



# Annual Security and Fire Safety Report 2020



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## **Message from the Director of Public Safety**

I am pleased to present you with the Manhattan College Annual Security and Fire Safety Report for 2020. The Department of Public Safety prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). It's an excellent source of information about safety and security on campus. It contains three years of crime and fire statistics, crime prevention and fire safety information, and policies addressing alcohol and drug use, sexual misconduct, dating and domestic violence, and stalking.

Manhattan College is located at the edge of Fieldston, an exclusive community in Riverdale, New York. Our 23-acre campus provides a safe environment for our campus community, and includes 19 academic, administrative and residence hall buildings. The safety of our campus is paramount, and campus security protocols are reviewed regularly and modified as needed.

The Department of Public Safety endeavors to provide a safe, secure and welcoming environment for the College community, its visitors and guests. Our goal is to support the Lasallian heritage and educational mission of the College by fostering a sense of respect, cooperation, and ethical behavior among the members of our community. The Department of Public Safety remains diligent in its efforts to maintain order on campus while promoting a setting free of crime, fear, and lawlessness.

Please remember, everyone at Manhattan College has a responsibility to help keep us safe. I encourage you to take some time to read this information and be a partner in the safety and security of our campus. Public Safety is committed to working collaboratively with all members of our community to promote an environment that is safe for our students, faculty, staff and guests.

Peter DeCaro  
Director, Public Safety

## **General Policy for Reporting the Annual Disclosure of Crime Statistics**

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and related amendments of the education laws of New York State, Manhattan College acquaints our students and employees with these regulations and College security procedures by way of this Annual Report, the Student Code of Conduct, the Employee Handbook, and other informative handouts. These documents include College policy on sexual assault and prevention, statistics concerning specific crimes reported to Public Safety, legal definitions, and the consequences of sex offenses and hate crimes.

This report is prepared by the Department of Public Safety with cooperation from the New York City Police Department. Campus crime, arrest, and referral statistics include those reported to Public Safety, the NYPD and designated campus officials. Each year an e-mail notification is sent to all current students and employees regarding the availability of this report. It provides mandatory information to inform current and prospective students, their families, and current and prospective employees about reported crime on campus. Members of Manhattan College, prospective students and prospective employees may obtain a copy of this report by contacting the Director of Public Safety at 718-862-7240 or online at <https://content.manhattan.edu/public-safety-files/annual-security-report.pdf>.

## **Security and Access of Campus Facilities**

Students and employees have access to academic, recreational and administrative facilities on campus during regular hours of operation. The public can attend cultural and recreational events on campus with limited access to the facilities where these events are held. It is the policy of Manhattan College to maintain an academic community that is open and accessible to our students, faculty, staff, local community and invited guests. Members and guests are reminded the College is private property, and the College retains the right to restrict access due to safety and security concerns relating to our students, faculty, staff, visitors and facilities. The College employs card access, security cameras and emergency “blue-light” phones that are installed throughout campus buildings and grounds, and Public Safety officers are posted at various buildings and patrol the campus grounds 24 hours daily.

Students and employees must obtain and carry a Manhattan College ID card all times while on College property, and present such when requested by College authority. ID cards can be obtained at the ID Card Office located in Thomas Hall, 2<sup>nd</sup> floor, room 202. Lost ID cards must be reported immediately to the ID Card office.

## **Security in the Residence Halls**

The Director of Residence Life works closely with Residence Life staff, Public Safety, and the physical plant department to develop and maintain safe student housing. The College has two residential areas, the main campus with four residence halls: Jasper, Chrysostom, Horan and Lee Hall, and Overlook Manor, located two blocks from the College’s main entrance in a well-populated residential neighborhood.

All residence halls operate on a card access system. Building residents scan into their respective building with their Manhattan College I.D. card for entry. Guests or visitors are permitted entry when accompanied with their resident host in compliance with residence life policies. The halls have security camera systems and student apartments have locking doors and windows. Students are strongly urged to always keep their apartment doors locked, whether they are home or not, and to not share their apartment passcodes or keys with anyone. Residence hall students should always be alert to their surroundings, especially when traveling to and from campus buildings.

Horan Hall, Lee Hall and Overlook Manor have direct access from the off-campus community, and are staffed 24 hours a day by Public Safety. Jasper and Chrysostom Halls, surrounded by campus grounds, are patrolled by Public Safety 24 hours daily. Officers assigned to the halls check identification cards and register guests and visitors in compliance with residence life policy. Residents must produce their ID every time they enter the hall and scan in.

The Resident Directors (RDs) and Resident Assistants (RAs) supervise the halls. RDs are professional staff who live in the halls. RAs are students assigned to each residence building. They receive training in safety and security policies, awareness of safety hazards, and awareness instruction regarding drug and alcohol use. Public Safety and Residence Life are committed to providing a safe environment in the halls. Students are advised of safety concerns and provided with information on crime prevention through brochures, pamphlets and floor meetings with RAs. While there are many safeguards in place for residence hall students, each student must do their part to help maintain a safe and secure environment by adhering to related policies and procedures.

## **Security Considerations in the Maintenance of Campus Facilities**

The Physical Plant Department maintains campus buildings and grounds with a concern for safety and security. It inspects campus facilities regularly, makes repairs if needed, and responds to reports of potential safety hazards. Safety and security maintenance requests receive priority over non-safety and non-emergency work orders. Security considerations are factored into the maintenance of College facilities, including locks, keys, lighting, and renovations or construction to campus facilities. Those with concerns about campus grounds can call the Physical Plant at 718-862-7480, Monday through Friday, 8:00AM to 4:30PM, after hours contact Public Safety at 718-862-7500.

## **Public Safety**

The responsibility of the Public Safety Department is to promote a safe environment for the students, employees and visitors of the College. These responsibilities are within the framework of College regulations, local, state and federal law. Public Safety reports to the Vice President for Student Life and is comprised of a Director, Associate Director, (2) Assistant Directors, (6) Supervisors and (47) NYS licensed security officers.

Members of Public Safety *do not have arrest authority or police/peace officer status* as described in the New York State Criminal Procedure Law. They are security officers, trained, certified, and registered in compliance with the New York State Security Act of 1992. They receive supplemental training including, but not limited to, first aid, CPR, the use of AEDs and fire safety. Officers conduct patrols of the campus on foot and in vehicles 24 hours a day. They respond to service calls, control building access, conduct building patrols and investigate complaints. The jurisdiction of officers is limited to Manhattan College property. They have the authority to question persons on campus, request identification, determine if persons have lawful business at the College, and issue parking citations on campus.

Public Safety maintains a highly professional working relationship with the New York State Police and the New York City Police Department (NYPD 50<sup>th</sup> Precinct) that provides service to College facilities. Manhattan College *does* have a formal written Memorandum of Understanding (MOU) with the NYPD. The investigation of any crime committed on campus falls under NYPD jurisdiction, and Public Safety works closely with the NYPD relative to any police investigation.

## **Daily Crime and Fire Log**

Public Safety maintains a daily log of crimes and fires that occur on campus. Information is recorded by date, time, location, and disposition of the complaint. The most recent 60-day period of the log is available to the public at the Public Safety Office, Jasper Hall, Monday-Friday, 9am to 4:30pm. Log entries older than 60 days are available within two business days after request. Entries or updates are generally made within two business days after an incident has occurred. The Director of Public Safety may decide to classify an incident as confidential. This would be done to avoid jeopardizing a criminal investigation, enabling a suspect to evade detection, result in the destruction of evidence, or to protect the identity or safety of a person. The log does not include the name or other personally identifiable information of any complainant, witness or alleged perpetrator. All attempts will be made to support, assist and protect the identity of these individuals.

## **Crime Reporting**

*Manhattan College (MC) encourages accurate and prompt reporting of criminal incidents, accidents, and emergencies to Public Safety at 718-862-7333, in person to any Public Safety officer, and to the NYPD by calling 911.*

MC fully supports victims of crime by empowering them to make the decision whether and when to report a crime, and by encouraging members of the campus community to report crimes of which they are aware. Public Safety responds to and investigates reported incidents and prepares, classifies and files related reports. The NYPD will be notified in certain cases. Prompt reporting of crimes to Public Safety will assure the issuance of a campus "Timely Warning Notice" if warranted, and timely disclosure of crime statistics on the crime log and in this report.

There are no off-campus / non-campus student organizations or student organization housing facilities affiliated with or recognized by MC, therefore the monitoring or recording through local police of criminal activity by students at these locations is not applicable to MC. Additionally, persons aware of any behavior by an individual or individuals that recklessly or intentionally endangers the mental or physical health of any member of the MC community should report such behavior immediately to Public Safety.

### **Campus Security Authorities (CSA)**

A Campus Security Authority is a College official with significant responsibility for student and campus activities, responsible to report to Public Safety those allegations of Clery Act crimes that they receive, and believe, were made in good faith. CSAs include the following individuals or offices: Athletics Directors, Coaches and Graduate Assistants; the Dean of Students Office; Directors of Health Services, Counseling, Study Abroad, Commuter Services and Outreach; Public Safety staff, Residence Life Directors and Resident Assistants; the Student Engagement Office and the Title IX Coordinator.

