mercy College education is to provide students with opportunities to transform their lives through quality education. This value defines Mercy College and guides the growth and development of the institution. Many Mercy College students are the first in their families to earn a college degree. Others attend to complete a degree or to change and advance careers. Success for many Mercy College students requires adaption to a new learning environment or living away from home for the first time. For others, it requires balancing academic responsibilities while working or having family responsibilities. Therefore, the opportunities Mercy College strives to provide require multiple locations, online access, varied program options, affordable tuition, and seamless support services. The College encourages the formation and ongoing programming of student groups which enrich campus life and enable students to

form new bonds or friendships, and gain leadership experience. By addressing these issues, Mercy College enables students to meet their obligations, complete a challenging academic program, and be prepared for career success.

Mercy College's undergraduate and graduate programs are relevant and rigorous. New programs are developed in response to strategic opportunities, student demand, and workforce needs.

The quality of academics at Mercy College is reflective of a highly credentialed faculty who have a passion for teaching, and who are committed to student success. Mercy College faculty members are experts in their fields and, while many engage in research or professional practice, their primary activity is teaching.

## ACCREDITATIONS

- Accreditation Council for Occupational Therapy Education (ACOTE) of the American Occupational Therapy Association, Inc. (AOTA)
- Accreditation Review Commission on Education for the Physician Assistant (ARC-PA)
- Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association (APTA)
- Commission on Accreditation (COA) of the Council on Social Work Education (CSWE)
- Commission on Collegiate Nursing Education (CCNE) of the American Association of Colleges of Nursing (AACN)
- Committee on Veterinary Technician Education and Activities (CVTEA) of the American Veterinary Medical Association (AVMA)
- Council for the Accreditation of Educator Preparation (CAEP)
- Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA, ASHA)
- Middle States Commission on Higher Education (MSCHE)
- National Association of School Psychologists (NASP)
- National Council for Accreditation of Teacher Education (NCATE)

## DISCLAIMER

The Student Handbook of Mercy College is prepared by the Division of Student Affairs in consultation with other College departments. It is a compilation of the services, policies, practices, and procedures that are available at the College. Please read it and become familiar with its content. Together with other major College publications, such as the Catalogs, it provides answers to many questions, informs students of their rights and responsibilities, and establishes the College's expectations of its student community.

The College reserves the right to modify, change, or eliminate any policy, practice or procedure described in this guide and to promulgate new policies and procedures as needed or in response to changes in applicable laws and regulations. Such changes may be of any nature, including but not limited to, the modification or elimination of policies, procedures, activities, services or programs. Students will be advised of changes as practicable. By the act of enrolling at Mercy College, including registering for courses, attending classes, payment of tuition or fees, or participating in College activities, students consent to comply with the policies, procedures, and practices described in this publication and the College's related rights. If you have any questions or need further clarification, please contact the Division of Student Affairs.

Mercy College is committed to ensuring equal treatment and opportunity in every aspect of its relations with its students, faculty, staff, applicants, and members of the larger community. This includes the admissions process, access to programs, privileges, activities and services, without regard to age, race,

color, creed, religion, national origin, citizenship status, gender, sexual orientation, marital status, disability, or status as a military veteran, or for any other category recognized by local, state or federal law.

## **GENERAL STANDARDS OF CONDUCT**

Enforcement of the General Standards of Conduct for the Mercy College Community is part of the total educational process. It not only protects the academic community, but also assists the student in personal development. The function of the student conduct process is to promote student learning. Each student is obligated to become familiar with the College's rules, regulations and policies, and will be held accountable for conduct in conformity to them.

This Handbook cannot include an exhaustive list of every type of conduct that could violate Mercy College standards, and therefore students are expected to understand that similar, comparable, analogous or related conduct is also incorporated into and addressed by the College's policies. All of Mercy College's policies governing conduct apply to conduct on campus, at Mercy facilities and at Mercy-related events or activities, whether on- or off-campus, including in online communities and via electronic communication. Behavior that violates these general standards of conduct, which is brought to the attention of a College official, will be referred through the judicial and grievance processes outlined in this Handbook.

Further, while the College and its faculty and staff do not monitor online communities and electronic communication — and the College does not forbid faculty, staff or students from joining and participating in online communities as individuals who are not acting as agents of the College—any behavior that violates these general standards of conduct, which is brought to the attention of a College official, will be treated as any other violation and will be referred through the disciplinary and grievance processes outlined in this Handbook.

## **NOTICE OF NON-DISCRIMINATION**

Mercy College is committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal educational opportunity, employment, and access to services, programs, and activities, without regard to an individual's race, color, national origin, religion, creed, age, disability, sex, gender identity, gender expression, transgendered status, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Employees, students, applicants or other members of the College community (including but not limited to contractors, vendors or visitors) may not be subjected to harassment that is prohibited by law, or treated adversely based upon a protected characteristic, or retaliated against for making a complaint regarding such adverse treatment.

The College is also committed to providing reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, and employees who have pregnancy or childbirth-related medical conditions. Retaliation for reporting or opposing discrimination, cooperating with an investigation of a discrimination complaint, or requesting an accommodation is also prohibited.

The College's policy addressing discrimination and harassment is set forth more fully in the **Mercy College Policy on Equal Opportunity and Nondiscrimination**. The College's policy addressing sexual harassment, gender-based harassment and sexual violence is set forth more fully in the **Mercy College Policy on Sexual Misconduct**. The College's policy addressing reasonable accommodations for students with disabilities is set forth more fully in the **Mercy College Policy and Procedures for Implementing Reasonable Accommodations for Students**.

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may be directed to Thomas McDonald, Esq., Title IX Coordinator and Equity Compliance Specialist, [tmcdonald7@mercy.edu](mailto:tmcdonald7@mercy.edu), 914-674-7679.

### **DIVISION OF STUDENT AFFAIRS**

Student Affairs at Mercy College promotes student learning and holistic development by providing intentional opportunities for engagement outside the classroom. Through these programs and services, Mercy College supports students' academic development, inspires personal growth, and fosters interpersonal connections and collaboration to prepare students for success in our diverse community and beyond.

The Division of Student Affairs main office is located at the Dobbs Ferry Campus in Main Hall, Rm. 235 and is open from 9 a.m. to 7 p.m. Monday through Thursday and 9 a.m. to 5 p.m. on Friday, except during official break periods and College holidays.

### **ACADEMIC ADVISING**

To assist students with planning a program of study that meets their individual needs and interests, academic advising is available to all students at Mercy College through the College Opportunity Program, and the PACT program. Ultimately, students are responsible for determining schedules and meeting degree requirements as outlined in the College Catalogs, but since Mercy College believes that student counselors and mentors can assist students with making well informed choices, students are strongly encouraged to meet with their counselor or mentor prior to registering each semester. Students are also encouraged to review their degree audit through Mercy Connect each semester to ensure they are meeting the degree requirements and are on track for timely graduation.

### **PACT PROGRAM**

Mercy College believes in a student-first philosophy, which means individualized attention, uniquely tailored opportunities and innovative educational programs. The Mercy College Personalized Achievement Contract (PACT) exemplifies our commitment to both our Undergraduate and Graduate students and is dedicated to supporting them academically, personally and professionally. The PACT program maximizes personal success through a comprehensive collaboration between the student and Mercy College. PACT students are provided professional mentors who facilitate integrated support for academic, career and personal growth. Each mentor is trained in the areas of academic advising, student life, financial literacy and major to career exploration. Together, student and mentor create a customized plan designed to enhance the student's overall long-term success.

From the start, PACT mentors work with accepted students and their families to assist with the enrollment process, including financial aid, course registration and housing to foster a seamless transition to college. The mentor continues to build a close relationship with the student, serving as the student's point person for all aspects of campus life from enrollment to graduation. The customized plan and personalized guidance provided to PACT students assists in keeping them focused on academic progression, campus engagement and major to career exploration, preparing each PACT student to be the best candidate for graduate school or the career of their choice.

#### **Highlights of the Mercy College PACT Program include:**

- An exceptional level of one-on-one engagement with Mercy PACT mentors who are cross-trained to guide students toward academic and personal achievements; and
- Structured guidance to and through college, preparing students to successfully navigate their

entire college experience.

To learn more, call a PACT representative at 914-674-PACT (7228) or visit [www.mercy.edu/pact](http://www.mercy.edu/pact).

### **COLLEGE OPPORTUNITY PROGRAMS (COP)**

The mission of the College Opportunity Programs is to provide academic, social, and personal support to historically underrepresented students in a nurturing and academically focused environment. Our goal is to empower motivated students and our engaged colleagues to achieve their highest level of success.

Several federal and state funded programs fall under the umbrella of College Opportunity Programs (COP). In support of our nation's commitment to provide educational opportunity for all persons, the United States Congress established a series of programs to assist eligible individuals to enter college and successfully graduate. The federal TRiO program includes Student Support Services. The New York State programs include Collegiate Science and Technology Entry Program, and the Higher Education Opportunity Program.

### **STUDENT SUPPORT SERVICES PROJECT (SSSP)**

The Student Support Services Project (SSSP) provides opportunities for academic development and assists students with basic college requirements and serves to motivate students towards the successful completion of their post-secondary education. The goal of SSSP is to increase the College retention and graduation rates of its participants. Student must meet the federal eligibility guidelines that include first generation, low- income and have academic need for acceptance into the program. SSSP also invites applications from transfer students who were enrolled in SSSP at a previous college or university. Applications for SSSP are made available through the College Opportunity Program Office or on the Mercy College website. For more details on SSSP, contact the Director of Student Support Services Project, Mercy College, 555 Broadway, Dobbs Ferry, NY 10522, 914-674-7239.

### **COLLEGIATE SCIENCE AND TECHNOLOGY ENTRY PROGRAM (CSTEP)**

CSTEP is funded by the New York State Education Department to provide academic enrichment, internships and research experiences for students who are economically disadvantaged and historically under-represented in scientific, technical, health-relation or licensed professions. The CSTEP student must demonstrate an interest in, and potential for, a CSTEP targeted profession. CSTEP students must be enrolled full-time and be in good academic standing in an approved scientific, technical, health-related, pre-professional or professional undergraduate or graduate program of study. For more details on the Collegiate Science and Technology Entry Program, please email [CSTEP@mercy.edu](mailto:CSTEP@mercy.edu).

### **ARTHUR O. EVE HIGHER EDUCATION OPPORTUNITY PROGRAM (HEOP)**

HEOP is funded by the New York State Education Department to provide supportive services and supplemental financial aid to eligible New York State residents. Students are eligible for this program if they are both economically disadvantaged and academically under-prepared. HEOP students are assigned a HEOP counselor once admitted to the program. High school graduates may be eligible if they were not in a college preparatory program in high school. Individuals may also be eligible if they possess a General Equivalency Diploma (GED) or if they have neither a high school diploma nor a GED and they are 18 years of age or older. A transfer student enrolled in a NYS-Opportunity program (HEOP, EOP, SEEK, or College Discovery) may be eligible if there is availability of space within the program before entering the College. There is no waitlist for HEOP transfer admissions. Application for HEOP is made available on the College's website here: <https://www.mercy.edu/student-support/college-opportunity-programs/arthur-o-eve-higher-education-opportunity-program-heop>. For more details on the Higher Education Opportunity Program, please email [HEOP@mercy.edu](mailto:HEOP@mercy.edu).



## **CAMPUS LIFE**

The Office of Campus Life serves as a catalyst for student growth, social connected and a sense of belonging. Programs are designed to enhance the educational process and provide a positive atmosphere on campus while meeting the varied needs of Mercy College students.

Mercy College campus life staff implement late night & weekend programs, commuter activities, diversity programming, traditions and the various orientation programs. They also develop student leadership workshops and training sessions for students. Students interested in information about college extracurricular activities or interested in joining or forming a new club on campus should contact the Office of Campus Life at [campuslife@mercy.edu](mailto:campuslife@mercy.edu) or 914-888-5270.

## **RESIDENTIAL LIFE**

Mercy College is home to three residence halls at both our Manhattan and Dobbs Ferry campuses. The newest addition to our community is at the Manhattan Campus, Dorm34. Dorm34 serves 133 students in suite style living area in the heart of NYC's Herald Square. On the Dobbs Ferry campus, Founders Hall serves over 300 First Year students in a variety of room configurations including singles, doubles, and deluxe doubles. Hudson Hall is home to 350 upper-class students residing in 4 and 6 person suites. Hudson Hall also has a state-of-the-art fitness Center, a Starbucks Cafe, a community lounge, quiet study lounge and meeting rooms that are open to all members of the Mercy College community. With the addition of Dorm34, the residential life program at Mercy has a robust on-campus population that compliment a student's residential experience while attending Mercy College. The Residential Life Program is designed to provide students with living facilities and activities that enhance and extend their formal classroom education. The program is structured to promote students' social, cultural, personal, and intellectual development. Living in College housing offers a structured environment in which students can live independently and develop a greater sense of personal identity within a community setting.

For further information, please contact the Residential Life Office at 914-674-7277 or email us at [residentiallife@mercy.edu](mailto:residentiallife@mercy.edu).

### **Associate Director and Resident Directors**

The Resident Directors (RDs) at the Dobbs Ferry campus and Associate Director (AD) at the Manhattan campus are live-in professional staff members who ensure the safety and wellbeing of the residence hall or dorm. Additionally, AD and RDs each supervise a staff of Resident Assistants (RAs) and play a big role in the development of a positive and nurturing community. AD and RDs also serve as a wealth of information and support for the residents of their hall. Holding office hours, AD and RDs are available to meet and assist with any issues or concerns that may arise during your time on campus. Your AD or RD is an invaluable resource and is worth getting to know – after all, they are here for you.

### **Resident Assistants**

Resident Assistants (RAs) are an integral part of the living-learning environment at Mercy College. The RA role can be summarized as a community shaper, learning and growth facilitator, peer support, and Residential Life representative. While the majority of the role of an RA is to foster community, host exciting programs, and challenge their students to be better versions of themselves, RAs are also trained in crisis management, peer mediation, and de-escalation techniques that can assist in resolving conflicts that may arise during the year. RAs are the front line of our Residential Life program and serve to engage and support the residential life experience.

### **Credit Hours and Academic Good Standing**

As a residential student, you must be registered full-time – 12+ credits for undergraduate programs or 6+ credits for graduate programs. Residential students who do not attend class, who register for less than full-time status or withdraw from all classes, or who do not maintain minimum Satisfactory Academic Progress (SAP), as defined by the Department of Education and set out in the Undergraduate and Graduate Catalogues, risk losing their eligibility to live on campus.

### **FEDERAL WORK STUDY PROGRAM**

Federal Work Study (FWS) is a form of financial aid awarded to students who demonstrate financial need and meet certain eligibility requirements. A Federal Work Study award in a student's financial aid package is determined through the Free Application for Federal Student Aid (FAFSA). If you are eligible, your FWS award will be listed on your Financial Aid Award letter.

Eligible students may apply for FWS positions through the internship and job board, Handshake, at <https://mercy.joinhandshake.com/>. See the section for Career and Professional Development for additional information.

### **CAREER AND PROFESSIONAL DEVELOPMENT**

Career and Professional Development at Mercy College provides students with career education that includes exploration, preparation, and experiences, so they are well prepared to launch or advance their careers.

Through state-of-the-art tools, online resources, career workshops and events, internship opportunities, job and internship fairs, individualized coaching, and more, we provide students with opportunities and resources to prepare for an exciting and ever-changing workplace.

*Career tools and resources available to Mercy College students include:*

- **Career Website:** <https://career.mercy.edu/>  
The Career and Professional Development website is your one stop shop for information about career events, tools, and resources available to the Mercy College community 24/7. Resources include career information and industry focused job search guides, articles, and resume samples.
- **Career Communities**  
Students are placed in a Career Community that aligns with their major for opportunities to connect with a Career Coach and learn all about events, internships, resources and advice specific to your career areas of interest. Students may change communities at any time, or join more than one to explore different career areas, at <https://career.mercy.edu/>.
- **Workshops and Events**  
Participate in a number of career workshops during the academic year on essential professional development topics.
- **Resume and cover letter building**  
Refer to our industry-focused resume and cover letter guides and formats found on our website to develop your professional and competitive resume. Follow up with a Career Coach to ensure your resume and cover letter are polished and ready for applications to internships or jobs!
- **Job and Internship search**  
Develop a strategy to efficiently and effectively identify and pursue the career opportunities of your choice.
- **Interview skills**

Conduct live mock interviews with a Career Coach, or practice at home or in our interview rooms using Big Interview, a virtual mock interview tool designed to increase skill and confidence in communicating your unique value to employers.

- **Virtual Career Fairs and Recruitment Events**

Network with employers and find internships, full-time and part-time jobs at virtual career and internship fairs and recruitment events.

### **Handshake**

Mercy College offers students a free, industry-leading internship and job board called Handshake, at <https://mercy.joinhandshake.com/>. Handshake is easy to use and displays internship and job postings by employers around the greater NYC area and across the country.

Students may set their profile to receive notice of customized opportunities from Handshake based on their major and career interests, preferences, and activities. With a profile set to 'public', students may also receive direct messages by employers.

**Note: Federal Work Study positions are posted in Handshake.**

Valuable career resources and functions are also available in Handshake, such as event schedules and highlights (hosted by Career Team and/or employers), document upload for review/approval, peer to peer messaging with other students within the Handshake network, and easy to use app. In addition, students may easily make appointment requests with their Career Coach, and RSVP to Career events.

All career resources offered by Mercy College Career and Professional Development are free of charge to students and alumni. Visit our website for additional information, at <https://career.mercy.edu/>.

### **Internships / Workplace Experience**

Employers today want to hire graduates with experience! There's no better way to gain expertise in your area of interest than to work in it while in college. Internships are wonderful opportunities to gain experience, build skills and increase your competitiveness.

Mercy College students who have successfully completed thirty (30) or more credits may be eligible to pursue internships for academic credit. The Career and Professional Development team will work with you to identify opportunities that may allow you to earn up to six (6) elective credits. Academic internships, including Workplace Experience, provide students an opportunity to gain meaningful career experience while simultaneously pursuing your undergraduate studies.

All career resources offered by the Mercy College Career team are free of charge to students and alumni. To schedule an appointment with a Career Coach, email [CPD@mercy.edu](mailto:CPD@mercy.edu) or call (914) 674-7203.

Make your career **EPIC!** *Explore. Prepare. Implement. Career Launch.*

### **INTERNATIONAL STUDENT ADVISING**

International Student Services (ISS) is dedicated to serving the needs of F-1 students and serves as a resource for international students at Mercy College. ISS provides a wide array of services to new, continuing and visiting international students, as well as international graduates – and works closely with campus partners to ensure a smooth and successful transition to life in the United States. The office also develops year-round academic, cultural and social programming and serves as a global resource for the larger Mercy community.

International students who plan to attend Mercy College under F-1 student status should contact International Student Services upon their acceptance, in order to obtain the Form I-20. Students may contact the International Student Services Office at (914) 674-7284 or [international@mercy.edu](mailto:international@mercy.edu).

Mercy College's Study Abroad program offers students the opportunity to live and study in another country, while earning academic credit. Studying abroad allows students to experience firsthand another country's culture, traditions, customs, as well as a new educational system. Studying abroad also allows students to gain invaluable experience that they can bring back to the US and apply to future internships and jobs. Most companies list global skills as top priorities when hiring candidates.

The program offers a variety of opportunities to suit a student's course of study and interests, including exciting locations around the world. Programs are typically one to two semesters long. In order to be eligible, you must have a minimum GPA of 2.8, be a sophomore standing or higher and be in good standing with the College. For more information, please contact [studyabroad@mercy.edu](mailto:studyabroad@mercy.edu).

### **LEARNING AND ASSESSMENT SERVICES**

Learning and Assessment Services is the umbrella for the Center for Academic Excellence & Innovation and the Testing Office. The overall purpose of these services is to provide Mercy College students with the academic support necessary to meet the challenges of higher education.

The Learning and Assessment Services are an outgrowth of Mercy College's mission to support the academic development of students with their full range of diversity in language, scholastic background, levels of communications skills, and general academic sophistication. The services of the Center for Academic Excellence are available to all undergraduate students who wants to improve or enhance their learning skills. The services of the Testing Office are available to all Mercy students. Students are encouraged to take full advantage of the available resources; faculty and staff are encouraged to discuss related issues with their classes.

### **THE VITALE CENTER FOR ACADEMIC EXCELLENCE AND INNOVATION**

The four campus Learning Centers are designed to support teaching and learning at the College. They offer assistance in English and writing across the curriculum as well as most content-specific areas including mathematics, statistics and the computer sciences; biology, chemistry and physics.

Many qualified peers, graduate students and faculty members are on staff to help students succeed. Group, supplemental instruction and individual tutoring are available, as well as workshops on a variety of study skills.

Hours of offerings vary at each location. Mercy College students have access to all Centers regardless of home campus. Students interested in taking advantage of this service should call 914-674-7402.

### **TESTING OFFICE**

The Testing Office coordinates all placement examinations for incoming new and transfer students. Examinations are administered by proctors and offered on all campuses. Placement examinations are used to determine the appropriate introductory level courses for incoming students in mathematics and English. This Office also administers the Introductory Computer Information Science (CISC 120) waiver exam and the College Level Examination Program (CLEP) exams. Students can contact the Office by calling 914-674-7358.

## **CAMPUS SAFETY AND THE ANNUAL SECURITY REPORT:**

The Mercy College Department of Campus Safety publishes all campus crime statistics for the past three years as reported to the United States Department of Education in accordance with the Jeanne Clery Act. These statistics, as well as other relevant security related information, are contained in Mercy College's Annual Security Report which may be found on the Mercy College website under the "Safety & Security" tab at the bottom of the webpage. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, including crimes that involve dating violence, domestic violence, sexual assault and stalking, and emergency and evacuation procedures. This report is prepared by the College's Office of Campus Safety in cooperation with the local law enforcement agencies surrounding all Mercy College campuses. Campus crime, arrest and referral statistics include those reported to Campus Safety and local law enforcement agencies. The full text of this report can be found online at <https://www.mercy.edu/media/2020-annual-security-and-fire-report> In addition, an e-mail notification is made annually to all enrolled students and all employees that provides the website address by which the report can be accessed. Copies of the report may also be obtained at the main office 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. Accessing the Campus Safety webpage will also provide students with access to specific campus Emergency Response Plans, Parking information and regulations, a Fire Safety presentation, Lost and Found information, Closing Notifications, and Active Shooter guidance, just to name a few of the resources available. It is recommended that students visit the webpage and familiarize themselves with its contents. Questions or comments may be directed to [safety@mercy.edu](mailto:safety@mercy.edu).

## **MERCY ALERT**

Mercy College's Emergency Mass Notification System is called MERCY ALERT. Students are automatically signed up to receive alerts via their Mercy Maverick e-mail accounts but are encouraged to add personal phone numbers to the system so that they can also be contacted via text and phone call in an emergency. In order to add additional information to the system please use the following instructions:

- Go to: <https://mercy.regroup.com>
- Log in using your current Mercy Connect username & password
- Update how you would like to be alerted by email, text and phone number
- Click "Save" and exit the application
- Email Campus Safety at [safety@mercy.edu](mailto:safety@mercy.edu) if you encounter any issues with the registration.

In addition, MAVERICKS SAFE, a personal safety app, is available via the Apple or Google Play Store. This App provides a wealth of resources, including emergency and non-emergency campus contact information, health and wellness contact information, the ability to report a crime tip, emergency situation plans and guidance, and a personal alert feature that initiates an immediate call to Campus Safety. Download the app and sign in using your Mercy Connect credentials.

## **CAMPUS SAFETY TIPS**

Students are expected to report safety hazards, crimes, loss of property, illness, or injury to the Department of Campus Safety. Proper reporting facilitates an appropriate response and helps to keep the community safe. In the case of an emergency, including injury or medical emergency, call the Department of Campus Safety immediately at 914-674-9999. In the case of a significant emergency, such as an ongoing violent assault or heart attack, please dial 911 first in order to initiate a municipal response as quickly as possible.

For general security assistance in a non-emergency situation call 914-674-7225.

Students are solely responsible for the security and safety of personal property brought to Mercy College facilities. Mercy assumes no responsibility or liability for any personal property that is damaged, lost or reported stolen. Students are responsible for exercising appropriate caution with their personal belongings.

Although not an exhaustive list, the Office of Campus Safety offers the following crime prevention tips. More extensive information, including information about common scams aimed at college students may be found on the Campus Safety webpage under the "Crime Prevention Tips" tab:

- Emergency blue-light phones are located outdoors throughout the Dobbs Ferry campus; emergency phones dial directly to the Office of Campus Safety.
- Notify the Office of Campus Safety of anything suspicious; the office will gladly respond and investigate.
- Walk in well-lit areas.
- Know where to obtain help when you need it.
- Place items left in your car out of view or in the trunk and keep the automobile locked.
- Keep all valuables under your direct control: do not leave them unattended.
- Maintain safety in numbers: walk with a friend or use the Mercy Campus shuttle, when possible.
- In the Residential Area, keep doors and windows locked; do not allow or encourage unauthorized visitors in your hall or room.
- Know the location of fire extinguishers and alarms.
- Mark your personal equipment using an identifier and keep a record of all serial numbers.
- Use a cable locking device to secure computers, television sets, VCRs, etc.
- Be cautious in displaying personal information, including your social security number and campus-wide identification number (CWID).
- Update emergency-contact information on the emergency notification system available through Mercy Connect.

## **OFFICE OF ACCESSIBILITY**

Mercy College is committed to achieving equal educational opportunities and full participation for persons with disabilities. Students with disabilities who may need accommodations on campus, including in the classroom and/or residence halls, are encouraged to contact the Office of ACCESSibility to learn about the different reasonable accommodations available and the process for obtaining such accommodations. The Office of ACCESSibility also coordinates accommodations for students who are pregnant and nursing, students who have dietary restrictions, students who need accommodations due to religious or spiritual observances, and accommodations related to COVID.

Please visit the Office of ACCESSibility in Main Hall, Room 121 at the Dobbs Ferry Campus during our office hours, Monday- Friday 9AM- 5 PM. An ACCESS staff member is available to meet at the Bronx and Manhattan campuses by appointments. Remote appointments are available as well.

You may contact the Office at 914-674-7764, [accessibility@mercy.edu](mailto:accessibility@mercy.edu), visit our website at [www.mercy.edu/student-affairs/access](http://www.mercy.edu/student-affairs/access), or login into Mercy Connect and scroll to Student Health and Wellness Portal tab.

See Policy on Student Disability Accommodations

## HEALTH OFFICE

A safe, confidential place where students can receive limited primary care services. The office is staffed by a Family Nurse Practitioner and Registered Nurses. There are no fees for the services in the Student Health Office. Appointments are necessary – no walk-in appointments will be allowed. Appointments can be made using one of these methods:

- By phone at 914-674-7255
- Online via your Student Health and Wellness Portal link in Mercy Connect located in the Health and Wellness box.

Services offered include:

- Emergency Care
- Episodic Treatment – Evaluation, diagnosis and treatment of acute and chronic illnesses and injuries
- Health Counseling
- Immunizations – limited availability
- Physical exams – related to clinical placement or study abroad
- Diagnostic testing and lab work
- Over the counter medications
- Prescription services
- Referral Service to local specialists/hospitals
- Tuberculosis Screening
- Suture removal
- Visual Screening (for driver's license renewal)
- Reproductive Health Care/Sexually transmitted infection: screening, treatment and or referral

## HOURS OF OPERATION

DOBBS FERRY: Monday - Friday: 9 a.m. - 5 p.m. Main Hall Room 127 – 914-674-7255

BRONX: Wednesdays, 9 a.m. - 5 p.m. Room 2125 - 718-678-8487

**FOR MORE INFORMATION**, please contact Colleen Powers, FNP, Director of Health and Wellness, at 914-674-7707 or [cpowers5@mercy.edu](mailto:cpowers5@mercy.edu).

## Immunization Requirements:

New York State Department of Health Bureau Immunization Program

All students born after January 1, 1957, are required to show proof of immunity against measles, mumps, and rubella and any other vaccine that may be required by law or governmental agency, including but not limited to the Federal Occupational Safety and Health Administration (OSHA). Mercy College also reserves the right to require proof of immunity or vaccinations for other illnesses as may be needed for the health and safety of the College community.

## Meningitis requirements:

As defined by Public Health Law Section #2167 requires post-secondary institutions to distribute information about meningococcal disease and vaccination to the students, or parents or guardians of students under the age of 18. The institution is required to maintain a record of the following for each student:

- Certificate of Immunization for meningococcal meningitis disease; **or**

- A response to receipt of meningococcal meningitis disease and vaccine information signed by the student or the student's parent or guardian; AND, EITHER
- Self-reported or parent recall of meningococcal meningitis immunization within the past 10 years; **or**
- An acknowledgement of meningococcal disease risks and refusal of meningococcal meningitis immunization signed by the student or student's parent or guardian.

A "student" means a person attending an institution and, in the case of a student attending college, "student" means a person who is registered to attend or who attends classes at an institution, who is enrolled for at least 6 semester hours or the equivalent per semester or at least 4 semester hours per quarter. There is no age differentiation regarding meningococcal disease.

For further information on the New York State Immunization requirements, please contact the Office of Student Services or <https://www.health.ny.gov/prevention/immunization>.

## **COUNSELING SERVICES**

Mercy College Student Counseling Services offers psychological evaluation and brief treatment lasting one to eight sessions. Students in need of more intensive treatment will be referred to local hospitals and clinics for long-term psychotherapy and/or medication, if necessary.

Students may come to the Counseling Services with mental health issues including increased stress, depression and anxiety, as well as concerns about their academic progress, daily living, adjustment to college, or relationships. Counseling can be an opportunity to talk about issues that are of concern with an objective person who can help develop skills and view situations in ways that may enable students to be more effective in managing life's challenges.

The office hours vary, Monday through Friday during the regular school year. Appointments can be made by email and/or phone by contacting the Counseling Center Main Number (all campuses) at 914-888-5150 or [counselingcenter@mercy.edu](mailto:counselingcenter@mercy.edu).

Additional Mental Health or Counseling Services in the area at locations unaffiliated with the College include:

### **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 646-361-7158
- 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**

- Domestic Violence Hotline 800-621-4673
- Lifenet 800-543-3638
- NYSPI Depression Evaluation Service 212-543-5734
- United Way of New York City 212-251-2500

### **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

### **MERCY COLLEGE C.A.R.E. TEAM**

The purpose of the C.A.R.E. Team (Concern, Assessment, Response, Evaluation) is to serve as a collaborative group focused on prevention and early intervention for students experiencing serious distress or engaging in harmful or disruptive behaviors. Through an online reporting form available to the Mercy College community the CARE Team will be alerted to students of concern and will be able to review, assess, and make recommendations for how to best assist reported students. The Team aims to intervene and assist students in meeting their academic, personal, and professional goals at the College.

The Team does not serve as a crisis response unit, nor does it replace faculty classroom management, and/or the Safety and Security Office's response to an incident.

**If this is an emergency that involves an imminent risk of harm to self or others, please contact campus Safety and Security at 914-674-9999 or by dialing 911.**

To submit a report for review, please click here: [https://cm.maxient.com/reportingform.php?MercyCollege&layout\\_id=5](https://cm.maxient.com/reportingform.php?MercyCollege&layout_id=5).

To learn more, visit <https://www.mercy.edu/student-affairs/care-team> or send an email to [care@mercy.edu](mailto:care@mercy.edu).

### **STUDENT EMERGENCY FUND**

The Student Emergency Fund was established to help ensure that Mercy College students have access to the support and resources they need to successfully recover from an unexpected financial crisis. This resource is intended to temporarily assist both undergraduate and graduate students in a pressing time of need, acting to provide support around extreme hardships such as injuries, illnesses, need for temporary housing, death of a family member, or transportation costs. Students may apply for funds when all other possible resources including financial aid is exhausted. This funding is not intended to replace existing financial aid and does not have to be repaid. All requests are typically limited to a maximum of \$250.

The Fund may cover:

- Homelessness or sudden loss of housing
- Travel/Transportation needs
- Overdue utility bills/turn-off
- Theft and/or loss of computer, books, clothing or other essential belongings

- Medical emergencies
- Food
- Loss of childcare
- Other (include details with personal statement)

The College will conduct an individualized assessment of each student's situation in this award process. Recipients are determined by a Mercy College group comprised of the Vice President of Student Affairs, Vice President of Enrollment Services and 3 members of the CARE team.

To submit a request for the Student Emergency Fund, please click here:  
[https://cm.maxient.com/reportingform.php?MercyCollege&layout\\_id=6](https://cm.maxient.com/reportingform.php?MercyCollege&layout_id=6)

## INTERCOLLEGIATE ATHLETICS

Team Name: Mavericks

Team Colors: Blue and White

The College's athletics program serves as an integral component to student life at Mercy College. The College offers intercollegiate competition in men's basketball, baseball, lacrosse and soccer. Women's intercollegiate competition is offered in basketball, field hockey, lacrosse, soccer, softball, and volleyball. The College is a member of the **East Coast Conference (ECC)**, **associate member of the Northeast-10 Conference (NE10)** and a member of the **National Collegiate Athletic Association (NCAA), Division II**.

All full-time students in good academic standing are eligible to compete for varsity programs. Baseball, lacrosse, field hockey, and soccer are played at Mercy Field located at the Dobbs Ferry campus. Softball games are played on Smith Field in Dobbs Ferry. Volleyball and basketball are housed in the new state-of-the-art Victory Gymnasium at the Dobbs Ferry campus, which just opened in September of 2018.

The College provides opportunities for athletic participation and support for its athletic program consistent with the applicable rules and regulations as set forth by the NCAA. Freshmen who qualify under NCAA eligibility rules are immediately eligible for varsity participation, and transfer students are welcomed pursuant to NCAA regulations.

## MAV RECREATION

### Club Sports

Club Sport teams are fully inclusive and will have the opportunity to practice as a team and compete at a non-varsity level against other colleges, universities, and other similar organizations. All clubs will have some form of a coach or advisor, and there will be a commitment requirement for practices and competitions. Club sports are offered exclusively for those individuals enrolled as undergraduate or graduate students at Mercy College. The Club Sport program is also the proud home of the Mercy College Esports Team! The team plays competitively out of Mercy Manhattan as a member of the East Coast Conference in games such as League of Legends and Overwatch. For more information, or how to join please contact [mavrec@mercy.edu](mailto:mavrec@mercy.edu)

### Intramural Sports

Intramural Sports are recreational activities comprised of various single day tournaments and weekly leagues where participants can play and compete against other members of the Mercy College community. All recreational activities are gender inclusive and require no prerequisite skill. Most events are hosted on Dobbs Ferry's Campus, however, there are virtual options open to all campuses as well as

looking into more availability for the Bronx and Manhattan campuses. We have previously hosted Flag Football, Kickball, Dodgeball, Volleyball, 3 on 3 Half Court Basketball, 5 on 5 Basketball and E-Sports. If you are looking for more information, please contact [mavrec@mercy.edu](mailto:mavrec@mercy.edu)

### **Fitness Center**

The 5,000 square-foot Mercy College Fitness Center is located on the first floor of Hudson Hall on the Dobbs Ferry Campus. The Fitness Center is equipped with top-of-the-line fitness equipment and offers access to all members of the Mercy College community. Since its completion in January 2016, the Fitness Center holds a wealth of options for recreational exercise. There is a variety of state-of-the-art cardio equipment including: Treadmills, Ellipticals, StairMasters, Skiers, and Stationary Bicycles connected with individual cable televisions and pre-uploaded workouts. Community members are also encouraged to use an assortment of *Life Fitness* plate stack loaded resistance training machines. Within the free-weight area of the Fitness Center there are also multiple pairs of dumbbells ranging from 5 to 100 pounds with adjustable and fixed benches as well as Hammer Strength and Rogue Squat Racks. Included in the facility are locker rooms with showers and bathroom amenities for all users.

### **FACULTY OFFICE HOURS**

Faculty office hours are available through each School or individual instructor. Students who wish to contact their faculty advisors can e-mail them or can make appointments by calling the faculty member's school office.

### **NEW STUDENT ORIENTATION**

Students entering Mercy College for the first time are invited to an orientation session held over the summer at their respective campuses. Separate orientation programs generally are planned for first-year, transfer, and international students. At New Student Orientation, students will meet the Orientation Leaders and PACT Mentors as well as staff and faculty members. New Students learn about services and opportunities that are vital elements for their transition into life at Mercy College.