*As emergencies and crimes in progress should be reported to Public Safety and the NYPD immediately, past crimes or non-emergencies may be reported to a CSA. Crimes reported to a CSA are forwarded to Public Safety for review to determine if there is a serious or continuing threat to the safety of the campus community that would require an alert (i.e., a timely warning or emergency notification) and for timely inclusion on the daily crime log.*

Victims may be referred to law enforcement, counseling, health services, or the Dean of Students for follow up. College pastoral or professional counselors, when acting as such, are not considered Campus Security Authorities and *are not required* to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, counselors are encouraged, when they deem it appropriate, to inform persons being counseled of the reasons and procedures to report crimes on a voluntary, confidential basis for investigation and inclusion in this annual report, daily crime log and annual crime statistics.

### **Unfounded Crimes**

Manhattan College may withhold or subsequently remove a reported crime from its crime statistics in rare cases where sworn law enforcement personnel have fully investigated the crime and based their investigation, have made a determination the crime report is false, baseless and therefore “unfounded.” Only sworn law enforcement may “unfound” a crime report under this section. The recovery or low value of stolen property, refusal of a victim to cooperate with prosecution, or the failure to make an arrest do not “unfound” a crime report. Manhattan College will report the number of incidents determined through investigation to be “unfounded” within this report and to the US Department of Education. This would include incidents withheld or subsequently removed from Manhattan College annual crime statistics. Documentation of any such crime reports classified “unfounded” will be maintained in compliance with federal law.

### **Confidential Reporting Procedures**

If you are the victim or witness of a crime and do not want to pursue action within the College judicial or the criminal justice system, you may want to consider making a confidential report. With your permission, the Director of Public Safety or designee can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to ensure the future safety of yourself and others. With such information the College can keep an accurate record of the number of incidents involving students, determine if there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the College.

The College will protect the identity of persons who report having been victims of crime, including sexual assault, domestic violence, dating violence, or stalking. Clery Act regulations state a disclosure may not jeopardize the confidentiality of the victim, and this takes precedence over NY State crime log laws. MC will treat any investigation, the identity of victims or other involved parties, accommodations, protective measures, and other information pertaining to any reported incident confidentially. Contact the Director of Public Safety for more information or assistance at 718-862-7240. The College will not share information about a report of a sexual misconduct incident with a student’s parents without consent of the student, although the Family Educational Rights and Privacy Act (FERPA) permits the College to share information with a student’s parents when there is a health or safety emergency, when the student is listed as a dependent on either parent’s prior year federal income tax return or if the student has signed a FERPA Waiver.

### **Advisory Committee on Campus Security**

In compliance with New York State Education Law Article 129A, MC has an Advisory Committee on Campus Security. The committee is comprised of students, faculty, staff, and meets annually. It reviews current campus security policies,



makes recommendations for improvement, and reports its findings in writing to the College President each academic year. The committee specifically reviews current policies regarding:

- a. Educating the College community, including security personnel and those who advise or supervise students, about sexual assault, domestic violence, dating violence, and stalking offenses.
- b. Educating the College community about personal safety and crime prevention.
- c. Reporting sexual assault, domestic/dating violence, stalking and assisting victims during investigations.
- d. Referring complaints to the appropriate authorities and counseling victims.
- e. Responding to inquiries from concerned persons.

### **Missing Student Notification Procedures**

The Clery Act and NY State Education Law Chapter 129A, section 6434 requires colleges to adopt and implement plans for the investigation of reports of missing students occurring on college grounds. For the purpose of this plan, the term "missing student" refers to any Manhattan College student residing in a facility owned or operated by the College and who is reported missing for 24 hours.

1. *Any instance of a missing student must be reported immediately to Public Safety.* The Dean of Students and residence life staff may also be notified, who will in turn notify Public Safety.
2. When a resident student cannot be located with no reasonable explanation for their absence the Directors of Public Safety, Residence Life, and the Dean of Students will commence an investigation. This process will include interviews, (friends, roommates, family, etc.) a check of College records and a search of facilities.
3. If after these efforts the resident is not located or contacted, the NYPD will be notified within 24 hours of the report to conduct an official police investigation. This applies whether the student is over 18, an emancipated minor, or has registered a confidential contact person. Manhattan College will assist in any such police investigations.
4. Every student living in a Manhattan College residence hall has an option to register a confidential contact person. This individual will be notified within 24 hours if the resident is deemed missing, and only authorized College officials and law enforcement will have access to this information only in furtherance of a missing person investigation.
5. Manhattan College will notify a custodial parent or guardian within 24 hours if a missing student is less than 18 years of age and not emancipated in addition to any additional contact person designated by the student.
6. Residents can register a confidential contact person thru the Department of Residence Life.

### **Weapons on Campus**

Should you ever observe or become aware of anyone on campus with a weapon, immediately notify Public Safety at 718-862-7333 and the NYPD by calling 911. The following is applicable to any person on Manhattan College property-

1. The possession or use of any firearm, dangerous weapon or dangerous instrument on campus is strictly prohibited.
2. The following items are illegal in NY State (NYS Penal Law Article 265) and prohibited on campus - firearms, electronic dart/stun gun, gravity, switchblade, pilum-ballistic or metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic or metal knuckles, chukka sticks, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken or "Kung Fu star".
3. The following items are also prohibited on campus: ammunition; imitation/replica firearms, bladed weapons, knives; mace, chemical, or pepper spray; BB, pellet, air guns, paintball guns, crossbows, slingshots; fireworks, explosives, combustibles, flares, flammable liquids/substances; OR *any other object that may appear as a weapon or can be used to inflict bodily harm.*
4. The use or possession of replica guns for educational, theatrical or other purposes is prohibited without prior approval from the Director of Public Safety.
5. Policy exceptions include sworn law enforcement legally permitted to carry weapons on campus, or an individual who has received prior written authorization from the Director of Public Safety. Written authorization will only be granted to a person employed at the College as a school resource officer, police officer, peace officer or as a security guard issued a special armed guard registration card as defined in section 89-f of the NY State General Business Law.

### **Investigation of Violent Felony Offenses**

New York State Education Law Chapter 129A, section 6434, requires Colleges and Universities to adopt and implement plans for the investigation of violent felony offenses (as defined by NYS Penal Law section 70.02) occurring on the grounds of the College. Upon notification to Public Safety that a violent felony offense has occurred the primary and immediate objectives are:

- The well-being of the victim and other members of the College community.
- Prompt medical attention for any individual if needed.
- Notification to the Director(s) of Public Safety and local law enforcement (NYPD-within 24 hours).
- Such reporting requirement shall take into consideration applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code Section 1092(f), which gives the victim of a sexual offense the right on whether or not to report such offense to local law enforcement.

#### Other Objectives

- 1) Identification and interview of witnesses and the apprehension of individual(s) responsible.
- 2) Preservation of any crime scene and the safeguarding of evidence. Public Safety officers are responsible for these measures until arrival by the NYPD, who will then assume command of the incident.
- 3) Public Safety will assist as requested and act as the liaison between the police and the College community.
- 4) Victims will be advised of available options - filing a police report, College incident report, both, or neither.
- 5) The College will render reasonable assistance and support in whatever decision is made. Refusal of the victim to file a police report does not prevent the College from continuing the investigation in cooperation with law enforcement.
- 6) No representative of MC may compel the victim of a crime to file a police report or pursue remedies within the Criminal Justice System.

Manhattan College will follow the procedures set forth in its investigation plan to comply with the Education Law whenever the College receives a report of a violent offense as defined in subdivision one of Section 70.02 of the Penal Law occurring at or on the grounds of the College, or a report that any College student who resides in a facility owned or operated by the College is missing from their residence. This includes promptly notifying the NYPD of such incidents and assisting assigned members of the NYPD. The NYPD, upon receiving such a report from the College, will investigate such crime or report in accordance with its procedures. The College and the NYPD each agree to cooperate fully with the other and to coordinate their investigations regarding any such incident.

#### **Building Lockdowns**

MC wants you to be safe and needs you to be prepared. In the event a dangerous situation develops that poses a serious threat to the College community, (active shooter, armed assailant) you must be ready to protect yourself and may need to either evacuate a building or lockdown. All members of the MC community will need to exercise their best judgment to stay safe during any such event, and both options are dependent on your specific situation. In an emergency, staying calm and thinking clearly will help you reduce personal risk.

#### Remember

Always be aware of your environment and any potential dangers. Take note of the two nearest exits in any facility you visit, and have an escape route in mind should you need to get out.

#### Lock Down

- If evacuating a building safely is not possible, you will need to lockdown.
- A lockdown means to lock yourself in a secure area that will help protect you.
- Seek shelter and hide in the nearest room or other similarly protected area.
- Avoid seeking shelter in any room with glass doors or walls.
- Lock or barricade doors if possible; use all available room furnishings to barricade the door.
- Stay away from windows and doors and remain silent – stay out of sight.
- Turn off lights and silence all electronic devices.
- Take a seated position on the floor next to an interior solid wall and out of view from any door window.
- Put your cell phone on silent - not on vibrate. Monitor it for information from MC e2Campus.
- Do not respond to a fire alarm during a lockdown unless imminent signs of fire are observed.
- Do not respond to directives to open the door or exit the room.
- Do not leave a locked room; wait for official notification from e2Campus that it is safe, or for the NYPD or Public Safety to remove you.