### **STUDENT IDENTIFICATION CARDS**

Mercy College student identification cards must be carried at all times on all Mercy College premises, including the Residential Areas. Lending an I.D. card to anyone or failing to present it when requested by College faculty or staff members is a violation of regulations and subjects the holder to disciplinary action. I.D. cards should be obtained by the first day of class of a student's first semester from the Division of Student Affairs. The loss of a Mercy College I.D. card should be reported immediately to the Division of Student Affairs; a replacement fee of \$10 is to be paid at the Office of Student Financial Services.

### **CANCELLATION OF ON-CAMPUS CLASSES**

In the event that Mercy College campuses are closed or delayed due to inclement weather or other emergency, information will be communicated across the following channels:

- Email message to the College Community (@mercy.edu or @mercymavericks.edu email accounts)
- Facebook & Twitter
- Homepage of [www.mercy.edu](http://www.mercy.edu)
- Mercy College Weather Hotline. Call (914) 674-7777 for a recorded message
- Homepage of Mercy Connect
- Local radio & TV stations

Students are encouraged to sign-up for emergency alerts through Mercy Connect.

In the case of a required absence by an instructor for illness or otherwise, the College will post a notice on the classroom door of each class cancelled by that instructor. On occasions when a faculty member is unavoidably delayed and no such notice is posted, students should wait at least one-half hour before leaving. In Dobbs Ferry, a representative of the class should then inform the Division of Student Affairs that the instructor has not appeared. On all other campuses, a representative of the class should inform the Office of Student Financial Services of the instructor's absence. In addition, the representative should provide the office with a list of all students in attendance at the class.

## **AUTOMOBILES**

Students are expected to abide by the College Vehicle Use Policy and Parking Policy, available online. A campus-parking permit is required for all students who use Mercy College's parking facilities at the Dobbs Ferry or Bronx Campuses. Parking permits may be obtained by commuting students by submitting the online Mercy College Vehicle Registration form found in Mercy Connect. Once all required documents have been submitted, the permit can be retrieved from the Campus Safety Office in Dobbs Ferry, Main Hall Room 234 from 9:00am-5:00pm, Monday through Friday or through the Office of Enrollments Services in Mercy Hall from 5:00pm-7:00pm, Monday through Thursday. Commuter students at the Bronx campus can retrieve their parking permit through the Office of Enrollment Services at the Bronx from 9:00am-7:00pm, Monday through Friday or 9:00am-5:00pm on Friday. Eligible residential students may apply for a parking permit through the Office of Residential Life. Guests visiting Dobbs Ferry should obtain a temporary permit at the Dobbs Ferry gatehouse. Required documentation includes proof of current registration and insurance.

Residential students with permits are required to park their vehicles in the lot designated as the "H Lot" at all times. Students are not permitted to park their vehicles in the parking areas outside of the Residential Life buildings. No residential freshmen are permitted to have a car.

Mercy College does not issue special parking permits for handicapped individuals but will honor all official handicapped permits issued by state departments of motor vehicles and appropriately placed in the vehicle. Handicapped students must also acquire a regular Mercy College parking permit. Students with a temporary need for special parking (due to accident or injury) must secure a temporary handicapped permit from a local authorized agency and make appropriate arrangements with the Office of Campus Safety.

The College may from time to time impose changes to the Parking Policy depending on the needs of the campus. Please see the Department of Campus Safety for notices regarding changes.

## **FOLLETT BOOKSTORES**

Mercy College students can purchase textbooks, supplies, college apparel, alumni gifts, graduation regalia and snacks at the Campus Store. The Campus Store is located in Main Hall (next to the cafeteria) on the Dobbs Ferry campus and on the third floor of the Bronx campus. On the Dobbs Ferry campus, the Textbook Store is located on the lower level at G-1 Main Hall. In addition, students may purchase textbooks and course materials online at [www.efollett.com](http://www.efollett.com) or directly from the bookstore's website ([www.mercy-dobbs.bkstr.com](http://www.mercy-dobbs.bkstr.com)) for Dobbs Ferry, Manhattan, Yorktown and online students; ([www.mercy-bronx.bkstr.com](http://www.mercy-bronx.bkstr.com)) for Bronx students textbook rental.

Textbook and course materials details and pricing information, for required and recommended items for

each course, are available on the bookstore website.

### **CAMPUS E-MAIL AND INTRANET**

Mercy Connect is the College's online portal where students can register for classes, check e-mail, view grades, and find campus news and announcements. The student email domain is @mercy.edu, and email address is [username@mercy.edu](mailto:username@mercy.edu). One of the features of the portal is that it offers single-sign-on for a variety of resources, so you do not need a separate password to access your email. Students may also auto-forward their @mercy.edu email to their personal email account

### **VIRTUAL ETIQUETTE**

As the College continues to use a hybrid structure of academic facilitation and Mercy services, students should consider all virtual interactions as extensions of typical operations. Students should be aware that in a virtual setting, classes may be recorded to facilitate remote learning. Students are expected to follow the guidelines below when virtually engaging with Mercy faculty, staff, students, or community members:

1. Be on time for class or a meeting, just as if you were attending in person.
2. Turn on your camera for the full class, which simulates an "in-class environment." Your professor will explain why the camera needs to be on. If there are extenuating circumstances where you do not feel it is appropriate to keep the video on during one or more classes, please contact your professor, or your mentor or advisor regarding your concern 24 hours in advance. If you require an accommodation relating to your video, please contact the Office of ACCESSibility as soon as possible. In addition, if you are having wi-fi bandwidth issues, you should let the professor know and should then turn off the video.
3. Display your first name or your first and last name. Do not use unidentifiable names (such as iPhone, etc.), and, if using a nickname or preferred name, make sure the faculty member is aware that it is you.
4. If you do not respond to questions posed by the professor, it may be assumed that you are not attending that portion of the class. Participation grades may be reduced at the professor's discretion. Students are responsible for any content missed during class.
5. If you experience technical difficulties, let your professor know, then contact Mercy's IT Help Desk for assistance.
6. Appropriate attire should be worn when virtually attending a class or meeting, as if you were attending class in person.
7. During class, remain as quiet as possible when not speaking. Unless directed to unmute, mute your microphone when you are not speaking to reduce background noise. Avoid typing or making other noises when you are not on mute.
8. Remain focused during the class: avoid watching videos, reading other emails or text messages on your computer, phone or tablet. Avoid walking, driving, or traveling while class is in session, as doing so could be distracting and even dangerous.
9. To protect your privacy, consider setting a virtual background or blur your background.
10. Do not record classes or meetings unless provided explicit instruction or permission from a faculty or staff member.
11. Do not use any distracting, obscene, discriminatory, or offensive content as a real or virtual background, profile picture, in a virtual message or live video feed.
12. Do not share offensive content in the chat area, which is meant to be used for class-related discussions only.
13. Do not use inappropriate language that would be deemed vulgar, or that would constitute verbal abuse, or threat of violence, or physical harm against any person or property when

communicating virtually.

14. Do not use screen capture to capture the image of other students or the faculty member.

Failure of students to abide by these guidelines (in particular the previous four bullets) could result in code of conduct infractions and lead to disciplinary sanctions.

### **ELEVATORS**

Handicapped accessible elevators are available. Check with the Division of Student Affairs for locations at the specific campuses.

### **FIRE ALARMS**

In case of fire, pull the nearest alarm. This will activate an audible and/or visual alarm within the building, which dials directly into the College's alarm central station monitoring facility. The fire department will be notified advising them of the fire location. When a fire alarm sounds, evacuate the building immediately. Walk – do not run, and do not use elevators. Close doors to classrooms and offices, leaving lights on, and exit from the nearest passable stairwell. Take your belongings with you. Do not try to fight the fire. Everyone who has exited the building should stay at least 100 feet away from building entrances, out of the roadways, until an "all clear" is announced by the fire department. Tampering with or misusing fire alarms, including sending a false alarm, is a criminal act, and a student may be subject to criminal prosecution as well as College discipline. Students who assist in this conduct or help conceal the identity of those who engage in this criminal conduct may also be subject to College discipline and criminal prosecution.

### **SMOKING POLICY**

In accordance with New York State and New York City law and to protect the health of faculty, staff, students and visitors, smoking and tobacco chewing are prohibited inside all College buildings. Smoking on campus is only permitted outdoors at least twenty-five (25) feet away from any building.

### **PROHIBITED ITEMS POLICY**

Prohibited items deemed dangerous to the health and safety of the Mercy Community are subject to confiscation and disposal. This designation applies, but is not limited to, candles, drug paraphernalia, alcohol, narcotics, and weapons or dangerous objects to include explosives (includes, but is not limited to, fireworks and ammunition), guns (includes, but is not limited to, air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives. The storage of any item that falls within the category of a weapon in a vehicle parked on College property is prohibited. Other items include, but are not limited to, gunpowder, mace, martial arts weapons, and swords.

### **VISITORS ON CAMPUS**

Mercy College reserves the right to restrict visitors to the campus. All visitors to the campus and Mercy facilities must be prepared to provide identification when asked by College officials and must comply with College rules and regulations. Mercy College students and staff who have invited guests on campus generally will be held responsible for the conduct of their guests. Visitors under eighteen (18) must be accompanied by an adult at all times. Visitors may not attend any class without the prior approval of the course instructor.

### **RECORDING DEVICES IN CLASSES**

No cameras, tape recorders, or other recording devices are permitted to be used in the classroom without the express consent of the instructor, or the student receives approval from the Office of ACCESSibility. See section on ACCESSibility services

### **MATERIALS DISTRIBUTION AND POSTINGS**

Permission to place posters and/or flyers anywhere on campus must be obtained from the Division of Student Affairs. The circulation of handbills by individuals must have similar approval. Items must not be obscene, discriminatory, disruptive or offensive to the Mercy College community. In addition, all approved materials of any type must be posted on appropriate bulletin boards. Posting on doors, glass, cinder blocks, painted or marble surfaces is not permitted.

### **SOLICITING OR COMMERCIAL ACTIVITY**

No soliciting or commercial activity by outside organizations or individuals is allowed on campus or in Mercy College facilities (including online or network facilities) without specific written authorization from the Vice President for Operations and Facilities, or his designee. No soliciting or commercial activity by students is permitted on campus or in Mercy College facilities (including online or network facilities) without the prior specific written authorization from the Office of the Dean of Student Affairs. Pursuant to the **College's Policy Prohibiting the Marketing of Credit Cards to Students**, the advertising, marketing, soliciting or merchandising of credit cards to students is specifically prohibited.

### **MERCY COLLEGE POLICIES**

Mercy College is committed to an environment where students can live and learn in a community where freedoms and choices are balanced with responsibilities to respect others. Integral to ensuring such a balanced environment are the various Mercy College policies, by which all community members are expected to abide. Those policies include student and residential life codes of conduct, academic policies and non-academic policies. Complete versions of all student policies can be found in the **Appendix** of this Handbook, as well as in the Undergraduate and Graduate Catalogs, and on the Mercy College website and/or Mercy Connect. Some of the College policies relating to students include the following:

#### **I. ACADEMIC**

- **Academic Integrity Policy**
- **Sanctions for Academic Integrity Violations**
- **Reporting Violations and Student Appeal Processes**
- **Judicial Sanctions**
- **Exception to Registration and Refund Policies**
- **Academic Appeals Policy**
- **Transfer of Credit from Other Institutions**
- **Maintenance of Academic Standing**

#### **II. NON-ACADEMIC**

- **Acceptable Use of College Information Technology Resources**
- **Illegal Drugs/Drug Paraphernalia and Alcohol**
- **Amnesty for Drug and Alcohol Use**
- **Involuntary Medical Leave of Absence**
- **Statement on Bias-Related Crimes**
- **Equal Opportunity and Non-Discrimination**
- **Access to Student Records Under the Family Educational Rights and Privacy Act (FERPA)**
- **Name Change Policy**

- **Hazing and Reckless Endangerment**
- **Prohibiting the Marketing of Credit Cards to Students**
- **Policy on Student Demonstrations**
- **Social Media Policy**
- **Peer-to-Peer File Sharing**
- **Emotional Support Animals**
- **Regarding Service Animals**
- **Policy and Procedures for Implementing Reasonable Accommodations for Students**
- **Policy and Procedures for Handling Student Complaints**
- **Policy and Procedures Relating to Sexual Misconduct**
- **Mercy College Whistleblower Policy**

Part of any educational process is instilling an understanding of civic values and of the standards of conduct and behavior that individuals expect of each other. These policies reflect the values of the College and also incorporate a number of legal requirements. These policies address many of the difficult intersections between private conduct and societal rules, including alcohol and drug use and abuse, sexual assault and harassment, discrimination and hate crimes and public speech. In developing policies that deal with these areas, the College seeks to educate students as well as regulate activity. The responsibility for understanding and abiding by these policies, and any related laws, rests within each individual student. Students have the obligation to become familiar with the College's policies and should reflect thoughtfully on their conduct in these areas.

## **CODE OF STUDENT CONDUCT**

**In addition to the other policies set out in this Handbook, the following conduct is prohibited:**

1. Any act of violence or physical harm, or any use of inappropriate language that would constitute verbal abuse, or threat of violence or physical harm against any person or property;
2. Threatening, harassing, discriminatory or stalking behavior through any medium, including but not limited to email, instant messaging, social-networking websites, the Internet, computers, telephone, or letters;
3. Any act of coercion or threatened act of coercion against any person;
4. Seizure, theft, injury, damage to or destruction of any real or personal property of the College, including a building or facility, or of any member of the Mercy College Community, guest or vendor;
5. Furnishing false or incomplete documents, testimony or information, omitting or altering information, or providing misleading or false information, testimony or documents to members of the faculty or any College official; including but not limited to forgery, alteration, or illegal use of College or College related documents or instruments of identification;
6. Refusal to comply with directions of College officials acting in the performance of their duties and/or refusing to provide valid identification when requested to do so by a College staff member;
7. Any disruption or threat of disruption to, or obstruction of or interference with any of the normal processes or activities of the College or any member of the College community or with access to or



- egress from all or a portion of the College's facilities;
8. Aiding, abetting or counseling another person to engage in any form of prohibited conduct or conspiring with another person(s) to engage in or to aid, abet or counsel engagement in any form of conduct prohibited by the College and committing any act in furtherance of prohibited conduct;
  9. Any action that creates, or participates in the creation of, any situation which recklessly or intentionally endangers the mental or physical health of Mercy community members, which includes, but is not limited to, actions that involve the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization as set forth in the hazing prohibition above;
  10. Having in his or her possession upon any premises at Mercy-related facilities, or events, whether on or off-camps, firearms, knives, weapons, explosives, dangerous chemicals, or devices generally used to cause harm or damage;
  11. Tampering with or misusing fire-fighting equipment or alarms;
  12. Engaging or threatening to engage in behavior which poses a danger or risk of harm to any person or that interferes or threatens to interfere with the rights of others at the College;
  13. Failure to cooperate with College investigations and disciplinary processes or retaliation against a member of the College community who cooperates with investigations or judicial processes;
  14. Willfully filing a false complaint or grievance with knowledge that it is false, or providing false testimony, with knowledge that it is false in connection with any investigation, or pursuant to any College disciplinary or grievance process;
  15. Use of vulgar, abusive and/ or threatening language towards another community member;
  16. Written, verbal or electronic statements made about the College or a member of the College community that are of a libelous or slanderous nature;
  17. Participation in any form of illegal gambling;
  18. Not wearing proper attire, including, footwear inside any Mercy College buildings or wherever food is being served on the College campus;
  19. The circulation of flyers by students without prior approval or in prohibited areas;
  20. The communication of obscene, discriminatory or offensive content to the College community;
  21. Conducting commercial activity in Mercy College facilities (including online or network facilities) or at Mercy-related events or activities, whether on or off-campus, without the prior specific written authorization from the Office of the Dean of Student Affairs;
  22. Operating a motor vehicle or other mode of transportation in an unsafe and disruptive manner;
  23. Bringing bicycles, segues, skateboards, scooters, hoverboards or other motorized/non-motorized

vehicles inside campus facilities or operating non-motorized vehicles in an unsafe and disruptive manner;

24. Loud music, excessive noise and/or boisterous, disruptive behavior;
25. Bringing pets or other animals onto any campus, unless they are service animals, or otherwise approved as an accommodation through the Office of ACCESSibility services, or other animal that is being used in connection with a class or demonstration with the approval of the instructor, and leaving pets in an automobile parked on campus; and
26. Violating any local, state or federal law.

In addition, Mercy College reserves the right to impose discipline upon students for conduct committed while enrolled and occurring **off-campus** that:

1. has a relationship to the College;
2. constitutes a violation of law (whether or not the charged conduct is related to the College);
3. affects a member of the Mercy College community's ability to fulfill their responsibilities at Mercy; and/or
4. poses a risk of harm to a member of the Mercy College community.

## **CODE OF CONDUCT FOR RESIDENTIAL LIFE STUDENTS**

In addition to the Student Code of Conduct and other policies described elsewhere in this Handbook, resident students are expected to follow the standards of conduct set out below. The Assistant Dean of Student Affairs has authority to administer sanctions for violations of the rules and regulations by residential students in accordance with the disciplinary procedures set out in this Handbook.

1. Adhere to all the policies described in this Handbook, including but not limited to: policy on illegal drugs and alcohol, the guest policy and the quiet hours policy.
2. Resident students are expected to attend Residential Life meetings called by the Resident Assistants or Residential Life professional staff.
3. No profanity or offensive messages may be posted, displayed, spoken or broadcast in any public areas.
4. Smoking and/or the use of any type of Vape pen or similar device is prohibited in all Residential Areas, including in front of the building and out of building windows. Smoking is only permitted outdoors at least twenty-five (25) feet away from any College building
5. All College-supplied furniture and furnishings—including but not limited to bedframes, window screens, mattresses, desks, chairs, lamps—must be maintained and returned to their original condition, subject to reasonable wear and tear.
6. The following behaviors are also prohibited:

- a. Throwing or suspending anything from the windows or roof of residential buildings, including but not limited to, posters, banners or lighted cigarettes, cigars or matches.
  - b. Entering restricted areas, including but not limited to the rooftop, offices, and/or storage and maintenance rooms.
  - c. Climbing out of or in through a window.
  - d. Removal of any College furniture or property from its designated area.
  - e. Misuse, misappropriation, abuse, theft, or damage to any individual's College property.
  - f. Unauthorized room changes.
  - g. Unauthorized possession, duplication, or use of keys.
  - h. Changing or adding locks to doors, windows or furniture.
  - i. Removal of any window stops from windows.
  - j. Painting or construction work of any kind in rooms, or damaging walls or woodwork with tape, nails screws, stickers, poster "gum" or glue.
  - k. Burning of any materials including, but not limited to; candles, incense, or matches.
7. In order to maintain safety and security, the following items are prohibited from the Residential Areas and may be subject to the Prohibited Items Policy:
- a. Candles, Incense, or Plug-in Oil Air Fresheners
  - b. Halogen Bulb Lamps, Lava Lamps, Salt Lamps
  - c. Extension Cords or Multiple Plug Adapters
  - d. Plug-in String Lights, Plug-in LED lights
  - e. Microwaves, Toasters or Toaster Ovens
  - f. Air Fryers, Portable Grills, including Sandwich/Panini Grills
  - g. Bed Lofting Kits, Cinder Blocks
  - h. Pets (unless approved by the Office of ACCESSibility)
  - i. Weapons of any kind (including items for decorative purposes)
  - j. Alcohol/drug paraphernalia
  - k. Space heaters of any kind, Electric blankets

- l. Hot plates
- m. Excessively large storage
- n. Non-university furniture/mattresses
- o. Internet/wireless router
- p. Wall-to-wall carpeting/carpet tiles
- q. Fireworks/Explosives
- r. Curtains/large tapestries
- s. Coffee Pots with Exposed Heating Plate

8. In order to maintain safety and security, the following is required:

- a. Do not prop open fire doors or any door which is a locked entrance.
- b. Do not exit through emergency doors unless there is an actual emergency.
- c. Lock room doors and windows before leaving.
- d. Do not remove or tamper with the window guard on any accessible window.
- e. Do not loan your room key to anyone.
- f. Report lost or misplaced keys immediately.
- g. Report strangers or suspicious behavior in the building.
- h. Do not leave backpacks, purses or other items unattended in common areas.
- i. Do not keep large sums of money, jewelry or valuable items unattended in your room.
- j. Do not block the entrance to a room with furniture, stack college furniture, or use cinder blocks.
- k. Do not use faulty electrical equipment or Plug multiple extension cords together.
- l. Do not touch or lean on the sprinkler system or use pipes to hang plants, clothes or any other objects.
- m. Do not cover, tamper with or misuse fire safety equipment such as smoke detectors, sprinklers, fire extinguishers, fire alarm pull boxes, fire alarms, or emergency exit routing signs.
- n. Do not stay in the building during a fire drill, which is also a violation of New York State law.

## RESIDENTIAL AREA GUEST POLICY

The purpose of the guest policy is to allow residents to host guests in a responsible manner. Any person who is not authorized by the College to live in a particular Residential Area, which includes the Mercy College Residence Halls and the off-campus property contracted by the College to house students, is considered a guest, even if the person is a Mercy College student. All guests must be registered at all times and must comply with all Residential Life rules and regulations. Resident hosts are fully responsible for the actions of their guests and are accountable for any inappropriate behavior a guest may exhibit while in any Residential Area or on campus. The Residential Life staff may have a guest removed from the Residential Area immediately for failing to meet this expectation.

In an effort to ensure and maintain the safety and well-being of our community, the following Guest Policy will be amended for the during of the 2022-2023 Academic Year as follows:

- All guests visiting during the day will be required to show proof of vaccination for COVID-19 to Residential Life staff or Campus Safety upon entry to the residence hall space.
- Any and all requests for an overnight guest must be submitted to Residential Life at least 72 hours prior to the arrival date of the guest. All overnight guests must submit proof of vaccination **and** one booster shot for the COVID-19 vaccination as a part of the request in order to be admitted to the residential hall space. The overnight guest request form can be found on the Mercy College Residential Life website or housing portal.

### ***Residents must abide by the following visitation procedures:***

- a. Visitation hours begin at 8:00 AM and end at 12:00 AM (midnight). All guests must be signed in at the front desk of the residence hall upon entering and must be met by the resident whom they are visiting. A guest is anyone who is not a residential student.
- b. A resident may sign in no more than one (1) overnight guest at a time. An overnight visit is defined as a stay which includes any of the hours between 12:00 AM (midnight) and 8:00 AM on a Friday or Saturday night. Overnight guests are only permitted on Friday and Saturday nights and with prior approval from the resident's roommate, if any, and the Resident Director.
  - a. Each guest must be escorted into the building by a resident host.
  - b. Every guest must register at the front desk by submitting valid photo identification, such as a driver's license, State identification card, or College ID with photo and expiration date. *Expired photo identification will not be permitted.* The identification cards of the guest will be held at the front desk until the guest departs. The resident host must escort a guest to the desk to retrieve their identification cards upon departure.
  - c. The resident host must stay in the building with their guest the entire time a guest is signed in.
  - d. Guests are not allowed to roam the building unaccompanied by their resident host.
  - e. Guests must depart before the end of guest hours.
  - f. Non-Residential guests are not permitted in the Residential Areas during final exam periods.

- g. Guests under the age of eighteen (18) are not permitted without the prior written approval of the Office of the Dean of Student Affairs.

## **QUIET HOURS POLICY**

Excessive and unreasonable noise is disruptive to the community and its members and all residents should be mindful of their surroundings. Official quiet hours are in effect every day from 1:00 a.m. to 8:00 a.m. To ensure a comfortable and non-disruptive environment, Residential Life employs a 24/7 Courtesy Quiet method that encourages residents and guests to self-monitor their noise. Additionally, it is important to know that the resident halls are situated in close proximity to residential neighborhoods that can often be disturbed. Excessive and unreasonable noise should be avoided when possible.

## **INSPECTIONS**

In order to ensure the safety and wellbeing of the community, all student rooms in the Residential Area are subject to inspections at any given time with or without notice. Residential Life conducts a minimum of two (2) room inspections per term and will announce said inspections at least one week prior to the inspections taking place. College officials, including Residential Life professional staff members or Office of Campus Safety staff members, may enter any rooms at any time if there is reason to believe that entry is warranted in order to protect or ensure the safety and wellbeing of any residents or guest.

## **FIRE SAFETY**

### **Fire Safety Equipment**

Fire safety equipment such as smoke detectors, sprinklers, fire extinguishers, fire alarm pull boxes, and emergency exit routing signs have been installed in the Residence Hall. In the interest of safety, it is strictly against the rules to touch the sprinkler system; to use the pipes to hang plants, clothes, or any other objects; or to lean against or hang from the pipes, as the pipe system contains water under pressure.

Tampering with or misusing fire-fighting equipment or fire alarms on campus or in campus facilities is a violation of the student code of conduct and will subject students to discipline and sanctions up to and including expulsion from the College. Such conduct may also subject a residential life student to dismissal from the Residence Hall. In the event that a student's actions damage a water pipe or release water, the student will be held responsible for the repair of the system and any consequent damage.

### **Fire Drills**

College policy and New York State law require the College to conduct a number of fire drills in the Residence Hall each semester. It is a violation of both State law and College policy to remain in the building during a fire drill. Any time the alarm sounds, students and any guests must leave the building immediately, closing any doors behind them, and following the specified evacuation route.

Failure to vacate the building when the fire alarm sounds is a violation of the residential life rules that may subject students to disciplinary action.

### **Fires and Building Evacuation**

Resident Assistants will instruct students on proper evacuation procedures at the beginning of the term. Students are encouraged to ask questions at any time if any procedure seems unclear. When evacuating the building, whether during a fire drill or otherwise, residents are reminded to use the stairways only. Do not use the elevators. Students should evacuate the building through the nearest exit. If flame or smoke is blocking the nearest exit, residents should be aware of the next available exit.

Exit the building completely; do not remain in the lobby. Move across the entrance path and wait on the

lawn until the Fire Department has inspected the building and approves reentry to the building. Residents should be aware that the Dobbs Ferry Fire Department responds to all fire alarms and therefore fire lanes and the front of the entrance should remain clear at all times to provide the Fire Department with easy access to the building. The fire alarm sounds at the Dobbs Ferry Fire Department at the same time as the building alarm. Therefore, if everyone leaves the building immediately, the occupants should be out of the building before the Fire Department arrives at the scene.

Residents of Dorm34 at the Manhattan campus should evacuate via the stairs and make their way to 33rd street and 6th avenue – Greenly Square Park.

In order to mitigate the risk of fire, students are prohibited from having the following items in their rooms: electric blankets, space heaters, sun and heat lamps, coffee pot, heating coils, halogen bulbs, halogen lamps, candles, incense, or incense paraphernalia, potpourri burners, charcoal grills, or any other open flame devices. Prohibited items will be confiscated and may be subject to disposal. Students caught with such items will be subject to disciplinary action. Starting a fire is a violation of College policy and State law and will subject a student to disciplinary action. The College will cooperate with local law enforcement authorities with respect to the investigation and prosecution of any such crime.

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

**Activation of Fire Alarm – due to smoking in room or use of prohibited item:**

**First Offense** - \$100.00 fine and completion of a fire education safety paper

**Second Offense** - \$200.00 fine and Residence Probation

**Third Offense** - \$300.00 fine and removal from housing

**Tampering Fire Safety Equipment or Alarms includes covering smoke detectors:**

**First Offense** - \$100.00 fine and completion of fire education safety paper

**Second Offense** - \$200.00 fine and Residence Probation

**Third Offense** - \$300.00 fine and removal from housing

**Fire Alarms – Failure and/or Refusal to Immediately Evacuate from Buildings:**

**First Offense** - \$100.00 fine completion of fire education safety paper

**Second Offense** - \$200 fine and Residence Probation

**Third Offense** - \$300.00 fine and removal from housing

**Activation of Fire Alarm – due to intentional misuse:**

**First Offense** - \$300.00 fine and Residence Probation

**Second Offense** - \$500.00 fine and removal from housing

**SANCTIONS FOR CODE OF CONDUCT VIOLATIONS**

The College may impose the sanctions listed below individually or in combination based on the conduct involved upon any student found through the Judicial Process to have violated a College rule. In imposing a sanction, the College may take into account the disciplinary record of the student and related factors that aggravate or mitigate the circumstances.

- I. Warning – Verbal or written notification to the student that continuation or repetition of conduct found wrongful may be cause for more severe disciplinary action.

2. Censure – Written reprimand for violation of specified regulations, including the possibility of more severe disciplinary sanction in the event of conviction for violation of any College regulation within a period of time stated in the letter of reprimand.
3. Fines – A sum of money to be paid by the defendant to the College or another specified person or body. Failure to pay fines may result in the denial of a final grade report, denial of registration for the subsequent semester (summer session included), and denial of diploma or transcript. See the Illegal Drug and Alcohol Policy regarding fines for violations under that Policy.
4. Restitution – Reimbursement for damage to or for misappropriation of property. This may take the form of appropriate services and/or actual compensation.
5. Disciplinary Probation – Written statement of restrictions on a student’s participation in College activities which may remain in effect for the period of time specified by the College. In addition to the provision that the probationer shall be guilty of no further violation of the spirit or letter of the rules, regulations, or conduct expectations of the College, the category of disciplinary probation may include one, several, or all of the following provisions:
  - a. Ineligibility for election to any honor society during the period of probation, ineligibility to hold office therein, and resignation from such society or societies.
  - b. Ineligibility for nomination or election to student office — including office in any student organization during the period of probation; ineligibility to hold such office, and, if already holding such office, resignation.
  - c. Ineligibility to participate in student activities.
  - d. Required participation in a community work project or other activities to satisfy such other stipulations as may be imposed, such as appropriate training (online or otherwise).
6. Suspension – Exclusion from class and revocation of other privileges or activities as set forth in the notice of suspension for a specified period of time. Students who are suspended are responsible for all institutional charges incurred and must reapply to return to the College.
7. Suspension from the Residential Area – Requires that a residential student temporarily be removed from the Residential Area for an assigned period; temporary housing must be secured without the assistance of any College department.
8. Suspension of Privileges – Specific privileges, such as guest privileges for residential students or network privileges for violations of the IT Acceptable Use policy, are revoked for an assigned period of time.
9. De-recognition of a student club or organization - the conditions of re-establishment, if determinable, shall be stated in the order of de-recognition.
10. Separation from the Residential Area – Requires that a residential student and all belongings be permanently removed from the Residential Area; new housing accommodations must be secured without the assistance of any College department. In certain cases, the Assistant Dean of Student Affairs may ban the student from reentering any Residential Area at any time.



11. Expulsion – Termination of student from student status for an indefinite period. The conditions of readmission, if then determinable, shall be stated in the order of expulsion. Students who are expelled are responsible for all institutional charges incurred.
12. Other – Other sanctions as may be imposed by the College instead of or in addition to those specified above to achieve an appropriate result, including but not limited to, requirements for counseling, psychological or medical evaluation, participation in a program to educate a student about certain types of conduct, or community service.

## **STUDENT JUDICIAL PROCESS**

*The College has developed procedures that it follows to investigate potential violations of its policies by students, to adjudicate any such violations, and to impose sanctions for those violations found to have occurred. These procedures also set forth how students can appeal decisions of the College on disciplinary matters. The College reserves the right to adapt its procedures based on the circumstances of an individual case. In addition, the College may use the Judicial Process to investigate and sanction alleged conduct of any nature, including but not limited to conduct that is similar, comparable or analogous to conduct that is specifically prohibited by the College's rules.*

*The Judicial Process set forth below addresses violations of the College's non-academic policies, including but not limited to the Code of Student Conduct, and Code of Residential Student Conduct. The grievance procedure that applies to academic matters is set forth separately in this Handbook. When a violation raises both academic and non-academic issues, the determination about which College procedure shall apply will be made by the College, upon notice to the student, but in the College's sole discretion.*

*Student, faculty or staff members of the College who believe that they have been subjected to, or have knowledge of, any acts by a student that are in violation of College policies are encouraged to inform the Office of Community Standards and Student Conduct (<http://www.mercy.edu/student-support>). The College may conduct an investigation to determine whether the charges have merit and/or to determine whether they can be resolved on an informal basis.*

*For cases involving allegations of sexual assault, sexual harassment, stalking, or gender-based harassment, the College's Policy on Sexual Misconduct shall apply with regard to investigations and discipline of alleged students. In such case, a complaint can be made to the Title IX Coordinator or the Assistant Dean of Student Affairs. The Title IX Coordinator or the Assistant Dean of Student Affairs will determine whether the complaint is handled under the Policy on Sexual Misconduct, the Code of Conduct, or a different college policy, and provide direction to the complainant as to which policy will be used and who at the college will be overseeing the complaint. The College may pursue a violation under the College's Code of Student Conduct even where civil or criminal proceedings are underway. Regardless of whether another action is pending, or if a student fails to cooperate with or participate in the Judicial Process, the College may proceed with the Judicial Process, reach a determination as to whether a violation occurred, and impose sanctions.*

### **The steps in the Judicial Process are as follows:**

- I. The incident involving alleged violation occurs and is reported either via submission of an incident report or by communication with the Office of Community Standards and Student Conduct. The incident information is then reviewed by the Office of Community Standards and Student Conduct.
- II. **For Low Level Violations Resulting in Sanctions Such as warnings and/or Minor Fines.**

For cases in which a student is alleged to have violated College rules and whose conduct may subject the student to suspension, expulsion, removal from housing or a substantial limitation of student privileges, the following process shall apply:

- a. The Office of Community Standards and Student Conduct shall send the alleged student a letter via email and mail informing the student of the allegations and the sanctions to be imposed. If the student agrees to the sanction, then the matter will be closed. If the student wishes to appeal the matter, see section V and VI below.

### **III. For All Other Violations**

- a. The Office of Community Standards and Student Conduct shall send the alleged student a letter via email and mail (if currently living on campus) informing the student of a scheduled investigation meeting to obtain additional information. The Office of Community Standards and Student Conduct staff member or their designee ("Fact Finder") shall meet with the alleged student, who may submit documents or other information in support of their explanation. An adviser or supporter who is not an attorney may accompany the student and act in an advisory capacity. The student may also provide names of relevant witnesses. The Fact Finder will thereafter conduct an investigation, which may include gathering additional information, conduct other interviews, and consider any other relevant information. The rules of evidence that are applicable in civil or criminal cases are not applicable to this process and the standard of proof shall be preponderance of the evidence (that is, whether there is a good faith belief that it is more likely than not that the conduct occurred).
- b. The Fact Finder shall, at the conclusion of the investigation, inform the alleged student and the complainant (if applicable) of the determination in writing via email and mail (if currently living on campus). Such notice shall contain the findings and the sanction(s) to be imposed (if applicable). The investigation and issuance of findings should not exceed thirty (30) days except where a reasonable delay is justified by the College for various reasons, including delay in gathering the facts. Notice of any delay shall be provided to the alleged and complaint (if applicable).

### **IV. Interim Suspension or Other Measures**

- a. The College may, in its discretion, suspend a student or take other interim measures pending the outcome of the Judicial Process or external legal proceedings or as the College otherwise deems appropriate under the circumstances. If the College institutes an interim suspension or other interim measures, the College must inform the alleged student in writing via email and mail. The student can appeal the interim suspension or measure to the Office of Community Standards and Student Conduct, whose decision shall be final.

### **V. Appeals**

- a. If the student wishes to appeal the imposed sanction, either because they dispute the facts or believes that the sanction is not appropriate, the student can submit a Disciplinary Appeals Form via [https://cm.maxient.com/reportingform.php?MercyCollege&layout\\_id=20](https://cm.maxient.com/reportingform.php?MercyCollege&layout_id=20). Students have seven (7) days from the date of their sanction letter to submit this form. The Office of Community Standards and Student Conduct will act as a conduit during the appeals process.
- b. The Office of Community Standards and Student Conduct's designee shall meet with the student within a reasonable time of the request and permit the student to present their side of the story and provide any relevant documentation or evidence to dispute the allegations or affect the

penalty. The Office of Community Standards and Student Conduct's designee will then make a determination within ten (10) days of the meeting either to uphold the determination, or to amend the findings and/or sanction. The designee's decision in these cases shall be final.