## **Building Evacuations**

Everyone on campus needs to be familiar with building evacuation protocols and fire safety procedures. Evacuating means getting out and away from a threat or danger. Be familiar with the buildings you work or reside in and know how to get out safely during an emergency. A building evacuation will occur if the fire alarm system is activated or for a reported gas leak, chemical spill or other situation where it would be best for occupants to evacuate.

### **Be Prepared**

Building occupants should be familiar with the buildings they work or reside in. Know how to get out safely during an emergency, evacuation routes, and assembly areas. Determine in advance the nearest exit from your work location, classroom, or dorm room, and the route you will follow to that exit in an emergency. Establish an alternate route to be used in the event your primary route is blocked or unsafe.

### **Building Assembly Areas**

Be familiar with building assembly areas and know where to go when evacuating. In the event of a building evacuation report to an assembly area and await instructions from Public Safety officers or emergency responders. These locations are subject to change dependent on incident conditions. Plan ahead – if you know you will have difficulty evacuating a building in an emergency, notify Public Safety in advance so accommodations can be made to assist you.

### **Directives for the MC Community**

In the event of a building evacuation:

1. Don't panic. Quickly secure your ID, keys, and evacuate calmly, quickly and safely.
2. Evacuation should be made via the nearest safe exit. Visualize your escape route before beginning to move.
3. Do not use the elevators; you could become trapped or the car may stop on a floor that is not safe.
4. If you are supervising students instruct them to remain together and exit calmly.
5. Assist others who need assistance. Advise Public Safety of the location of anyone who has not evacuated.
6. Proceed to the closest building assembly area and await further instruction.
7. *Stay away - keep building access, streets and sidewalks clear for responding emergency personnel.*
8. Follow instructions from Public Safety personnel or emergency responders.
9. Do not re-enter a building that has been evacuated until Public Safety officers advise it is safe to do so.

### **If You Need Assistance or are Unable to Evacuate**

1. Don't panic – remain calm and stay in your office, classroom or dorm room.
2. Call Public Safety for assistance at 718-862-7333 and provide your name, phone number and location.
3. Notify those evacuating of your situation so they can alert Public Safety of your location.

### **Shelter in Place**

“Sheltering in Place” protective measures are a response to potentially dangerous environmental conditions or building structural emergencies. Sheltering in place means to find a safe room within a building and taking refuge there, preferably an interior room with no or few windows. If you are told to shelter in place, follow the instructions of College authority.

### **Why you might need to Shelter in Place**

- Chemical, biological or radiological contaminants have been released into the air, or air quality is otherwise unsafe.
- A serious facilities emergency occurs in or outside of the building.
- Severe weather conditions are anticipated or present.

### **How to Shelter in Place**

- Students, staff and faculty should seek shelter in the nearest room or other similarly protected area.
- If in a residence hall students should return to their respective rooms.
- Close all doors and windows. Once inside a room, stay away from the doors and windows.
- Keep hallways clear. Remain in protected areas until advised otherwise by College or local authority.

## **Timely Warning Notices (TWN)**

All of us want to be alerted to potentially dangerous criminal incidents so we have both the time and the information necessary to take appropriate precautions. In the event an emergency or dangerous criminal incident occurs on or near campus that in the judgment of the Director of Public Safety or designee poses an ongoing or continuing threat to the health and safety of the College community, a campus “Timely Warning Notice” will be issued. MC will issue a TWN if it becomes aware of such an incident occurring on campus, on public property immediately adjacent to the campus, or on non-campus buildings or property controlled by the College.

Timely Warning Notices are normally distributed for the following crimes as defined by the Clery Act and the FBI National Incident Based Reporting System: arson, homicide, burglary, robbery, sex offenses, aggravated assault, motor vehicle theft, domestic violence, dating violence, stalking, hate crimes, or for other crimes if deemed necessary by the Director of Public Safety.

A TWN will be issued or not based on the facts of the incident and the amount of information known by Public Safety. Considerations will be made on a case-by-case basis, including whether the alleged crime represents a serious or continuing threat to the College community, the nature of the incident; where and when the incident occurred, and when it was reported. If there is insufficient information available to determine if the incident represents a continuing threat to the College community a TWN will be issued and it will note the College does not have enough information to evaluate the threat completely.

### **Did you know?**

The Manhattan College Emergency Response Guide can help you stay safe during an emergency.

Take time to review this information and be familiar with emergency response guidelines, located here –

[https://content.manhattan.edu/public-safety-files/MC Emergency Response Guide.pdf](https://content.manhattan.edu/public-safety-files/MC%20Emergency%20Response%20Guide.pdf)

The Director of Public Safety in conjunction with the VP for Student Life will determine if a TWN will be issued. If the Director or VP are not available the determination will be made by a member of the College’s Emergency Response Team. The reasons for issuing or not issuing a TWN will be documented and maintained by Public Safety for (7) years. A TWN is not required in cases of crimes reported to pastoral or professional counselors.

The Director of Public Safety or designee will develop and distribute the TWN and make efforts to consult with the Vice President for Student Life or designee regarding the content of the TWN. Time permitting, additional input may be garnered from other members of the Emergency Response Team and/or the College’s Title IX Coordinator as appropriate. For purposes of this policy, “timely” means as soon as reasonably practicable, and generally not more than 48 hours after a serious incident has been reported to Public Safety, MC campus security authorities or the police agencies having jurisdiction.

The TWN will include, if available, the date, time and nature of the offense, a brief overview of circumstances, a physical description of the perpetrator(s), law enforcement actions, a request and method for witnesses to contact law enforcement, and where appropriate, cautionary advice to promote safety and aid in the prevention of similar occurrences. In developing the content of the TWN the College will take all reasonable efforts not to compromise ongoing law enforcement efforts or the identity of any victim. Public Safety will e-mail the TWN to the College community and it will be posted on the College website. TWNs will treat the names of all reporters confidentially; they will not be identified and no personally identifiable information would be included.

## **Emergency Response, Evacuations and Notifications**

This policy summarizes Manhattan College’s emergency response and evacuation procedures, including protocols for emergency notifications to the College community. The College will, without delay and taking into account the safety of the campus community, determine the content of the notification and initiate the notification system. This complies with the emergency notification requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as amended by the Higher Education Opportunity Act of 2008 and applicable Department of Education regulations.

### Emergency Response Plan

The College's Emergency Response Team (ERT) and Emergency Management Team (EMT) are responsible for the planning and response to campus emergencies or those locally or regionally affecting the campus. MC utilizes an emergency plan to prevent, mitigate, respond to and recover from a range of emergency incidents.

### Emergency Notification System to Notify the Campus Community

1. MC is committed to ensuring the campus community receives timely, accurate information in the event of an emergency on campus or locally that poses a risk or immediate threat to the health and safety of the campus community.
2. Information will be sent to all members of the campus community utilizing e2Campus, the College's emergency communication system, which allows sending time sensitive information via text messaging and email.
3. The decision to send an alert will be made by the Director of Public Safety, VP for Student Life, or members of the ERT. The alert will advise conditions, actions to stay safe, and follow up messages to keep the College community informed.
4. Information and updates may also be sent via email and posted on the College webpage to help disseminate information to the larger College community. An alert will not be sent if it will, in the professional judgment of responsible College officials, compromise efforts to assist victims, or contain, respond to, or otherwise mitigate the emergency.

### Confirming the Existence of an Emergency or Dangerous Situation

1. The report of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the College community, occurring locally or on campus, will be investigated promptly by Public Safety personnel. This investigation may include conferrals with other College professionals, local officials, including the NYPD and FDNY, and will aid in determining the content of the notification.
2. Upon confirmation of such an emergency or dangerous situation, the entire campus community will be notified without delay utilizing the e2Campus notification system; the actual sending of the alert will be conducted by a member of Public Safety or the ERT.
3. The College's Emergency Operations Guide (EOG) is a resource used to direct incident response. MC will utilize components of the National Incident Management System (NIMS) and the Incident Command System (ICS) structure to respond to an emergency. This includes the MC Emergency Response Team (ERT) and Emergency Management Teams (EMT), comprised of an Incident Commander, Director(s) of Public Safety and other College professionals who will coordinate the College's response to the incident.

#### **Did You Know?**

Register now for text and email *Emergency Alerts* via **e2Campus!**

All members of the College community are urged to sign up for e2Campus messaging to stay informed in the event of an emergency incident at MC.

Go to the Public Safety webpage, click on **ALERTS** and follow the prompts.

### Emergency Drills

To ensure plans remain current and actionable, MC conducts an emergency management exercise at least annually. The ERT and EMT meet regularly throughout the year to review procedures and conduct exercises that may include tabletop drills and emergency operations planning exercises.

*Unannounced* building evacuation drills are conducted multiple times annually for all campus buildings. *Announced tests* of the e2Campus emergency messaging system are conducted each semester and members of the College are notified in advance via email announcements. Drills are planned in advance, evaluated and documented for review. In conjunction with emergency drills and notifications, MC provides the College community emergency response and building evacuation procedures annually via email.