**VI. Appeals for Cases Which a Student May be Subject to Suspension, Expulsion, Removal from Housing, or a Substantial Limitation of Student Privileges**

- a. When a student is found to have violated a College policy or rule and the sanction that is imposed is suspension, expulsion, removal from housing or a substantial limitation of student privileges, the student may appeal the determination and/or sanction. A Disciplinary Appeals Form appeal should be submitted via [https://cm.maxient.com/reportingform.php?MercyCollege&layout\\_id=20](https://cm.maxient.com/reportingform.php?MercyCollege&layout_id=20) within seven (7) days of the appellant's receipt of the Office of Community Standards and Student Conduct's determination. The appeal must state the basis for the appeal, including whether the student believes that appropriate procedures were not followed or that the sanction is excessive. If the student believes that new information that was not previously available should be considered, the evidence should be detailed in writing in the request for an appeal.
- b. The appeal panel will consist of three (3) faculty and/or staff members (at least one of which must be a faculty member), chosen on an annual basis by the Vice President or Assistant Dean of Student Affairs and the Provost, one of which shall be named the chairperson upon mutual decision of Vice President or Assistant Dean of Student Affairs and Provost. In the event of a vacancy, a replacement for the balance of the academic year will be appointed by the Provost and Vice President or Assistant Dean of Student Affairs upon mutual approval.
- c. The appeal ordinarily will be determined based on the Disciplinary Appeals Form submitted by the student, any new evidence included in that submission, and the record before the Fact Finder; however, the appeal panel may seek additional information or clarification from any source as it deems appropriate. The appeal panel may consider whether the procedures followed by the Fact Finder were appropriate and fair, whether there is any credible evidence of bias on the part of the Fact Finder, whether there was sufficient evidence to support the finding reached by the Fact Finder, and whether the sanction is plainly excessive. The appeal panel may not substitute its judgment regarding the credibility of witnesses who testified before the Fact Finder.
- d. The appeal panel can decide to sustain, modify or reverse the previous determination and/or the sanction in whole or in part. The appeal panel can also refer the matter back to the Fact Finder for further consideration. There is no right to appeal a decision of the appeal panel.

**VII. Misuse of Disciplinary Process or Grievance Process**

- a. A student who files a false and malicious complaint or grievance with knowledge that it is false and malicious intent or a student who provides false testimony, with knowledge that it is false may be subject to discipline for abuse of the College's process and violation of College standards of conduct.

## APPENDIX

### Policies

#### I. ACADEMIC

##### ACADEMIC INTEGRITY POLICY

Academic integrity is the pursuit of scholarly activity in an honest, truthful and responsible manner. Students are required, to be honest, and ethical in carrying out all aspects of their academic work and responsibilities.

Dishonest acts in a student's academic pursuits will not be tolerated. Academic dishonesty undermines the College's educational mission as well as the student's personal and intellectual growth. In cases where academic dishonesty is uncovered, the College imposes sanctions that range from failure of an assignment to suspension and expulsion from the College, depending on the severity and reoccurrence of the case(s).

Examples of academic dishonesty include, but are not limited to, cheating, plagiarism, obtaining an unfair advantage, and falsification of records and official documents.

**Cheating** is the unauthorized use or attempted use of material, information, notes, study aids, devices, or communication during an academic exercise. Examples of cheating include, but are not limited to:

- Copying from another student during an examination or allowing another to copy your work
- Providing assistance to acts of academic misconduct.
- Unauthorized collaboration on a take-home assignment or examination
- Using notes during a closed book examination
- Submitting another's work as your own
- Unauthorized use during an examination of any electronic device, such as cell phones, computers, or internet access to retrieve or send information
- Allowing others to research or write assigned papers for you or to complete your assigned projects

**Plagiarism** is the act of presenting another person's idea, research or writings as your own. **Self-Plagiarism** is the act of turning in one's own work (papers, exams, cases, etc.) in its original form or with only minor modifications in more than one course for academic credit. Self-Plagiarism is a violation of this policy.

Examples of plagiarism include, but are not limited to:

- Copying another person's actual words or images without the use of quotation marks and citations attributing the words to their source
- Presenting another person's ideas or theories in your own words without acknowledging the source
- Engaging in plagiarism, via the Internet or other web-based or electronic sources, which includes (but is not limited to) purchasing of, downloading term papers or other assignments and then submitting that work as one's own, or copying or extracting information and then pasting that information into an assignment without citing the source, or without providing proper attribution.

**Obtaining unfair advantage** is any action taken by a student that gives that student an unfair advantage, or through which the students attempt to gain an unfair advantage in his/her academic work over another student. Examples of obtaining an unfair advantage include, but are not limited to:

- Gaining advance access to examination materials by stealing or reproducing those materials
- Retaining, purchasing, sharing, or posting examinations, or the students' written work, like cases, papers, etc., without explicit faculty permission
- Intentionally obstructing or interfering with another student's work

**Falsification of Records and Official Documents** include, but are not limited to, acts of forging authorized signatures or falsifying information on an official academic record.

### **SANCTIONS FOR ACADEMIC INTEGRITY VIOLATIONS**

If a faculty member believes that the appropriate sanction is academic in nature (e.g., a reduced grade) and the student does not contest either their guilt or the particular reduced grade that the faculty member has chosen, then the student shall be given either a warning or the reduced grade, unless the student is a repeat offender, in which case a sanction more severe than a warning should be applied by the Dean/ Associate Dean. The reduced grade may apply to the particular assignment where the violation occurred or to the course grade, at the faculty member's discretion. A reduced grade may be an "F", or another grade that is lower than the grade that the student would have earned but for the violation. If a faculty member determines that a student has committed an act of cheating or plagiarism, and the student withdraws from the course, that student will receive an "FW" for the course regardless of the time of withdrawal. The faculty member shall inform the Dean/ Associate Dean of the resolution via email and the Dean/ Associate Dean shall update the applicable Student Violation of the Academic Integrity Policy Form to reflect that resolution.

In a case where a student admits to the alleged academic dishonesty but contests the academic sanction imposed by the faculty member, or in a case where a student denies the academic dishonesty, the student may appeal by following the process described below.

A student who is found to be dishonest in the submission of academic assignments or other work, or in carrying out their academic responsibilities may receive a warning, a zero for the submitted assignment or exam, a failing grade for the course, or may be subject to further suspension or expulsion from the College, depending on the severity of the offense(s). Regardless, all incidents of academic dishonesty will be reported to the Academic Unit Head and School Dean/ Associate Dean and may be retained by the College in the student's records.

### **REPORTING VIOLATIONS AND STUDENT APPEAL PROCESSES**

The process to report or to appeal an academic integrity violation is as follows:

1. A faculty member who suspects that a student has committed a violation of the Academic Integrity Policy shall review with the student the facts and circumstances of the suspected violation whenever feasible.
2. Should the faculty member conclude that there has been an incident of academic dishonesty, the faculty member shall complete submit the Academic Integrity Reporting Form (located on Mercy Connect under the faculty tab). The faculty member must indicate the sanction for the student violation of the policy on the form.
3. The Academic Integrity Form will be submitted electronically to the Dean and Associate Dean of the appropriate School, and an official notification of violation will be sent to the student. The student may appeal to the Dean or Associate Dean of the School through email within one week

of the date of notification. The Dean or Associate Dean will then ask the student and faculty member to submit supporting evidence and may request to meet with both parties separately. After a review of the evidence, the Dean or Associate Dean shall decide to either uphold or overturn the violation and communicate the decision through an email to the student within one week of the filed appeal.

4. Should the student choose to appeal the Dean's/ Associate Deans' decision, the Associate Provost for Faculty Affairs shall request the evidence examined by the Dean/ Associate Dean. After a review of the evidence, the Associate Provost for Faculty Affairs shall determine if there is enough evidence to convene the Academic Appeals Committee and send a letter to the student, within one week of requesting an appeal, to inform the student of this determination. If the Associate Provost for Faculty Affairs believes that further review is warranted, the Academic Appeals Committee will be convened to review the case.
5. If the Academic Appeals Committee is convened, the Dean/ Associate Dean, faculty member, and student will be permitted to participate. The faculty member and student are permitted to submit any additional documentation they believe is necessary, including written statements and documentary evidence. The Academic Appeals Committee shall convene within two weeks of the filing of the appeal submission and shall issue a written decision of its finding within one week of convening. The Associate Provost for Faculty Affairs shall send copies of the Committee's decision to the student, the faculty member, and the appropriate Dean/ Associate Dean for archiving in the student's confidential academic integrity record. Unless the resolution exonerates the student, the Student Violation of Academic Integrity Form shall be placed in a confidential academic integrity file created for the purposes of identifying repeat violations, gathering data, and assessing and reviewing policies.
6. If the Academic Appeals Committee finds that no violation occurred, the Office of the Provost shall remove all material relating to that incident from the student's confidential academic integrity file and destroy the material. The Dean/ Associate Dean shall work with the faculty member to remove the sanction in the course.

### **JUDICIAL SANCTIONS**

In a case where the allegation of cheating or plagiarism is severe, or where the student has a history of violations of the Academic Integrity Policy which conduct warrants suspension or expulsion from the College, the school Dean shall impose a sanction in addition to or in lieu of academic sanctions, as he/she deems is warranted under the circumstances. If the student contests the judicial sanction imposed, the student may appeal to the Associate Provost for Faculty Affairs.

### **EXCEPTION TO REGISTRATION AND REFUND POLICIES**

Mercy College is committed to providing motivated students with the opportunity to succeed in the classroom. The College recognizes that there may be extraordinary circumstances under which attendance in class is rendered impossible, or which severely hinder a student's ability to successfully meet the requirements of their course of study. For these reasons, the College has instituted the following Exception Policy, in that students with the following extraordinary circumstances may be eligible to request an exception to the registration and refund policies:

**Active Military Service** — This applies to any student required to discontinue attendance of classes due to military service. The student must fill out the Special Considerations Form, and provide a copy of the orders to report to active duty to the Vice President of Enrollment Management, or her/his designee. A decision regarding an exception to the registration and/or refund policy will be provided to the student within five business days.

Health Related - This applies to a student who has a serious physical or mental health condition which affects her or his ability to successfully meet the requirements of their course of study. In order for a request for partial or full refund and/or exception to the withdrawal policy to be considered due to health-related reasons, the following steps must be taken:

The student (or someone authorized on behalf of the student) must submit a request to the student's PACT, COP or Student Financial Services mentor within two weeks of when the health related incident occurred or prior to the end of the semester for which the student is requesting a refund/exception to the withdrawal policy, whichever is earlier.

The request shall include the following documents:

- 1) A completed Special Considerations Form, which can be found on Mercy Connect or at the Office of Student Financial Services;
- 2) A letter explaining the health-related issues; and
- 3) Medical Records, as well as any other relevant documentation.

After submission of all required documents, the PACT, COP or Student Financial Services mentor shall forward the completed package as soon as practicable to the Vice President of Enrollment Management, who will forward the package to the Committee for Special Consideration. The 37 Committee for Special Consideration, which shall be comprised of a member of the Offices of the Provost, Student Affairs and Health and Wellness, shall review the case and make a recommendation within ten (10) business days of submission of all required documentation to the Vice President for Enrollment Management or her/his designee, who shall render a decision on the matter within five business days. The decision of the Vice President for Enrollment Management or her/his designee shall be final.

Note that requests pursuant to the Exception to the Registration and Refund Policies are not routinely granted, and that the expectation of a low or failing grade is not an acceptable reason for the Committee and/or Vice President for Enrollment Management to consider a withdrawal from a course. The instructor will be asked by the Committee to indicate on a Course Withdrawal Evaluation Form what the student's level of performance in the course has been up to their last date of attendance.

If a refund or registration exception is granted for health-related reasons, the student shall not return to the College until medical clearance is provided by a treating physician, which shall be evaluated by the College's Director of Health and Wellness. The Director will then make a recommendation to the Vice President for Enrollment Management, or her/his designee, for the determination whether the student is fit to return, which determination shall be final.

If a student is granted an exception for tuition for any of the reasons above, the student will not receive a refund, but will be able to apply these funds towards future terms of study at Mercy College. The student will be credited an amount deemed appropriate by the Vice President for Enrollment Management and shall be for tuition only; fees are non-creditable, non-refundable and nonnegotiable. Room and Board charges do not qualify under this policy. Please see the policy for housing refund outlined in the student's Housing Contract or contact the Dean of Student Affairs. Cases where a student has federal and/or state financial aid or grants will be dealt with as appropriate by the Vice President for Enrollment Management within the mandates of the respective authority.

For registration requests, the Vice President for Enrollment Services (in consultation with the relevant

College personnel) will determine the appropriate exception that will be granted on behalf of a student depending on the student's particular circumstances.

## **ACADEMIC APPEALS POLICY**

The purpose of the Academic Appeals Policy is to provide a process for the equitable resolution of formal complaints made by a student, over academic issues including grade disputes and the application of academic policies. Separate appeals policies exist for violations of academic integrity and academic dismissal grievances. The following steps constitute the process; before proceeding to a higher-level step, all lower-level steps must first be completed and documented in writing. The College continues to recommend and encourage the informal resolution of complaints, believing that effective communication is also part of the educational process. To the extent that a faculty member, academic unit head or dean are unavailable, a designee may be appointed for purposes of resolving such issues in a timely manner.

### **Step One: Faculty**

Within two weeks after the end of the semester, term, or quarter (the “academic period”) in which the disputed matter occurred, the student and faculty member must discuss the grade issue via student’s college email, in person, or by phone. After the discussion, the faculty member must make a decision within one week and communicate it in writing to the student. A copy of this decision must also be sent to the academic unit head. If the student is dissatisfied with the outcome of this decision, a formal written appeal must be submitted by the student to the relevant academic unit head within one week after receipt of the faculty member’s decision. If the faculty member does not respond to the student request within the referenced time frame, then the student should proceed to Step Two and contact the Academic Unit Head.

### **Step Two: Academic Unit Head(s)**

Within one week after receipt of the formal written appeal, the academic unit head will, depending on the situation, meet separately or jointly with the student and faculty member involved. Meetings may be in person or via telephone. During these meetings each party will submit all information and supporting documentation to the Academic Unit Head who will review all of the relevant documentation. A written decision shall be sent to both parties within one week after the meeting. A copy of this written communication must also be sent to the School Dean. If the faculty member involved is also the academic unit head, the parties may agree to allow another faculty member in the department to review the appeal or proceed directly to Step Three.

### **Step Three: School Dean**

Within one week after the decision in Step Two, an appeal may be made in writing by the student to the relevant school dean. The school dean will meet separately or jointly with the student and faculty member, and/or the academic unit head involved within two weeks of receipt of the formal written appeal. Meetings should be in person, to the extent practicable. The school dean will review the written appeal and previous actions on the appeal, along with any additional information and substantiation submitted by each party, and will render a decision in writing to all parties within one week after the meeting. A copy of this written communication must also be sent to the Office of the Provost.

### **Step Four: Undergraduate Academic Appeals Committee**

In the event that the issue has not been satisfactorily resolved in Steps One, Two or Three, a final appeal may be made to the Undergraduate Academic Appeals Committee. Such appeal must be made in writing to the Committee, to the attention of the Provost, within one week after the decision by the school dean. Appeals should be accompanied by a rationale for an Academic Appeal and accompanied by



substantiating documentation. Upon review of the student submission along with documentation provided by the School Dean, Academic Unit Head(s) and Faculty member, the Provost or designee in consultation with the Chair of the Academic Appeals Committee will determine whether or not the student's request for an Academic Appeal Hearing is warranted. If denied, the student will be notified as to the reason for the denial of a hearing, if an appeal hearing is warranted. The Academic Appeals Committee will hold a meeting within two weeks after receipt of the appeal, and shall render a decision in writing to the dean and student within one week of the conclusion of the meeting.

The Undergraduate Academic Appeals Committee consists of the Associate Provost (chair) and up to three faculty members, two administrators, and four students (as needed on a case-by-case basis).

All parties to the appeal will be permitted to participate and are permitted to submit any documentation they believe is necessary, including written statements and documentary evidence in the meeting with the Committee. The student may be accompanied by one person who is not professional legal counsel who may observe but not actively participate. The Committee will hear from both parties and may call on any witnesses to the matter and review any supplementary documentation. The Committee may ask questions throughout the meeting and may, if necessary, adjourn the meeting to obtain additional information. The Committee does not have the authority to make a grade change; rather, the Committee will review whether it appears the original grade was fairly awarded, however the committee may make other recommendations as it deems appropriate

**The decision rendered by the Undergraduate Academic Appeals Committee is final; no additional appeals will be permitted.**

#### **TRANSFER OF CREDIT FROM OTHER INSTITUTIONS**

Students who are matriculated at Mercy College are encouraged to complete their programs at the College. Students who, for extenuating reasons, need to take courses at other colleges with the intention of transferring the courses to Mercy College must obtain written approval from the appropriate school dean. Students must obtain the permission to transfer credit form through the Office of Student Financial Services / PACT or from the dean of the school. Students must obtain approval prior to enrolling in a course at another institution to ensure that the course is equivalent in content to the comparable course at Mercy College. If written preapproval is not obtained the course may not be accepted in transfer. Students must complete the course with a grade of C (2.0) or higher. Courses transferred to Mercy College are not applied towards the College or program residency requirements. Transferring courses to Mercy College can in some cases make the student ineligible for graduation honors. Students should check the section on Graduation Honors for further information.

For a full explanation of transfer procedures, see the [Admissions](#) page.

#### **MAINTENANCE OF ACADEMIC STANDING**

##### **Good Academic Standing**

Each student must maintain a minimum cumulative GPA to be in good academic standing.

The following minimum GPA must be attained based upon the number of credit hours *attempted* (not necessarily achieved) for a candidate's degree.

##### **Associate Degree**

0–15 credits	1.50 GPA
16–30 credits	1.75 GPA
31 + credits	2.00 GPA

##### **Bachelor's Degree**

0–30 credits	1.50 GPA
31–60 credits	1.75 GPA
61 credits or above	2.00 GPA

As indicated in this chart, minimum cumulative GPA differs depending on the credit hour total for an Associate Degree candidate and a Bachelor's Degree candidate. But a cumulative GPA of 2.0 is required for graduation for both. Minimum GPA standards for the first two years of study are somewhat lower in recognition of the transition into college-level work.

Students receiving funds from TAP and Title IV must follow the Guidelines for Satisfactory Academic Progress stated in the [Tuition, Expenses and Financial Assistance](#) section of this catalog to avoid loss of financial aid.

### **Academic Probation and Dismissal**

At the end of each semester, the Committee on Academic Standing will place a student on Academic Probation who does not attain the prescribed minimum cumulative GPA for the range of credits he/she has attempted.

To avoid dismissal, a student who is placed on academic probation must achieve the prescribed minimum cumulative GPA for the number of attempted credits for the following term of enrollment.

Academic probation is not a punitive action. It is intended to indicate an issue that requires correction. Students are expected to create a plan for improvement with their PACT mentors. Students should also refer to the Student Handbook for available Academic Support Services.

A student who has made acceptable progress during their first semester on probation will be permitted to continue on probation for one additional semester until the cumulative GPA for their range of credits, as defined in the above charts is achieved.

If a student does not achieve the prescribed minimum cumulative GPA for his/her range of credits by the end of this second semester, he/she will be dismissed.

### **Appeal of Academic Dismissal**

A student who has been dismissed from the College for the first time due to failure to meet the prescribed minimum cumulative GPA has the right to make a formal appeal to the Committee on Academic Standing.

If a student is readmitted, he/she is placed on probation for one semester during which time he/she must meet the conditions specified by the Committee or be subject to final dismissal.

Students dismissed from an Accredited program should refer to their School's Program Dismissal Review Policy for details on the appeal process.

## **II. NON-ACADEMIC POLICIES**

### **POLICY ON THE ACCEPTABLE USE OF COLLEGE INFORMATION TECHNOLOGY RESOURCES**

Mercy College offers its Information Technology (IT) resources and services to assist members of the College community to achieve their educational goals. Use of these resources in a way that interferes with these goals is impermissible and will subject the offender to discipline in accordance with the disciplinary procedures set forth below. All Mercy College students are expected to comply with all local, state, federal and international laws regarding IT use, including, but not limited to, those dealing with copyright and intellectual property, and with all software license agreements acquired by the College.

Abuse of telecommunications (telephone, email, internet, television) and information services will not be tolerated and may result in appropriate disciplinary action. Students are expected to comply with all

relevant laws and College policies which govern access to and use of these services.

Students who identify themselves as a student of the College, whether explicitly or impliedly or a member of a College organization (e.g. a club or athletic team) on the internet or through electronic social networks (e.g. Facebook, Myspace, LinkedIn, Twitter, YouTube and blogs) assume the responsibility for the content posted. Any such behavior that violates these general standards of conduct, which is brought to the attention of a College official, will be treated as any other violation and will be referred through the disciplinary and grievance processes outlined in this Handbook.

The following uses of College IT resources are prohibited:

- a. Giving unauthorized access to electronic records, files or systems maintained by the College, including the records, files or systems of members of the faculty, staff or students;
- b. Unauthorized entry into a file for any purpose, including using a file, reading a file, changing its contents;
- c. Using someone else's ID or password;
- d. Using or attempting to use an unauthorized account;
- e. Unauthorized transfer of a file;
- f. Downloading and sharing protected material, including songs, movies, games and other computer programs through means including Peer-to-Peer (P2P) file sharing applications that are used to connect you directly to another person's computer in order to transfer files between the two computers. P2P file sharing applications include, but are not limited to, Kazaa, iMesh, LimeWire, Gnutella, Azureus, Frostwire, Poisoned, Shareaza, BitTorrent, uTorrent, and Vuze;
- g. Disguising or attempting to disguise the identity of a College computer or system being used;
- h. Initiating or participating in chain letters, spam, floods and other unauthorized mass mailings;
- i. Running or installing computer viruses, Trojan Horses, worms or any other program that damages, exposes or excessively taxes any IT resource;
- j. Using any College IT resource or communication service, including e-mail, to harass or intimidate others, to interfere with the work of another, to send obscene or abusive messages, or to create a hostile work and/ or educational environment; and
- k. Engaging in conduct that intentionally interferes with or degrades network security performance.
- l. Unauthorized browsing of sexually explicit websites using College IT resources;

#### **POLICY ON ILLEGAL DRUGS/DRUG PARAPHERNALIA AND ALCOHOL**

The possession, use, or distribution of illegal drugs, including marijuana, 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. Throughout

this Handbook, 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.

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

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.

Mercy College has the obligation to protect the interests and right 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.

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

- **Level I:** (a) Possession or use of drug paraphernalia. Drug paraphernalia includes, but is not limited to; roach clips, bong, pipes, and hookahs. Minimum of a \$25.00 fine, assigned community service, or a combination thereof, and letter of reprimand for a Level I illegal drugs/drug paraphernalia violation.
- **Level II:** (a) Possession or use of illegal drugs, including marijuana, or (b) the second instance of a Level I violation. Minimum \$100.00 fine, assigned 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 \$200.00 fine, assigned 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, including marijuana, or (b) the second instance of a Level III violation. Minimum \$300.00 fine and removal from housing and/or suspension or expulsion from the College for a Level IV drug violation.

## 1. Paraphernalia

Drug paraphernalia is defined as “...all equipment, products, and materials of any kind which are use or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance...including roach clips...bongs...pipes...”

## 2. Alcoholic Beverages

The possession, use, service or consumption of alcoholic beverages, or appearance in an intoxicated state, 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.

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

- **Level I:** Student is found in the presence of alcohol or empty alcohol containers in any campus location, including any Residential Area. This includes, but is not limited to decorative bottles used to decorate rooms and empty alcohol containers in the trash (or scattered in the room). Minimum of a \$25.00 fine, assigned community service, or a combination thereof, and letter of reprimand for a Level 1 alcohol violation.
- **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, completion of the Alcohol education module, E-Chug, and disciplinary probation, or a combination thereof for a Level II alcohol violation.
- **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, and assigned community service, completion of the Alcohol education module E-Chug, disciplinary probation and possible notice to student’s parents, or a combination thereof for a Level III alcohol violation.
- **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, and mandatory attendance of C.H.O.I.C.E.S. alcohol awareness class, and possible: removal from the

Residential Area, suspension from the College and/or notice to the student's parents, or combination thereof for a Level IV 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 this 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. Reporting 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 this Handbook.

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

#### **Health Risks**

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:

**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.

**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.

**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.

**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 constriction, 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.

**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.

**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.

In addition to health-related problems, alcohol and substance abuse are also linked with financial difficulties, interpersonal conflicts, domestic violence, deterioration of the family structure, accidental injuries or fatalities, and may have a significant impact upon academic performance.

## **5. 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:

- New York State Office of Alcoholism and Substance Abuse Services Hot Line:  
1-800-522-5353
- New York City Department of Mental Health, Mental Retardation  
and Alcoholism Services: 212-219-5380
- Westchester County Department of Community Mental Health,  
Office of Alcohol and Substance Abuse: 914-995-5220

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

The Counseling Center is located at the Dobbs Ferry Campus in Main Hall Room 108 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, Bronx, or Manhattan campus. To schedule an appointment with a counselor, students can email and/or call the Counseling Center Main number (all campuses) at 914-888-5150 or [counselingcenter@mercy.edu](mailto:counselingcenter@mercy.edu).

- Harrison Youth Council ..... 914-835-7500
- Hastings Youth Advocate Program..... 914-478-2471
- Larchmont/Mamaroneck Community Counseling Center ..... 914-698-7549
- Pelham Guidance Council ..... 914-738-5653
- LIFENET: ..... 1-800-LIFENET (1-800-543-3638) or in Spanish at 1-877-AYUDESE (1-877-298-3373)
- The Alcoholism Council of New York Help Line: ..... 212-252-7022
- Alcoholics Anonymous..... Information regarding meetings can be found at <http://www.aaseny.org/>
- Al-Anon Info-center..... 212-254-7320/6 or 800-344-2666
- Cocaine Anonymous..... 212-262-2463 (212-COCAINE)
- Narcotics Anonymous..... 212-929-6262
- Pills Anonymous..... 212-874-0700

## **AMNESTY POLICY FOR DRUG/ALCOHOL USE**

### **I. Background**

The Mercy College Drug/Alcohol Use Amnesty Policy has two principal purposes. First, it is intended to encourage students to seek medical assistance related to drug and/or alcohol use without fear of being disciplined for such use. Because the use of drugs or alcohol may be life-threatening, Mercy wishes to reduce barriers to seeking and receiving medical help in those situations. Second, Mercy wishes to encourage students under the influence of drugs and/or alcohol who may be the victims of, witnesses to, or otherwise become aware of violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) or sexual harassment or gender-based harassment to report that violence or harassment. Toward that end, Mercy's Policy is that students who seek medical assistance either for themselves or others and/or are reporting violence or harassment will not be subject to discipline under the circumstances described below.

### **II. Seeking Medical Assistance**

Students who in good faith call for medical assistance for themselves or others and/or who receive medical assistance as a result of a call will not be disciplined for the use of drugs or consumption of alcohol (either if underage or if consumed on Mercy College property (including residence halls and off-campus hotels)) as long as there are no other violations that ordinarily would subject the student to disciplinary action. Similarly, students who may be the victims of, witnesses to, or otherwise become aware of violence or sexual harassment or gender-based harassment and who report such violence or harassment will not be disciplined for the consumption of alcohol or drugs in the absence of other violations that ordinarily would subject the student to disciplinary action. Other violations that would invoke discipline include but are not limited to (i) unlawful distribution of alcohol or drugs; (ii) sexual misconduct, as defined in Mercy's Policy and Procedures Relating to Sexual Misconduct; (iii) causing or threatening physical harm; (iv) causing damage to property; and (v) hazing.

### **III. Counseling and other Services**

The students involved will be referred to counseling services, either at Mercy College or other local services, as set forth in the Student Handbook. If incidents of alcohol or drug use are severe and/or repeated, there may be issues of medical concern, which may result in parental notification, withdrawal from classes, and/or other non-disciplinary responses.



#### **IV. Implementation of Laws**

Mercy's Policy is intended both to implement Article 129-B of the Education Law (which mandates drug and alcohol amnesty for reporters of sexual and/or relationship violence) and to complement New York State's Good Samaritan Law, which is designed to encourage individuals to call 911 in the event of an alcohol or drug-related emergency.

#### **INVOLUNTARY MEDICAL LEAVE OF ABSENCE POLICY**

Mercy College is committed to the academic success and personal growth of its students. As part of that commitment, Mercy is dedicated to providing a safe learning and working environment for students, faculty, staff and other members of the College community. On occasion, a student may experience a medical situation that significantly limits her or his ability to function successfully or safely as a student, or the student is so severely disruptive as to interfere with the academic pursuits and other activities of the College community. In such situations, the safety and security of the campus community, including the individual student, is paramount and the College will take appropriate action in accordance with this Policy. This Policy does not, however, replace or supersede reasonable and appropriate security and health and safety measures, such as calling 911 or taking other immediate action in case of imminent threat to life or limb.

In addition to taking action to protect the security and safety of the campus community, the College may address the student's conduct to determine if action under this Policy or under the Student Judicial Process is appropriate.

#### **II. Policy**

The College is committed to ensuring that students with mental health and other disabilities are treated with dignity, and are not excluded from participation in, or denied the benefits of, all College services, programs, or activities, or subjected to discrimination on the basis of his or her disability. Nonetheless, in cases where a student poses a direct threat to the health and safety of others or disrupts the learning or working environment of the College, the College may request that the student take a voluntary leave of absence. If the student does not wish to take a voluntary leave, the College may place such a student on an involuntary medical leave of absence under the circumstances set forth below.

A. Except in emergency circumstances, the College's Concern-Assessment-Response Team ("CARE Team") shall conduct an individualized assessment of the student to determine whether involuntary removal is necessary under the circumstances. The CARE Team will give careful consideration to the opinions and recommendations of the student's treating physician or mental health professional, if available, along with the opinions and recommendations of the healthcare professionals consulted by the College. The student will be required to provide a written release in order for the College to speak with the student's treating medical or mental health physician(s) and/or to review any relevant records. Failure to provide a release may result in immediate removal from campus.

As part of the individualized assessment process, the College will:

- (i) encourage the student to provide any other additional information that the student believes is relevant to the determination; and
- (ii) respect the student's confidentiality, and only require the student to provide a medical release for access to the student's medical and/or mental health records as reasonably necessary to complete its individualized assessment.

- B. Based on that individualized assessment, the College will determine whether, and what, reasonable accommodations can be made that would be effective to allow such student to continue to be present on campus while seeking treatment for, or recovering from, any related medical or mental health conditions.
- C. In the event that the College also considers whether the student poses a threat to the health or safety of others, the College will make an individualized assessment based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
- D. The College will require an involuntary medical leave of absence for a student only if:
- (i) after the individualized assessment and careful review and consideration, the College concludes that the student's continued participation in its educational programs would require accommodations that would be unreasonable or would fundamentally alter the nature of those programs;
  - (ii) the student rejects all reasonable accommodations offered by the College and the student cannot meet the College's essential eligibility requirements to participate in its educational programs; or
  - (iii) even with the provision of all of the reasonable accommodations offered by the College, the student cannot meet the College's essential eligibility requirements.
- E. If the BIT Team determines that an involuntary leave of absence is necessary, it will advise the student in writing via official Mercy College email of the leave and duration, any restrictions from coming on campus, and available appeals procedures. The College shall document the decision as well as the underlying facts, assessments and determinations.
- F. In the event of a voluntary or involuntary leave, the student and BIT Team shall work with the Office of the Vice President for Enrollment Services with regard to determining the registration status of the student, and whether the student should apply for an Exception to the Registration and Refund Policies.

Click [here](#) to view the full Involuntary Medical Leave of Absence Policy.

### **III. Disciplinary Action**

Nothing in this Policy precludes the College from bringing a separate action for the underlying behavior of the student pursuant to the Student Judicial Process, irrespective of whether voluntary or involuntary removal takes place.

### **IV. Interim Removal**

If a student's behavior presents an immediate and severe threat to the health or safety of anyone on campus, or is substantially disrupting the learning or working environment of others, the Vice President for Student Affairs or designee (if such Officer is not immediately available) may direct an emergency

interim removal of the student that restricts the student's access to the College's campus or residence hall, as appropriate, for an interim period before a final determination of the matter by the CARE Team. The Vice President for Student Affairs or designee shall consult with the College's General Counsel prior to making any such direction.

#### **V. Appeals**

An appeal from the decision of the CARE Team may be made to the Vice President for Student Affairs within thirty (30) calendar days after the delivery of the decision appealed from, who shall make his or her determination on the appeal within fifteen (15) business days from receipt of the appeal. The bases for overturning a decision of the CARE Team are limited to the following: (i) clearly erroneous factual findings; (ii) procedural irregularities; (iii) newly available evidence that would have affected the outcome; and/or (iv) the remedy and/or conditions on re-entry were unreasonable or inappropriate.

An appeal from the decision for Interim Removal may be made to the Vice President for Enrollment Services within five (5) calendar days from the date of removal. The Vice President for Enrollment Services shall make his or her determination within five (5) days from receipt of the appeal and communicate the decision to the student in writing via official Mercy College email address.

#### **VI. Return from Leave of Absence**

A student placed on voluntary or involuntary medical leave of absence may request to return/reapply to the College and may be required by the CARE Team, as part of an individualized evaluation, to provide evidence that the student is ready to resume studies and academic responsibilities. Such evidence may include, for instance, documentation of attempts to resolve issues that led to the leave, release of academic records to inform the treating physician, release of treatment records, consultation with or clearance from the College Health Office or Mental Health Counseling, consultation with the CARE Team to determine if reasonable accommodations are available, as well as a demonstrated ability to safely handle the stresses that may arise from an intense, complex, and fast paced advanced course of study at Mercy. All returning/reapplying students must meet the essential eligibility requirements and technical standards of the College.

### **POLICY STATEMENT REGARDING BIAS-RELATED CRIMES**

Bias-related crimes and incidents, commonly referred to as "hate crimes," will not be tolerated at Mercy College.

Bias-related conduct is prohibited by laws that include, but are not limited to, Title VI and Title VII of the Civil Rights Act of 1964; the Civil Rights Restoration Act of 1988; and the New York State and New York City Human Rights Laws, and NYS Education Law Article 129-A.

Under the Higher Education Opportunity Act (HEOA) (Public Law 110-315), a hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

A bias-related crime occurs under the New York State Hate Crimes Act of 2000 (New York State Penal Code § 485.05) when a person commits a specified criminal offense and:

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 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 criminal 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.

It is the responsibility of all members of the Mercy College community to report bias-related incidents or crimes. Victims of a bias-related incident or witnesses to such an incident should report the incident promptly to the Office of Campus Safety, the Assistant Dean of Student Affairs, the Title IX Coordinator/Equity Compliance Specialist or any other College official. Even if an individual does not want to pursue a complaint, the College should be notified of bias-related offenses. If the College becomes aware of an allegation of bias-related crime, it may elect to take disciplinary action even in the absence of a formal complaint from the victim. Reporting a bias-related crime to the College does not prevent an individual from pursuing other legal remedies, and the College will, if requested, assist the individual with a report to the police.

Counseling and referral resources for victims of bias-related crimes are available at the following College offices: Division of Student Affairs, Counseling, Safety, Residential Life, or the Title IX/Equity Compliance office. These offices can also put victims of bias-related crime in contact with other agencies that are trained to provide counseling and support.

## **MERCY COLLEGE POLICY ON EQUAL OPPORTUNITY AND NOTICE OF NON-DISCRIMINATION**

### **I. APPLICABILITY OF THIS POLICY**

This Policy applies to the following Mercy College community members (“Community Members”), all of whom can be either the victim of prohibited discrimination, harassment or retaliation (the “complainant”) or the person accused of such conduct (the “respondent”):

**A. Students.**

**B. Employees**, including all full-time and part-time faculty and staff at all of Mercy College’s campuses and locations.

**C. Applicants** for employment or student admission to the College.

**D. Contractors**, which for the purposes of this Policy means contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace with the College or who is an employee of such a contractor, subcontractor, vendor, consultant or other person providing services pursuant to a contract in the workplace with the College (hereinafter “Contractors”).

### **II. POLICY STATEMENT**

#### **A. Equal Opportunity Statement**

Mercy College is committed to achieving full equal opportunity in all aspects of College life. The College shall recruit, employ, retain, and promote employees, and shall admit and provide services for students, without regard to an individual’s race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity or expression, transgender status, marital status, familial status, partnership status, disability (including HIV/AIDS), genetic information, predisposing genetic characteristics, alienage, citizenship, criminal arrest and conviction records, military or veteran status, salary history, credit history, caregiver status, pregnancy or lactation status, sex and reproductive

decisions, status as a victim of domestic violence/stalking/sex offenses/sex abuse, unemployment status, or any other legally prohibited basis in accordance with federal, state, county and city laws.

## **B. Non-Discrimination Policy**

The College is committed to maintaining a workplace for its employees and an academic and social environment for its students free from prohibited discrimination, harassment and retaliation, as defined below. Therefore, the College strictly prohibits discrimination, harassment and retaliation of any of its students or applicants for admission, employees, applicants for employment, and Contractors.

## **C. Other Relevant Policies**

### **1. The College's Reasonable Accommodations Policies**

The College is committed to providing reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, and employees and students who have pregnancy or childbirth-related medical conditions in accordance with Reasonable Accommodations Policies. There are separate procedures under which Community Members may request and seek review of a decision concerning reasonable accommodations for a disability. These are set forth in *Mercy's Policy and Procedures for Implementing Reasonable Accommodations and Academic Adjustments for Students* and *Mercy's Policy and Procedures for Implementing Reasonable Accommodations for Employees* (<https://www.mercy.edu/aboutmercy/mercy-policy>).

### **2. The College's Policy and Procedures Related to Sexual Misconduct**

Community Members with complaints of sexual harassment or sexual violence, including sexual assault, stalking, domestic and intimate violence, should contact the College's Title IX Coordinator. For contact information, to file a complaint online and/or to learn more about the complaint process pursuant to *Mercy's Policy on Sexual Misconduct*, please visit: <https://www.mercy.edu/about-mercy/title-ix>.

### **3. Application of Other College Policies**

When conduct may involve more than one policy, the College will in its sole discretion determine which policy or policies shall govern the handling of a potential violation, based on the circumstances of the allegation and the terms of any other policy. An individual who has a question about which policy applies in a specific instance can contact the College's Equity Compliance Specialist at [TitleIX.Equity@mercy.edu](mailto:TitleIX.Equity@mercy.edu) or (914) 674-7679.

## **III. PROHIBITED CONDUCT—DEFINITIONS**

**A. Discrimination** is the adverse treatment of a Community Member because of that individual's actual or perceived protected characteristics—such as race, color, religion, sex, gender, national origin, or any of the other bases referenced above which are prohibited by this Policy. Such conduct can also be unlawful if it subjects a Community Member to inferior terms, conditions or privileges because of that individual's membership or perceived membership in one or more of these protected categories.

**B. Harassment** is a form of discrimination that, in sum, consists of unwelcome conduct based on a Community Member's protected characteristic that has the purpose or effect of unreasonably

interfering with that individual's work or academic performance or which creates an intimidating, hostile or offensive work environment for employees and Contractors and an intimidating, hostile or offensive academic and/or social environment for students. The conduct may be spoken, written, visual, and/or physical. Conduct that a reasonable person would consider petty slights and/or trivial inconveniences may not amount to illegal harassment. **Please note that this Policy covers prohibited harassment based on all protected characteristics, except it does not apply to sexual harassment or sexual violence, because those matters are covered by *Mercy's Policy on Sexual Misconduct*.**

While no list can be exhaustive, some examples of actions that may constitute prohibited harassment when based on a protected characteristic may include, but are not limited to:

- Verbal abuse or hostile behavior, which could include insulting, teasing, mocking, degrading, or ridiculing another person or group;
- Inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands;
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols;
- Unwelcome conduct of a non-sexual nature based on actual or perceived sex, such as mocking a person's appearance or clothing as more suited to a person of the opposite sex, or intentionally using the wrong pronoun to identify a transgender individual;
- Physical assault; or
- Displays or electronic transmission of derogatory, demeaning, or hostile materials. Harassment can occur in many mediums and locations, including via email, text, voicemail, social media or other electronic forms of communication or messaging systems, and can occur oncampus, at College-sponsored events or programs, or other off-campus venues.

**C. Retaliation.** The College strictly prohibits retaliation against any Community Member for reporting or opposing discrimination or harassment or cooperating with an investigation of such a complaint. Retaliation is the adverse treatment of an individual because the individual made a discrimination or harassment complaint, opposed discrimination or harassment, was a witness to discrimination or harassment, or cooperated with an investigation of a discrimination or harassment complaint. Retaliation can also occur based on an individual making a retaliation complaint. Retaliation includes, by way of example, threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy.

**D. Other Inappropriate Conduct.** While this Policy is intended to prevent prohibited discrimination, harassment and retaliation as defined in Section III above, conduct by any Community Member or third party which does not rise to the level of prohibited discrimination, harassment or retaliation may still be prohibited by the College. Examples of such conduct include but are not limited to bullying, inappropriate verbal, physical, written or other kind of conduct directed at any Community Member or a third party on one of the College's campuses or at a College-sponsored event. The College will, in its discretion and in accordance with all other Mercy College handbooks, written contracts, policies, procedures and/or collective bargaining agreements, process such complaints and take action as it deems appropriate, including discipline or other penalties, but is not bound by the procedures in this Policy.

#### **IV. DISCRIMINATION, HARASSMENT AND RETALIATION COMPLAINT PROCEDURES**

##### **A. The College's Commitment**

The College is committed to addressing prohibited discrimination, harassment and retaliation complaints promptly, consistently and fairly to the extent possible. Although there is no time limit to file a complaint with the College, the College encourages immediate reporting. In general, the College's Equity Compliance Specialist shall be responsible for, among other things, addressing prohibited discrimination, harassment and retaliation complaints under this Policy

##### **B. Reporting Prohibited Discrimination, Harassment and/or Retaliation**

**1. Community Members** (who are not supervisory or managerial employees) with complaints under this Policy, or those who have witnessed, who believe they have witnessed or who have knowledge of such conduct, should immediately report the conduct. Set forth below are the College's reporting procedures for Community Members:

a) **Students and Student Applicants.**

In the case of incidents of prohibited discrimination, harassment or retaliation alleged to have been committed against students or student applicants, the student complainant or other reporting party may make a report, either online at <https://www.mercy.edu/about-mercy/mercy-collegehttps://www.mercy.edu/about-mercy/mercy-college-policies/equity-compliancepolicies/equity-compliance> or to any of the following campus officials/offices:

- The Equity Compliance Specialist;
- The Office of Campus Safety;
- The Office of the Vice President of Student Affairs; or
- The Office of Residential Life.

b) **Employees, Applicants for Employment and Contractors.**

In the case of incidents of discrimination, harassment or retaliation alleged to have been committed against employees, employment applicants or Contractors, the complainant or other reporting party may make a report, either online at <https://www.mercy.edu/about-mercy/mercy-collegepolicies/equity-compliance> or with any of the following:

- Their immediate supervisor;
- The next level supervisor or manager in the relevant department;
- The Equity Compliance Specialist; or
- The Office of Human Resources.

Once any of the campus individuals or officials/offices above is notified of an incident of alleged discrimination, harassment or retaliation, they shall immediately report the matter to the Equity Compliance Specialist and shall coordinate with the appropriate College office(s) to address the matter in accordance with this Policy, including taking interim protective measures and accommodations.

**2. All management and supervisory personnel** have an affirmative duty to and are required to immediately report any discrimination, harassment, or retaliation that they observe, learn about from others, or reasonably suspect has occurred with respect to any Community Member to:

- The Equity Compliance Specialist.

For purposes of this Policy, managers and supervisors are employees who either (a) have the authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities; or (b)

have the authority to make recommendations on tangible employment decisions that are given particular weight. Managers and supervisors include but are not limited to: vice presidents, directors, deans, associate deans and academic unit heads. For questions regarding supervisor or manager title or status, contact the Office of Human Resources.

It is imperative that managers and supervisors not only adhere to but enforce this Policy. A manager or supervisor who fails to report discrimination, harassment or retaliation that they knew or should have known about could be subject to disciplinary action up to and including termination. Managers and supervisors have a special obligation not to engage in discrimination, harassment, or retaliation. Managers and supervisors who knowingly allow discrimination, harassment and/or retaliation to continue will be disciplined up to and including termination in accordance with relevant Mercy College handbooks, written contracts, policies or procedures and/or collective bargaining agreements.

**3. Any employee who receives a complaint** shall maintain, to the greatest extent possible, the privacy of all information in connection with the complaint, including the identities of the complainant and the respondent. Such information will be shared only with those who have a legitimate need for the information.

**4. All Community Members** are required to cooperate in any investigation of a discrimination, harassment or retaliation complaint.

## **V. INVESTIGATION OF PROHIBITED DISCRIMINATION, HARASSMENT AND/OR RETALIATION COMPLAINTS**

The following is the general procedure for the investigation of prohibited discrimination, harassment and/or retaliation complaints under this Policy:

### **A. Meeting with the Complainant**

Upon the receipt of a complaint, the Equity Compliance Specialist shall, whenever possible, meet with the complainant. The Equity Compliance Specialist will inform the complainant of the options available. These options generally include a complainant seeking informal resolution of the issues the complainant has encountered or the College conducting a full investigation.

### **B. Filing of a Complaint**

Following the discussion with the Equity Compliance Specialist, individuals who wish to pursue a complaint of discrimination, harassment and/or retaliation will be directed to file the form in writing online. While it is preferred that complaints are made in writing whenever possible, it is not required for informal resolution or an investigation to proceed.

### **C. Informal Resolution**

Individuals who believe they have been discriminated, harassed or retaliated against may choose to resolve their complaints informally. Informal resolution is a process whereby parties may participate in a search for fair and workable solutions. The parties may agree upon a variety of resolutions, including but not limited to modification of work assignment, class reassignment, training for a department, or an apology. The Equity Compliance Specialist will determine if informal resolution is appropriate in light of the nature of the complaint. Informal resolution requires the consent of both the complainant and the



respondent in writing, and suspends the complaint process for up to thirty (30) calendar days, which may be extended upon consent of both parties in writing, at the discretion of the Equity Compliance Specialist. Resolutions must be agreed to in writing by both parties. If no informal resolution of a complaint is reached at the conclusion of thirty (30) calendar days or an agreed upon extension, the Equity Compliance Specialist will proceed with an investigation.

#### **D. Investigation**

The College will conduct a prompt, fair and thorough investigation to the extent possible. Upon a preliminary review of the complaint, the Equity Compliance Specialist shall commence a full investigation of a complaint, as warranted, or after informal resolution has failed. During the course of the investigation, the complainant and respondent will be apprised to the extent possible regarding the facts and circumstances of the complaint and all of the steps in the process, including witness interviews, the gathering of any physical evidence, and the potential for corrective and/or disciplinary procedures and possible sanctions for violations of this Policy.

#### **E. Withdrawing a Complaint**

A complaint under this Policy may be withdrawn at any time during the informal resolution or investigation process. Only the complainant may withdraw a complaint. Requests for withdrawals must be submitted in writing to the Equity Compliance Specialist. The College, however, reserves the right to continue with an investigation despite a complainant's withdrawal of a complaint if, in its sole discretion, it determines such investigation is warranted. In a case where the College decides to continue with an investigation, it will inform the complainant.

In either event, the Equity Compliance Specialist will notify the respondent in writing that the complainant has withdrawn the complaint and whether College officials have determined that continuation of the investigation is warranted for corrective or disciplinary purposes.

#### **F. Timeframe of the Investigation**

While some complaints may require extensive investigation, whenever possible, the investigation of a complaint should be completed within sixty (60) calendar days of the receipt of the complaint. If there is a delay in completing the investigation, the Equity Compliance Specialist shall notify the complainant and the respondent in writing and shall keep the parties periodically abreast of timing issues.

#### **G. Report of Findings**

Following the completion of the investigation, the Equity Compliance Specialist will provide a report of the findings of whether there has been a violation under this Policy to the appropriate College official who would be responsible for taking corrective measures or issuing discipline for violations of this Policy, as set forth below. For example, in general, the report is provided as follows:

- If the respondent is a student, to the Vice President of Student Affairs;
- If the respondent is a non-faculty employee, to the Director of Human Resources;
- If the respondent is a faculty member, to the Provost;
- If the respondent is a senior level manager, to the President;
- If the respondent is the President, to the Chair of the Board of Trustees;
- If the respondent is a member of the Board of Trustees, to the General Counsel; or
- If the respondent is a Contractor, to the General Counsel.

## **VI. DISCIPLINARY ACTION**

If a violation of this Policy has occurred, the appropriate College official(s) as determined by the College, in consultation with the Equity Compliance Specialist, shall authorize such action as they deem necessary to properly correct the effects of or to prevent further harm to an affected party or others similarly situated, in accordance with applicable Mercy College handbooks, written contracts, policies or procedures and/or collective bargaining agreements.

The range of penalties that may be imposed for those found to have violated this Policy include but are not limited to the following:

- **Students:** probation, removal from housing, removal from a sports team or other school activity, suspension or expulsion following the relevant disciplinary procedures.
- **Employees** (including faculty): reprimand, suspension or termination of employment following the relevant disciplinary procedures, if applicable.
- **Contractors:** If the respondent is neither a Mercy student nor a Mercy employee, the College will take appropriate action, such as restricting the respondent's access to the Colleges' campuses.

The Equity Compliance Specialist shall, to the extent possible, apprise the complainant and respondent contemporaneously in writing of the outcome and action, if any, taken as a result of the complaint.

## **VII. APPEALS**

Any Mercy College employee or student who is a respondent or a complainant may appeal a finding under this Policy and/or the sanction to be imposed within ten (10) days from the written notice of outcome and action, to the Title IX/Equity Compliance Appeals Panel on the following grounds: (i) procedural error, (ii) newly-discovered evidence that was not reasonably available at the time of the finding, or (iii) the disproportionate nature of the penalty. The Panel may remand the finding back to the Equity Compliance Specialist for another review of the matter in light of any procedural errors or newly discovered evidence, or may modify the penalty. Such appeal must be in writing signed by the individual seeking the appeal. This process does not preclude any Community Member from also filing a grievance or appeal under any other applicable Mercy College handbooks and/or collective bargaining agreements.

## **VIII. INTERIM PROTECTIVE MEASURES AND ACCOMMODATIONS**

The College will take immediate steps to protect the complainant in the educational and employment setting, including taking interim protective measures and by providing accommodations, as appropriate, during an investigation. The complainant will be informed by the Equity Compliance Specialist in writing of such interim protective measures and accommodations, which may include, among other things:

- Making necessary changes to academic programs;
- Making necessary changes to residential housing situations;
- Changing an employee's work assignment or schedule; and/or
- Offering counseling services to the complainant and the respondent, through the Health and Wellness Center or a referral to an off-campus agency.

In certain circumstances, interim suspension of an employee or student may be imposed if, in the College's discretion, it is warranted based on the facts and circumstances of the case in accordance with applicable Mercy College handbooks, written contracts, policies or procedures and/or collective bargaining

agreements.

#### **IX. FALSE AND MALICIOUS ACCUSATIONS**

Any Community Member who makes false and/or malicious complaints of discrimination, harassment or retaliation under this Policy, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

#### **X. ANONYMOUS COMPLAINTS**

All complaints under this Policy will be taken seriously, including anonymous complaints.

Individuals do have the option at any time to file an anonymous complaint through the College's Whistleblower Hotline at **1-888-OK-MERCY (1-888-656-3729)** or by using the online complaint form at <https://www.mercy.edu/about-mercy/mercy-college-policies/equity-compliance>. In the event that a complaint is anonymous, the complaint will be investigated as thoroughly as possible under the circumstances, although the College may be limited in the extent of the investigation that it can conduct.

#### **XI. RESPONSIBILITIES**

##### **A. Equity Compliance Specialist**

The College's Equity Compliance Specialist shall be trained to carry out their responsibilities (as described above), and shall also be responsible for ensuring the following:

- 1) That all managers and supervisors receive annual training on this Policy;
- 2) That this Policy is disseminated annually to the entire College community, including the Equity Compliance Specialist's name and contact information as well as resources available at the College. Such information should be widely disseminated, including placement on the College website and shall be provided in the language provided by an employee if identified at the time of hiring as a language other than English. For the purposes of this Policy, in any situation, the Equity Compliance Specialist may designate certain duties to a designee who is trained to carry out the responsibilities under this Policy.

##### **B. Managers and Supervisors**

In addition to promptly reporting complaints under this Policy to the Equity Compliance Specialist, managers and supervisors must take steps to create a workplace free of discrimination, harassment and retaliation, such as participating in and requesting, when necessary, departmental Equity Compliance training. They must also take each and every complaint seriously.

##### **C. Members of the College Community-at-Large**

Community Members who become aware of allegations of discrimination, harassment or retaliation should encourage the aggrieved individual to report the alleged behavior. All employees and students are required to cooperate in any investigation.

#### **XII. FILING EXTERNAL COMPLAINTS**

Complainants have the right at any time to file complaints alleging violations of other federal, state, county or city laws with any of the other appropriate agencies, such as the New York State Division of Human Rights (<https://dhr.ny.gov/>), Westchester County Human Rights Division (<https://humanrights.westchestergov.com/>), the New York City Commission on Human Rights (<https://www1.nyc.gov/site/cchr/index.page>) or the United States Equal Opportunity Employment Commission (<https://www.eeoc.gov/>).

## NOTICE OF NON-DISCRIMINATION

Mercy College is committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal opportunity in employment and equal opportunity in education including educational programs and activities, without regard to an individual's race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity or expression, transgender status, marital status, familial status, partnership status, disability (including HIV/ AIDS), genetic information, predisposing genetic characteristics, alienage, citizenship, arrest and conviction records, military or veteran status, salary history, credit history, caregiver status, pregnancy or lactation status, sex and reproductive decisions, status as a victim of domestic violence/stalking/sex offenses/sex abuse, unemployment status, or any other legally prohibited basis in accordance with federal, state, county and city laws.<sup>1</sup> The College does not discriminate on the basis of any of the protected characteristics referenced above in its programs and activities or in its treatment, admission or access to its programs or activities. Therefore, discrimination or harassment of College employees, students, applicants for employment or admission, and non-employees (defined explicitly to include *only* contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace or who is an employee of such a contractor, subcontractor, vendor, consultant or other person providing services pursuant to a contract with the College) is strictly prohibited by the College.

In addition, retaliation for (1) reporting or opposing discrimination or harassment, (2) cooperating with an investigation of a discrimination or harassment complaint, or (3) requesting an accommodation, is strictly prohibited by the College.

The College is also committed to providing reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, and employees who have pregnancy or childbirth-related medical conditions, which is set forth more fully in the *Mercy College Policy and Procedures for Implementing Reasonable Accommodations and Academic Adjustments for Students* and the *Mercy College Policy and Procedures for Implementing Reasonable Accommodations for Employees* (<https://www.mercy.edu/about-mercy/mercy-policy>).

The College's policy addressing discrimination, harassment and retaliation is set forth more fully in the *Mercy College Policy on Equal Opportunity and Non-Discrimination*. The College's policy addressing sexual harassment and sexual violence is set forth more fully in the *Mercy College Policies and Procedures Relating to Sexual Misconduct* available on the College's webpage, <https://www.mercy.edu/about-mercy/mercy-policy>. The College further adheres to the state, county and city laws regarding pay equity via the *Policy and Procedures Relating to the New York City and New York State Laws Barring Inquiries into the Wage and Salary Histories of Applicants and Current Employees*: <https://www.mercy.edu/about-mercy/mercy-policy>. Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination or harassment should be directed to: Thomas McDonald, Mercy College Title IX Coordinator/Equity Compliance Specialist, at [TitleIX.Equity@mercy.edu](mailto:TitleIX.Equity@mercy.edu) or 914-674-7679. Inquiries regarding reasonable accommodations and academic adjustments for students should be directed to: Sara Venezian in the Office of Accessibility, Main Hall, Room 109, Dobbs Ferry, [svenezian@mercy.edu](mailto:svenezian@mercy.edu) or (914) 674-7523. Inquiries regarding reasonable accommodations for employees should be directed to:

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<sup>1</sup> Mercy College adheres to federal, state, county and city laws and regulations regarding nondiscrimination. Should any federal, state, county or city law or regulation be adopted that prohibits discrimination based on grounds or characteristics not included in this Policy, discrimination on those additional bases will also be prohibited by this Policy.

Annette Piccora in the Office of Human Resources, Verrazano Hall, Dobbs Ferry [apiecora@mercy.edu](mailto:apiecora@mercy.edu), (914) 674-7337.

## **POLICY ON ACCESS TO STUDENT RECORDS UNDER THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974, AS AMENDED M("FERPA")**

### **I. Scope of the Act**

#### **(a) General**

The federal Family Educational Rights and Privacy Act of 1974, as amended ("FERPA" or the "Act") and its implementing federal regulations affords to persons who are currently, or were formerly, in attendance at the College as registered students a right of access to their "educational records". Persons who unsuccessfully applied for admission to the College or who are offered admission but never attended the College are not covered by the Act.

The Act also restricts the persons to whom the College may disclose a student's education records without the student's written permission and affords the student an opportunity to see amendment of records that the student believes are inaccurate or violate the student's privacy rights.

#### **(b) Records Covered**

"Educational records" of a student are those records, files, documents, and other materials that are maintained by the College and contain information directly related to the student Education records include traditional paper records as well as material that is maintained in digital, electronic, photographic, video, audio or any other form. "Education records" do not include:

1. Personal notes maintained by faculty members or other staff that are not available to others.
2. Records that are created or maintained by a physician, psychologist, or other recognized health or mental health professional or paraprofessional that are created, maintained, or used only in connection with the provision of treatment to the student and are not available to others except in connection with providing such treatment.
3. Records, such as those that might be maintained by the College's legal counsel, the confidentiality of which is protected by law.
4. Records created and maintained by a campus law enforcement unit solely for law enforcement purposes
5. Records containing financial information about their parents, such as information submitted in connection with an application for financial aid.
6. Grades or peer-graded papers before they are collected and recorded by an instructor.
7. Records that contain information about a person only after they are no longer students at the College.
8. Records of a student who is deceased.

## **II. Access Rights of Students**

### **(a) Procedure**

Students may obtain access to their education records by making application to the Registrar. The College is required to grant the request within forty-five (45) days. The Registrar will forward copies of the student's request to the appropriate offices holding the requested files. These offices will contact the student with an invitation to inspect them.

If a student wishes to inspect an education record that also contains information regarding another student, such inspection is permissible only if (a) the information about the other student is inseparable from information about the requesting student, (b) any personally identifiable information about the other student is redacted prior to inspection by the requesting student, (c) the other student provides a prior, written consent, or (d) disclosure is otherwise permitted or required by law.

A student ordinarily will not be provided with copies of any part of his record other than his transcript, unless the inability to obtain copies would effectively prevent him from exercising his right to inspect and review his education records. In cases where copies will be provided, the department or office of the College maintaining the record in question may impose a charge for making such copies at such uniform rates as it shall determine. In general, the charges imposed will not exceed \$.10 per page. An exception is the case of transcripts, which are free. Students will not be permitted to remove the original record(s) from the record review office. At the conclusion of the review each record must be returned to the office that maintains it.

If a student is physically unable to come to the appropriate record review office, and if this inability would effectively deny the student access to the records, the student may obtain a record request form by calling or writing to the appropriate record review officer. The student should then return the completed request form by mail to the record review officer. The officer will make special arrangements for the review.

Generally, educational records of a student will be maintained by the Registrar, the office of the school in which the student is enrolled, and the office of the department of the student's major field of study. In addition, the College Health Services Office and Counseling Office maintain records relating to students who have utilized its facilities. If a student has utilized a placement office at the College, such office may also maintain records relating to the student.

### **(b) Confidential Letters of Recommendation**

In general, a student may have access to confidential letters and statements of recommendation that are part of the student's education records. This right, however, does not apply to such letters and statements placed in the student's education records prior to January 1, 1975, if such letters and statements are not used for purposes other than those for which they were specifically intended.

A student may, by signing a written waiver, relinquish their right to inspect confidential recommendations placed in the student's education records on or after January 1, 1975, respecting (1) admission to any educational institution; (2) an application for employment; or (3) the receipt of an honor or honorary recognition.

In no case will any student be required by the College to waive his or her rights to access of confidential recommendations. A student may find it appropriate to do so for a number of reasons. For example, the student may feel that his or her professors will write more candid and helpful letters of recommendation if the letters are not available to the student. A number of schools and departments have waiver forms available.

### **(c) Amendment of Records**

If a student believes that any of the education records relating to her or him contain information that is inaccurate, misleading, or in violation of her or his rights of privacy, he or she may ask the College to correct or delete such information. The student may also ask that additional explanatory material be inserted in the record. Requests for amendment of a record or the addition of explanatory material should be submitted, in writing, within a reasonable amount of time after the conclusion of the record review. The reasons for the request should be set forth and should clearly identify the part of the record the student wants changed and specify why it is inaccurate or misleading. There is no obligation on the part of the College to grant such a request. If the College declines to amend the records as requested by the student, it will so inform the student, and the student may request a hearing to appeal the decision. The right to challenge the contents of an educational record may not be used to question substantive educational judgments that have been correctly recorded. For example, a hearing may not be requested to contest the assignment of a grade. Grades given in the course of study include written evaluations that reflect institutional judgment of the quality of a student's academic performance.

Hearing requests must be made in writing, to the Provost regarding academic records or the Assistant Dean of Student Affairs regarding non-academic records, within thirty (30) days of being informed of the decision to decline the request for amendment. Within a reasonable period of time after receiving such request, the Provost will inform the student of the date, place and time of the hearing. The hearing will take place before the Academic Standing Committee, which is composed of faculty and staff members who do not have a direct interest in the outcome of the hearing. The student may present evidence relevant to the issues raised and may be assisted or represented at the hearing by one or more persons of the student's choice, including an attorney, at the student's sole expense. The Committee must issue a written decision that contains a summary of the evidence and a statement of the basis for the decision. The decision of the Committee is final and must be based solely on the evidence presented at the hearing. If the decision is in the student's favor, the education records will be amended in accordance with the Committee's decision. If the decision is unfavorable to the student, the student may prepare a statement commenting on the contested information in the education record or stating why the student disagrees with the decision not to amend the record, or both. The College must maintain any such statement along with the contested part of the record for as long as the College maintains that record and the College must disclose the statement whenever it discloses the portion of the record to which the statement relates.

## **III. Access by or Release to Others**

### **(a) General**

The College will not generally permit access to, or release of, educational records or personally identifiable information contained therein to any party without the written consent of the student. The College may, however, as provided in the Act, release such data to certain persons

including but not limited to:

- Officials of the College who have a legitimate educational interest (including persons with whom the College has contracted) in obtaining access to the records. Such access will be granted if the official needs to review an educational record in order to fulfill his or her professional responsibility.
- Persons who require access in connection with the student's application for, or receipt of, financial aid.
- Parents of a student, provided the student is a "dependent" of the parents for federal income tax purposes.

In general, the College does not make education records available to a student's parents. However, where the College believes that it is in a dependent student's interest, information from the student's educational records may be released to the parents of such a dependent student.

- The College may release such information in compliance with a judicial order or pursuant to any lawfully issued subpoena. As a general policy, before any information is so released the College will first notify the student at the student's most recent address as shown in the records maintained by the Registrar. However, in compliance with the Act, some judicial orders and subpoenas issued for law enforcement purposes specify that the College cannot disclose to any person the existence or contents of the order or subpoena or the information furnished in compliance with it.
- The College may release information about certain conduct violations to a student's parent or others.
- In connection with an emergency, the College may release information from educational records to appropriate persons if the knowledge of such information is necessary to protect the health or safety of a student or other persons. The College is required to maintain in the student's file a record of the situation that prompted such disclosure and a list of individuals to whom disclosure was made.

#### **(b) Release with the Student's Consent**

Upon written consent or request by a student, the College will release information from the student's educational records to third parties. The student should make a request for such release to the department or office having custody of the record involved. The College may impose a charge for copying a student's records in connection with such release.

#### **(c) Release of Information to Parents and Guardians of Mercy College Students.**

Subject to the limitations set out in Section III(a), where parents or guardians claim their students as dependents for tax purposes, the College may notify such parents or guardians when there is a change in the student's status (e.g. being placed on or removed from academic probation) or if there is a change in enrollment as a consequence of a student being barred for failure to meet the terms of academic probation or for disciplinary reasons. In order to be notified of the changes of status and enrollment listed above, parents and guardians must make a request to the along with a copy of their previous year's federal tax return demonstrating the student's dependent status.

Alternatively, any student—whether considered a dependent or not—who wishes that their parents, guardians or other family members be notified of status changes or grades may complete and return to the Registrar a consent form.



#### **(d) Transfer of Information to Third Parties**

It shall be a condition of the release by the College of any personal information on a student to a third party that the party to which the information is released will not permit any other party to have access to such information without the written consent of the student. An institution to which such information is released may permit its officers, employees, and agents to use such information but only for the purposes for which the disclosure was made. These restrictions do not apply to certain subpoenas and court orders.

#### **(e) Directory Information**

The College may, at its discretion, release “directory information” with respect to a student for any purpose without the student’s consent. The College .” has designated the following categories of information as directory information with respect to each student: name, local and permanent address, electronic mail address, telephone listing; age; photograph; major field of study; participation in officially recognized activities and sports; weight and height of members in athletic teams; enrollment status; dates of attendance at Mercy College; degrees, honors and awards received, and their dates; and most recent educational institution attended.

A student in attendance at the College who does not want to have directory information relating to himself released should complete an Authorization to Withhold Directory Information form and return it to the Registrar.

A student may not use the withholding of directory information to prevent the College from disclosing or requiring the student to disclose his or her name, identifier, or institutional e-mail address in a class in which the student is enrolled.

Students should consider very carefully the effect of a decision to withhold directory information. If that decision is made, any requests during that academic year for such information from non-College persons or organizations will be refused (subject to the exceptions stated in Section III(a) above or unless the student has subsequently removed the hold by notifying the Registrar in writing). If a student does not specifically request the withholding of directory information by filing the Authorization to Withhold Directory Information form, as indicated above, the College assumes that he or she approves of the disclosure of such information.

#### **(f) Review by Government Agencies**

Authorized representatives of government agencies may occasionally ask to see a student’s education records. Such requests are usually made when a student or former student has applied for a government job. The government agent will be referred to the appropriate record review officer, as indicated in Section II(a) above. Generally, the College will handle such requests in the same manner as other requests for access to student records by third parties, provided that the government agent shows official identification and provides a signed release from the student, a copy of which will be retained by the College.

If a government agent has a subpoena, he or she should be referred to the General Counsel. Under the FERPA regulations, the College is required to make a reasonable attempt to notify the student prior to complying with the subpoena unless, in the case of a subpoena issued for law enforcement purposes,

the subpoena orders that such notification not be made.

#### **IV. Maintenance of College Records**

FERPA does not impose an obligation on College officials to create or maintain particular education records, except that the College cannot discard an education record as to which a request for inspection is pending. However, the College is required to maintain a record, kept with the education records of each student, indicating all individuals, agencies or organizations that have requested or obtained access to a student's education records and indicating specifically the legitimate interest that each has in obtaining the information. This requirement does not extend to requests made by College officials with legitimate educational interests and to certain requests made in the context of ongoing terrorist investigations and prosecutions.

#### **V. General**

**(a)** Copies of the preceding Policy are available on the College's intranet. The Federal Family Educational Rights and Privacy Act is available on the U.S. Department of Education Web site at [www.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html).

The College will inform students of the guidelines in this Policy and of their rights under FERPA and the Department of Education's FERPA regulations by placing a notice about them in the Mercy College Student Handbook each year and on the College's Intranet.

**(b)** Each office of the College that maintains educational records should keep with each student's file a permanent record of all parties who have requested access to the student's records, other than custodians of such files, College officials normally dealing with such files in performance of their duties, College officials who have been determined to have a legitimate educational interest in obtaining access to the records, parents of a dependent student, parties who have received directory information, parties who have received records or information pursuant to the student's written consent, and the recipient of records or information pursuant to certain subpoenas and court orders. Such records of access should indicate specifically the legitimate interest that each such party had in obtaining access to the student's records and whether or not the request was granted. A student may inspect such records relating to his education records.

**(c)** Questions about the interpretation of this policy should be referred to the College's General Counsel.

**(d)** Complaints regarding the Act may be filed with:

##### **Family Policy Compliance Office**

U.S. Department of Education  
400 Maryland Avenue, S.W. Washington, DC 20202-5920  
Telephone: 202-260-3887  
Fax: 202-260-9001

#### **NAME CHANGE POLICY**

##### **I. Policy Statement**

Mercy College recognizes that certain circumstances may make it necessary for Mercy students and

alumni to request a name change for diplomas, transcripts, and other student records. Official College documents (transcripts and diplomas) may be changed following a court-ordered name change or due to typographical errors made by the College.

## **II. Name Changes to Official College Documents**

### **A. Court Ordered and other Legal Name Changes.**

Where names have been changed by court order, all transcripts of records and official statements by the College with respect to students or graduates shall incorporate only the official name as changed by said court order, unless otherwise specifically requested in writing.

Such a court order or legal name change may arise in a number of different contexts, including a legal marriage, official divorce decree, a name change proceeding, an adoption proceeding, becoming a U.S. citizen, a witness protection program, or gender reassignment. (Students should be free to change their gender on all prior, present, and future College records at their discretion.) In all such cases, a student is entitled to change their records to reflect the new or resumed name in accordance with the court order. Students attending Mercy College on a student visa requesting a legal name change must provide a current passport bearing the exact same legal name as the new legal name in order for the College to change their student record.

### **B. Name Changes Due to Typographical Errors**

When a student requests a name change due to a typographical or other error in College records, the student's request should be granted after verification that the name change is due to such error. Documents that can assist the College in making this determination must be issued by at least one of the following entities: federal, state or tribal government; insurance company; bank; credit card company; union; employer; landlord; education institution; or utility company. Examples of acceptable documents for rectifying typographical errors include, among other things, a voter registration card, professional or driver's license, state issued identification card or school identification card, employer identification card, paycheck, tax form, insurance card or policy, credit card, utility bill, or bank statement or check.

### **C. Process for Seeking Name Changes**

To obtain the change, a student must complete the Legal Name Change Request Form and, if relevant, show an original or certified copy of the court order and submit them to the Office of the Registrar. Note that all legal name changes must be made by the student or alumni requesting the change. No second-party notification of a legal name change will be accepted. Thereafter, only their new name should be reflected on all transcripts, diplomas, and other records issued by the College unless the student requests in writing that their transcript and/or diploma include a 3 reference to their former name (e.g., John Doe, formerly known as John Roe).

For recordkeeping purposes, the student's Legal Name Change Request Form and court order (where relevant) should be kept in the student's file, along with the date of the name change and the student's

former name. For court-ordered changes, the College must strictly comply with the terms of the court order. For example, a court-ordered name change made as a result of an adoption proceeding, gender reassignment, or as part of a witness protection program may require that the previous name be sealed from the public. If there is any question about the validity or scope of a court order, please contact The Office of the General Counsel.

When a student has changed their name and requests a new diploma reflecting the new name, the College will issue a new diploma upon surrendering of the old diploma. In the event that the old diploma has been lost or destroyed, a new diploma identified as a “duplicate diploma” may be issued to the student without evidence of such loss or destruction.

### **III. Name Changes to Unofficial College Documents: Preferred Name**

Mercy College recognizes the importance that a change of first and/or middle name might have to students during their time with the College. A **Preferred Name** is not a legal name but is generally used to change how others refer to the student. For example, student Jonathan Doe may prefer the name John Doe or student Mary Jane Doe may want to be referred to as Jane Doe. Note that preferred names are not limited to variations of a student’s legal name; for example, student Jennifer may request the preferred name David due to a change in gender identity and be unable to present the documents necessary to secure a court-ordered or common-law name change. Students may use a Preferred Name on all documents and records other than official documents. Documents and records that may display a preferred name may include, among other things, course rosters, student identification cards, student e-mail addresses, and honors, awards, and prizes issued by the college, and other forms/platforms as is can practicably be done by the College. A Preferred Name cannot be reflected on a student’s diploma or transcript. A Preferred Name may not be used when applying for and receiving federal student aid (including, but not limited to federal grants and loans).

Students may complete the Preferred Name Request Form and return to the Office of the Registrar to effect this change.