## Policy on Drugs and Alcohol

Manhattan College complies with all state and federal laws relative to drugs and alcohol on campus. Manhattan College is not a sanctuary from civil authorities. Where appropriate or as necessary, the College will fully cooperate with law enforcement relative to any such investigations.

Additionally, any actions taken by an individual or individuals that involves the forced consumption of alcohol or drugs for the purpose of initiation or affiliation with any group or organization, or for any other reason, is a violation of NYS law and a serious violation of College policy. Anyone in need of assistance with alcohol or drug use should contact the MC Counseling Center at 718-862-7394.

### Drug Policy

1. The unauthorized possession, sale, or distribution of marijuana, drugs or other illegal substances, including, but not limited to narcotics, depressants, stimulants or hallucinogens is a violation of the Student Code of Conduct as well as NY State and federal law.
2. The use of prescription drugs without a prescription or inconsistent with the prescribed dosage is prohibited.
3. Possession or distribution of synthetic or herb-based drugs is prohibited.
4. The possession of drugs or illegal substances in significant quantities may, by itself, indicate intent to distribute such substances. Evidence of sale and/or distribution may be reported to local law enforcement agencies.

### Standard Minimum Sanctions

1. First time offenders will generally receive parental notification, mandatory educational programming, revocation of privileges, and fines. Second time offenders will generally receive more intensive counseling referral, parental notification, revocation of privileges, residence probation and a fine.
2. Chronic offenders (three or more offenses in an academic year) can lead to mandatory medical leave, involuntary leave of absence, mandatory substance abuse assessment, suspension and/or expulsion from the residence halls and/or the College. Chronic drug offenders may be required to participate in mandatory drug testing at the student's expense.

### Alcohol

Manhattan College students are expected to comply with the alcohol laws of New York State, especially as they relate to underage drinking. Under New York State law, individuals under 21 years of age may not possess or consume alcoholic beverages, nor may individuals over 21 years of age furnish alcoholic beverages to those less than 21 years of age.

### Alcohol Policy

1. People less than 21 years old may not possess or consume alcoholic beverages on campus.
2. No member of the College community may serve or furnish alcoholic beverages to people less than 21 years old.
3. No person under the age of 21 may possess or present evidence of age that is false for the purpose of purchase or possession of alcoholic beverages.
4. All students in private residence hall rooms where alcoholic beverages are being consumed must be 21 years old.
5. Possession or use of alcohol serving equipment, including but not limited to beer pong tables, beer ball containers, kegs, taps, funnels and bars, is prohibited.
6. Drinking games are prohibited, including standard drinking games being played without alcohol present.
7. Any quantity of alcoholic beverages brought into a residence hall or possessed on campus by a student under the age of 21 will be confiscated and disposed of without reimbursement.
8. Students may not bring alcoholic beverages into any unauthorized areas.
9. Being in a state of intoxication is a violation of the Student Code of Conduct.

### Standard Minimum Sanctions

Depending upon the severity of the incident(s):

- First time offenders will generally receive parental notification, mandatory educational programming, revocation of privileges and fines.
- Second time offenders will generally receive more intensive counseling referral, parental notification, revocation of privileges, residence probation and a fine.
- Chronic offenders (three or more offenses in an academic year) can lead to mandatory medical leave, involuntary leave of absence, mandatory substance abuse assessment, suspension and/or expulsion from the residence halls and/or the College or any combination of the above.

- A decision to impose a mandatory medical leave will be made only after consultation with qualified mental health and/or addiction specialists.

### Counseling and Support Programs (Drugs and Alcohol)

The College educates students annually about alcohol and drug use through specific programs in the residence halls and through published information and services offered by the Counseling Center. Students who wish to discuss issues confidentially, related to drug and alcohol abuse, are encouraged to contact the Counseling Center at 718-862-7394. The Counseling Center supports the academic mission of the College by providing a range of counseling services that includes developmental, preventive, and remedial approaches to student development. It offers a wide range of services to full-time undergraduate Manhattan College students, including short-term individual therapy, crisis intervention, substance abuse screenings, consultation, psychological education and referrals. The Counseling Center clinicians are licensed psychologists, social workers and mental health counselors from different cultural and theoretical backgrounds. They guide students through the therapeutic process to increase awareness and develop healthy coping strategies around issues.

The Counseling Center is committed to substance abuse prevention and reduction of alcohol & other drugs through education, interventions and assessment. Students have access to trained alcohol and substance abuse clinicians. All incoming undergraduate students complete the [Alcohol-Wise program](#), a one-hour online course about alcohol abuse prevention, designed specifically for college students. Students who are involved in drug/alcohol infractions on campus are sent for a mandated assessment to the Alcohol and Drug Counselor.

### Alcohol and/or Drug Use Amnesty

The health and safety of every student at the College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials.

A bystander or a reporting individual acting in good faith, disclosing any incident of domestic violence, dating violence, stalking, or sexual assault to a College official or law enforcement, will not be subject to violations of alcohol and/or drug use policies occurring at or near the time of commission of the offense. The College will provide students with the resources to respond to high risk drinking and other drug abuse. In a crisis, students are encouraged to seek assistance by contacting the Public Safety Department at 718-862-7333 or the College's Counseling Center at 718-862-7394.

### Bystander Intervention

What is bystander intervention? It's when someone observes sexual misconduct, assault, domestic violence, dating violence, stalking, and may be able to help the victim. Bystanders play a critical role in the prevention of sexual and relationship violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. It's important you do so in a positive and safe manner that keeps you and the victim safe. Appropriate interventions will depend on the situation. Even small interventions can make a big difference in a questionable situation. *Never put yourself in a dangerous situation - contact Public Safety or call 911 if needed.*

### Safe Options for Bystanders

1. Choose what form of assistance you can use to intervene.
2. Have someone with you if you intervene or just call for help.
3. Dialing 911 or calling Public Safety if you or someone else is in danger.
4. If you see someone who looks like they could be in trouble or needs help, ask if they are ok. You can help prevent a sexual assault before it occurs, as many college sexual assaults involve the consumption of alcohol and/or drugs.
5. If you are out with friends and someone is intoxicated – don't leave them alone with strangers or others.
6. Don't just passively observe or walk away. Simply checking in with someone can stop the momentum of something bad happening. If you can do so safely, remove them from that situation or just speak up.

### Green Dot Program

Green Dot is a violence prevention program used by Manhattan College that focuses on making our campus safer. It empowers bystanders to become active members in reducing power-based personal violence (sexual assault, partner violence and stalking). The name green dot refers to the mapping system used by law enforcement where red dots mark locations of criminal acts.

With this program we hope to replace the red dots on a map with green dots that represent acts promoting safety and expressing intolerance for violence in our campus community. We all have a role to play in preventing power-based personal violence. Please visit us here- <https://inside.manhattan.edu/offices/diversity-equity-title-ix/green-dot/index.php>

### **Campus Sexual Violence Elimination Act (VAWA) - Sexual Assault, Domestic and Dating Violence, Stalking**

On March 7, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) was signed into law, including the Campus Sexual Violence Elimination Act (Campus SaVE). This law amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) which affords additional rights to campus victims of sexual assault/violence, dating violence, domestic violence, and stalking.

*Manhattan College prohibits and strongly condemns the crimes of sexual assault, sexual violence, dating violence, domestic violence, and stalking.* The College will not tolerate retaliation against any individual who reports, is a victim, or participates in the process assisting an individual who is making a claim, cooperating with an investigation or acting as a witness. Retaliation, or the threat of, is a violation of this policy.

Violators are subject to disciplinary action including, but not limited to, termination of employment, expulsion, and/or termination of existing contractual relationships with the College. Retaliation should be reported immediately to the Affirmative Action Officer and/or the Vice President for Human Resources for investigation.

### Policy

Manhattan College does not discriminate on the basis of sex, and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking.

As a result, Manhattan College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence and stalking, whether the incident occurs on or off campus and when it is reported to a College official.

### Sexual Misconduct

Conduct of a sexual nature that is committed without valid consent, including sexual assault and sexual harassment. Sexual misconduct may occur between people of the same sex or between people of different sexes and regardless of gender expression or identity. Sexual misconduct can include both intentional conduct and conduct that results in negative effects, even if those negative effects were unintended. Sexual misconduct can also include retaliation in connection with an individual's report under this policy.

### Sexual Assault (Violence Against Women Act)

Incidents of sexual assault including rape, sexual abuse, sodomy and forcible touching constitute crimes prohibited by New York State law, although there is no specific New York State law definition for sexual assault. Sexual assaults are offenses that meet the definition of rape, fondling, incest, or statutory rape as used in the FBI Uniform Crime Report program. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. *MC strongly condemns sexual and criminal assault in any form. If you are a victim of a sexual assault, protect yourself – seek help and report it.*

### Definitions

#### Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.



### Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or temporary/permanent mental incapacity.

### Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

### College Campuses and Sexual Assault

The majority of college students sexually assaulted are victimized by someone they know. Although assaults by strangers do occur, acquaintance rape is far more prevalent among college students. The vast majority of sexual assaults experienced by college students occur in situations involving drinking by the victim, the assailant, or both. The following information is provided by RAINN (Rape, Abuse & Incest National Network), the nation's largest anti-sexual violence organization.

- College age adults are at high risk for sexual violence.
- Someone is sexually assaulted every 73 seconds in this country.
- One of six women are sexually assaulted while in college; 80 percent never report the assault.
- Nine of ten sexual assaults are committed by someone the victim knows.

### Sexual Assault by an Acquaintance and Risk Reduction

Date or acquaintance sexual assaults occur when someone is forced or manipulated into having sex against their will by a friend or acquaintance. Be aware of the impact of alcohol and other drugs have on your judgment and that of others. These drugs often play a role in sexual assault. *Help protect yourself. Remember –*

- ***Don't go to a secluded place with someone you've just met or don't know well;*** meet or stay in public places.
- Do not go with them to an apartment or invite them to yours if you are just getting acquainted.
- Check in with your friends when out or at a party; make sure everyone leaves together.
- Never leave a drink unattended or accept one from someone you don't know. Date rape drugs are easily added to any beverage. They are prescription, or illegal drugs that produce various effects on the body, most often sedative or depressing, and are used often in sexual assault crimes. They are odorless, colorless, and tasteless. Common date rape drugs include Gamma Hydroxy Butyrate (GHB), Rohypnol, MDMA (Ecstasy) and Ketamine.

### Sexual Assault by a Stranger and Risk Reduction

Make it a practice to be aware of your surroundings. You can try to avoid putting yourself in an unsafe situation by practicing the following tips. *Help protect yourself. Remember...*

- ***Walk in a group or with a friend you know well, especially after late night classes.***
- Be alert and aware of your surroundings, both inside buildings and on the street.
- If you feel unsafe or uncomfortable get to an occupied store or location where there are people present.
- Use elevators, stairs and restrooms in well-trafficked areas.
- Avoid deserted areas, parking lots, laundry rooms, and other poorly lit locations.
- Keep apartment doors and windows locked. Always close your shades or blinds at night.

### Domestic Violence (Violence Against Women Act)

Domestic violence can affect anyone regardless of age, race, religion, sexual orientation, and harms the physical and/or mental well-being of the victim. Domestic violence is rarely an isolated incident – it's a pattern of behavior intended to exert control and domination by the offender over the victim. *MC strongly condemns acts of domestic violence in any form. If you are a victim of domestic violence, protect yourself and report it.* The term "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 in common
- by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner

- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

#### Domestic Violence (NY State Law)

There is no specific New York State law definition for domestic violence. Domestic violence would include violations of the NY State Penal Law, including, but not limited to, disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person, a person's child or have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act. Members of the same family or household include persons related by consanguinity or affinity; legally married to one another; formerly married to one another regardless of whether they still reside in the same household; persons who have a child in common whether such persons have been married or have lived together at any time; and persons who are not related by consanguinity, affinity or have been in an intimate relationship regardless of whether such persons have lived together at any time.

#### Dating Violence (Violence Against Women Act)

Dating Violence can affect anyone regardless of age, race, religion or sexual orientation. *MC strongly condemns any act of dating violence. If you are a victim of dating violence, protect yourself and report it.*

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. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
2. The existence of such a relationship shall be based on the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
3. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. There is no specific New York State law statute or definition for dating violence.

#### Domestic and Dating Violence Risk Reduction

Help protect yourself. Abuse is any behavior used to intimidate or control you. Abuse can be emotional, physical, sexual, or financial. A victim is never at fault for any kind of abusive behaviors. Remember -

- Have a plan - a safety plan is a personalized, practical plan that includes ways to remain safe while in a relationship, planning to leave, or after you leave. Safety planning involves how to cope with emotions, tell friends and family about the abuse, take legal action, and more.
- A protective order can help protect you by legally keeping your partner from physically coming near you, harming you, or harassing you, your children or your family members. This legal documentation to keep your abusive partner away from you can often contain provisions related to custody, finance and more.
- Seek help – the National Domestic Violence Hotline operates around the clock, seven days a week, confidential and free of cost. It provides lifesaving tools and immediate support to enable victims to find safety and live lives free of abuse. Callers to the Hotline at 1-800-799-SAFE (7233) can expect trained, experienced advocates to offer compassionate support, crisis intervention information, educational services and referral services in more than 200 languages.

## Stalking

Stalking is a crime and MC strongly condemns acts of stalking in any form. *If you are a victim of stalking, protect yourself and report it.*

### Stalking (NY State Law)

New York law defines stalking as when a person intentionally and for no legitimate purpose, engages in a course of conduct directed at a specific person and knows or reasonably should know that such conduct:

1. Is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person`s immediate family or a third party with whom such person is acquainted; or
2. Causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such persons immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or
3. Is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person`s place of employment or business, and the actor was previously clearly informed to cease that conduct.
4. With intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury, kidnapping, unlawful imprisonment or death of such person or a member of such person`s immediate family.

### Stalking (Violence Against Women Act)

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety, the safety of others or to suffer substantial emotional distress. For the purposes of this definition –

- a) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
- b) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.
- c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

### Things you should know about Stalking

Stalking can be dangerous, harmful, intrusive, and can occur during, after, or in the absence of a relationship. If you believe you are being stalked-

- Notify Public Safety and file a police report.
- Document all incidents of possible stalking.
- Keep a log of incidents, dates, times, what happened, and the names of any witnesses.
- Keep e-mails, letters, faxes, texts, messages, or items left for you for evidentiary purposes.
- If you decide not to pursue prosecution you may change your mind in the future.
- Documentation of every incident makes for a stronger case.
- If you have an Order of Protection make several copies, carry a copy with you at all times and notify Public Safety about the order; provide a photo of the stalker if you have one.

### Sex Offenses (NY State Law)

The following is a list of sex offenses from the NY State Penal Law and the penalties for the commission of these crimes. All crimes are punishable by imprisonment, fines or both:

<u>Section</u>		<u>Incarceration Sentences</u>
130.20	Sexual Misconduct	up to 1 year
130.25	Rape in the third degree	up to 4 years
130.30	Rape in the second degree	up to 7 years
130.35	Rape in the first degree	6-25 years
130.40	Criminal Sexual Act in the third degree	up to 4 years
130.45	Criminal Sexual Act in the second degree	up to 7 years

130.50	Criminal Sexual Act in the first degree	up to 25 years
130.52	Forcible touching	up to 1 year
130.53	Persistent sexual abuse	up to 4 years
130.55	Sexual abuse in the third degree	up to 3 months
130.60	Sexual abuse in the second degree	up to 1 year
130.65	Sexual abuse in the first degree	up to 7 years
130.65a	Aggravated sexual abuse fourth degree	up to 4 years
130.66	Aggravated sexual abuse third degree	up to 7 years
130.67	Aggravated sexual abuse second degree	up to 15 years
130.70	Aggravated sexual abuse first degree	up to 25 years
130.75	Course of sexual conduct against a child, 1 <sup>st</sup> degree	up to 25 years
130.80	Course of sexual conduct against a child, 2 <sup>nd</sup> degree	up to 7 years
130.85	Female genital mutilation	up to 4 years
130.90	Facilitating a sex offense w/a controlled substance	up to 7 years
130.91	Sexually motivated felony	1.5 to 25 years
130.95	Predatory sexual assault	10 to 25 years
130.96	Predatory sexual assault against a child	10 to 25 years

#### Sexual Assault Definitions (NY State Penal Law)

Aggravated sexual contact - inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis, rectum or anus of a child, thereby causing physical injury to such child.

Anal sexual conduct - conduct between persons consisting of contact between the penis and anus.

Forcible compulsion - to compel by either use of physical force; oral threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.

Foreign object - any instrument or article, which, when inserted in the vagina, urethra, penis, rectum or anus, is capable of causing physical injury.

Oral sexual conduct - conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.

Sexual contact - any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes touching of the actor by the victim as well as touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.

Sexual conduct - sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.

Sexual intercourse has its ordinary meaning and occurs upon any penetration, however slight.

#### Consent (NY State Law)

You must have consent to engage in any and all sexual behaviors with your partner. Consent is hearing the word "yes." It is not the absence of hearing "no." It's the LAW. It is an element of every sex offense defined in Article 130 of the NY State Penal Law that the sexual act was committed without consent of the victim. Lack of consent results from-

- (a) Incapacity to consent; or
- (b) Where the offense charged is sexual abuse or forcible touching, *any circumstances* in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or
- (c) Where the offense charged is rape in the third degree or criminal sexual act in the third degree, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is deemed incapable of consent when they are:
  1. Less than seventeen years old; or
  2. Mentally disabled; or
  3. Mentally incapacitated; or
  4. Physically helpless;

## Definitions

### Mentally Disabled

A person suffers from a mental disease or defect that renders him or her incapable of appraising the nature of his or her conduct.

### Mentally Incapacitated

A person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.

### Physically Helpless

A person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

### Forcible Compulsion

Means to compel by either: the use of physical force or a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.