### **POLICY ON HAZING AND RECKLESS ENDANGERMENT**

Mercy College, in accordance with New York State law, is committed to eliminating and preventing hazing behavior and/or inappropriate team, group, club or student organization bonding or initiation activities which humiliate, demean or devalue the worth of another individual. The College supports only those activities which are constructive, educational, and inspirational and that contribute to the intellectual and personal development and well-being of students. Therefore, any hazing, initiation or team, group, club or organization bonding activities that subject student- athletes or others to mental or physical discomfort, embarrassment, harassment or ridicule or other conduct which recklessly endangers or threatens the health, safety, or welfare of any person on College-owned or operated property or at College-sponsored activities. The College defines hazing and inappropriate team, group, club or organization initiation or bonding activities as any action, whether physical, mental, emotional or psychological, which subjects another person, voluntarily or involuntarily, to anything that has the intended or unintended effect of abusing, mistreating, degrading, humiliating, harassing or intimidating the person, or which may in any fashion compromise the inherent dignity of the person, for the purpose of association with or induction to a particular team, group, club or organization. In addition, any requirements by any member of a team, group, club or organization which compels another member or prospective member to participate in any

activity which is against college policy or state/federal law will be defined as hazing. All campus clubs and organizations shall incorporate this policy into their club constitutions or bylaws.

***Specific actions and activities which are prohibited, include, but are not limited to, the following:***

- Any type of initiation or other activity where there is an expectation of individuals joining a particular team, group, club or organization to participate in behavior designed to humiliate, degrade or abuse them regardless of the person's willingness to participate.
- Forcing, requiring or pressuring an individual to consume alcohol or any other substance.
- Forcing, requiring or pressuring an individual to shave any part of the body, including hair on the head.
- Any requirement or pressure put on an individual to participate in any activity which is illegal, perverse, publicly indecent, contrary to genuine morals and/or beliefs, e.g., public profanity, indecent or lewd conduct or sexual gestures in public.
- Forcing, requiring or pressuring an individual to perform tasks of servitude including errands and cleaning.
- Forcing, requiring or pressuring an individual to be exposed to the elements.
- Required eating of anything an individual would refuse to eat otherwise.
- Any activity or action that creates a risk to the health, safety or property of the College or any member of its community.
- Forcing or requiring calisthenics, such as push-ups, sit-ups and running, when these activities are not part of the normal and standard conditioning requirements for a particular athletic or physical training activity, taking place within the appropriate practice, training or competition venues and supervised by qualified professionals.
- Assigning or endorsing pranks such as stealing or harassment of another group or individual.
- Awakening or disturbing individuals during normal sleeping hours.
- Expecting or pressuring individuals to participate in an activity in which the full membership is not willing to participate.
- Physical abuse of any kind.
- Forcing, encouraging or pressuring someone to wear in public apparel which is conspicuous and not within the norm of what is considered to be in good taste.
- Engaging in public stunts and buffoonery.
- Forcing, requiring or pressuring an individual to be excluded from social contact.
- Nudity at any time or forced reading or viewing of pornographic material.
- Paddling, beating or otherwise permitting a member to hit other members.
- Having substances, including but not limited to, oil, eggs, mud, paint, cream and honey thrown at, poured on or otherwise applied to the body of a member of the team.
- Harassment or morally degrading/humiliating games or other activity that makes a member the object of amusement, ridicule or intimidation.
- Subjecting a member to cruel and unusual psychological conditions.

This College policy is applicable to and governs the conduct of students, faculty, staff, visitors and other licensees on Mercy College campuses and property. Administrators, coaches, team captains, student-athletes, student leaders, club/organization officers and all students shall be expected to accept responsibility and act with integrity and civility regarding this issue. This includes not only refraining from engaging in activities such as those described above, but also reporting any questionable activities to advisors, coaches or administrators.

Failure to comply with both the letter and the spirit of this policy may result in disciplinary action in accordance with the procedures set forth below and may subject students to sanctions up to and including expulsion from the College, as well as criminal or civil prosecution.

### **POLICY PROHIBITING THE MARKETING OF CREDIT CARDS TO STUDENTS**

Mercy College prohibits the advertising, marketing, or merchandising of credit cards on Mercy College campuses to students except in strict compliance with this Policy.

- I. Except as otherwise permitted in this policy, credit card advertising or solicitation to students is not permitted on any Mercy College campus. This includes advertising or solicitation at campus vendor tables, as well as posting or distribution of applications, fliers, posters, handbills and signage (electronic and otherwise) in College facilities. The College's e-mail system or web pages may not be used for advertising or solicitation of credit cards to students.
- II. Banks, credit unions and other businesses approved to be present at student orientations/opening of school weeks or other campus activities may not provide credit card applications to students during those events.
- III. No campus employee, student group, or campus department may accept financial support or other goods and services from credit card issuers or vendors in exchange for allowing them to market credit cards to students.

### **POLICY ON STUDENT DEMONSTRATIONS**

1. The College believes that students or members of groups within the Mercy College community should have the right to engage in individual or organized activity to express their views on a particular issue or cause, whether against the College or society. Demonstration and rallies, however, should not interfere with the operation of the institution. The College has an obligation to protect the safety and welfare of its students, faculty, and staff, and to ensure that its academic mission is not compromised. Therefore, demonstrations and rallies must be nonviolent, considerate of the rights of all members of the College community and may not involve disruptive conduct. It will be considered disruptive conduct under this policy for participants to: Gather in such a fashion as to physically hinder entrances to, exits from, or passageways within any College building or other structure, or hinder the normal flow of pedestrian or vehicular traffic on or to any campus.
2. Create a volume of noise that prevents members of the College from carrying on their normal activities.
3. Employ force or violence, or constitute an immediate threat of force or violence, against persons or property.
4. Congregate, or assemble within any College building or on College property in such a fashion as to disrupt the College's normal functions or violate the following rules:
  - a. No group may be admitted into a private office unless invited, and then not in excess of the number designated or invited by the occupant. Passage through reception areas leading to a private office must not be obstructed.
  - b. Corridors, stairways, doorways, and building entrances may not be blocked or obstructed in violation of the regulations of the New York City Fire Department or of the College. Clear and unimpeded passageways must be maintained at all times.

- c. Space may be occupied only when assigned through established College procedures.
- d. Any noise which interferes with the work or study of persons in a building will not be permitted.
- e. Buildings must be cleared at normal closing time for each building unless other arrangements are approved in advance.

Permission for organized demonstrations on College property or in College facilities must be obtained in advance and in writing from the Dean of Student Affairs or designee. In the event that a request is not approved, the organizer of the group may appeal the decision in writing to the Chief Operating Officer.

Once approval is granted for a demonstration or rally, individuals organizing the event are responsible for insuring that it is conducted in a responsible manner. The College reserves the right to take steps to address inappropriate conduct. The location of a demonstration or rally will be clearly defined by the Assistant Dean of Student Affairs. The College also reserves the right to notify the local police in advance of a demonstration or rally to be on call to prevent any infraction of local laws.

## **SOCIAL MEDIA POLICY**

### **I. Purpose**

Mercy College recognizes that the internet provides unique opportunities to participate in interactive discussions and share information on particular topics using a wide variety of social media, such as Facebook, LinkedIn, Twitter, Instagram, Pinterest, TikTok, blogs, and wikis. However, use of social media by employees and official College student clubs, organizations and athletic teams can pose risks to Mercy's confidential and proprietary information, reputation, and brands, can expose the College to discrimination and harassment claims, and can jeopardize the College's compliance with business rules and laws.

To minimize these business and legal risks, to avoid loss of productivity and distraction from employees' job performance, and to ensure that the College's Information Technology (IT) resources and communications systems are used appropriately as explained below, Mercy College expects its employees and official student clubs, organizations and athletic teams to adhere to the following guidelines and rules regarding social media use.

Apart from personal use of social media in accordance with this Policy, the College encourages its employees and students to participate responsibly in these media as a means of generating interest in Mercy's academic programs and promoting the College, so long as all of Mercy's rules and guidelines regarding social media usage are adhered to. If you are required to use social media as part of your job duties, please refer to the section entitled "Business Use of Social Media" below.

### **II. Compliance with Related Policies and Agreements**

All of Mercy's other policies that might apply to social media use remain in full force and effect. Employees and students should always adhere to them when using social media. In particular, the following policies should be kept in mind:

- Mercy's Acceptable Use of Computer and Network Resources; and

- Confidential Information Policy

Social media should never be used in a way that violates any other College policies or employee obligations. If your social media activity would violate any of Mercy's policies in another forum, it will also violate them in an online forum. For example, employees and students are prohibited from using social media to:

- Violate IT, Network and Communications policies
- Violate Mercy's confidentiality and proprietary rights policies
- Circumvent Mercy's code of conduct policies
- Engage in unlawful harassment
- Circumvent policies prohibiting unlawful discrimination against current employees or applicants for employment
- Violate Mercy's privacy policies (for example, never access private password-protected sites of coworkers or other College community member without permission)
- Violate any other laws or ethical standards (for example, never use social media in a false or misleading way, such as by claiming to be someone other than yourself)

Employees should also never provide references or recommendations on social or professional networking sites, as such references or recommendations can be attributed to Mercy College and create legal liability for employees and Mercy College (such as interference with prospective business contracts and allegations of wrongful termination).

Employees should always disclose that they are employees of Mercy College when promoting the College on social media platforms.

Employees and students who violate College policies may be subject to discipline, up to and including suspension or termination of employment for employees, suspension or expulsion for students. Those who post on official Mercy College social media web pages in violation of this Policy may lose access to those media, and/or those media pages/sites may be closed or shut down by the College.

### **III. No Expectation of Privacy**

All contents of College's IT resources and communications systems are the property of Mercy College. Therefore, employees and students should have no expectation of privacy whatsoever in any message, files, data, document, facsimile, telephone conversation, social media post, conversation or message, or any other kind of information or communications transmitted to, received or printed from, or stored or recorded on Mercy's electronic information and communications systems. See the College's Acceptable Use of Computer Network and Resources Policy, Section 3 relating to Privacy and Electronic Monitoring.

### **IV. Business Use of Social Media by Employees, and Student Clubs, Organizations and Athletic Teams**

If you are required to use social media as part of your job duties for Mercy's admissions, marketing, public relations, recruitment, or other business purposes, or you utilize social media of the College as part of being an officially sanctioned Mercy College student club, organization or athletic team, you should carefully review the College's Social Media Guidelines, set forth in the section below. Note that Mercy



College owns all social media accounts used on behalf of the College or otherwise for business purposes, including any and all log-in information, passwords, and content associated with each account, such as followers and contacts. Mercy College owns all such information and content regardless of the employee or student that opens the account or uses it and will retain all such information and content regardless of separation of any employee from employment with the College, or student's enrollment status with the College. If your job duties require you to speak on behalf of Mercy College in a social media environment, or it is part of your role with the student club, organization, or athletic team, you must still seek approval for such communication from your manager or Student Life leader, who may require you to receive training before you do so and impose certain requirements and restrictions regarding your activities. Likewise, if you are contacted for comment about Mercy College for publication, including in any social media outlet, direct the inquiry to Mercy's Director of Public Relations and do not respond without written approval.

## **V. Guidelines for the Responsible Use of Social Media**

The above material covers specific rules, policies, and contractual obligations that employees must follow in using social media, whether for personal or business purposes, in consideration of their employment. Employees may be subject to discipline for violations. This also applies to students that are associated with officially sanctioned College groups. The following sections of the Policy provide employees with common sense guidelines and recommendations for using social media responsibly and safely, in the best interests of Mercy College. These guidelines reflect the "duty of loyalty" all employees and students who have access to the College's official social media, owe, and are intended to add to, not contradict, limit, or replace, applicable mandatory rules, policies, legal requirements, legal prohibitions, and contractual obligations.

### **A. Protect the College's Goodwill, Brands, and Business Reputation.**

You are personally responsible for what you communicate in social media. Remember that what you publish might be available to be read by the masses (including the College itself, future employers, and social acquaintances) for a long time. Keep this in mind before you post content.

- Make it clear in your social media activity that you are speaking on your own behalf. Write in the first person and use your personal email address when communicating via social media. Never post anonymously to social media sites when your post could be attributed to the College.
- When you disclose your affiliation as an employee or student of Mercy College, it is recommended that you also include a disclaimer that your views do not represent those of the College. For example, consider such language as "the views in this posting reflect my personal views and do not represent the views of Mercy College."
- Use good judgment about what you post and remember that anything you say can reflect on Mercy College, even if you do include a disclaimer. Always strive to be accurate in your communications about Mercy College and remember that your statements have the potential to result in liability for you or the College. Mercy College encourages professionalism and honesty in social media and other communications.

B. Respect Intellectual Property and Confidential Information.

Mercy's Confidential Information Policy and Agreement restricts employees' use and disclosure of the College's trade secrets, confidential information, and intellectual property. Beyond these mandatory restrictions, you should treat the College's trade secrets, intellectual property, and other proprietary information about the College, as well as student, alumni and employee records as confidential and not do anything to jeopardize or unwittingly disclose them through your use of social media. In addition, you should avoid misappropriating or infringing on the intellectual property of other colleges/universities and individuals, which can create liability for yourself and for Mercy.

Respect laws regarding copyrights, trademarks, and other third-party rights. To protect yourself and the College against liability for copyright or trademark infringement, where appropriate, reference sources of particular information you post or upload and cite them accurately. If you have any questions about whether a particular post or upload might violate the copyright or trademark of any person or college, ask Mercy's legal department before making the communication.

C. Respect and Comply with Terms of Use of All Sites You Visit.

Do not expose yourself or Mercy College to legal risk by using a social media site in violation of its terms of use. Review the terms of use of all social media sites you visit and ensure your use complies with them. If you are using social media as part of your job duties, pay particular attention to terms relating to:

- Prohibitions or restrictions on the use of the social media site, including prohibitions or restrictions on use for advertising, marketing and promotions, or other commercial purposes (for example, Facebook's Statement of Rights and Responsibilities (its terms of use) and its Promotional Guidelines specify the terms for businesses administering promotions through Facebook).
- Ownership of intellectual property used on, or information collected or generated through use of, the site (for example, any of the college's copyrighted material and trademarks that might be posted on the site, or user information the college collects through the site).
- Requirements for licenses or other permissions allowing use by the site owner and other third parties of the college's trademarks or other intellectual property.
- Privacy rights and responsibilities of the site owner and users.

D. Respect Others.

In addition to complying with the College's mandatory Sexual Misconduct Policy and NonDiscrimination and Equal Opportunity Policy, do not post, or express a viewpoint on another's post, such as by "liking" a Facebook post, anything that any Mercy College community members, including students, would find offensive, including ethnic slurs, sexist comments, discriminatory comments, profanity, abusive language, or obscenity, or that is maliciously false.

Supervisors should refrain from trying to connect with their direct reports on social media sites (for example, making friend requests on Facebook). However, direct reports may request connections with supervisors. Neither supervisors nor direct reports should feel pressured to accept any social media requests from anyone at the College.

## **VI. Employees Covered Under a Collective Bargaining Agreement and Protected Activity**

The employment terms set out in this Policy work in conjunction with, and do not replace, amend, or supplement any terms or conditions of employment stated in any collective bargaining agreement the UAW and SEIU unions have with the College. Employees should consult the terms of their collective bargaining agreement. Wherever employment terms in this Policy differ from the terms expressed in the applicable collective bargaining agreement with Mercy College, employees should refer to the specific terms of the collective bargaining agreement, which controls.

This Policy is not intended to restrict communications or actions protected or required by state or federal law. Further, this Policy is not intended to preclude or dissuade employees from engaging in legally protected activities/activities protected by state or federal law, including the National Labor Relations Act, such as discussing wages, benefits, or other terms and conditions of employment, forming, joining or supporting labor unions, bargaining collectively through representatives of their choosing, raising complaints about working conditions for their own and their fellow employees' mutual aid or protection, or legally required activities.

Click [here](#) to view the full Social Media Policy.

### **POLICY ON PEER-TO-PEER FILE SHARING**

In addition to potentially violating College policy, the unauthorized distribution of copyrighted material, including through peer-to-peer file sharing, may subject a student to criminal and civil penalties. The laws that govern copyright are not specific to any one technology. Students can violate the rights of a copyright holder using many different types of technology. Both uploading and downloading of files can pose a violation of the copyright law. Students should be cautious when obtaining any copyrighted material. As a rule of thumb, before a student receives anything for free, they should research whether that source provides material licensed by the copyright owner. A list of licensed sources can be found at [www.educause.edu/legalcontent](http://www.educause.edu/legalcontent).

Under the Digital Millennium Copyright Act (DMCA), the Recording Industry Association of America (RIAA) has begun issuing subpoenas to Internet Service Providers (ISPs) to obtain the identity of individual users who are committing such acts and has begun suing those individuals under the DMCA. Acting as an ISP, the College can be subpoenaed under the DMCA for the identity of users in the College community who are illegally distributing copyrighted material. Although the College will act in accordance with the Family Education Rights Privacy Act, it might be forced to comply with such subpoenas.

Individuals who violate copyright law by illegally uploading and downloading copyrighted files may be subject to civil penalties of between \$750.00 and \$150,000.00 per song. These penalties are established by federal law. In the past, pre-litigation settlements offered by copyright owners have ranged from \$3,000 to \$4,000 and up while juries have issued verdicts of hundreds of thousands and even millions of dollars. In addition, a court may, in its discretion, grant the copyright owner reasonable attorney fees. Although criminal prosecution of students for file sharing is extremely rare, federal law lays out criminal penalties for intentional copyright infringement which can include fines and jail time.

## **POLICY ON EMOTIONAL SUPPORT ANIMALS**

### **I. Policy Statement**

Mercy College is committed to complying with federal laws. Each request is evaluated on a case by case basis, subject to full review by Mercy College. While legal rights are afforded to individuals with Emotional Support Animal accommodations, the individual has the responsibility to ensure the animal behaves appropriately, and adheres to community standards. This Policy addresses the standards expected of both the individual and the animal.

### **II. Definitions**

***Emotional Support Animal.*** Emotional Support Animals (ESAs) are animals that provide emotional support to alleviate one or more identified effects of an individual's existing disability. To be considered an accommodation, an ESA must be required by an individual with a disability, in their residence, in order for the individual to have an equal opportunity to use and enjoy their residence.

Dangerous, poisonous, illegal, or any other animals that pose a direct threat to the health and/or safety of the campus community will not be permitted as ESAs. Size restrictions may also apply. Animals whose sole function is to provide comfort or emotional support are Emotional Support Animals, not Service Animals.

***Owner.*** The student responsible for all aspects of the ESA's stay at the College.

***Current.*** Not older than 12 months.

### **III. Guidelines**

#### **A. Registration Required**

All ESAs must be registered with the Office of ACCESSibility. Registration should be completed at least **two months prior to the start of the semester** in order to allow adequate time to evaluate the accommodation. The student will be required to complete an Application for Accommodations and submit documentation supporting the need for the accommodation. Upon receipt of these documents, the Office of ACCESSibility will contact the student within one week of receipt of the documentation to discuss the request.

#### ***Roommate Approval.***

If a roommate is assigned to reside with an Owner of an ESA and the roommate agrees to have the ESA live in the same dorm room, the roommate must provide written consent which must be submitted to the Office of ACCESSibility prior to the ESA being brought into the room. In the event that the College is unable to find a roommate willing to live with an Owner with an ESA, the College may place the Owner in a single occupancy room and charge the Owner the appropriate fee for the room.

#### **B. Responsibilities of Owner**

##### ***Changes in Animal or Need for Animal.***

The owner must notify the Office of ACCESSibility in writing if there are any changes to the approved ESA animal, or if the ESA is no longer needed.

##### ***Care of ESA***

Owner must feed his/her ESA, provide water and provide exercise as appropriate for the type of animal.

##### ***Cleanup and Grooming***

Owner must keep his/her ESA clean and well-groomed at all times. Owner must take measures to mitigate odor and to ensure flea control. Owner must not use public residential hall bathrooms for bathing or grooming of ESA. Private sinks may be utilized for cleaning of ESA in limited instances with prior approval from the Office of ACCESSibility.

The owner is responsible for removing ESA's waste from designated relief area. Owner must always carry

bags and necessary cleaning equipment to clean waste, and dispose in prearranged container. If animal is litter trained, waste must be disposed regularly in designated container.

### ***Financial***

The owner is financially liable for any actions of the ESA including bodily injury and/or property damage. This includes, but is not limited to, replacement of wall coverings, windows, furniture, and carpet. If the room needs to be treated for fleas, ticks, or other pests, the owner will be billed for inspection and pest treatment. These costs must be settled at the time of repair and/or move-out.

### ***Leash and Identification***

If appropriate, as determined by the Office of ACCESSibility, the ESA must be kept on a leash and wear a tag indicating ownership information.

### ***Physical Control***

The owner must be in full control of the ESA at all times. Care and supervision is the sole responsibility of the owner. ESA's left unattended in dorm room must be kenneled or restrained with a tie down. It is the owner's responsibility to ensure the ESA does not disrupt others (i.e. vocalizing, barking, excessive noise).

### ***Vaccinations & Health Records***

The ESA must be in good health and have immunizations for diseases common to that type of animal. All vaccinations must be current and applicable animals must wear a current rabies tag.

The Owner is required to submit to the Office of ACCESSibility, on an annual basis, the ESA's current immunization records, as well as a written certification from a licensed veterinarian that the ESA is in good health.

### ***Washer/Dryer Use***

A washer and dryer will be designated for use by the owners of ESAs. Owner must use the designated washer and dryer for cleaning owner's and/or ESA's clothing, bed sheets, etc.

### ***Other Guidelines***

- The ESA is not permitted in **common areas**. Owner must keep ESA in owner's assigned room and Owner must ensure that the ESA does not leave the owner's room except for when owner takes ESA outside to visit relief area or to take the ESA for a walk. Owner may not use ESAs to entice visitors to the owner's room. For example – an invitation to visit a student's room solely to interact with an ESA is not appropriate.
- Owner may not leave ESA **overnight** in student housing without the owner being present. The owner must make proper arrangements for the care of an ESA while the residence halls are closed for breaks. The owner will not be allowed to stay on campus over a break when college housing is closed for the purpose of taking care of an ESA.

### **C. Removal of ESA**

Failure to maintain an ESA as set forth in this Policy and Agreement may subject the owner to fines, or result in removal of animal from campus. The College reserves the right to take appropriate measures, up to and including removal of ESA, for reasons which include but are not limited to the following

- The owner violates any term of this policy, after notice and reasonable opportunity to resolve when possible;
- The approved ESA is no longer needed to assist with a disability;
- The College determines that the approved ESA is a direct threat to the health, safety, or property of anyone in the College community, or that the approved ESA is adversely affecting College's programs or activities.

Owner may appeal the decision in writing to the College's Equity Compliance Specialist.

To request this accommodation or to learn more information, contact the Office of ACCESSibility. At 914-

## **POLICY REGARDING SERVICE ANIMALS FOR PEOPLE WITH DISABILITIES**

### **I. Policy Statement**

Mercy College is committed to making reasonable modifications in policies, practices, and procedures to permit the use of service animals by persons with disabilities. Service animals play an important role in ensuring the independence of people with disabilities, and it is therefore our policy to welcome to the College any animal that is individually trained to assist a person with a disability.

### **II. What is a Service Animal?**

Service animals include any dog or miniature horse that is individually trained to do work or perform tasks for individuals with disabilities, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service animals do not always have a harness, a sign, or a symbol indicating that they are service animals. A service animal is not a pet. Service animals assist people with disabilities in many different ways, such as:

- Guiding people who are blind or have low vision and retrieving dropped objects for them;
- Alerting people who are deaf or hard of hearing to sounds and the presence of others;
- Carrying and picking up items, opening doors, or flipping switches for people with disabilities who have limited use of hands or arms, limited use of their legs, or limited ability to bend or stoop;
- Pulling wheelchairs;
- Alerting people with disabilities to the onset of medical conditions such as seizures, protecting them and cushioning them if they fall, reviving them, and performing other tasks that reduce the risk of liability related injury;
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication or waking him/her up, alerting a person with anxiety to the onset of panic attacks, orienting people with schizophrenia to reality, and helping people with intellectual or cognitive disabilities to locate misplaced items, find places, or follow daily routines; and
- Providing physical support and assisting people with physical disabilities with stability and balance.

### **III. Requirements with Regard to Service Animals**

Most of the time, people with disabilities who use service animals may be easily identified without any need for questioning. If we can tell by looking, it is our policy not to make an individual feel unwelcome by asking questions. If we are unsure whether an animal meets the definition of a service animal, it is our policy to ask the individual only two questions at the point that the individual seeks entry to the College or any of its buildings:

- 1) Is the service animal required because of a disability?
- 2) What work or task has the service animal been trained to perform?

If the individual says yes to the first question and explains the work or tasks that the animal is trained to perform, we will welcome the person and service animal to the College without asking any additional questions about his or her service animal. We will not ask an individual questions about his or her disability. We will not ask an individual to show a license, certification, or special ID card as

proof of their animal's training. We must permit service animals to accompany individuals with disabilities to all areas of the College normally used by students or other members of the public and will treat individuals with service animals with the same courtesy and respect that we afford to all of our students.

If the answer is “no” to the first question, the College may inform the individual that the service animal is not permitted and he/she will be referred to the Student Handbook.

#### **IV. Mercy College Responsibilities**

Mercy College has the right to exclude a service animal from the College if the service animal is out of control and the handler does not take effective action to control it, or the service animal is not housebroken. We will not exclude a particular service animal based on past experience with other animals or based on fear unrelated to an individual service animal's actual behavior. Each situation will be considered individually.

### **POLICY AND PROCEDURES FOR IMPLEMENTING REASONABLE ACCOMMODATIONS FOR STUDENTS**

#### **I. Policy Statement**

Mercy College is committed to providing reasonable accommodations and academic adjustments to allow qualified students the opportunity to participate in programs and activities at the College. Mercy recognizes that there may be times when students and their instructors can resolve accommodation requests informally. In many cases, however, such requests require a more formal process with the request being made to and considered by a designated decision-maker, with the opportunity for an appeal, as provided for in these procedures.

The following procedures apply to reasonable accommodations and academic adjustments in connection with:

- a disability,
- pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, including breastfeeding, and
- religious practices
- temporary disability (i.e.; injury/concussion)
- accommodations related to COVID-19

Mercy will thoroughly review all requests on a case-by-case basis in accordance with applicable federal, state and local laws.

Mercy prohibits retaliation against individuals for requesting reasonable accommodations or academic adjustments, appealing decisions concerning such requests, or for making or participating in claims of discrimination.

All requests for accommodations and academic adjustments, and all supporting documentation, including but not limited to medical information, are considered confidential and will be shared with College officials only on a need-to-know basis. Such documentation will only be used to evaluate the requested accommodation. Student accommodation documentation will be kept in the Office for ACCESSibility, the Office of Student Affairs, or the Office of the Equity Compliance Specialist, depending on which office is evaluating the accommodation request.

While the College will not share any request for an accommodation or academic adjustment under

this Policy except as on a need-to-know basis, the Director of ACCESS may suggest that the student inform his/her PACT mentor, COP or other counselor about the student's need for an accommodation or academic adjustment provided pursuant to this Policy so as to more fully assist the student in all of her or his needs.

## II. Definitions

- A. Academic Adjustments: Section 504 of the Rehabilitation Act of 1973 ("Section 504"), which prohibits discrimination against qualified individuals with disabilities in federally-funded programs and activities, requires Mercy to provide academic adjustments to qualified students with disabilities by:
- (a) modifying academic requirements unless such requirements are essential to the instruction being pursued or to any directly related licensing requirement;
  - (b) ensuring that course examinations for students with disabilities reflect their achievement in the course and not their disabilities;
  - (c) taking steps to ensure that a qualified student is not excluded from participation or discriminated against because of the absence of educational auxiliary aids; and
  - (d) ensuring that no rules have the effect of limiting the participation of students with disabilities in any educational program or activity.
- B. Director of ACCESSibility: The Mercy employee who is responsible for ensuring that accommodation requests from students are processed in accordance with all Mercy policy and procedures.
- C. Equity Compliance Specialist: The Mercy employee who is responsible for overseeing compliance with all laws and regulations related to non-discrimination and Mercy's Policy on Equal Opportunity and Nondiscrimination, providing guidance and information, and investigating complaints of unlawful discrimination. The Equity Compliance Specialist also is responsible for addressing appeals of accommodations and academic adjustments based on disability, pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, and religious practices.
- D. Disability: Mercy recognizes as a disability any physical, medical, mental or psychological impairment, or a history or record of such impairment that constitutes a disability under applicable federal, state, Westchester County and New York City law.
- E. Interactive Process/Cooperative Dialogue: When a decision-maker at the campus works with the student to identify existing barriers to the student's access to academic and non-academic programs and activities at the College with the intention of finding an academic adjustment or reasonable accommodation to address those barriers.
- F. Pregnancy, Childbirth or a Related Medical Condition: The condition of being pregnant, having a child, or a medical condition related to pregnancy or childbirth. For the



purposes of this Policy, this shall include breastfeeding.

- G. Qualified Individual with a Disability: An employee or applicant for employment with a disability who satisfies the skill, experience, education, and other job-related requirements for the position and who can perform the essential functions of the job with or without a reasonable accommodation. Similarly, for students, a qualified individual with a disability is a student who meets the academic and technical standards required for admission or participation in the chosen program with or without a reasonable accommodation or academic adjustment.
- H. Reasonable Accommodation: Although each student accommodation request will be assessed individually, reasonable accommodations, in a general sense, are adjustments to policy, practice, and programs that "level the playing field" and provide equal access to Mercy's academic and non-academic programs and activities. Reasonable accommodations are addressed on a case-by-case basis.
- I. Religion: An individual's sincerely held religious belief or practice of a creed or religion, including all aspects of religious observance, practice and belief, and moral or ethical beliefs as to what is right or wrong, which are sincerely held with the strength of traditional religious views. Religion is defined broadly and includes religious beliefs and practices that may be unfamiliar. "Religion" may consist of a belief system that does not include a traditional concept of God.
- J. Title IX Coordinator: The College employee who is responsible for compliance with Title IX of the Educational Amendments of 1972, which prohibits sex discrimination in educational programs. The Title IX Coordinator has overall responsibility for implementing Mercy's Policy and Procedures on Sexual Misconduct, including overseeing the investigation of complaints related to sexual misconduct.
- K. Undue Hardship: An action that would require significant difficulty or expense when considered in light of a number of factors, including the nature and cost of the accommodation in relation to the size, resources, nature and structure of the employer's operation, or an action that would fundamentally alter policy and procedures, and/or the fundamental nature of the academic program. An accommodation need not be granted where it would impose an undue hardship on the College. If a particular accommodation imposes an undue hardship, Mercy will consider whether an alternative accommodation is available that would not impose an undue hardship.

### **III. Requesting a Disability Accommodation or Academic Adjustment**

#### **A. Student Registration**

In order for a Mercy College student to receive an accommodation or academic adjustment, based on a disability under this Policy, the student must register with the Office of ACCESSibility. To register with ACCESS, the student must submit an Application for Accommodations and appropriate supporting documentation. Students may visit the webpage,

<https://www.mercy.edu/student-affairs/access>, contact ACCESS staff at (914) 674- 7764 or by email at [accessibility@mercy.edu](mailto:accessibility@mercy.edu) for further information, including what documentation is required and the process for submission. Students can also visit the office which is located in Main Hall, Room 121 on the Dobbs Ferry campus or set-up an appointment at another campus with an ACCESS staff member.

After a request is submitted, the Director of ACCESSibility, or a designee, and the student will engage in an interactive process, which may include a consideration of a number of factors, such as the student's limitations and the academic or other program requirements, with the goal of finding an acceptable accommodation or academic adjustment. Reasonable accommodations and academic adjustments may include, but are not limited to, providing the student with assistive technology or other auxiliary aides, extra time for tests or papers, access to an elevator where available, a note taker during lectures, or permission to bring a personal aide to assist the student during class. The Director of ACCESSibility, or a designee, may, when necessary and in a confidential manner, consult with appropriate college officials, such as the instructor, Program Director, Dean, Provost and/or PACT mentor, COP or other counselor to determine program requirements and appropriate accommodations. A grant or denial of the student's request must be made as soon as practicable, taking into account the urgency of the request, and sent to the student in writing, either stating the accommodation or adjustment to be provided, or for denials, the reason(s) the request was denied.

#### B. Accommodation Memo

If an accommodation or academic adjustment is granted, ACCESS will provide the student with an "Accommodation Memo." The purpose of the Memo is to inform a faculty member that the student in his/her course is registered with ACCESS and lists the student's accommodations. The Memo does NOT cite the specific disability. If the initial Accommodation Meeting is taking place before the student has enrolled at Mercy, the memo will be provided to the student before the start of the term.

#### C. Timing of Requests

Students may request accommodations and academic adjustments at any point during the semester. A student has the right to not disclose a disability to a faculty member and to withhold submission of an Accommodation Memo from a faculty member. In the event that a student does not submit an Accommodation Memo to a faculty member, the student may not make up work or retake exams retroactively with accommodations. Any grades already in place or tests taken prior to the submission of an Accommodation Memo to the faculty member will not be changed or repeated with accommodations. Please keep in mind that not all accommodations can be immediately implemented, and no grades given prior to the implementation period will be changed.

An Accommodation Memo is semester specific and is only valid for the term that it was issued. To activate the accommodation(s) each semester, the student must request a new Accommodation Memo from ACCESS before the start of each semester. The updated Memo should be presented ordinarily to faculty members within the first 1-2 weeks of EACH academic term. The student must have the faculty member review the Memo and obtain the faculty member's signature at the bottom of the Memo. The signed Memo must be returned to the Office of ACCESSibility or may be scanned and emailed to [accessibility@mercy.edu](mailto:accessibility@mercy.edu) as soon as possible.

#### D. Appeal of Accommodation Requests/Decisions

Students may appeal determinations concerning requested accommodations and academic adjustments by filing a written complaint with the College's Equity Compliance Specialist. The Equity Compliance Specialist, or a designee, will mediate to try to resolve the issues between the student and the College to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, then the Equity Compliance Specialist, or a designee, will investigate the complaint and make a recommendation to the Provost, who will make the decision concerning the complaint.

### **IV. Accommodations based on Pregnancy, Childbirth or a Related Medical Condition**

#### A. General Accommodations

Students requesting an accommodation or academic adjustment based on pregnancy, childbirth or a related medical condition should contact the Office of ACCESSibility. Students may be asked to complete an intake form and provide supporting documentation. The student and the Director of ACCESSibility, or a designee, will engage in an interactive process, which may include considering a number of factors, such as the student's limitations and the nature and requirements of the academic program, with the goal of finding an acceptable accommodation or academic adjustment. The Director of ACCESSibility may, when necessary, consult with appropriate college officials, such as the Title IX Coordinator, Equity Compliance Coordinator, instructor, Program Director, Dean, or Provost, to determine program requirements and possible accommodations and adjustments. Reasonable accommodations or academic adjustments may include, but are not limited to, granting leaves of absence, providing take-home tests to students who are bedridden or homebound, allowing make-up tests and papers, or scheduling a meeting with the instructor for a student who had to miss class because of medical appointments or medical complications in order to make up missed content. A grant or denial of the request must be made as soon as practicable, taking into account the urgency of the request, and sent to the student in writing, either stating the accommodation, or for denials, the reason(s) the request was denied.

#### B. Accommodations related to breastfeeding

In recognition of the importance and benefits of breastfeeding for mothers and infants and in compliance with state and federal law, Mercy College supports the rights of nursing mothers at school, and is dedicated to making its best effort to accommodate requests from nursing mothers for a private space to express breast milk on campus. Students should consult with the Office of ACCESSibility to determine where dedicated lactation rooms exist on each Mercy campus. If no dedicated space has been identified, the student can work with the Office of ACCESSibility to identify an appropriate space in which the student can express milk. The room must be clean, private, and comfortable, have an electrical outlet, chair, and a table, and have nearby access to a sink with running water and paper towels.

Students will have access to lactation rooms based on availability and on a first-come, first served basis, and may need to schedule access ahead of time, depending on employee use. Students are expected to work with their instructors and/or advisors to make up any missed work.

### C. Appeals in Pregnancy, Childbirth or Related Medical Condition Cases

Students may appeal a denial of a request for an accommodation by filing a complaint with the Title IX Coordinator. The Title IX Coordinator, or a designee, will mediate to try to resolve the issues between the individual and the department to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, then the Title IX Coordinator, or a designee, will investigate the complaint and make a recommendation to the Provost.

## V. Religious Accommodations

### A. Requests for Accommodations

Students should contact the Office of Student Affairs when seeking a religious accommodation. The Dean of Students, or a designee, and the student will engage in an interactive process with the goal of finding an acceptable accommodation.