## **Campus Sex Crimes Prevention Act - Sex Offender Registry Information Line**

On July 25, 1995 the Sex Offender Registration Act (SORA) also known as Megan's Law was enacted. This law established a Sex Offender Registry within the NY State Division of Criminal Justice Services. This legislation assists local law enforcement protect communities by requiring sex offenders to register with the State and provides information to the public about offenders residing in their communities. The NY State Sex Offender Registration Act established a phone line the public can call to determine if an individual is a convicted sex offender. To request information:

- 1) Call the SEX OFFENDER REGISTRY INFORMATION LINE at 1-800-262-3257.
- 2) You must be 18 years old and provide your name, address and phone number.
- 3) You must have the individual's name and at least one of the following identifiers: the individual's street address and apartment number, driver's license number, social security number, or birth date.
- 4) You are also able to check a sub-directory of High Risk Sex Offenders on-line via the New York State Sex Offender website at <http://www.criminaljustice.ny.gov/nsor/>.

## **NYS Education Law 129-B (Enough is Enough)**

On July 7, 2015, Article 129-B of New York State's Education Law was enacted. This legislation, also known as "Enough is Enough", is intended to encourage victims and witnesses of sexual misconduct to report such incidents and imposes policy and reporting requirements for all higher education institutions. The provisions of Article 129-B are incorporated into the Manhattan College Community Standards and Student Code of Conduct. The provisions of Article 129B supplement existing obligations required by Title IX of the Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and the Violence Against Women Act/Campus Sexual Violence Act. The law provides a path to combat campus sexual assault and a course of action for victims, including –

- A NY State definition of Affirmative Consent-  
*Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. This definition does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.*
- An alcohol/drug use amnesty policy providing that when reporting instances of sexual misconduct in good faith, students or bystanders will not be subject to alcohol and/or drug use policy violations occurring during the time of the alleged incident.
- A Students' Bill of Rights, which informs students of their rights in situations involving sexual misconduct.
- Sexual assault training for college administrators, staff, students, student leaders, and student athletes, including new student orientation programs.
- Student onboarding and ongoing education to educate the institution's community about domestic violence, dating violence, stalking, and sexual assault, in compliance with applicable federal laws, including the Clery Act with specified education topics for first-year and transfer students.

- Established a requirement for no contact orders, campus climate assessments, and relationships with community-based organizations providing rape crisis and other victim support.

### **Title IX / Sexual Misconduct Policy**

1. Manhattan College is committed to providing an environment not impaired by sex and gender-based misconduct, including sex discrimination and sexual harassment. Title IX of the Education Amendment of 1972 is a federal law that prohibits discrimination on the basis of sex in educational programs, activities, and employment practices. Therefore, students, employees, applicants, and other members of the Manhattan College community (including without limitation, vendors, visitors, and guests) may not be subject to discrimination or harassment or otherwise treated adversely based upon a protected characteristic. This includes, without limitation, sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Similarly, the College will not tolerate harassing, violent, intimidating, or discriminatory conduct by its students, employees, or any other member of or visitor to the College community.
2. This policy applies to conduct occurring on campus, during any College program or activity on or off-campus, including academic programs, admissions, athletics, recruitment, financial aid, housing, employment, as well as certain off-campus conduct perpetrated or suffered by a Manhattan College student, employee, staff member, or third party member of the College community.
3. The College encourages individuals to report all gender-based misconduct immediately to the Title IX coordinator, one of the deputy coordinators or another College staff member. The College will fully and promptly investigate all allegations of gender-based misconduct and will impose disciplinary measures, or take similar actions, as may be appropriate.
4. Title IX and the College strictly prohibits retaliation. Retaliation is prohibited by Title IX. Any attempt by a member of or visitor to the Manhattan College community to intimidate, penalize, or threaten a person who reports or who is otherwise involved or cooperating in, a report of discrimination, misconduct, or harassment is strictly prohibited. Any person found to have participated in an act of retaliation will be disciplined accordingly. In some cases, knowingly making a false report of discrimination or harassment can amount to retaliation.
5. This College policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment. These laws include Title IX (prohibiting discrimination and harassment based on sex), the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, Title VII, the New York State Human Rights Law and the New York City Administrative Code.

### **Reporting Sexual Misconduct to the College** (Sexual Assault, Domestic Violence, Dating Violence, Stalking)

All members of the College community, including students, staff, faculty, vendors, and visitors who experience, witness, or hear about gender-based misconduct, including sexual harassment and sexual assault, are encouraged to immediately contact the College's Title IX Coordinator, Sheetal Kale, in person at Kelly Commons, Room 3.04, by phone at 718-862-7512, or by email at skale01@manhattan.edu. In an emergency, please call 9-1-1 or Public Safety at (718) 862-7333. There is no time limit on how long after an incident you can make a report of misconduct. However, the College's ability to respond to a report may be hindered by the length of time between the alleged misconduct and the report itself.

Once the College is informed of alleged misconduct, the Title IX Coordinator will promptly contact the Complainant confidentially to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the ability to request supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process of filing a formal complaint.

### **Filing a Formal Complaint**

Anyone who has been a victim of or a witness to sexual harassment, sexual assault, domestic violence, dating violence, or stalking may report such an incident to the Title IX Coordinator. However, in order to initiate an investigation, the victim of such an incident (hereafter referred to as the "Complainant") must file a formal complaint with the Title IX Coordinator. A formal complaint is a document submitted physically, by electronic mail, or digitally through the College's online portal with the Complainant's physical or digital signature that indicates the Complainant's desire to file such a complaint.

## Who to Contact

In an emergency call 911 or Public Safety at 718-862-7333 (24/7). You can also notify –

- The Manhattan College Title IX Coordinator, Kelly Commons, room 3.04, by phone at 718-862-7512 or by email at [titleix@manhattan.edu](mailto:titleix@manhattan.edu)
- Dean of Students' Office 718-862-7438 Thomas Hall rm. 514
- Human Resources Office 718-862-7392 Memorial Hall rm. 303
- Resident Director / Assistants 718-862-7438 Residence Halls
- Public Safety Department 718-862-7333 Jasper Hall, 1<sup>st</sup> floor
- NYPD's 50<sup>th</sup> Precinct 718-543-5700 3450 Kingsbridge Avenue, Bronx NY
- NYPD Sex Crimes Report Line 212-267-7273
- New York State Police 844-845-7269
- US Dept. of Education Civil Rights 646-428-3800 [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov).

## Confidential Reporting

1. Any College official (e.g. faculty member, residence life staff member, dean) informed of possible discrimination, harassment or sex or gender-based misconduct must report it to the Title IX Coordinator. However, certain College officers who serve in a privileged professional capacity (e.g. rape crisis counselors, medical service providers, counselors, and the clergy) are not necessarily bound by this requirement, except as required by law. Confidential resources are listed below. Even College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide of a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.
2. If a reporting individual discloses an incident to a College employee who is responsible for responding to or reporting sexual assault, domestic violence, dating violence, or stalking, but wishes to maintain confidentiality or does not consent to the College's request to initiate an investigation, the Title IX Coordinator will weigh the request against the College's obligation to provide a safe, non-discriminatory environment for all member of its community. The College will assist with academic, housing, transportation, employment and other reasonable and available accommodations regardless of reporting choices.
3. Upon receipt of a report, the Title IX Coordinator and those assisting with an investigation and those participating in any disciplinary proceedings, will make all reasonable efforts to maintain the privacy of those involved. The College understands that reports of this nature can be difficult, emotional and stressful. Therefore, the College will only share information as is needed to conduct a prompt, thorough, and effective investigation. All members of the College community should understand that even if the complainant asks the College not to pursue an investigation, or decides to attempt to resolve the situation informally, the College may still need to investigate the allegations and address the conduct if it is not clearly unreasonable to do so with respect to the safety of the College community.
4. Even Manhattan College office and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. Information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. To speak with someone confidentially contact:
  1. Counseling Center 718-862-7394 Miguel Hall, room 501
  2. Health Services 718-862-7217 2<sup>nd</sup> floor in Horan Hall
  3. Campus Chaplain 718-862-7972 Miguel Hall- Cornerstone; room 209

## Reporting Misconduct to Law Enforcement

If you have been the victim of sexual assault or misconduct you may contact Public Safety, the NYPD or the New York State Police if you choose to do so. You can choose criminal prosecution and/or a referral for on-campus discipline. Filing a report with Public Safety will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Every effort will be made to ensure the confidentiality of all reports. You do not have to file a report with the police, but if you like, someone from the Title IX Working Group can accompany you to the local police precinct to support you through the process. In certain cases the College may be obligated to notify law enforcement. The College will continue its own investigation whether or not the police are investigating. The College will cooperate with all police investigations and will honor any protective orders the parties may obtain outside the College process. You have the right to refuse all these options without reproach from any College official.

## **Procedures for Victims of Sexual Assault, Domestic Violence, Dating Violence, or Stalking**

When a student or employee reports to the College they have been the victim of dating or domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the College will provide them with a written explanation of their rights or options. Manhattan College is fully committed to assisting any victim of sexual misconduct; please take advantage of the help available to you.

### **Report It**

Get to a safe location as soon as you possibly can. Report it to the police and/or the College. MC will assist with making notifications to authorities (law enforcement, medical assistance, etc.), and you may decline to notify Public Safety or law enforcement without consequence.

### **Medical Attention**

Getting medical attention after an assault is very important. SAFE HORIZON is the nation's leading non-profit victim assistance organization providing services to crime victims throughout New York's five boroughs. As an option, their Rape and Sexual Assault Hotline is available 24-Hours a day at 212-227-3000.

1. You should seek medical attention without delay. One option is to go to a hospital emergency room to be checked and have any injuries treated. Some people choose this option because they are worried about pregnancy or sexually transmitted infections (STIs).
2. At the hospital you may be offered pregnancy, HIV, and STI (sexually transmitted infection) prevention medication. The sooner you go the more likely you can get medicine to help you.
3. If you decide to go to the hospital you can call 311 or the Rape, Sexual Assault, and Incest Hotline at 212-227-3000. You can also ask the police about going to a SAFE Center. SAFE stands for "Sexual Assault Forensic Exam". A SAFE Center is a place where the staff is specially trained to provide sensitive care to victims of sexual assault. The location of local SAFE Centers can be found at the rear of this report under "Resources".
4. Going to the hospital is a way you can have evidence gathered in case you want to report what happened to the police. You can decide whether to report to the police before you go to the hospital, when you get there, or afterwards. It is your choice.
5. Physical evidence can be preserved in case you decide to report it later. If you want evidence collected it will be more complete if you go to the hospital as soon as possible. Try to go before washing, brushing your teeth, or taking a shower. If you have already showered or washed you can still go to the hospital and have evidence gathered. Bring a full change of clothing to the hospital as clothes worn at the time of the attack may be kept as evidence.
6. You have the right to stop or refuse any medical procedure you don't want to have, and you don't have to go alone. Having someone with you during the exam may help you feel supported during the procedures. If you want, hospital staff or a Safe Horizon Community Program may be able to arrange for an advocate to accompany you. If you decide to seek medical attention, you can ask the medical professional to explain the process step by step so you know what to expect.
7. If you suspect you were drugged you should be tested within 24 hours of ingestion. Advise the police or medical staff of this possibility.
8. Another option for you is to talk to a counselor or therapist, someone who has been trained in supporting people who have been sexually assaulted. If you decide to seek counseling you might find it will help you to feel better. You get to decide whether counseling is something you want or not.

### **Rights, Options, Resources and Protective Measures for Individuals who Report Sexual Misconduct**

You have the right to be treated with dignity and professionally by College staff. No employee, officer, or agent of MC shall harm, retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under federal law (Clery Act, Title IX, etc.). Manhattan College will assist any victim of sexual misconduct by responding and providing the following-

1. Assess the immediate safety needs of the complainant and assist with contacting local police if requested, providing contact information for the local police, and access to medical care.
2. Written notification about options for, and assistance in changing academic, living, transportation, and working situations regardless of whether the crime is reported to Public Safety or law enforcement. The College will make such accommodations if they are requested, they are reasonably available, and will do so confidentially.



3. Written instructions on how to apply for an Order of Protection protective order and/or issuing a College *No Contact* directive between both parties, how to preserve evidence, as well as issuing a College “No trespass” (PNG) directive to accused party if deemed appropriate.
4. Providing a copy of the College Sexual Misconduct Policy and timeframes for inquiry, investigation and resolution.
5. Informing the complainant of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is.
6. Enforcing the College anti- retaliation policy and taking immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.
7. Written information to students and employees about existing resources available for victims within the College and within the larger community, outside of the College.
8. Referrals to on and off campus mental health providers.
9. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process.

### Orders of Protection (Restraining Orders)

An Order of Protection is a court order issued by a judge to help protect you from another person who is abusing, harassing, threatening, intimidating, or has committed a crime against you. Orders of protection are commonly issued in cases of domestic violence but may also be issued in other circumstances. Any student or employee who obtains an order of protection should notify Public Safety and provide a copy of the order. You may then meet with a Public Safety administrator to develop a safety plan to help reduce the risk of harm to you while on campus.

### How do you obtain an order of protection?

You can obtain an order of protection in Criminal Court, Family Court or Supreme Court. You can go to Family Court and file a request (called a petition) for an order if you and the individual are legally married; divorced; related by blood; have a child in common; or have been in an intimate relationship. An intimate relationship does not necessarily mean a sexual relationship, but is more than just a casual acquaintance. This includes people who are/have been dating or living together, including those in a same-sex relationship.

In Criminal Court an order of protection can be issued regardless of the relationship between you and the person you want protection from. *In order to obtain an order of protection in Criminal Court the person must be arrested and there must be a Criminal Court case pending against them.* The District Attorney’s Office will request an order of protection from the court on your behalf. A Supreme Court order of protection can be issued as part of ongoing divorce or criminal proceeding.

### How are orders of protection served?

You may not serve your own order of protection. Orders will be served in court by the judge if the defendant/respondent is present, or -

- The New York City Sheriff’s Office will serve a Family Court or Supreme Court order.
- The NYPD can assist you in serving orders of protection. Go to the precinct where the respondent resides and make the request.
- You can request that a friend or relative over eighteen years old serve the papers to the respondent. Your friend or relative must complete an "affidavit of service" and have it notarized.

### What if the Order of Protection is Violated?

Violating an order of protection is a crime and is punishable by law. If the order is violated you should call the police for assistance. If you lost your order of protection contact the District Attorney’s Office, Family Court, or Supreme Court where the order was issued.

### Manhattan College Students' Bill of Rights

All Manhattan College students have the right to:

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution.

4. Participate in a process, from the initial investigation to the final result, that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available.
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
7. Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
8. Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution.
9. Access to at least one level of appeal of a determination.
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

### **Procedures to Investigate Reports of Sexual Assault, Dating / Domestic Violence or Stalking**

#### **Investigation**

1. After the receipt of a formal, signed complaint from the Complainant (as defined above), the Title IX Coordinator will meet with the complainant to gather as much information as possible. The Title IX Coordinator and/or her designee(s) will send written notice to both the Complainant and the Respondent (the individual(s) accused of the Title IX offense) of the allegations described in the formal complaint.
2. The Title IX Coordinator will then assign two investigators to meet with the Complainant and the Respondent to gather as much information as possible. The investigators will also meet with any witnesses or individuals who may have information about the conduct at issue.
3. The Title IX Coordinator or her designee will counsel all parties on the available academic and other emotional supports available. The College will notify the parties in writing prior to any meeting that they are required or eligible to attend. The Respondent will receive a notice of investigation that includes the date time, location and factual allegations concerning the report that the College has received. Respondents will also be provided with a reference to the specific code of conduct provisions alleged to have been violated.
4. During an investigation, the Title IX Coordinator or an appropriate designee may ask for written statements and other documents or evidence which may aid in the investigation. While the burden of gathering evidence related to the allegation lies with the College, it is important for parties to preserve all evidence associated with the conduct or that you think might help others understand what happened. Such evidence can include text messages, Facebook or Instagram posts, photos, voicemails, emails, or items of clothing. Both parties may exclude any prior sexual history with persons other than the parties involved in the current conduct process.
5. Both the Respondent and the Complainant will be updated throughout the investigation process. At the close of an investigation, the Title IX Coordinator or her designee will prepare an Investigation Report detailing the content of interviews and the evidence gathered. Both parties will have at minimum ten days to review the evidence and the Investigation Report and be given an opportunity to correct any inaccuracies that they believe exist.
6. If the matter proceeds to a live hearing as described below. The Title IX Coordinator will forward the Investigation Report to the hearing officer for his or her review. The parties will be notified in writing of the date, time, and location of the hearing. Both parties are encouraged to attend the hearing.

#### **Informal Resolution and/or Mediation**

The College, in its discretion, may choose to resolve a complaint through the use of an informal resolution, including the use of mediation or restorative justice, so long as each party provides voluntary, informed, and written consent to engage in such an informal resolution. The informal resolution will be conducted by a member of the College's Title IX team, who is well trained on such processes. An informal resolution may not be chosen absent the filing of a formal complaint. The College may not require either party to undergo an informal resolution. Either party may at any point, choose to withdraw from the informal resolution process and resume the formal investigation and hearing process. The informal resolution process is not an option for complaints in which the Respondent is an employee and the Complainant is a student.

### Supportive Measures

Prior to the investigation process, supportive measures will be discussed with the complainant and implemented as may be appropriate. The complainant will be informed of their right to request supportive measures with or without the filing of a formal complaint. Possible supportive measures may include a change in class schedule, housing arrangements and/or work arrangements. Any supportive measures which restrict the rights of the respondent require a grievance process prior to their implementation.

Depending on the nature of the problem, possible supports and remedies for the parties involved, and the result of the grievance process for any supportive measures that restrict the rights of the Respondent, may include depending on availability and resources, but are not limited to: ensuring the complainant and the accused do not attend the same classes, live in the same residence halls, or eat at the same time in the same dining halls; provide academic, counseling, or medical services; and arrange for the parties to retake or withdraw from a course without penalty.

The parties may request the College issue a “no contact” order, which prohibits the parties from interacting and restricts one or both party’s access to certain areas of campus. “No contact” orders are usually not indefinite and either party may request that the Title IX Coordinator or designee amend or revoke a “no contact” order. Intentional and/or repeated violations of a College-issued “no contact” order are a violation of this Policy and may result in additional disciplinary charges and disciplinary sanctions.