Individuals requesting accommodations may be required to submit an intake form. In the case of requests for religious accommodations, the interactive process may include a consideration of a variety of factors, such as the individual's religious practices and the functions and requirements of the academic program or job. Reasonable accommodations may include, but are not limited to, flexible arrival and/or departure times, permission to make up a test or lecture, leave or assignment changes, time and/or space to pray, or an accommodation relating to appearance or dress. For students, while a student accommodation must not result in the inability of the student to perform the essential functions of the course/program of study, students should be given the opportunity to make up work or an exam when she/he is absent.

Mercy generally will not question that a request for religious accommodation is based on a sincerely held belief. However, if Mercy has genuine reason to doubt that a belief qualifies as religious, or is sincerely-held, Mercy may make a limited inquiry, asking for supporting documentation. The documentation submitted may include the requestor's first-hand explanation, or explanations from others, such as a religious official or clergy member, who are aware of the religious practice or belief.

A grant or denial of the request must be made in writing as soon as practicable, taking into account the urgency of the request, and sent in writing to the individual making the request, either stating the accommodation, or for denials, the reason(s) the request was denied.

### B. Appeals in Religious Accommodation Cases

Students may appeal a denial of their religious accommodation request by filing a complaint with the Dean of Students, or a designee, who will mediate to try to resolve the issues between the individual and the College to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, then the Dean of Students, or a designee, will investigate the complaint and make a recommendation to the Provost, who will make the final determination concerning the complaint.

## VI. Meal Plan Exemption Policy

## A. Introduction

This Policy sets forth guidelines for students seeking an exemption from Mercy's required meal plan for residential students with severe food allergies, as well as procedures for individuals with food allergies or dietary restrictions who may need other accommodations as it relates to food purchased at Mercy's dining services, whether through the College's meal plan or otherwise.

## B. Accommodations for Students with Food Allergies and Dietary Restrictions

Mercy College recognizes that certain individuals in our community may have (potentially severe) allergies to food, or other dietary restrictions. If an individual has been diagnosed by a physician with a life-threatening food allergy, this may constitute a disability under the Americans with Disability Act (ADA). Mercy has an obligation under the ADA to make reasonable modifications in policies, practices, and procedures when necessary to accommodate students.

- a. Students with medical documentation indicating a life-threatening food allergy may apply for an accommodation, up to and including an exemption from the College's required meal plan.
- b. Students with other allergies and/or dietary restrictions may seek other accommodations of the meal plan, including but not limited to having options that meet their dietary needs and/or having an individualized meal plan.
- c. *Only in circumstances where no accommodation can be made under the current meal plan would students be exempt from the College's meal plan*

## C. Procedures for Students Seeking Food Allergy and/or Dietary Accommodations

- a. Dining services at Mercy's Dobbs Ferry and Manhattan and Bronx campuses can accommodate individuals with food allergies or special diets. While students can speak directly with dining services about their need, Mercy encourages students to work with the Office of ACCESSibility to ensure their particular needs are met. Students are strongly encouraged to make the College aware of these food allergy and dietary needs as early as possible. Once a student contacts the Office of ACCESSibility, the following procedures will take place:
  - b. The student will be asked to complete the Application for Accommodations, in which they will provide a statement of their dietary restriction or food allergy.
  - c. Students shall also submit the [Dietary Restriction Medical Form] completed by their health care provider to the Office of ACCESSibility.
  - d. Students will then arrange to meet with the Office of ACCESSibility staff to register as a student with a documented disability. During this meeting, the student must sign a general release form so information related to their food allergies can be shared with other necessary Mercy College and dining services staff.

- e. Upon receipt of the signed release, the Office of ACCESSibility will schedule a meeting with the relevant dining services manager to develop an appropriate response to dietary requests, in dialogue with the student.
- f. After the interactive dialogue takes place between the student and dining service manager, an Acknowledgment and Agreement of Dietary Restrictions will be created for the student with a food allergy or dietary restriction. This Agreement will outline the College's responsibility and student's responsibility for safely managing food allergies and dietary restrictions while attending classes or functions or residing on campus. The Agreement will be provided to the manager of the relevant dining services. Students with food allergies must review any changes in their medical condition with the Director of ACCESSibility, who will in turn notify the dining services manager of any necessary modifications to the student's dietary Agreement.

#### D. Appeals of Accommodations

If a student is dissatisfied with the accommodation they have received under this Policy, they may appeal the matter to the College's Equity Compliance Specialist. All appeals and complaints will be taken seriously and followed through to resolution. All complaints will be addressed in a manner that is prompt, impartial, confidential, and free from retaliation. Mercy College will not discriminate against any individual because of exercising their right to come forth with a complaint or against individuals who participate in an investigation.

### VII. Filing Complaints with Outside Agencies

Students who believe that a decision to deny the request for a reasonable accommodation or academic adjustment was based on unlawful discrimination may avail themselves of any and all of their rights under law without fear of retaliation, including filing complaints with one or more of the outside agencies listed below.

- U.S. Department of Education, Office for Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>
- U.S. Equal Employment Opportunity Commission  
[https://www.eeoc.gov/federal/fed\\_employees/filing\\_complaint.cfm](https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm)
- New York State Division of Human Rights  
<http://www.dhr.ny.gov/how-file-complaint>
- New York City Commission on Human Rights  
<https://www1.nyc.gov/site/cchr/enforcement/complaint-process.page>
- Westchester County Human Rights Commission  
<https://humanrights.westchestergov.com/file-a-complaint>

## **POLICY AND PROCEDURES FOR HANDLING STUDENT COMPLAINTS**

### **I. Introduction**

Mercy College has a variety of procedures for dealing with student-related issues, including grade appeals, student discipline, sexual misconduct complaints, disability accommodations, discrimination and retaliation. In some instances, however, students may wish to make complaints against faculty members, administrators or against the College in situations that are not covered by a particular policy. The purpose of this Policy is to address some of those instances and to provide a process whereby current students can file a complaint with the College in circumstances where he or she feels that the matter cannot be resolved informally, including but not limited to:

- Complaints against faculty in academic settings;
- Complaints relating to other employees, contractors or vendors for misconduct or unprofessional behavior;
- Complaints in connection with student services such as billing, tuition and financial aid; or
- Complaints related to other College services such as food services, residential life, athletics and/or health and wellness.

### **II. Determination of Appropriate Procedure**

If students have any questions about the applicable procedure to follow for a particular complaint, they may at any time consult with the College's Assistant Dean of Student Affairs, Provost, Director of Human Resources, or Title IX Coordinator/Equity Compliance Specialist, who shall advise a student of the procedure that is applicable to the type of complaint the student has brought forward.

For complaints of sexual misconduct or other forms of discrimination against any Mercy College community member, including complaints relating to disabilities, or retaliation in connection with a complaint of discrimination, students should contact the College's Title IX Coordinator/Equity Compliance Specialist at 914-674-7679 or visit: <https://www.mercy.edu/about-mercy/title-ix>. For complaints relating to grade disputes, students should refer to the *Academic Appeals Policy* found in the *Student Handbook and Undergraduate and Graduate Catalogs*.

Complaints can also be made about any member of the College community or about the College itself pursuant to the College's *Whistleblower Policy* by filing a complaint online or by contacting 1-888-OK-MERCY (1-888-656-3729), for issues including but not limited to: fraud, theft, embezzlement; forgery, falsification/misrepresentation of reports; conflict of interest or ethics violations; computer fraud or data security breaches; disclosing confidential or proprietary information to unauthorized individuals (including FERPA and HIPAA protected information); identity theft; and environmental, health and safety violations; research or academic misconduct by faculty or staff.

### **III. Student Complaints About Faculty in Academic Settings**

One area not generally covered by other policies concerns student complaints about faculty conduct in the classroom or other formal academic settings (unrelated to grade disputes or academic integrity violations). The College respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. Indeed, academic freedom is and should be of paramount importance. At the same time the College recognizes its responsibility to provide students with a procedure for addressing complaints about faculty treatment of students that are not protected by

academic freedom and are not covered by other procedures. Such complaints might include unprofessional classroom behavior on the part of a faculty member.

**A. Informal Resolution.** Students are encouraged to attempt to resolve complaints informally with the faculty member or to seek the assistance of the academic unit head to facilitate informal resolution.

**B. Formal Complaint.** If informal resolution is unsuccessful, or if the student does not wish to pursue informal resolution, the student may file a written complaint with the academic unit head or, if the academic unit head is the subject of the complaint, with the school dean (referred to below as the “Fact Finder”). Only students in a faculty member’s class or present in another academic setting where the alleged conduct occurred may file complaints against that faculty member. The process for filing a complaint is as follows:

1. The complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the conduct complained of against the faculty member.
2. The Fact Finder shall promptly send a copy to the faculty member about whom the complaint is made, along with a letter stating that the filing of the complaint does not imply that any wrongdoing has occurred and that a faculty member must not retaliate in any way against a student for having made a complaint. If either the student or the faculty member has reason to believe that the academic unit head may be biased or otherwise unable to deal with the complaint in a fair and objective manner (including if the academic unit head is the subject of the complaint) or if the academic unit head requests recusal because he or she is concerned about a potential conflict of interest (or appearance of such), a written request can be made to the school dean stating the reasons for that belief. If the request appears to have merit, that person may, in his or her sole discretion, replace the academic unit head with another academic unit head as the Fact Finder. If no other academic unit head is available or if the academic unit head assigned is not investigating the matter in a timely manner, the school dean may assign an administrator to investigate.
3. The Fact Finder shall meet with the complaining student and faculty member, either separately or together, to discuss the complaint and to try to resolve it. The Fact Finder may seek the assistance of the College’s Equity Compliance Specialist or other appropriate person to facilitate informal resolution.
4. If resolution is not possible, and the Fact Finder concludes that the facts alleged by the student, taken as true and viewed in the light most favorable to the student, establish that the conduct complained of is clearly protected by academic freedom, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student, the faculty member, the Dean of Student Affairs and the Provost. The student may appeal the decision to the school dean, whose decision whether an investigation is warranted shall be final.
5. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the faculty member and other persons with relevant knowledge and information and shall also consult with another appropriate College official if necessary. The Fact Finder shall not reveal the identity of the complaining student and the faculty member to others except to the extent necessary to conduct the investigation. If the Fact Finder believes it would be



helpful, he or she may meet again with the student and/or faculty member after completing the investigation in an effort to resolve the matter.

6. In cases where there is strong preliminary evidence that a student's complaint is meritorious and that the student may suffer immediate and irreparable harm, the Fact Finder may provide appropriate interim relief to the complaining student pending the completion of the investigation. The affected faculty member may appeal such interim relief to the Provost.
7. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations, with particular focus on whether the conduct in question is protected by academic freedom, and send a copy to the complaining student, the faculty member, the Provost and the Dean of Student Affairs. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.

#### **IV. Complaints Relating to College Employees, Student Services or other College Services**

In addition to complaints about faculty in the academic setting, students may wish to file a complaint about other issues or concerns that they may have relating to employees of the College or services provided by the College. Some examples of those complaints could be:

- Unprofessional behavior or misconduct on the part of an employee (other than a faculty member in the classroom), a contractor or a vendor. In all such cases, a complaint should be made in writing to the Office of Human Resources.
- Issues in connection with student services including but not limited to student billing, tuition, financial aid and student records. In these cases, a complaint should be made in writing to the Office of the Vice President for Enrollment Services.
- Issues in connection with other College services including but not limited to food services, residential life, athletics and health and wellness. In these cases, a complaint should be made in writing to the Office of the Dean of Student Affairs.

For such complaints, the following procedure shall apply:

- A. **Informal Resolution.** Students are encouraged to attempt to resolve complaints informally by discussing the matter with the employee or relevant office.
- B. **Formal Complaint.** If the informal resolution is unsuccessful, or if the student does not wish to pursue informal resolution, the student may file a written complaint with the following offices:
  - Vice President for Enrollment Services for issues relating to student billing, tuition, financial aid or student records for example;
  - Dean of Student Affairs for issues relating to food services, residential life, athletics and health and wellness for example; and
  - Human Resources for all other issues including those relating to employee, vendor or contractor behavior or misconduct.

The Vice President for Enrollment Services, the Assistant Dean of Student Affairs and the Director of Human Resources shall thereafter designate an employee from his/her respective office to handle the complaint (referred to as the "Fact Finder" below).

1. The complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the issue complained of.
2. The Fact Finder shall review the complaint as well as any relevant paperwork. If the Fact Finder concludes that the complaint does not warrant any action, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student. In such cases, the student can appeal to the next level manager, whose decision shall be final.
3. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the employee if there is an accusation against her/him, and other persons with relevant knowledge and information, and shall also consult with the Dean of Student Affairs or other College official as may be appropriate. The Fact Finder shall not reveal the identity of the complaining student to others except to the extent necessary to conduct the investigation.
4. In cases where there is strong preliminary evidence that a student's complaint is meritorious and that the student may suffer immediate and irreparable harm, the Fact Finder may provide appropriate interim relief to the complaining student pending the completion of the investigation.
5. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations and send a copy to the complaining student and employee who is the subject of the complaint. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.

#### **V. Appeals Procedure for Student Complaints Under this Policy**

If a student is not satisfied with the report of a Fact Finder after an investigation is conducted in accordance with Sections III or IV above, or if a faculty member or employee who is the subject of a complaint pursuant to Section III above is not satisfied with the report, she or he may file a written appeal to the Chief Student Affairs Officer within 10 calendar days of receiving the report, which time period may be extended for good cause shown. The Chief Student Affairs Officer shall convene and serve as the chairperson of an Appeals Committee in all cases except where the Student Affairs Office is directly involved in an investigation. In the latter cases, the Vice President for Enrollment Services shall convene the Appeals Committee and serve as chairperson.

The Appeals Committee shall also include one administrator, two faculty members and one student (a member of student government or its designee) appointed by the chairperson. The Appeals Committee shall review the findings and recommendations of the report, (with particular focus on whether the conduct in question is protected by academic freedom in faculty cases). The Appeals Committee shall not conduct a new factual investigation or overturn any factual findings contained in the report unless they are clearly erroneous. If the Appeals Committee decides to reverse the Fact Finder in a case where there has not been an investigation because the Fact Finder erroneously found that the alleged conduct was protected by academic freedom, it may remand to the Fact Finder for further investigation. The committee shall issue a written decision within 20 calendar days of receiving the appeal. A copy of the decision shall be sent to the student, the employee or faculty member who is the subject of the complaint, the academic unit head or relevant employee manager, or and the relevant staff officer or area of the

College if that area is the subject of the complaint.

#### **VI. Subsequent Action**

Following the completion of these procedures, the appropriate College official shall decide the appropriate action, if any, to take. For example, the academic unit head may decide to place a report in a faculty member or employee's personnel file, or the school dean or employee's manager may bring disciplinary charges against the faculty member or employee. Disciplinary charges may also be brought in extremely serious cases even though the College has not completed the entire investigative process described above; in that case, the bringing of disciplinary charges shall automatically suspend that process. Any action taken by the College, whether interim or final, must comply with all College policies, procedures, handbooks and collective bargaining agreements.

#### **VII. Tracking Student Complaints**

All Fact Finders who receive any complaint pursuant to this Policy, in addition to any report that may be generated due to an investigation, are required to keep a record of the complaint, including the following relevant information: date(s) of the incident, nature of the complaint, parties involved (witnesses and faculty/employee who is the subject of the complaint), and resolution (whether by informal means or after investigation). All Fact Finders will be required to keep the records in a database as instructed by the College's General Counsel.

**MERCY COLLEGE**  
**STUDENT COMPLAINT FORM**

This form can be used by students to file a complaint regarding faculty in the academic settings, regarding other employees, contractors or vendors, or regarding student services or other College services.

DATE \_\_\_\_\_

CAMPUS \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

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Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Receive Text: Yes\_\_ No\_\_

Email: \_\_\_\_\_

Campus Address: \_\_\_\_\_ Status: \_\_\_\_\_  
(Undergrad., Grad., Staff, Faculty)

Home Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

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**Complaint Information**

Date(s) on which the event(s) or issue(s) occurred \_\_\_\_\_

Name(s) of the person(s) involved \_\_\_\_\_

\_\_\_\_\_

Please describe your complaint in detail. Include the names of persons, locations, and dates involved.  
If this complaint is against specific person(s), please list their names and titles.  
(Attach a separate page if needed.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What attempts have you made to resolve this complaint up to now?

Please state who you contacted and what transpired.

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Why do you think the complaint was not able to be resolved in your prior attempts?

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What resolution would you consider fair? What resolution do you seek?

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Any other information you want to provide?

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Is there any person who you do NOT want to be told of your complaint? (Keep in mind that it may be difficult to resolve if those involved cannot be asked to explain or respond).

**NOTE: RETALIATION AGAINST A STUDENT FOR MAKING A COMPLAINT IS ABSOLUTELY PROHIBITED, AND WILL BE CONSIDERED A SERIOUS VIOLATION OF PROFESSIONAL RESPONSIBILITY.**

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I hereby certify that the above information is true and correct to the best of my knowledge and belief. I grant permission for this complaint to be forwarded to Mercy College officials for purposes of investigation and response.

I agree to provide such other or supplemental information that may be requested.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## MERCY COLLEGE POLICY ON SEXUAL MISCONDUCT

### Policy and Procedures Relating to Sexual Misconduct

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## **I. POLICY STATEMENT**

Every member of the Mercy College community, including students and employees, deserve the opportunity to live, learn and work free from sexual harassment and sexual violence.

Accordingly, Mercy is committed to:

- Defining conduct that constitutes prohibited sexual harassment and sexual violence under the relevant laws and regulations, including federal Title IX, New York State Education Law Article 129B, and New York State Human Rights Law;
- Providing clear guidelines for students and employees on how to report incidents of sexual harassment and sexual violence and a commitment that a complainants' privacy will be maintained to the greatest extent possible;
- Promptly and accurately responding to and investigating allegations of sexual harassment and sexual violence under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment and sexual violence, and effectively implementing remedies for victims;
- Referring incidents to law enforcement and for disciplinary action when appropriate, and acting to investigate and address any allegations of retaliation;
- Providing ongoing assistance and supportive measures to students and employees who are involved in complaints of sexual harassment and sexual violence, including both complainants and respondents, such as providing information regarding where and how to obtain supportive services 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;
- Providing awareness and prevention information on sexual harassment and sexual violence, and widely disseminating this policy, as well as the Mercy College Student Bill of Rights, disseminating information on resources available both on campus and locally, and implementing training and educational programs on sexual harassment and sexual violence to all College constituencies; and
- Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents at Mercy College.

Throughout this Policy, rights afforded and responses by the College will vary depending on whether the complainant is a student or employee, and whether conduct falls under the federal Title IX law and regulations and if not, then under which other federal, state laws and local laws relating to sexual harassment and sexual violence, including but not limited to: Title VII of the Civil Rights Act, Article 129A and 129B of the New York State Education Law, or the New York State, New York City and Westchester County Human Rights Laws. The College will make every effort to make clear the policies as it pertains to each area, but in the event of confusion, please contact Mercy's Title IX Coordinator for clarification.



## **II. PROHIBITED CONDUCT AND DEFINITIONS**

### **A. Sexual Harassment and Sexual Violence**

This Policy prohibits sexual harassment and sexual violence (together and hereinafter referred to as “Sexual Misconduct”) against Mercy College students, employees and others as set forth in Section III below.

### **B. Definitions**

The following behaviors constitute Sexual Misconduct prohibited under this Policy:

1. **Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct. Dating violence includes the threat of sexual assault or physical abuse. The existence of such a relationship is determined based on a consideration of the following factors: (1) The length of the relationship; (2) The type of relationship and (3) The frequency of interaction between the persons involved in the relationship. A relationship may be romantic or intimate regardless of whether the relationship was sexual in nature.
2. **Domestic Violence** includes felony or misdemeanor crimes 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, 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 applicable domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person’s acts under applicable domestic or family violence laws. Domestic violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct.
3. **Sexual Assault: Contact** is any sexual contact, including sexual touching for the purpose of sexual gratification of either party or degrading or abusing such person, without a person’s consent. Sexual touching includes contact under or over clothing with another person’s anus, breasts, buttocks, genitals, groin or inner thigh; touching another person anywhere with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.
4. **Sexual Assault: Penetration** is any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue, or finger without a person’s consent. This term includes incest and statutory rape.
5. **Sexual Harassment** is unwelcome verbal or physical behavior based on a person’s sex (including sexual orientation, gender, gender expression and gender identity, including transgender status). Conduct is considered “unwelcome” if the individual did not request or invite it and considered the conduct to be undesirable or offensive. This includes unwelcome conduct when: (1) a Mercy employee conditions the provision of an aid, benefit, or service of Mercy on an individual’s participation in unwelcome sexual conduct (quid pro quo); and/or (2) such conduct alters the conditions of, or has the effect of interfering with, an individual’s educational or work experience by creating an intimidating, hostile or offensive environment (hostile environment). The effect will

be evaluated based on the perspective of a reasonable person in the position of a complainant.

While it is not possible to list all circumstances that might constitute Sexual Harassment, the following are some examples of conduct that might constitute such harassment:

- a. Suggestive body language or inappropriate or unwelcome physical contact that does not qualify as Sexual Assault;
- b. 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;
- c. Making lewd or sexual comments about an individual's appearance, body, or clothing;
- d. Visual displays or distribution of sexually explicit drawings, pictures, or written materials;
- e. Displaying nudity or engaging in sexual relations in spaces that can be seen by others;
- f. Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures; or
- g. Offensive comments regarding a person's sexual orientation, gender identity or gender expression, such as persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.

Further, under New York State Law for Mercy College employees, harassment (including sexual harassment) is against the law whenever an individual is subjected to inferior terms, conditions or privileges of employment. The harassment need not be severe or pervasive in order for the College to be liable, although the actions are defensible if they are not more than "petty slights or trivial inconveniences."

6. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for their safety or the safety of others or (2) suffer substantial emotional distress. This Policy addresses stalking that is based on sex (including sexual orientation, gender, gender expression and gender identity, including transgender status). All other stalking will be addressed under other applicable policies.
7. **Title IX Sexual Harassment** is a subset of the broader definition of Sexual Harassment above. It is defined by the USDOE to mean conduct on the basis of sex that occurs in Mercy's education program or activity against a person in the United States and that satisfies one or more of the following: (1) a Mercy employee conditioning the provision of an aid, benefit, or service of Mercy on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Mercy's education program or activity; or (3) Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined in this Policy.
8. **Voyeurism** is unlawful surveillance and includes acts that violate a person's right to privacy in connection with their body and/or sexual activity such as:
  - a. 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.

- b. Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, without that person's consent;
- c. Disseminating images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure; or
- d. Using or installing, or permitting the use or installation of a device for the purpose of recording another person's sexual activity, intimate body parts or nakedness in a place where the person would have a reasonable expectation of privacy without that person's consent.

Other important terms and concepts addressed in this Policy:

1. **Consent** means affirmative consent.
2. **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.
  - a. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
  - b. In order to give consent, one must be of legal age (17 years or older in New York).
  - c. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
  - d. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation maybe 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.
  - e. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
  - f. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

### 3. **Sexual Act/Sexual Activity** is

- a. Any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue or finger.
- b. Any sexual contact, including sexual touching. Sexual touching includes contact under or over clothing with another person's anus, breasts, buttocks, genitals, groin or inner thigh; touching another person anywhere with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.

4. **Complainant** refers to the individual who alleges that they have been the subject of Sexual Misconduct, and may be a Mercy student, employee (including all full-time and part-time faculty and staff and paid/unpaid interns) or visitor. Under this Policy, the alleged incident(s) may have been brought to the College's attention by someone other than the complainant.
5. **Confidentiality** is the commitment not to share any identifying information with others, except as required by law in emergency circumstances (such as risk of death or serious bodily harm). Confidentiality may only be offered by individuals who are not required to report known incidents of Sexual Misconduct to college officials. Licensed mental health counselors, medical providers and pastoral counselors may offer confidentiality. See additional discussion in Section VI.
6. **Day.** Whenever this Policy refers to a "day," it means a calendar day other than a Saturday, Sunday or federal or state holiday.
7. **Education program or activity** includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.
8. **Knowingly submitting false statements or information** means knowingly making false statements or submitting false information in connection with any allegation of Sexual Misconduct (as opposed to providing information which, even if erroneous, is provided in good faith). Anyone who knowingly makes false statements or submits false information in connection with any allegation of Sexual Misconduct will be subject to disciplinary action in accordance with Mercy policies, handbooks and collective bargaining agreements.
9. **Non-Title IX Sexual Misconduct Matter** is the term used to describe allegations of Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment and therefore will be resolved, investigated and adjudicated pursuant to the procedures outlined in Section XII.
10. **Party** is a Complainant or Respondent.
11. **Preponderance of evidence** is the standard of evidence used during the investigation and adjudication of Sexual Misconduct allegations under this Policy. A preponderance of the evidence means whether it is more likely than not that the Sexual Misconduct occurred.
12. **Privacy** is the assurance that an individual or the College will only reveal information about allegations of Sexual Misconduct to those who need to know the information in order to carry out their duties or responsibilities or as otherwise required by law. Individuals who are unable to offer the higher standard of confidentiality under law, but who are still committed to not disclose information more than necessary, may offer privacy. See additional discussion in Section VI.
13. **Respondent** refers to the individual who is alleged to have committed Sexual Misconduct against a Mercy student, employee, or visitor.
14. **Retaliation** is adverse treatment of an individual as a result of that individual's reporting

Sexual Misconduct, assisting someone to report Sexual Misconduct, opposing in a reasonable manner an act or policy believed to constitute Sexual Misconduct, or participating in any manner (or refusing to participate) in an investigation or resolution under this Policy. Adverse treatment includes intimidation, threats, coercion or discrimination for the purpose of interfering with any right or privilege secured by this Policy. All individuals are prohibited from engaging in retaliation, including complainants, respondents and others, such as friends or relatives of the parties.

15. **Title IX Formal Complaint** is a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the college investigate the allegations. The Title IX Coordinator may sign a Title IX Formal Complaint with or without a complainant's desire to participate in a grievance process.
16. **Title IX Sexual Harassment Matter** is the term used to describe allegations of Sexual Misconduct that meet the definition of Title IX Sexual Harassment and therefore must be resolved, investigated and adjudicated pursuant to the Title IX grievance procedures required by the USDOE and outlined in Section XI.
17. **Visitor** is any person other than a Mercy student or employee who interacts with the Mercy community. Mercy alumni are considered visitors under this Policy.
18. **Writing**. Whenever this Policy requires a "writing," electronic mail satisfies the writing requirement.

### C. Retaliation

The College prohibits retaliation against any person who reports Sexual Misconduct, assists someone making such a report, or participates in any manner in an investigation, hearing or resolution of a complaint under this Policy, including respondents and their witnesses.

## III. APPLICABILITY

- A. **Students and Employees**. This Policy applies to **all students and employees**, including all full-time and part-time faculty and staff at all of Mercy College's campuses and locations.
- B. **Other Community Members**. This Policy also applies to other members of the College community, including but not limited to **student applicants for admission, applicants for employment, contractors, vendors and visitors**. If other community members engage in behavior prohibited under this Policy or are subjected to behavior prohibited under this Policy at a Mercy College location, the College will take appropriate action, including immediate removal from the campus/location.
- C. This Policy applies regardless of an individual's 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 when sexual misconduct occurs in the College's educational programs or activities, against a person in the United States.
- D. While this Policy applies to prohibited sexual harassment and sexual violence, the College's [Policy on Equal Opportunity and Non-Discrimination](#) ("*Non-Discrimination Policy*") addresses all *other*

forms of prohibited discrimination, including sex-based discrimination. Complaints under the College's *Non-Discrimination Policy* can be made by students, employees and other community members here: [Discrimination Complaint Form](#).

#### **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, as well as enforcing federal Title VII, New York State's sexual harassment laws, and New York Education Laws 129A and 129B. Contact information for the Title IX Coordinator can be found at: <https://www.mercy.edu/about/title-ix>

The Title IX Coordinator has overall responsibility for implementing this Policy, including but not limited to:

- A. Ensuring their contact information is provided to applicants for admission and employment, including name, title, office address, e-mail address, and telephone number of the Title IX Coordinator, and that this information is prominently displayed on the College website;
- B. Receiving all complaints that are not strictly confidential, including providing emergency access in the first instance of disclosure by an individual reporting under this Policy;
- C. Overseeing the investigation of complaints;
- D. Ensuring all persons involved in a complaint are advised of their rights, in writing, under state and federal laws, and this Policy;
- E. 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;
- F. Keeping the College President and other appropriate senior administrators informed of ongoing investigations, including findings of misconduct and penalties to be imposed under this Policy;
- G. Ensuring appropriate student education and employee training, including for Responsible Employees (defined below), Hearing Officer(s), Appeals Panel members, advisors and individuals facilitating informal resolution, is conducted;
- H. Ensuring a campus climate assessment is conducted in accordance with relevant law; and
- I. Ensuring the College's compliance with federal and state reporting obligations.

#### **V. RESOURCES AND INFORMATION FOR INDIVIDUALS AFFECTED BY SEXUAL MISCONDUCT**

Mercy is committed to providing assistance, support and resources to those affected by Sexual Misconduct. This Section discusses a complainant's option of reporting Sexual Misconduct to outside law enforcement, the differences between Mercy's process and procedures and those of outside law enforcement, and how to obtain immediate medical attention and emotional support.

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

Students, employees and other community members are strongly encouraged to report sexual violence that occurred on or off-campus to local law enforcement and/or state police (“outside law enforcement”). Mercy does not require that a complainant report sexual violence to outside law enforcement; nor will Mercy do so without the complainant’s agreement, except in exceptional circumstances. The College may report sexual violence to outside law enforcement without the complainant’s consent when the College determines that the respondent poses a serious continuing threat to the physical safety of the complainant or another person.

If a student or employee chooses to report sexual violence to outside law enforcement, Mercy will provide assistance. 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. Campus Safety 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. Mercy’s Process When Cases are Reported to Outside Law Enforcement**

In cases where the complainant reports allegations to outside law enforcement authorities as well as to the College, the College must 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.

Students, employees and other community members should be aware that Mercy procedures and standards differ from those of criminal law. When Mercy investigates allegations of Sexual Misconduct or brings disciplinary proceedings for violations of this Policy, the issue is whether the respondent violated Mercy policy. The standard applied in making this determination is whether the preponderance of the evidence supports a finding of responsibility (or whether it is more likely than not that the alleged conduct occurred). An individual found to have violated this Policy may be sanctioned by the College. In the criminal justice system, on the other hand, the issue is whether the accused violated criminal law. The standard applied is proof beyond a reasonable doubt and an individual found guilty of a crime is subject to criminal penalties, such as incarceration, probation and fines.

## **C. 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 (i.e. retain the clothing worn during the attack, do not shower, retain text messages, etc.) 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.

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 through the Health and Wellness Center.

Please visit the College's website at: <https://www.mercy.edu/student-affairs/health-wellness-center> for more information about obtaining assistance.

A list of local off-campus resources can be found in Appendix B of this Policy and on the Mercy College website at <https://www.mercy.edu/about/title-ix>, which includes 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) hospitals, which are specially equipped to handle rapes, including the gathering of evidence. These services are available to both students and employees.

## **VI. IMPORTANT INFORMATION ABOUT REPORTING AND CONFIDENTIALITY OBLIGATIONS OF MERCY EMPLOYEES**

Mercy values the privacy of its students and employees and recognizes that they should be able to seek the assistance they need without fear that the information they provide will be shared more broadly. An individual who speaks to a College employee about Sexual Misconduct should be aware that employees fall into three categories:

- **Confidential Employees** have an obligation to maintain a complainant's confidentiality regarding allegations of Sexual Misconduct and will not share any identifying information with others, except as required by law in emergency circumstances;
- **Responsible Employees** are required to report allegations of Sexual Misconduct to the Title IX Coordinator but will protect an individual's privacy to the greatest extent possible and share information with other staff only on a need-to-know basis; and
- All other employees are strongly encouraged, but not required to report allegations of Sexual Misconduct to the Title IX Coordinator. These employees are otherwise encouraged to protect an individual's privacy to the greatest extent possible and share information only with the Title IX Coordinator.

Note: Under the Clery Act, the College is required to maintain records, advise the government about reports of certain crimes and issue timely warnings when there is a serious, continuing threat to the community. Such reports and warnings do not disclose identifying information.

### **A. Confidential Employees**

1. Student Complainants. Students who wish to speak to someone who will keep the communications confidential should speak to one of the following:
  - a. Counselor at the counseling center; or
  - b. Nurse or nurse practitioner at the College Health Office.

These individuals will not report the allegations to the Title IX Coordinator or other College employees without the student's permission. The only exception is in the case where there is an imminent threat of serious injury to the complainant or another person.



If a student speaks solely to a confidential employee, the College will be limited in its ability to conduct an investigation into the allegations or pursue disciplinary action against the respondent. Confidential employees will assist students in obtaining other necessary support.

2. Employee Complainants. Although Mercy does not directly employ individuals to whom Mercy employees can speak on a confidential basis regarding Sexual Misconduct, free confidential support services are available through the Employee Assistance Program (EAP), which is administered by an outside company. Confidential community counseling resources are also available throughout Westchester County and New York City. See Appendix B.

Complainants may use these confidential resources even if they decide not to report allegations of Sexual Misconduct or participate in an investigation, Mercy's resolution process or the criminal justice process. A complainant who first speaks to a confidential resource may later decide to report allegations to the College or with outside law enforcement.

## **B. Responsible Employees**

Individuals designated as Responsible Employees have a duty to report allegations of Sexual Misconduct, including all relevant details, to the Title IX Coordinator. These employees are not permitted to maintain a complainant's confidentiality but 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 and other people responsible for handling the College's response to the report.

To the extent possible, before a complainant reveals any information to a responsible employee, the employee should advise the complainant of the employee's reporting obligations—and if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

Mercy has designated the following individuals as Responsible Employees:

- Athletic staff
- Campus Safety staff
- Deans and Associate Deans
- Faculty advisors to student groups
- Human Resources staff
- President's Office
- Provost and Associate Provosts
- Residential Life staff
- Staff Officers
- Title IX Coordinator
- Vice President, Assistant Vice Presidents and Executive Directors in the Office of Student Affairs
- Managers or Supervisors<sup>2</sup> regarding alleged Sexual Misconduct involving people who report to them

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<sup>2</sup> **Managers** are employees who have authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significant different responsibilities. **Supervisors** are employees who are not managers, but have a sufficient degree of control over the working conditions or one or more employees, which might include evaluating their performance and making recommendations for changes in employment status that are given particular weight.

### **C. Special Rules Concerning Public Awareness and Advocacy Events**

Mercy supports public awareness events that help provide its community with information about Sexual Misconduct and how it can be addressed and prevented. In order to preserve the ability to participate freely in public awareness and advocacy events, if an individual discloses information about Sexual Misconduct at such event (for example, Take Back the Night gatherings, candlelight vigils, or protests) the College will not treat the disclosure as triggering an obligation to commence an investigation based on that information. Such individuals are encouraged to report Sexual Misconduct to College officials so that the College can provide resources and assistance.

## **VII. REPORTING SEXUAL MISCONDUCT AT MERCY**

In order for Mercy College to address allegations of Sexual Misconduct, it has to learn about the allegations. As such, Mercy strongly encourages individuals who have experienced Sexual Misconduct to report the incident to a designated College official, as set forth in Section VII.B below. The designated officials are trained to receive allegations of Sexual Misconduct, to ensure they are investigated in accordance with this Policy and to help complainants obtain necessary assistance. Students, employees and other community members are encouraged to report allegations of Sexual Misconduct to campus officials, regardless of whether they have reported the incident to outside law enforcement authorities and regardless of where the incident took place.

### **A. Complainant's Rights**

Individuals who have experienced Sexual Misconduct have the right to report allegations to the College or to decide not to do so. Students who report Sexual Misconduct have all of the rights contained in the Students' Bill of Rights (Appendix A).

Complainants also have the following rights:

1. To notify Campus Safety and/or outside law enforcement, or to choose not to report;
2. To have emergency access to a College official trained to interview victims of sexual assault and able to provide certain information, including reporting options and information about confidentiality and privacy. The official will, where appropriate, advise about the importance of preserving evidence and obtaining a Sexual Assault Forensic Examination ("SAFE") as soon as possible. The official will also explain that the criminal process uses different standards of proof and evidence, and that any questions about whether an incident violated criminal law should be addressed to a law enforcement official or a district attorney's office;
3. To disclose the incident to a College representative who can offer confidentiality or privacy and assist in obtaining services (See Section VI above);
4. To describe the incident only to those campus officials who need the information in order to properly respond and to repeat the description as few times as necessary;

5. To have allegations of Sexual Misconduct investigated in accordance with Mercy Policy;
6. To have privacy preserved to the extent possible;
7. To receive assistance and resources on campus, including confidential and free on-campus counseling, and to be notified of other services available on and off campus, including the New York State Office of Victim Services;
8. To disclose the incident confidentially and obtain services from state and local governments;
9. To receive assistance from College officials in filing a criminal complaint, initiating legal proceedings in family court or civil court, and/or seeking an Order of Protection or the equivalent. In New York City and Westchester County, this assistance is provided by Family Justice Centers;
10. To receive assistance with effectuating an arrest when an individual violates an Order of Protection by contacting local law enforcement; and
11. To withdraw allegations or involvement from the process at any time.

#### **B. Where to Report Allegations of Sexual Misconduct on Campus**

Students, employees and other community members who experience Sexual Misconduct and wish to report the allegations should notify one of these campus officials/offices:

1. Title IX Coordinator;
2. Campus Safety;
3. Vice President for Student Affairs;
4. Residence Life; or
5. Human Resources.

Contact information for these officials can be found at Mercy's [Title IX Website](#). Complainants are encouraged, but not required, to complete the Mercy Sexual Misconduct Allegation Form. The form can be submitted electronically, can be brought to one of the offices listed above or sent by email to [titleix.equity@mercy.edu](mailto:titleix.equity@mercy.edu). The College will respond to allegations, regardless of whether the form is submitted, or whether the complaint is oral or written.

When any of the officials or offices above is notified of allegations of Sexual Misconduct, they will notify the Title IX Officer immediately, who will provide a copy of this Policy to the complainant and coordinate with appropriate College offices to address the matter in accordance with this Policy, including providing appropriate supportive measures (addressed in Section VIII below). These officials and offices will maintain a complainant's privacy to the greatest extent possible, and all information in connection with the allegations, including the identities of the complainant and the respondent, will be shared only with those who have a legitimate need for the information.

#### **C. Request that the College Maintain a Complainant's Anonymity or Not Conduct an Investigation**

Whether the College may maintain a complainant's anonymity or request to not conduct an investigation, depends on whether the allegations will proceed as a Title IX Sexual Harassment matter or a Non-Title IX

Sexual Misconduct matter (see Section IX).

If the allegations will proceed as a Title IX Sexual Harassment matter, the Title IX Coordinator must inform the complainant that the complainant's identity may not be kept anonymous if the complainant wishes to proceed with a Title IX Formal Complaint, and that the notice to the respondent will reveal the complainant's identity. The complainant may choose whether to file a Title IX Formal Complaint when so informed. If the complainant chooses not to file a Title IX Formal Complaint, their identity will not be disclosed to the respondent.

If the allegations will proceed as a Non-Title IX Sexual Misconduct matter, a complainant may request: (1) that the matter be investigated only to the extent possible without further revealing their identity or revealing further details or (2) that no investigation into a particular incident be conducted. If a complainant makes such a request, the Title IX Coordinator will weigh the complainant's request against the College's obligation to provide a safe, non-discriminatory environment for all students, employees and other 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 of unlawful conduct by the accused from previously noted behavior; (3) any increased risk that the accused will commit additional acts of violence, (4) whether the accused used a weapon or force; (5) whether the complainant is a minor; (6) whether the College possesses other means to obtain evidence such as security footage, and (7) whether available information reveals a pattern of misconduct.

The College's decision to maintain the complainant's anonymity does not mean that anonymity can be guaranteed in all circumstances; rather, the College will make reasonable efforts to keep information confidential consistent with law. Of course, the College's ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request for anonymity. Notwithstanding the decision of the Title IX Coordinator regarding the scope of any investigation, the College will provide the complainant with ongoing assistance and support, including, where appropriate, the supportive measures and accommodations set forth in Section VIII of this Policy.

#### **D. Filing External Complaints**

Individuals who feel that they have been subjected to Sexual Misconduct have the right to avail themselves of any and all of their rights under law, including but not limited to filing complaints with one or more of the outside agencies listed below:

- U.S. Department of Education, Office for Civil Rights (students):  
<http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>  
[https://www.eeoc.gov/federal/fed\\_employees/filing\\_complaint.cfm](https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm)
- U.S. Equal Employment Opportunity Commission (employees):  
<https://www.eeoc.gov/how-file-charge-employment-discrimination>
- The New York State Division of Human Rights (students and employees):  
<https://dhr.ny.gov/complaint>
- The Westchester County Commission on Human Rights (students and employees):  
<https://humanrights.westchestergov.com/file-a-complaint>
- The New York City Commission on Human Rights (students and employees):  
<http://www1.nyc.gov/site/cchr/about/resources.page>

In certain circumstances, the College may close an investigation upon the filing of an external complaint. When this happens, the outside agency takes over the investigation and the College will cooperate with the investigation conducted by the outside agency. If the College closes an investigation for this reason, the Title IX Coordinator must notify the parties in writing.

#### **E. Reporting and Other Actions by Bystanders**

While Responsible Employees are required reporters pursuant to this Policy, Mercy College encourages all other employees, students and community members to report incidents of Sexual Misconduct that they observe or become aware of to the Title IX Coordinator or other campus official so that the College may take appropriate steps to eliminate the alleged discrimination and assist a complainant in obtaining the appropriate supportive measures they need. Bystanders 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 Misconduct to take reasonable and prudent actions to prevent or stop the conduct. Actions may include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

#### **F. Reporting Retaliation**

Any individual who believes they have been retaliated against for making a report under this Policy, assisting someone making a report, or participating in any manner in an investigation, hearing or resolution of a Sexual Misconduct 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.

#### **G. 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 Misconduct 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 Misconduct. Therefore, a complainant or bystander acting in good faith who reports any incident of Sexual Misconduct 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 Misconduct. Amnesty does not apply to those who are illegally distributing alcohol or drugs.

#### **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. The College may delay its investigation temporarily while law enforcement conducts its investigation; however, such delay shall not exceed ten (10) days unless the law enforcement agency specifically requests and justifies a longer delay. 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.

## **I. Timing**

The College will make every reasonable effort to ensure that the investigation and resolution of a complaint is carried out as timely and efficiently as possible. A good-faith effort will be made to complete the investigation, hearing, resolution and appeal within sixty (60) calendar days from the receipt of the formal complaint. If the process will take longer than sixty (60) days, the Title IX Coordinator will notify both Parties in writing and continue to keep them aware of the timeline and any further delays. If the College needs to temporarily delay the fact-finding portion of the investigation due to the evidence-gathering phase of a law enforcement investigation, both Parties will be informed in writing.

## **J. False and Malicious Allegations**

Members of the Mercy College community who make false and malicious complaints of Sexual Misconduct, as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action under this and other policies at the College. Finding a person in violation of College policy for making a materially false statement in bad faith in the course of an investigation does not constitute retaliation on the part of the College. A determination regarding responsibility, in and of itself, is not sufficient to conclude that any party made a bad faith materially false statement.

## **VIII. SUPPORTIVE MEASURES AND ACCOMMODATIONS**

Supportive measures and accommodations are non-disciplinary, non-punitive individualized services designed to restore or preserve equal access to education and to ensure safety, prevent retaliation and avoid an ongoing hostile environment. Supportive measures and accommodations are available to complainants, respondents and other affected parties. Supportive measures are available when the College becomes aware of allegations of Sexual Misconduct (including both Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters), whether or not a complainant chooses to move forward with an investigation and/or resolution. Supportive measures may be provided on an interim or continuing basis. The College may also take reasonable measures to ensure the safety of the College community at large.

The Title IX Coordinator is responsible for coordinating and ensuring the effective implementation of supportive measures and accommodations. When the College learns of allegations of Sexual Misconduct, the Title IX Coordinator will promptly contact a complainant to discuss the availability of supportive measures and accommodations, discuss the complainant's wishes with respect to supportive measures and accommodations and inform complainant that supportive measures and accommodations are available even if the complainant does not wish to proceed with an investigation and/or resolution of the allegations. Requests for supportive measures and accommodations should be made to the Title IX Coordinator.

The Title IX Coordinator will work with the Vice President of Student Affairs or their designee to assist students with obtaining supportive measures and accommodations. The Title IX Coordinator will work with the Human Resources Director or their designee to assist employees with obtaining supportive measures and accommodations.

### **A. Range of Supportive Measures and Accommodations**

Possible supportive measures and accommodations may include:

1. Making appropriate changes to academic programs, including changes in class schedule, accommodations to permit students to take an incomplete or drop a course or courses without penalty, permitting students to attend a class via videoconference platform or other alternative means, providing an academic tutor, or extending deadlines for assignments;
2. Making appropriate changes to residential housing situations or providing assistance in finding alternate housing;
3. Changing an employee's work assignment or schedule;
4. Providing an escort to and from class or campus work location;
5. Arranging appropriate transportation services to ensure safety;
6. Offering counseling services through the College's Counseling Center or other appropriate office, or referral to an off-campus agency;
7. Enforcing an Order of Protection issued by a court;
8. Issuing a No Contact Order whereby continued intentional contact would be a violation of Mercy Policy and subject to disciplinary action (see discussion below); and
9. Emergency removal of a respondent when they pose an imminent threat to the physical health or safety of any person (see discussion below).

#### **B. No Contact Orders**

No Contact Orders are directives issued by the College prohibiting intentional contact or communication between specified parties. An individual who intentionally violates a No Contact Order is in violation of Mercy Policy and will be subject to disciplinary action. No Contact Orders may be issued for both complainants and respondents, as well as other individuals as appropriate.

No Contact Orders are issued by the Vice President of Student Affairs or their designee (for students) and the Director of Human Resources or their designee (for employees).

#### **C. Emergency Removal**

In exceptional circumstances, where a respondent presents an immediate threat to the physical health or safety of any student or other individual arising from a report of Sexual Misconduct, the College may effectuate an emergency removal of a student or take similar emergency measures against an employee, consistent with Mercy policies or collective bargaining agreements.

Prior to emergency removal under this Section, the Title IX Coordinator will conduct an individualized safety and risk analysis to determine whether a respondent presents an immediate threat to the physical health or safety of any person arising from a report of Sexual Misconduct. The College will give the respondent notice and an opportunity to challenge the decision immediately following the removal (see Section VII below). Both parties will be notified at the same time and in the same manner of the emergency removal and if or when the emergency removal is lifted.

#### **D. Process for Review of Supportive Measures and Accommodations, Including No Contact Orders and Emergency Removal**

Parties may request a prompt review of the need for and terms of supportive measures that directly affect them, including No Contact Orders and emergency removal. Issues that may be raised include possible modification or discontinuance of a No Contact Order.

If either party is a student, a request for review must be made to the College's Vice President for Student Affairs. If neither party is a student, a request for review must be made to the College's Director of Human Resources. If a case involves both a student and an employee, the Vice President for Student Affairs will consult with the Human Resources Director before making a decision. Requests for review must be in writing and parties may submit evidence to support their request. All requests will be reviewed within seven (7) days after receipt.

#### **IX. EVALUATION OF INITIAL ALLEGATIONS OF SEXUAL MISCONDUCT**

Upon learning of allegations of Sexual Misconduct, the Title IX Coordinator will evaluate whether the alleged behavior falls within the scope of Title IX Sexual Harassment. If the alleged Sexual Misconduct meets these criteria, it must proceed as a Title IX Sexual Harassment matter:

- A. The allegations, if true, meet the definition of Title IX Sexual Harassment as defined above in Section III;
- B. At the time the allegations are made, the complainant is participating in, or attempting to participate in an education program or activity at Mercy;
- C. The alleged sexual harassment occurred in the school's education program or activity, against a person in the United States; and
- D. The Complainant filed a formal complaint of Sexual Harassment.

If the alleged Sexual Misconduct does not meet all of the above criteria, the allegations will proceed as a **Non-Title IX Sexual Misconduct** matter. For allegations that involve multiple incidents of Sexual Misconduct, some of which qualify as a Title IX Sexual Harassment matter and some of which qualify as a Non-Title IX Sexual Misconduct matter, the allegations will proceed as a Title IX Sexual Harassment matter. Allegations of discrimination covered by *Mercy's Policy on Equal Opportunity and Non-Discrimination* will continue to be referred to the Equity Compliance Specialist and handled pursuant to separate procedures outlined in that Policy.

Rights and procedures that apply to all Sexual Misconduct matters are addressed in Section X. Procedures for the investigation, resolution and/or adjudication of Title IX Sexual Harassment matters are addressed in Section XI. Procedures for the investigation, resolution and/or adjudication of Non-Title IX Sexual Misconduct matters are addressed in Section XII.

#### **X. RIGHTS AND PROCEDURES THAT APPLY TO ALL SEXUAL MISCONDUCT MATTERS**

The following rights and procedures apply to all allegations of Sexual Misconduct, regardless of whether the allegations will proceed as a Title IX Sexual Harassment matter or a Non-Title IX Sexual Misconduct matter.



**A. Rights of Parties During any Investigation and Resolution.**

Parties will have the following rights when an investigation or resolution is initiated under either Section XI or XII of this Policy:

1. To an investigation and process that is fair, impartial, timely, thorough and provides a meaningful opportunity to be heard;
2. To have the allegations investigated and/or adjudicated by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, and the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until any finding of responsibility;
3. To have the allegations investigated, resolved and/or adjudicated by individuals who are free from a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent;
4. To have the College's judicial or conduct process run concurrently with any criminal justice investigation and proceeding, except for temporary delays requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay;
5. To an investigation process where the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the college and not on the parties;
6. To receive reasonable advance written notice of any meeting they are required to or eligible to attend;
7. To exclude their own prior sexual history with persons other than the other party in the investigation or conduct process and their own mental health diagnosis and/or treatment, subject to certain exceptions described in Sections XI.E and XI.G;
8. To offer evidence during the investigation;
9. To have irrelevant evidence excluded from any hearing;
10. To review documents and tangible evidence, consistent with the Family Educational Rights and Privacy Act ("FERPA") and other laws;
11. To be accompanied by an advisor of their choice (who may be an attorney), who may assist and advise throughout the process, including during all related meetings and hearings;
12. To simultaneous notice of the outcome of proceedings, including written notice of findings of fact, decisions and sanctions if any, as well as the rationale for the decision and any sanction;
13. For Title IX Sexual Harassment matters, Mercy will provide an advisor to any party who does not have one, for the limited purpose of conducting cross examination at a hearing. See Section X for more information;
14. To access to a full and fair record of any hearing;

15. To protection against retaliation as defined in Section III; and

16. To protection against the provision of false statements and evidence.

## **B. Informal Resolution**

Informal Resolution is an alternative to the formal investigation and adjudication procedures outlined in Sections XI and XII and may include administrative resolution (such as a mutual agreement to abide by a No Contact Order), acceptance of responsibility and penalty, mediation or other alternative dispute resolution. In some cases, informal resolution may represent a beneficial outcome for both parties by providing an alternative to the formal investigation and adjudication process. This informal resolution process is available in matters proceeding as Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters, except in cases involving Title IX Sexual Harassment allegations by a student against an employee.

Informal resolution may take place at any point prior to a determination of responsibility. For Title IX Sexual Harassment matters, informal resolution is available after a Title IX Formal Complaint is filed. The Title IX Coordinator must consider every eligible case for informal resolution. When the Title IX Coordinator determines that it is appropriate to refer a matter for informal resolution, the Title IX Coordinator will provide the parties with written notice that an informal resolution is being offered to resolve the allegations. This written notice will include:

1. A description of the allegations;
2. The requirements of the informal resolution process, including the circumstances under which an informal resolution will preclude the parties from resuming an investigation and formal resolution arising from the same allegations;
3. Potential consequences resulting from participating in the informal resolution process, including what records will be maintained or could be shared with the other party; and
4. Notice that either party has the right to withdraw from the informal resolution process and resume an investigation and formal resolution process at any time prior to agreeing to an informal resolution.

Both parties must agree to begin the informal resolution process. The time frame for investigations will be tolled while the parties engage in the informal resolution process. The Title IX Coordinator must reevaluate the parties' progress towards informal resolution every thirty (30) days and has the discretion to terminate the informal resolution process and resume the investigation at any time.

Upon referral by the Title IX Coordinator, the informal resolution process is conducted by a qualified staff or faculty member designated by the Title IX Coordinator, in coordination with the Vice President of Student Affairs or a designated Human Resources representative, as applicable.

Either party has the right to end the informal resolution process at any time prior to finalizing an informal resolution agreement.

Any agreement reached through informal resolution must be acceptable to both parties and the College. If a resolution is reached, the parties will be notified in writing, and a written memorandum will memorialize the agreed upon resolution. Both parties must provide their voluntary, written consent before an informal resolution agreement is finalized. Once finalized, the obligations in the agreement will be binding and the

allegations of Sexual Misconduct (and for Title IX Sexual Harassment matters, the Title IX Formal Complaint) will be deemed resolved. Once finalized, this memorandum will be maintained for seven (7) years, in compliance with recordkeeping requirements outlined in Section X.I.

Information learned as a direct result of the informal resolution process will not be documented in an investigatory report or subsequent adjudication. Information learned from another source, however, will not be excluded from an investigatory report or subsequent adjudication merely because it was discussed or raised during the informal resolution process. The staff or faculty member conducting the informal resolution process is precluded from participating as a witness in the investigation or participating as a witness or presenter in a subsequent adjudication. Violations of informal resolution agreements will be referred for discipline or other appropriate action in accordance with Mercy Colleges policies and collective bargaining agreements.

### **C. Title IX Sexual Harassment Grievance**

Only in Title IX Sexual Harassment matters will grievance hearings be convened. Mercy will appoint a Hearing Officer, who is specially trained annually on the relevant law and this Policy.

The Hearing Officer will decide whether the respondent is responsible for the alleged Policy violation(s). Hearings will be scheduled promptly (including during the summers) at a convenient time for all parties.

The Hearing Officer will not participate in a case if they have been involved in the investigation, will be participating in the hearing as a witness or if they have a direct interest in the outcome of the matter. The Hearing Officer will not participate in the hearing if they have previously participated in a case involving the same parties.

### **D. Appeals for Title IX Sexual Harassment and Non-Title IX Sexual Misconduct**

Appeals are permitted in both Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters. The College shall convene a three-person Appeals Panel, with each Panel member being specially trained annually on the relevant law and this Policy.

A party may appeal the Hearing Officer's or College's determination of responsibility and/or the penalty imposed on the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the hearing, which could affect the outcome of the matter;
3. The Title IX Coordinator, investigator or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
4. The disproportionate nature of the penalty.

The Appeal Panel may modify the penalty or remand the matter for a new hearing in Title IX Sexual Harassment matters or re-review in Non-Title IX Sexual Misconduct matters.

Parties intending to appeal under this section must send a written Notice of Appeal to the Title IX

Coordinator within fifteen (15) days after the delivery of the written determination of responsibility. The Title IX Coordinator will notify the non-appealing party in writing within five (5) days of receipt of the Notice of Appeal and will provide the hearing recording to the relevant parties in a timely manner. The non-appealing party has fifteen (15) days from receipt of the Notice of Appeal to submit a response as well.

The Appeal Panel will review the hearing materials and written submissions of the parties. The Appeal Panel will issue a written decision that indicates the final outcome and rationale for that decision within fifteen (15) days of receipt of the non-appealing party's written submission or failure to provide a submission. The written decision will be provided simultaneously to both parties.

#### **E. Conflict/Bias**

If a party believes that any individual involved in the investigation, resolution, grievance or appeals process has a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter, either party may make a request to have that conflicted individual removed from the process. Requests for removal must be made in writing within five (5) days of the notification that the individual is to be involved and include a detailed description of the conflict.

Requests for removal of the Hearing Officer or a member of the Appeals Panel must be made at least one (1) day before any hearing. All requests for removal must be directed to the Title IX Coordinator. After receiving a request for removal, the Title IX Officer will ask the individual with the alleged conflict to provide a short, written response to the request for removal and consider that response before making a determination. If a conflict exists, the Title IX Coordinator will take immediate steps to replace that investigator, informal resolution facilitator or Panel member to ensure an impartial and fair process.

#### **F. Hearing Recording**

The College shall make a recording of each hearing by some means such as a stenographic transcript, an audio recording or the equivalent. No other recording of the proceedings is permitted. A respondent who has been found responsible after a hearing is entitled upon request to a copy of such a record without cost upon the condition that it is not to be disseminated except to the respondent's advisor. In the event of an appeal, the parties will be provided a copy of such a record without cost, upon the condition that it is not to be disseminated except to their advisors.

The parties are prohibited from recording any part of the investigation and grievance process and from unauthorized copying of documents or materials, as well as unauthorized posting, distribution or otherwise sharing of said recordings, documents or materials to anyone other than family, an advisor or legal counsel. Copying includes but is not limited to: audio or video recording, streaming, photographing, scanning, transcribing, or any other form that conflicts with the spirit of this directive. Allegations of non-compliance under this Section will be reviewed by the Office of Student Affairs, or Human Resources, as appropriate, and may result in disciplinary action.

#### **G. Student Respondent Withdrawal Before Allegations are Resolved**

When a student respondent withdraws from the College with a Sexual Misconduct investigation or adjudication pending, the respondent will be barred from returning until the investigation and/or adjudication is complete, or the allegations are otherwise resolved. If the respondent fails to appear at a subsequent hearing, the College may proceed in absentia, and any decision and sanction shall be binding,

pending appeal.

The College must place a notation on the respondent's transcript that the respondent "withdrew with conduct charges pending." If the respondent is subsequently found not responsible at a hearing, the transcript notation will be removed. If the respondent is subsequently found responsible at a hearing and the penalty is either suspension or expulsion, the transcript notation will be adjusted in accordance with Section H below.

#### **H. Transcript Notations**

When a student respondent is found responsible and the penalty is either suspension or expulsion, the College must place a notation on the respondent's transcript stating that respondent "was suspended/expelled after a finding of responsibility for a code of conduct violation."

For expulsion cases, after four years from the date of the conclusion of the disciplinary proceeding, or one year after the conclusion of any suspension (whichever is shorter), the respondent has the right to request that a transcript notation from a finding of responsibility be removed. However, in cases where a student respondent was expelled as a result of a Clery Act crime of violence (20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII)) including but not limited to sexual assault, the notation will not be removed. If a finding of responsibility is vacated for any reason, the notation must be removed.

#### **I. Recordkeeping**

All records related to the College's response to allegations of Sexual Misconduct must be maintained for 7 years from the last action on a matter, unless such records must be maintained for a longer period of time pursuant to Mercy's Records Retention and Disposition Schedule.

These records include: records of any actions, including any supportive measures or accommodations taken in response to allegations of Sexual Misconduct; investigation records, materials, and documents; determinations regarding responsibility and disciplinary sanctions; remedies provided to a complainant designed to restore or preserve equal access to Mercy's education program or activity; any appeals and the result; any informal resolution and the result; and any recordings or transcripts of hearings.

Mercy's Records Retention and Disposition Schedule requires that student disciplinary records be maintained permanently.

### **XI. PROCEDURES FOR TITLE IX SEXUAL HARASSMENT MATTERS**

The following procedures apply *only* to Title IX Sexual Harassment matters.

#### **A. Requirement of a Title IX Formal Complaint**

The Title IX Coordinator will determine if the initial allegations that were reported meet the criteria of a Title IX Formal Complaint, which is required to initiate a grievance process or resolution.

A Title IX Formal Complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment (as defined in Section III) against a respondent and requesting that the College investigate the allegations. The Title IX Coordinator may sign a Title IX Formal Complaint with or without a complainant's desire to participate in a grievance process. A Title IX Formal Complaint may be a physical document, email or electronic submission through a campus online form, so long as it contains the

complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint.

If the initial allegations that were reported do not meet the criteria of a Title IX Formal Complaint, the Title IX Coordinator will contact the complainant to explain how to file a Title IX Formal Complaint and notify them that a Title IX Formal Complaint is required to resolve the allegations. If no Title IX Formal Complaint is received within a reasonable time, the Title IX Coordinator may administratively close the matter. A complainant may file a Title IX Formal Complaint at any time thereafter.

#### **B. Initiation of Title IX Grievance Procedure**

Upon receipt of a Title IX Formal Complaint, the Title IX Coordinator will notify the known parties that the College is commencing a Title IX grievance procedure. The notice will be in writing and will include the following:

1. Mercy's Policy on Sexual Misconduct;
2. Notice of the allegations, including sufficient details known at the time notice is sent, including the date, time and location of the alleged behavior, the identity of the parties and the specific act or acts that are alleged to violate the Policy's prohibition of Title IX Sexual Harassment, defined in Section III;
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
4. A statement that the allegations outlined in the notice may not be the final allegations considered by the college, and notice that if the College decides to investigate additional allegations, the College will provide notice of the additional allegations in a timely manner and with sufficient time for the parties to prepare for any hearing;
5. Notice that the parties may have an advisor of their choice, who may be an attorney, throughout the process;
6. Notice that parties may inspect and review evidence;
7. Notice that the parties are entitled to written notice of the date, time, location, participants and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate in any hearing, investigative interview or meeting;
8. Notice that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the college and not on the parties;
9. Mercy's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process, as defined in Section VII.J.; and
10. Mercy's prohibition on retaliation, as defined in Section III.

This notice will be provided at least five (5) days before any initial interview unless a party consents to a shorter period.

#### **C. Informal Resolution**

A Title IX Formal Complaint may be resolved through an informal resolution process (Section X.B.)

#### **D. Dismissal of Title IX Formal Complaint Prior to Resolution**

1. Mandatory Dismissals: If, at any time after receipt of a Title IX Formal Complaint, it becomes clear that the allegations, if true, do not meet the definition of Title IX Sexual Harassment, the Title IX Coordinator must dismiss the Title IX Formal Complaint.
2. Discretionary Dismissals: The Title IX Coordinator may dismiss a Title IX Formal Complaint, or any allegations therein, if:
  - a. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the Title IX Formal Complaint or any allegations therein;
  - b. The respondent is no longer enrolled or employed by Mercy; or
  - c. Specific circumstances exist that prevent the College from gathering evidence sufficient to reach a determination as to the Title IX Formal Complaint or allegations therein.
3. Process following dismissal of Title IX Formal Complaint: Upon mandatory or discretionary dismissal of a Title IX Formal Complaint, the Title IX Coordinator must determine whether the allegations will proceed as a Non-Title IX Sexual Misconduct matter. The parties will be notified of the dismissal in writing and provided an opportunity to appeal, as discussed in Section XI.
4. This notice will include:
  - a. The basis for the dismissal;
  - b. Whether the allegations will proceed as a Non-Title IX Sexual Misconduct matter; and
  - c. The parties' right to appeal the dismissal and the procedures to do so.

#### **E. Appeal of Dismissal of a Title IX Formal Complaint**

Either party may appeal the dismissal of a Title IX Formal Complaint on the following grounds:

1. A procedural irregularity affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the dismissal was made, that could affect the outcome of the matter; and/or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeals under this section must be directed to the Director of Human Resources (if the complainant is an employee) or Vice President for Student Affairs (if the complainant is a student) in writing within five (5) days after the delivery of the written dismissal notice. The Director of Human Resources or Vice President of Student Affairs, or their designee will notify the non-appealing party in writing within five (5) days of the

receipt of any appeal under this Section and will notify the non-appealing party of their opportunity to submit a written statement in support of, or challenging the dismissal of the Title IX Formal Complaint, due within five (5) days after the delivery of written notice. The Director of Human Resources or Vice President of Student Affairs, or their designee, will issue a written decision describing the result of the appeal and the rationale for the result within fifteen (15) days of the receipt of the appeal or within fifteen (15) days of the receipt of the opposing party's submission, whichever is longer. The written decision will be provided simultaneously to both parties.

The Title IX Coordinator must wait until an appeal under this section is decided before taking any further action as a Non-Title IX Sexual Misconduct matter.

## **F. Formal Resolution and Investigation**

### **1. Rights of the Parties**

When a Title IX Formal Complaint proceeds to formal resolution and investigation, the parties have the following rights in addition to those outlined in Section X.A.:

- a. To have the Title IX Formal Complaint investigated, resolved and/or adjudicated by individuals who receive training as required by federal regulation;
- b. To an evaluation of all relevant evidence, including both inculpatory and exculpatory evidence and credibility determinations that are not based on a person's status as a complainant, respondent or witness;
- c. To receive reasonable advance written or electronic notice of allegations, including the date, time, location and general description of the allegations, as well as the specific conduct rule or law violated and the possible sanction;
- d. To exclude questions and evidence about their own sexual predisposition or prior sexual behavior, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent (complainant only);
- e. To the exclusion (including the College's access, consideration, disclosure or other use) of a party's records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional, and which are made and maintained in connection with the provision of treatment to the party, unless the college obtains the party's voluntary, written consent;
- f. To offer evidence during the investigation, including both fact and expert witnesses and other inculpatory and exculpatory evidence;
- g. To an investigative report that fairly summarizes relevant evidence;
- h. To inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Title IX Formal Complaint, including inculpatory or exculpatory evidence whether obtained from a party or other source, consistent with FERPA and other law;



and to submit a written response within ten (10) days of receiving said evidence and to have that written response considered by the Title IX Coordinator prior to the investigative report being finalized;

- i. To review the investigative report at least ten (10) days prior to any hearing and to respond in writing prior to a hearing or other time of determination regarding responsibility; and
- j. To a live hearing and cross examination; Mercy will provide an advisor to any party who does not have one, for the limited purpose of conducting cross examination at a hearing.

## 2. Investigation

The Title IX Coordinator is responsible for conducting investigations in a prompt, thorough, and impartial manner. Whenever an investigation is conducted, the Title IX Coordinator must:

- a. Inform the parties that a Title IX grievance procedure and investigation is being commenced and their rights during such investigation, as outlined in Sections X and XI;
- b. Coordinate investigative efforts with other appropriate offices;
- c. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the college and not on the parties; and
- d. Interview witnesses who might reasonably be expected to provide information relevant to the allegations, and review relevant documents and evidence.

The College must make reasonable efforts to ensure that the investigation is carried out within a reasonably prompt timeframe. While some allegations may require more extensive investigation, when possible, the investigation of a Title IX Formal Complaint must be completed within one hundred-twenty (120) days of receipt of the Title IX Formal Complaint (including the evidence review process, completion of the investigative report and report review process, as discussed below).

If there is a delay in completing the investigation, the Title IX Coordinator must notify the parties in writing and indicate the reason for the delay. The Title IX Coordinator should also note the reason for delay and projected timeline for completing the investigation in their case file. The reason for extension of the time frame of an investigation may include, but is not limited to: compliance with a request by law enforcement; a limited accommodation for the availability of parties, their advisors and witnesses; students on leave; exam periods, school breaks or vacations; and accounting for the complexities of a specific investigation, including the number of witnesses and volume of information provided by the parties.

## 3. Post-Investigation Review of Relevant Documents and Materials

Prior to the completion of the investigative report (discussed below), the Title IX Coordinator will send the parties (either in hard copy or electronic form) all of the relevant documents and materials gathered during the investigation that are directly related to the allegations raised in the Title IX Formal Complaint. These materials include any evidence upon which the Title IX Coordinator does not intend to rely when making a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or another source. The parties may submit a written response, due within ten (10) days after the materials are provided, which will be considered by the Title IX Coordinator prior to finalizing the

investigative report.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. The parties will have access to use and refer to these documents and materials during a hearing.

#### 4. Investigative Report

Upon completion of the investigation, the Title IX Coordinator must prepare an investigative report, which will fairly summarize all relevant evidence gathered during the investigation. The investigative report must include:

- a. Procedural history of the case;
- b. Alleged Policy violations;
- c. A list of individuals interviewed;
- d. A list of exhibits;
- e. A list of additional documents and materials (not included as an exhibit) obtained as part of the investigation and directly related to the allegations, including inculpatory or exculpatory evidence; and
- f. A summary of party and witness statements and other relevant evidence, including a summary of relevant evidence pertaining to each allegation.

#### 5. Review of Investigative Report

Upon completion of the investigative report, and at least ten (10) days prior to any hearing, the Title IX Coordinator will send the report to each party (and the party's advisor, if applicable) for their review and written response. A party's written response to the report is due within ten (10) days after the report is provided, and will be shared with the Hearing Officer and the other party prior to a hearing.

### **G. Live Hearing**

Following the completion of the investigation and investigative report, all Title IX Sexual Harassment matters will proceed to a live hearing. The same process and procedures will apply regardless of whether the respondent is a student or employee, although specific information regarding employee penalties is included in Sections XI and XII.

When possible, the live hearing must be completed within sixty (60) days after completion of the investigation. Live hearings pursuant to this section may be conducted with all parties physically present in the same geographic location or, at the college's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to see and hear each other simultaneously.

#### 1. Pre-Hearing Procedures

##### a. Referral for Hearing

Following the conclusion of the investigative process, the Title IX Coordinator will notify the following parties that the matter is ready for a hearing before the Hearing Officer:

i. For student respondents: the Office of Student Affairs.

ii. For employee respondents: the Office of Human Resources.

The Title IX Coordinator will facilitate the scheduling of the hearing. The Title IX Coordinator will determine an appropriate physical location (if applicable) for the hearing on a case-by-case basis. After the hearing is scheduled, the Office of Student Affairs or Office of Human Resources will coordinate the hearing, including, for example, providing a location, facilitating a remote platform, recording the hearing and arranging for presenters and advisors, as needed.

b. Issuance of Notice of Hearing

The Title IX Coordinator will issue the Notice of Hearing to both parties, which will include the date, time and location of the hearing and notice of the allegations identified in the investigative report. The Notice of Hearing must be sent by both first-class mail (or overnight mail) to the physical address or P.O. box address appearing on the records of the College and email using the party's Mercy email address, and any other email address known to the College. Notice of at least seven (7) days will be provided.

The parties are permitted one adjournment each, for a reasonable amount of time under the circumstances, without specifying a reason. Additional requests for an adjournment must be made at least five (5) days prior to the hearing date and shall be granted or denied at the discretion of the Hearing Officer. If either party fails to respond to the notice, appear on the adjourned date, or request an extension, the College may proceed without their presence, and any determinations of responsibility will be final, subject to appeal.

The Notice of Hearing must contain the following:

- i. A Complete and itemized statement of the allegations against the respondent, including the policy the respondent is charged with violating, and the possible penalties for such a violation;
- ii. A statement that the parties have the right to attend and participate fully in the hearing including the right: to present their side of the story; to present witnesses and evidence on their behalf; to be represented by an advisor (who may be an attorney, at their own expense) and if the respondent or the complainant does not have an advisor at the hearing, the College must provide an advisor for the limited purpose of cross examination; for their advisor to cross-examine witnesses presenting evidence; for the respondent to remain silent without assumption of responsibility; and
- iii. A warning that anything said may be used at a non-college hearing (for example, as part of a criminal case).

c. Review of Evidence before Hearing

At least five (5) days prior to the commencement of a hearing, the College will provide the parties and their advisors:

- i. A list of documents or other tangible evidence that the college intends to use at the hearing. In the event the College intends to use documents or other tangible evidence at the hearing that was not provided to the parties during the investigation phase the College must provide those materials to the parties and their advisors at least five (5) days prior to commencement of a

hearing; and

- ii. A copy of the other party's written response to the investigative report.

At least five (5) days prior to the commencement of a hearing the College will provide the Hearing Officer the following:

- i. The investigative report, including exhibits; and
- ii. The parties' written responses to the investigative report.

## **H. Hearing Procedures**

All hearings pursuant to this Policy are closed hearings, meaning that participation and observation is limited to the parties, their advisors, witnesses, the Hearing Officer, the College presenter and any College staff required to coordinate the hearing.

### **1. Roles and Responsibilities**

- a. The participants at the hearing are the College, the Respondent and the complainant.
- b. Hearing Officer

The Hearing Officer, discussed in Section X.C, serves as the decision-maker at the hearing. Prior to the hearing, the Hearing Officer will review the investigative report, exhibits and the parties' written responses to the investigative report. During the hearing, the Hearing Officer will listen to the testimony, review and consider evidence and ask questions of the witnesses. After the hearing, the Hearing Officer will consider all of the information and evidence reviewed, make a decision as to responsibility and penalty (if applicable) and issue a written determination of responsibility.

At the commencement of the hearing, the Hearing Officer must inform the parties of the charges, the hearing procedures, and their rights. The Hearing Officer must then ask the respondent to state whether they are responsible or not responsible for the conduct. The Hearing Officer shall exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant. The Hearing Officer must rule on the admissibility of evidence and must exclude irrelevant questioning, testimony and evidence.

- d. College Presenter

The College will be represented by a presenter. Each academic year, the Vice President of Student Affairs must appoint/identify one or more College employee(s) to serve as presenters for hearings against student respondents involving their campuses. Similarly, the Director of Human Resources must appoint/designate employees to serve as presenters against employee respondents.

- e. Advisors

The parties may be accompanied by an advisor of their choice (who may be an attorney) for the purposes of conducting cross-examination. In the event a party does not have an advisor present at the hearing, the College must provide an advisor for the limited purpose of conducting cross-examination on behalf of that party. A party's advisor may also assist and advise that party during meetings and hearings but may not

speak on behalf of the party or otherwise participate in the meeting or hearing.

Advisors must treat all hearing participants, including the Hearing Officer, parties and witnesses, with respect and according to the decorum guidelines (in Appendix C of this Policy), which shall be provided to each party prior to the hearing. Any party intending to appear with an attorney must give the college five (5) days' notice of the attorney's name and contact information.

## 2. Responsibility Phase

The College bears the burden of proving the allegations by a preponderance of the evidence.

### a. Presentation of Evidence

Evidence will be presented in the following order: College, complainant and respondent. The parties have an equal opportunity to present relevant evidence, including fact and expert witnesses and other inculpatory and exculpatory evidence to the Hearing Officer. If a party submits documentary evidence during a hearing that was not previously shared during the investigation, the chairperson may, at the request of any other party grant an adjournment of the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Questions and evidence of the mental health diagnosis and/or treatment of any party may not be introduced, unless that party provided their voluntary and written consent for such materials to be made part of the investigation and the information is directly related to the allegations raised in the Title IX Formal Complaint.

### b. Cross Examination

Each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. A party may not conduct cross-examination personally, but must do so through their advisor. In the event a party does not have an advisor and the case proceeds to a hearing, the College must provide an advisor for the limited purpose of conducting cross-examination on behalf of that party. All advisors must follow the decorum guidelines, which shall be provided to each party prior to the hearing.

Before a complainant, respondent, or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

## 3. Determination of Responsibility

Following the hearing, the Hearing Officer will determine whether there is a preponderance of evidence that the respondent violated the Policy, which may be based on information contained in the investigative report and the testimony and evidence presented at the hearing.

#### 4. Penalty Phase

If a respondent is found responsible for violating this Policy, the Hearing Officer will determine the penalty to be imposed; except that if the respondent is a represented employee whose discipline is subject to a collective bargaining agreement, there will be no penalty phase, and a determination that the respondent is responsible will be referred for discipline under the applicable collective bargaining agreement.

Following the responsibility phase of the hearing, the complainant, respondent, and College, will have the opportunity to introduce evidence and make arguments related to what the appropriate penalty should be, in the event the respondent is found responsible for violating the Policy. The complainant, respondent and the College will also have the opportunity to introduce evidence of and comment on the respondent's character, including any past findings of responsibility for Domestic Violence, Stalking, Sexual Assault or any other Sexual Misconduct, and submit a statement regarding the impact of the conduct.

The College may also introduce a copy of the respondent's previous disciplinary records, if any, provided the respondent was shown a copy of the records prior to the commencement of the hearing.

The Hearing Officer will consider the disciplinary records, as well as any documents or character evidence introduced by the respondent, the complainant, or the College, in determining an appropriate penalty.

If either party chose not to participate in the responsibility phase of hearing, they still have the opportunity to introduce evidence and make arguments related to what the appropriate penalty should be and to provide or make an impact statement.

#### 5. Notice of Hearing Determination

The Hearing Officer will issue a written Determination of Responsibility, which must include the following:

- a. Identification of the allegations potentially constituting Sexual Misconduct;
- b. A description of the procedural steps taken from the receipt of the Title IX Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of this Policy to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- f. If a student respondent is found responsible, any disciplinary sanctions that will be imposed on the respondent or, if an employee is found responsible, a statement that the matter will be referred to the Director of Human Resources for discipline and, if applicable, under the applicable collective bargaining agreement;

- g. A statement of whether remedies designed to restore or preserve equal access to Mercy's education program or activity will be provided to the complainant; and
- h. Procedures and permissible bases for the parties to appeal.

The College will send the written determination of responsibility to the parties simultaneously, within fifteen (15) days of the conclusion of the hearing. The determination of responsibility will be sent by both first-class mail (or overnight mail) to the physical address or P.O. box address appearing on the records of the College (unless a party requests in writing prior to the conclusion of the hearing that a different address be used) and email using each party's Mercy email address, and any other email address provided to the College specifically for this purpose. In cases involving two or more complainants or respondents, the Hearing Officer has twenty (20) days from the conclusion of the hearing to send the decision. The decision is final subject to any appeal.

#### 6. Remedies for Complainants

In the event the respondent is found responsible for violating the Policy, the Title IX Coordinator will implement remedies for the complainant, designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include a continuation of the same supportive measures and accommodations described in Section VIII, but need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

#### 7. Sanctions for Respondents

##### a. Range of Sanctions for Students

Sanctions for student respondents range from a warning to suspension or expulsion from the College.

When a disciplinary hearing results in a penalty of expulsion or suspension for one term or more, the respondent must be barred from attendance at Mercy while the penalty is being served.

Students may also be subject to Mercy's Policy on transcript notations which is discussed in Section X.H.

##### b. Range of Sanctions for Employees

As discussed above in Sections XI and XII, there will be no penalty phase for employees who are subject to a disciplinary process contained in a collective bargaining agreement; instead, a determination that the respondent is responsible will be referred for discipline under the applicable collective bargaining agreement. For all other employees, sanctions range from a reprimand to suspension to termination of employment.

## **XII. PROCEDURES FOR NON-TITLE IX SEXUAL MISCONDUCT MATTERS**

The following procedures will apply to Non-Title IX Sexual Misconduct matters:

When the College becomes aware that Sexual Misconduct may have been committed by or against a student, employee or contractor, vendor or visitor, the College must conduct an investigation unless the information provided is insufficient to permit an investigation or the complainant has requested that the College refrain from such an investigation and the College has determined that refraining from an investigation will not result in a continuing threat to the College community.

## **A. Rights of the Parties**

Whenever an investigation of Non-Title IX Sexual Misconduct takes place, the parties have the rights described in Section X.

## **B. Informal Resolution**

A Non-Title IX Sexual Misconduct matter may be resolved through an informal resolution process described in Section X.B.

## **C. Investigation and Findings**

The Title IX Coordinator is responsible for conducting an investigation in a prompt, thorough, and impartial manner. Whenever an investigation is conducted, the Title IX Coordinator must:

1. Coordinate investigative efforts with other appropriate offices;
2. Provide the parties written notice that an investigation is being commenced, including notice of the allegations and sufficient details known at the time notice is sent, including the date, time and location of the alleged behavior and the specific act or acts that are alleged to violate the Policy's prohibition on Sexual Misconduct;
3. Interview witnesses who might reasonably be expected to provide information relevant to the allegations, and review relevant documents and evidence. Both the complainant and respondent must be informed that they have the right to provide relevant documents and to propose witnesses whom they reasonably believe can provide relevant information. A respondent employee who is covered by a collective bargaining agreement may consult with and have a union representative present at any interview of that employee conducted as part of such investigation; and
4. Create an investigative report that fairly summarizes relevant evidence and makes findings as to whether, in the investigator's opinion, there is a preponderance of evidence that the respondent is responsible for the allegation(s).

The College must make reasonable efforts to ensure that the investigation and resolution of allegations of Sexual Misconduct are carried out within reasonably prompt timeframes. While some allegations may require more extensive investigation, when possible, the investigation of allegations of Sexual Misconduct (including completion of the investigative report) must be completed within one hundred-twenty (120) days of the receipt of the allegations.

If there is a delay in completing the investigation, the Title IX Coordinator must notify the parties in writing and indicate the reason for the delay. The Title IX Coordinator should also note the reason for delay and projected timeline for completing the investigation in their case file. The reason for extension of the time frame of an investigation may include but is not limited to: compliance with a request by law enforcement; a limited accommodation for the availability of parties, their advisors and witnesses; students on leave; exam periods, school breaks or vacations; and accounting for the complexities of a specific investigation, including the number of witnesses and volume of information provided by the parties.

Upon completion of the investigation, the Title IX Coordinator must prepare an investigative report, which will fairly summarize and evaluate relevant evidence gathered during the investigation. The investigative



report will include:

1. Procedural history of the case;
2. Alleged Policy violations;
3. A list of individuals interviewed;
4. A list of exhibits;
5. Summary of party and witness statements and other relevant evidence;
6. Analysis of evidence, including credibility assessments; and
7. Factual findings regarding whether, in the investigator's opinion, there is a preponderance of evidence that the respondent is responsible for the allegation(s).

#### **D. Action Following the Termination of an Investigation**

##### **1. Students**

Within thirty (30) days following the termination of an investigation, the Title IX Coordinator will summarize for the file the actions taken in response to the allegations and the basis on which the investigation was closed.

##### **a. Complainant Appeal of Unsubstantiated Allegations**

If the complainant is a student, the Title IX Coordinator must provide the investigative report to both parties within five (5) days of the completion of the report. If the allegations are unsubstantiated, in whole or in part, the student complainant has the right to appeal the Title IX Coordinator's determination to the Appeals Panel. Appeals may be based on the following grounds:

- i. Procedural irregularity that affected the outcome of the matter;
- ii. New evidence that was not reasonably available at the time of the investigation, which could affect the outcome of the matter; or
- iii. The Title IX Coordinator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The complainant must submit their written appeal to the Title IX Coordinator within fifteen (15) days after the delivery of the investigative report. The Title IX Coordinator will provide the complainant's appeal to the respondent within five (5) days of submission. The respondent will have the opportunity to submit a written response to the appeal, due within fifteen (15) days after the delivery of the complainant's appeal.

The Title IX Coordinator will convene the Appeals Panel. The Appeals Panel will review the investigative report, the complainant's appeal and the respondent's response, if any. The Appeal Panel will issue a written decision within fifteen (15) days of receipt of the respondent's written submission or failure to provide a submission. The written decision will be provided simultaneously to both parties.

If the Appeals Panel grants the appeal, it may remand the matter for appropriate action, which may include, but is not limited to, the evaluation of new evidence or a new investigation.

Following the complainant's appeal, if any, the Title IX Coordinator shall send the investigative report, as well as any decision on appeal, to the Vice President of Student Affairs. The College President must also be apprised of the outcome of any appeal. A copy of the report and any decision on appeal must be maintained in the files of the Title IX Coordinator.

#### b. Action Against Student Respondents

Following receipt of the investigative report, the Vice President for Student Affairs when warranted by the facts, authorize such action as they deem necessary, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII.E. below, or for unsubstantiated findings, authorization to close the matter.

#### 2. Employees

The Title IX Coordinator must provide the investigative report to the Director of Human Resources. Following receipt of the investigative report, the Director of Human Resources must, when warranted by the facts, authorize such action as they deem necessary, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII.E. below, or for unsubstantiated findings, authorization to close the matter.

Within thirty (30) days following the termination of an investigation (for example, because it was resolved by informal resolution or the complainant withdrew cooperation), the Title IX Coordinator will summarize for the file the actions taken in response to the allegations and the basis on which the investigation was closed.

### **E. Disciplinary Process and Procedures**

#### 1. Disciplinary Action

The following procedures apply when the Vice President for Student Affairs or Director of Human Resources recommends that disciplinary action be commenced against a respondent student or employee for violations of this Policy:

##### a. Discipline Against Students

When the Vice President for Student Affairs recommends discipline against a student for violations of this Policy, the matter is referred to the Office of Community Standards and Student Conduct and action must be taken in accordance with the Judicial Process in the Student Handbook. Sanctions for student respondents range from a warning to suspension or expulsion from the College. When a finding results in a penalty of expulsion or suspension for one term or more, the respondent must be barred from attendance at Mercy while the penalty is being served. Students may also be subject to Mercy's policy on transcript notations, discussed in Section X.H.

##### b. Discipline Against Employees

In cases where the Director of Human Resources recommends discipline against an employee, the matter is referred for disciplinary action in accordance with any applicable College policies, rules and collective bargaining agreements. Penalties for employees include, depending on the employee's title, reprimand, suspension, demotion, fine, or termination of employment following applicable disciplinary procedures.

For additional information on the disciplinary process in specific cases, parties should consult the Office of Human Resources to provide information. Respondents may also consult with their union representative, if any.

c. Action Against Visitors and Contractors

In cases where the person accused of Sexual Misconduct is not a Mercy student or employee, the College's ability to take action against the respondent is usually limited. However, the College will take appropriate actions within its control, such as restricting the visitor's access to campus. If the person accused is a contractor or vendor, Mercy may ask that that individual be removed from Mercy's account.

d. No Disciplinary Action

In cases where the Vice President for Student Affairs or the Director of Human Resources decides not to bring disciplinary action, the Title IX Coordinator must inform the parties of that decision at the same time, in writing, and must offer any appropriate support services, including counseling, to both.

### **XIII. COLLEGE OBLIGATIONS UNDER THIS POLICY**

In addition to addressing allegations of Sexual Misconduct, the 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 Campus Safety, Office of Human Resources and other appropriate offices, is responsible for the wide dissemination of the following: (i) this Policy; (ii) Mercy's Notice of Non-Discrimination; (iii) the Title IX Coordinator's name, phone number, office location, and email address and (iv) contact information for the Office of Campus Safety. Such dissemination includes posting the documents and information on the College website, and including it in residence life materials and training and educational materials.

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 Misconduct at the time the report is made. It must also be distributed annually to all students, made available on the College's website and posted in Mercy College residence halls.

#### **B. Training and Educational Programming**

Mercy is responsible for providing training to Title IX Coordinators, investigators, the Hearing Officer, Appeals Panel members, and anyone who facilitates informal resolutions.

The Title IX Coordinator, in coordination with other applicable offices, including Campus Safety, Office of Human Resources and Office of Student Affairs, is responsible for ensuring that the College provides training to college employees on their obligations under this Policy; provides education on this Policy and on Sexual Misconduct (including Domestic Violence, Dating Violence, Stalking and Sexual Assault) to new and continuing students; and promotes awareness and prevention of Sexual Misconduct among all students and

employees. Specific required trainings include the following:

### 1. Training for Responsible and Confidential Employees

The College must provide training to all employees who are required to report incidents of Sexual Misconduct under this Policy, as well as those employees who have been designated as confidential employees.

### 2. Training for Title IX Coordinators, Investigators, and Other Relevant Employees

Mercy will provide training on the topics below to Title IX Coordinators, investigators, Hearing Officers, and Appeals Panel members, and any person who facilitates an informal resolution process. Training for Title IX Coordinators, Hearing Officers, investigators, and Appeal Panel members will be at least annual.

- a. The definition of Sexual Misconduct, including Sexual Harassment, Title IX Sexual Harassment, Dating Violence, Domestic Violence and Stalking;
- b. How to conduct an investigation;
- c. How to create an investigative report that fairly summarizes relevant evidence;
- d. The grievance process, including hearings, appeals and informal resolution processes, as applicable;
- e. Impartiality, including avoiding prejudgment of the facts, conflicts of interest, and bias;
- f. Relevance of questions and evidence, including the fact that sexual predisposition or prior sexual acts with individuals other than the parties are generally not relevant, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a determination regarding responsibility is made at the conclusion of the applicable processes;
- g. The scope of the College's education programs and activities;
- h. The effects of trauma;
- i. Other relevant College policies and procedures; and
- j. Any technology to be used at a live hearing.

### 3. Student Onboarding and Ongoing Education

The College shall adopt a comprehensive student onboarding and ongoing education campaign to educate students about Sexual Misconduct, including Domestic Violence, Dating Violence, Stalking, and Sexual Assault. During the student onboarding process, all new first-year and transfer students must receive training on this Policy and on a variety of topics relating to Sexual Misconduct. In addition, the College shall offer and administer appropriate educational programming to residence hall students, athletes, and student leaders. The College must also provide such educational programming to any other student groups which the college determines could benefit from education in the area of Sexual Misconduct. The College must also share information on Domestic Violence, Dating Violence, Stalking and Sexual Assault prevention with

parents of enrolling students. See <https://www.mercy.edu/about/title-ix>

#### 4. Campus Climate Assessments

Mercy College must conduct, no less than every other year, a climate assessment to ascertain its students' general awareness and knowledge of Mercy's Policy and procedures regarding sexual misconduct, including but not limited to student experiences with and knowledge of reporting, investigation and disciplinary processes. The assessment instrument must include all topics required to be included under applicable law, including Section 129-B of the New York State Education Law.

Mercy will publish the results of the surveys on its Title IX web page. The published results will not contain any information which would enable a reader to identify any individual who responded to the climate assessment.

### **XIV. RULES REGARDING INTIMATE RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS**

#### **A. Relationships Between Faculty or Employees and Students**

Sexual activity or amorous or dating relationships ("intimate relationships"), even when apparently consensual, are inappropriate when they occur between a faculty member or employee and any student for whom they have a professional responsibility. Those relationships are inappropriate because of the unequal power dynamic between students and faculty members and between students and employees who advise or evaluate them, such as athletic coaches or workplace supervisors. Such relationships necessarily involve issues of student vulnerability and have the potential for coercion. In addition, conflicts of interest or perceived conflicts of interest may arise when a faculty member or employee is required to evaluate the work or make personnel or academic decisions with respect to a student with whom they are having an intimate relationship.

Therefore, faculty members and other employees are prohibited from engaging in intimate relationships with students for whom they have a professional responsibility, including undergraduates and graduate students.

For purposes of this Section, professional responsibility for a student means responsibility over any academic matters, including teaching, counseling, grading, advising for a formal project such as a thesis or research, evaluating, hiring, supervising, coaching, making decisions or recommendations that confer benefits such as admissions, registration, financial aid, other awards, remuneration, or fellowships, or performing any other function that might affect teaching, research, or other academic opportunities.

#### **B. Relationships Between Supervisors and Employees**

Many of the concerns about intimate relationships between faculty members or employees and students also apply to relationships between supervisors and employees they supervise. Those relationships therefore are strongly discouraged. Supervisors must disclose any such relationships to their supervisors in order to avoid or mitigate conflicts of interest in connection with the supervision and evaluation of the employees with whom they have an intimate relationship.

Mitigation may involve the transfer of either the supervisor or employee, reassigning the responsibility to evaluate the employee to a different supervisor, or other appropriate action.

For purposes of this Section, supervising an employee means supervising in an employment setting, including hiring, evaluating, assigning work, or making decisions or recommendations that confer benefits such as promotions, raises or other remuneration, or performing any other function that might affect employment opportunities.

#### **XV. IMPLEMENTATION**

This Policy applies to Sexual Misconduct that is alleged to have occurred on or after August 14, 2020. Sexual Misconduct that alleged to have taken place before the effective date of this Policy will be handled in accordance with the Mercy College Policy and Procedures Relating to Sexual Misconduct that was in effect at the time the behavior occurred.

Should any portion of the 2020 Title IX Regulations be stayed or held invalid by a court of law, or should the Title IX Final Regulations be withdrawn or modified to not require the elements of this Policy, the invalidated elements of this Policy will be deemed revoked as of the publication date of the opinion or order. Should this Policy's Title IX-specific procedures be revoked in this manner, any Sexual Misconduct covered under Section XI, including any elements of the process that occur after the revocation date if a case is not complete by that date of revocation, shall be investigated, resolved and/or adjudicated under Section XII without further action by Mercy.

## APPENDIX A

### **Mercy College Student Bill of Rights**

When reporting or responding to sexual misconduct, sexual violence, and/or relationship violence, all **Mercy College** students have the right to:

- Make a report to local law enforcement and/or State Police;
- Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously;
- 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;
- Participate in a College disciplinary process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the College courteous, fair, and respectful health care and counseling services, where available;
- 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;
- Describe the incident to as few College representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- 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;
- Access to at least one level of appeal of a determination;
- 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
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice or disciplinary process of the College.

For additional information and a copy of the *Mercy College Policy and Procedures Relating to Sexual Misconduct* contact: Thomas McDonald, Title IX Coordinator/Equity Compliance Specialist, [tmcdonald7@mercy.edu](mailto:tmcdonald7@mercy.edu), Office: 914.674.7679, Cell: 914.839.0131, or visit: [www.mercy.edu/about-mercy/title-ix](http://www.mercy.edu/about-mercy/title-ix).

## APPENDIX B

### MERCY COLLEGE TITLE IX RESOURCE LIST

#### **EMERGENCY NUMBERS**

- Campus Emergency Number (914) 674-9999 or x9999
- Police, Fire, or Medical Emergency Number 911

#### **CAMPUS SAFETY NON-EMERGENCY NUMBERS**

- Dobbs Ferry Campus: (914) 674-7225
- Bronx Campus: (718) 678-8983
- Manhattan Campus: (212) 615-3319
- Yorktown Campus: (914) 455-2174

#### **CAMPUS SAFETY MAIN LOCATION**

- Department of Campus Safety, Main Hall, Room 234, Dobbs Ferry Campus, Monday to Friday, 9:00 am to 5:00 pm
- Command Center, Founders Hall, staffed 24-hours a day, 7-days a week

#### **TITLE IX COORDINATOR**

- Thomas McDonald (914) 674-7679  
Verrazano Hall, Room 106  
Dobbs Ferry Campus  
[tmcdonald7@mercy.edu](mailto:tmcdonald7@mercy.edu) or [titleix.equity@mercy.edu](mailto:titleix.equity@mercy.edu)

#### **ON-CAMPUS CONFIDENTIAL RESOURCES**

##### **Mercy College Health and Wellness Office**

- Dobbs Ferry Campus, Main Hall 123
- Bronx Campus, Room 2125
- Manhattan Campus, Room 341
- Ori Shinar, Psy.D., Director of Mental Health Counseling (914) 674-7233
- Colleen Powers, Director of Health & Wellness/Nurse Practitioner (914) 674-7707

#### **SEXUAL ASSAULT FORENSIC EXAMINER (SAFE) HOSPITALS**

##### **Westchester County**

- Westchester Medical Center, 100 Woods Road, Valhalla, NY 10595, (914) 493-7018
- Mid-Hudson Valley, Westchester Medical Center, 241 North Road, Poughkeepsie, NY 12601, (845) 483-5000

##### **The Bronx**

- Jacobi Medical Center, 1400 Pelham Parkway, (718) 918-5000
- Lincoln Medical & Mental Health Center, 234 East 149th Street, (718) 579-5700
- North Central Bronx Hospital, 3424 Kossuth Avenue & 210th Street, (718) 519-3500

##### **Manhattan**

- Bellevue Hospital Center, 462 First Avenue, (212) 562-4132



- Harlem Hospital Center, 506 Lenox Avenue, (212) 939-1000
- Lenox Health Greenwich Village, 30 Seventh Avenue, (516) 465-8018
- Metropolitan Hospital Center, 1901 First Avenue, (212) 423-8993
- Mount Sinai Beth Israel, First Ave at 16th Street, (212) 420-2873
- Mount Sinai Hospital, One Gustave L. Levy Place, (212) 241-7005
- Mount Sinai Morningside, 1111 Amsterdam Avenue, (212) 523-4295
- New York-Presbyterian Hospital, Columbia Presbyterian Center, 622 West 168th Street, (212) 305-2500
- New York-Presbyterian Hospital, New York Weill Cornell Center, 525 East 68th Street, (212) 746-5454

#### **Queens**

- Elmhurst Hospital Center, 79-01 Broadway, (718) 334-4000
- Queens Hospital Center, 82-68 164th Street, (718) 883-2350

#### **Brooklyn**

- Coney Island Hospital, 2601 Ocean Parkway, (718) 616-3000
- Kings County Hospital Center, 451 Clarkson Avenue, (718) 245-3901
- Woodhull Medical & Mental Health Center, 760 Broadway, (718) 963-8101

#### **Staten Island**

- Richmond University Medical Center, 355 Bard Avenue, (718) 818-2413

### **COMMUNITY RESOURCES**

The following community resources offer confidential resources for victims of sexual assault, domestic violence, and other forms of sexual violence. Services include 24/7 hotlines; counseling; advocacy; legal assistance; shelter; medical care; HIV and STD screenings; and assistance working with local police, courts, and area hospitals.

#### **WESTCHESTER**

- **WestCOP – Victim Assistance Services**  
Office: (914)345-3113  
24/7 Hotline: (914) 345-311, Spanish available  
24/7 Toll Free Hotline: (855) 827-2255, Spanish available  
[www.westcop.org](http://www.westcop.org)
- **Hope’s Door**  
Office: (914) 747-0818  
24/7 Hotline: (888) 438-8700, Spanish available  
[www.HopesDoorNY.org](http://www.HopesDoorNY.org)
- **My Sister’s Place**  
24/7 Hotline: (800) 298-7233, Spanish available  
[www.mspny.org](http://www.mspny.org)
- **Putnam/Norther Westchester Women’s Resource Center**  
4/7 Hotline: (845) 628-2166, Spanish available  
[www.pnwwrc.org](http://www.pnwwrc.org)
- **Westchester County Office for Women**  
Office: (914) 995-5972, English  
Office: (914) 995-2099, Spanish  
After Hours: (914) 995-2099  
Sexual Assault Hotline 24/7: (833) 220-2444

## **NEW YORK CITY**

- **Bronx DA's Office – Crime Victim's Assistance Unit**  
198 East 161<sup>st</sup> St. – Room 558 (Bronx)  
Office: (718) 838-7309
- **Sexual Assault Treatment Program**  
North Central Bronx Hospital  
3424 Kossuth Avenue (Bronx)  
(718) 519-2121
- **Mount Sinai Victim Support Services**  
312 East 94<sup>th</sup> Street (Manhattan)  
Office: (212)731-7546  
24/7 Hotline: (212) 423-2140, Spanish available
- **The DOVE Program (Domestic & Other Violence Emergencies)**  
New York Presbyterian  
622 West 168<sup>th</sup> Street (Manhattan)  
24/7 Hotline: (212) 305-9060, Spanish available
- **SAFE Center, Sexual Assault Response Team**  
Bellevue Hospital Center  
462 First Avenue (Manhattan)  
(212) 562-3435
- **Rape Crisis & Violence Intervention**  
Beth Israel Medical Center  
317 East 17<sup>th</sup> Street (Manhattan)  
(212) 420-4516

## **ADDITIONAL HOTLINES AND RESOURCES**

- **NYS Domestic Violence Hotlines**  
24/7 Hotline: (800) 942-6906, multiple languages  
24/7 Hotline: Deaf/Hard of Hearing (800) 799-7233 or 711
- **Safe Horizons Hotline**  
24/7 Hotline: (800) 621-HOPE (4673), Spanish available  
[www.safehorizon.org](http://www.safehorizon.org)
- **Rape, Abuse & Incest National Network (RAINN)**  
24/7 Hotline: (800) 656-HOPE (4673), Spanish available  
[www.rainn.org](http://www.rainn.org)
- **NYC Antiviolence Project – LGBTQ**  
24/7 Hotline: (212) 714-1141, Spanish available

## **ADDITIONAL LEGAL ASSISTANCE**

- **Pace Law School Women's Justice Center** (914) 287-0739
- **Legal Services of Hudson Valley** (877) 574-8529
- **My Sister's Place Legal Center** (914) 948-8466
- **Westchester Hispanic Coalition** (914) 948-8466
- **Empire Justice Center** (914) 422-4329

*Note: If any of the above resources do not meet a specific need, the Title IX Coordinator can help locate appropriate services.*

## EXTERNAL AGENCIES TO FILE COMPLAINTS OF SEXUAL MISCONDUCT

- **Office for Civil Rights (OCR)**
  - US Department of Education
  - Main Office: (800) 421-3481
  - Main Email: [OCR@ed.gov](mailto:OCR@ed.gov)
  - New York Office: (646) 428-3800
  - New York Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)
  - New York Location: 32 Old Slip – 26<sup>th</sup> Floor, Manhattan
- **New York State Division of Human Rights**
  - One Fordham Plaza – 4<sup>th</sup> Floor, Bronx
  - Main Number, Toll Free: (888) 392-3644
  - TTD/TTY Number: (718) 741-8300
  - Email: [info@dhr.ny.gov](mailto:info@dhr.ny.gov)
- **New York City Commission on Human Rights**
  - Phone: Call 311 or (212) 416-0197 for locations and services
- **United States Equal Opportunity Employment Commission (EEOC)**
  - Main Number: (800) 669-4000
  - TTY Number: (800) 669-6820
  - New York office location: 33 Whitehall Street – 5<sup>th</sup> floor, Manhattan

## APPENDIX C

### **DECORUM POLICY FOR TITLE IX GRIEVANCE PROCESS HEARINGS**

#### **I. Rules of Decorum**

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

1. Questions must be conveyed in a neutral tone.
2. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
3. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The advisor may not yell, scream, badger, or physically “lean in” to a party or witness’s personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Hearing Officer.
6. The advisor may not use profanity or make irrelevant personal attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
7. The advisor may not ask repetitive questions. This includes questions that have already been asked by the Hearing Officer, the advisor in cross-examination, or the party or advisor in direct testimony. When the Hearing Officer determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
8. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

#### **II. Warning and Removal Process**

The Hearing Officer shall have sole discretion to determine if the Rules of Decorum have been violated. The Hearing Officer will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the Hearing Officer shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the Hearing Officer removes a party’s advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an

advisor be removed. A party cannot serve as their own advisor in this circumstance.

The Hearing Officer shall document any decision to remove an advisor in the written determination regarding responsibility.

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. Evidence of violation(s) of this agreement will be gathered by the Title IX Coordinator, the Vice President for Student Affairs for cases involving students, Director of Human Resources for cases involving employees, or their designees. The advisor accused may provide an explanation or alternative evidence in writing for consideration by the Vice President for Student Affairs for cases involving students, or Director of Human Resources for cases involving employees, or their designees. Such evidence or explanation is due within fifteen (15) calendar days of receipt of a notice of a charge of re-disclosure or improper access to records. There shall be no right to a live hearing, oral testimony, or cross-examination. The Vice President for Student Affairs for cases involving students or Director of Human Resources for cases involving employees, or their designees shall consider the evidence under a preponderance of the evidence standard and issue a finding in writing and, if the finding is Responsible, shall include a Sanction. The finding shall be issued in writing to all Parties and Advisors (if there is a current case pending) within thirty (30) days unless extended for good cause. There is no appeal of this finding. In the event that an Advisor is barred permanently or for a term from serving in the role as Advisor in any future matter, they may request a review of that bar from the Vice President for Student Affairs for cases involving students or Director of Human Resources for cases involving employees or their designees no earlier than three-hundred and sixty-five (365) days after the date of the findings letter.

### **III. Relevant Questions Asked in Violation of the Rules of Decorum**

Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the decision-maker simply because of the manner it was delivered. Under that circumstance, the decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules). *See*, 85 Fed. Reg. 30331.

## **MERCY COLLEGE WHISTLEBLOWER POLICY**

### **I. Policy**

Mercy College is committed to conducting its affairs in accordance with all federal, state, and local laws and regulations and to ensuring that its internal policies are followed. The College expects all College community members to report conduct or suspected conduct that they in good faith believe may violate the law or College policy ("whistleblowers") so that the College may investigate and take appropriate action. The College has established a confidential hotline **1-888-OK-MERCY (1-888-656-3729)** for

reporting violations. The College will ensure that whistleblowers are protected from retaliation for making such reports. This policy should not be used for routine personnel or managerial disputes.

Persons with knowledge of conduct or conditions that pose an imminent threat to the health or safety of any member of the Mercy College community or the public should immediately call 911 or Campus Public Safety at x 7225 or x 9999.

## II. Reporting Suspected Violations of Law or College Policy

### A. Who Should Report?

The following members of the Mercy College community are expected to report conduct that relates to the College and that they in good faith believe may violate federal, state or local law or College policy (“violations”):

- Individuals who are paid by the College, including full-time and part-time faculty and staff;
- Consultants, vendors and contractors doing business with the College;
- Individuals who perform services for the College as volunteers or otherwise assert association with the College, including trustees and officers; and
- Students in any degree, non-degree, diploma, certificate granting or other programs.

### B. What Should Be Reported

Suspected misconduct that should be reported includes, but is not limited to, that which involves or relates to the following:

- Fraud, theft, embezzlement, destruction or misuse of College property or resources
- Forgery or unauthorized alteration of documents or computer records
- Falsification or misrepresentation of reports, including timesheets and travel reimbursement forms
- Conflict of interest or ethics violations
- Computer fraud or data security breaches
- Disclosing confidential or proprietary information to unauthorized individuals
- Taking information of another and using it in an unauthorized manner or facilitating identity theft
- Sexual assault, assault, hazing or child abuse or misconduct relating to minors
- Discrimination and harassment, including age, disability, sex-based and race
- Environmental, health and safety violations
- Research or academic misconduct by faculty or staff
- Retaliation for reporting misconduct under this Policy

### C. How to Report

#### (1) Employee Whistleblowers

Depending on the nature of the complaint, it may be appropriate for the employee to resolve their concerns at the most local level, by reporting suspected violations through standard management channels, beginning with their immediate supervisor. If the employee does not wish to report a suspected violation to an immediate supervisor, employees may go to a higher level of management or report the misconduct by contacting the **confidential hotline 1-888-OK-MERCY (1-888-656-3729)** or the **Director of Internal Audit at 914-674-7296**.

(2) Students and other Non-Employee Whistleblowers

Students and those who are not employees of the College should contact the **confidential hotline 1-888-OK-MERCY (1-888-656-3729)** or the **Director of Internal Audit at 914-674-7296** to make a report of suspected violations of federal, local or state law or College policy.

**D. Confidentiality**

Reports of violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, to comply with all applicable laws, and to cooperate with law enforcement authorities. While a report may be made anonymously, doing so may hinder the College's ability to investigate and resolve the complaint.

**E. Investigation of Allegations**

(1) Who will conduct an investigation?

Reports will typically be directed to persons responsible for investigation and resolution consistent with Mercy College policies and procedures. In some cases, it may be appropriate for the department manager to investigate a matter. In other circumstances, the complaint may need to be forwarded to a different department within the College for investigation. For example, the Director of Human Resources is responsible for investigating complaints of unlawful discrimination, sexual harassment, routine personnel or managerial disputes. In all circumstances in which a report is made pursuant to this Policy, the supervisor or manager shall confer with the Director of Internal Audit to determine if an investigation is warranted and if so, who shall conduct the investigation.

(2) Cooperation Required

Any member of the College community who is interviewed, asked to provide information, the subject of an investigation, or otherwise asked to participate in an investigation, has a duty to fully cooperate with College officials who are charged with conducting an investigation. Participants should refrain from discussing or disclosing the details of the investigation with anyone.

(3) Violations

Confirmed violations under this Policy will result in appropriate disciplinary action up to and including termination from employment in accordance with applicable procedures under the relevant College policies, procedures, bylaws or collective bargaining agreements, or severance of the relationship with the College. In some circumstances, civil and/or criminal charges and penalties may apply.

**III. Retaliation Against Whistleblowers Prohibited**

No Mercy community member who in good faith reports any action or suspected action taken by or within the College that is illegal, fraudulent or in violation of any College policy shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of employees, adverse employment consequence such as demotion, suspension, termination, or threat to do the same.

Any community member who engages in retaliatory behavior against another individual who has reported a suspected violation or cooperated in an investigation of, or proceeding relevant to, a violation may be subject to discipline, up to and including termination of employment, in accordance with applicable procedures under the relevant College policies, procedures, bylaws or collective bargaining agreements, or severance of the relationship with the College.

**IV. Filing a False Report**

Making a false report or providing false information during the course of an investigation may be grounds for discipline in the absence of good faith belief that the report or the information is true.

**V. Distribution of this Policy**

This policy shall be posted on the Mercy College website and shall be distributed to all new and current employees, board of trustees, officers, students, and volunteers who provide substantial services to the College through electronic notifications or other appropriate means.

**VI. Administration of this Policy**

The Director of Internal Audit shall be responsible for the administration of this Policy including:

- Monitoring the confidential hotline;
- Disseminating the policy;
- Making periodic updates to the Policy as may be necessitated by changes in law;
- Providing reports to the Chair of the Audit Committee when appropriate; and
- Notifying law enforcement, regulatory and other governmental authorities when appropriate.