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

### Hearing Process

- A. The Respondent and the Complainant will receive advance written or electronic notice of the date, time, and location of any hearing they are required to or are eligible to attend. The Respondent and the Complainant have the right to challenge the choice of hearing officer if the appointment of a specific hearing officer creates a real or perceived conflict of interest. The Hearing Officer will be chosen based on the parties involved and the nature of the allegations.
- B. Each party will have an opportunity to submit further evidence prior to the hearing and will be afforded the opportunity to review this additional evidence before the start of the hearing. Both parties will be notified before the hearing of the possible sanctions.
- C. At the hearing both parties will have the opportunity to present witnesses and testimony, where appropriate.
- D. Each party has the right to bring one advisor of their choice to the hearing. If a party does not have an advisor, the College will appoint one, without fee or charge to the party. The advisor, may, but is not required to be, an attorney. At either party’s request, the College will allow the party to be in a separate room from the other party, with the use of technology that enables each party and their advisor to see and hear one another. The hearing may be live or virtually attended, but must take place in real time with each party and their advisor present.
- E. The Hearing will offer an opportunity for the parties to make brief opening statements, call witnesses, respond to questions of the Hearing Officer or Panel, and make a brief final statement before the close of the hearing. Witnesses and advisors must be submitted to the Hearing Officer, or Hearing Panel Chair no later than forty-eight hours prior to the Hearing.
- F. The burden of proof will not be solely on any one party. Should the Respondent fail to attend the hearing, the hearing may continue in the Respondent's absence. However, the College may not draw an inference of responsibility of the Respondent for the allegations made in the complaint based solely upon the Respondent’s absence. The College will make either an audio or visual recording or transcript of the hearing.

### Cross Examination

Each party’s advisor is permitted to “cross-examine” the other party through the use of direct and/or follow up oral questions posed to the other party or their witness(es), including challenges to their credibility. These questions must be relevant, as determined by the hearing officer, and must NOT be directed by or at the parties personally, but only through their advisors. Prior to directing the party’s advisor and/or the witness to answer the question posed, the hearing officer will determine whether the question is relevant to the allegations at issue.

The decision makers may not rely upon any statement made by a party or witness who is not subject to cross-examination for purposes of determining responsibility of the Respondent for the allegations made in the complaint. However, the decision maker cannot draw an inference of responsibility based solely upon the absence of a party or witness from the hearing, and/or their refusal to be subject to cross-examination and/or answer any other questions.

#### Standard of Evidence

The standard of proof required in a College judicial proceeding will be a “preponderance of the evidence”. The hearing officer will make a determination based on the *preponderance of the evidence* standard, which means that they will determine whether it is reasonable to conclude, based on the evidence available, that it is more likely than not that the alleged conduct occurred. Complainants should preserve evidence if available by saving text or instant messages, social media, emails, pictures, videos, voice messages, etc. that would be useful to College or NYPD investigators, or in obtaining a protection order.

#### Rape Shield Protections

Any evidence or questions related to a Complainant’s prior sexual history will be deemed irrelevant unless offered to prove that someone other than the Respondents are responsible for the sexual misconduct or to prove consent.

#### Dismissal of Compliant

The College may, in its discretion, dismiss complaints when 1) the Complainant informs the College in writing that they wish to withdraw the complaint, 2) the Respondent is no longer enrolled or employed by the College, or 3) if specific circumstances prevent the College from gathering sufficient evidence to reach a determination.

#### Sanctions

The Complainant and the Respondent will simultaneously be notified in writing of the hearing officer’s determination and any sanction imposed. After the hearing, but before the hearing officer delivers his/her written determination of responsibility and sanction, if any, the parties will have the opportunity to submit an impact statement for the hearing officer’s consideration with regard to sanction. Both parties will be given written notice of the outcome of the hearing, including the determination made as a result of the hearing, rationale for the decision and any sanctions issued as a result of a finding of responsibility.

Appropriate disciplinary sanctions will be determined according to the parties involved and the severity and/or duration of the conduct. Possible sanctions include exclusion from certain College buildings, classes, residence halls, and College events; suspension, expulsions, and/or discharge from employment or enrollment. Individuals doing business at the College or third party vendors found to be in violation of this policy may be banned from the College and the College will notify their respective employers of all charges and disciplinary outcomes. Visitors may be banned from the College. Possible sanctions for gender-based misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking are suspension, termination of employment, and expulsion.

#### Resolution and Appeal

Both the complainant and the accused have the right to appeal the outcome of the hearing officer’s determination of responsibility and/or sanction. An appeal may be made in only certain limited circumstances, as follows: (1) a party believes a procedural error substantially impacted the original finding or sanction; (2) a party has substantial new evidence, (3) a party feels that the sanction is substantially outside the scope or guidelines set by the Manhattan College Community Standards and Student and Faculty Code of Conduct or (4) a party believes that any member of the Title IX process (the Title IX Coordinator, investigators, hearing officer, and/or decision makers) had a conflict of interest or bias that impacted the outcome of the hearing. Requests for an appeal must be made in writing, include the grounds for appeal, and be received by the Title IX Coordinator within 5 business days of receipt of notification of the hearing officer’s decision. Appeals of the hearing officer/panel/administrator’s decision will be heard by an Appeal Panel. The Appeal Panel will be comprised of individuals that are fair and impartial and will not include individuals with a conflict of interest. All appellate decisions are final. Both parties will be informed of the outcome of any appeal.

\* Notwithstanding the foregoing procedures, findings and recommendations for sanction concerning faculty and represented employees will be further subject to the provisions of the appropriate collective bargaining agreement or the faculty handbook/policy.

## Remedies

Depending on the nature of the allegations, possible supports and remedies for the complainant that could be implemented during an investigation/hearing/appeal as well as after its conclusion, may include, but are not limited to: providing an escort to ensure that the complainant feels safe traveling between work, school, and home; ensuring the complainant and the accused do not attend the same classes, live in the same residence halls, or eat in the same dining halls; providing academic, counseling, or medical services; and arranging for the complainant to retake or withdraw from a course without penalty.

## Transcript Notations

Students suspended or expelled for committing an act of sexual assault, domestic violence, dating violence, stalking or a “violent crime,” as defined by the Clery Act,[1] will have a notation placed on their transcript as follows: “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” The College will consider requests to remove transcript notations. A transcript notation will not be removed prior to one year after conclusion of the suspension. Expulsion notations will not be removed in any case. Appeals seeking removal of a transcript notation may be addressed to the Title IX Coordinator. If a finding of responsibility is vacated for any reason, a corresponding transcript notation will be removed. If a Respondent withdraws from the College while charges are pending and declines to complete the disciplinary process the following notation will be placed on his/her transcript: “withdrew with conduct charges pending.”

[1] “Violent crimes” defined by the Clery Act are murder, sexual offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, and arson.

## Timeframe

Generally, the investigation and resolution process will take 60 days. However, that timeframe may be reasonably amended on a case by case basis depending on the time of year, the nature of the allegations, the parties involved, or as may be necessary to ensure a thorough and fair investigation of the allegations.

## Corrective Action

The College will make all reasonable efforts to ensure that future harassment, discrimination, and misconduct does not occur and that the parties and those who participated in the investigation and hearing process do not experience any form of retaliation. The College will also take appropriate steps to address the discriminatory effects of the misconduct including offering training programs, presentations that address issues of sex discrimination, sexual harassment and gender-based misconduct, as well as counseling services and academic support.

If you experience subsequent harassing, discriminatory, threatening or retaliatory conduct, you should immediately report it to the Title IX Coordinator. Someone from the College will follow up with both parties after the resolution of the matter to determine whether there have been any new or recurring misconduct. Should a complainant or any other individual experience continuing, additional or new forms of discrimination, harassment, misconduct, or retaliation he or she should immediately inform the Title IX Coordinator or one of her designees listed on the College website.

## Definitions

Manhattan College will investigate allegations of unlawful discrimination based on race, color, national origin, religion, age, sex, disability or marital status. Sex and gender based misconduct encompasses a broad range of behaviors including sex and/or gender discrimination, which may or may not be sexual in nature. Sexual harassment, sexual assault and intimate partner violence such as domestic, dating violence and stalking are other types of gender-based misconduct prohibited by law and this policy.

Gender-based misconduct can be perpetrated by men or women and can occur between people of the same or different sex. Examples of gender-based misconduct include pressure to date or engage in a romantic or intimate relationship, unwelcome touching, kissing, hugging; inappropriate remarks about a person’s gender, gender expression, or sexual orientation; inappropriate sexual innuendo or humor; unnecessary or unwelcome references to parts of the body; and pressure for or forced sexual activities.

## Sexual Harassment

Manhattan College is committed to maintaining a learning and work environment not impaired by sex discrimination including sexual harassment, sexual violence, sexual assault, domestic violence, dating violence, and stalking.

Sexual Harassment is a type of sex discrimination and is prohibited by Title IX and by Manhattan College policy. The College encourages reporting of all unwelcome conduct of a sexual nature. Sexual harassment under Title IX is defined as:

- 1) Any instance of *quid pro quo* harassment by a school's employee,
- 2) Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access, or
- 3) Any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or sexual assault as defined in the Violence Against Women Act (VAWA).

### Sexual Assault

Any non-consensual, intentional physical contact of a sexual nature. Sexual assault includes:

### Non-Consensual Sexual Contact

Any intentional sexual touching, however slight and with any object or body part, that is without consent (as defined in this Policy) and/or by threat, intimidation, coercion, duress, violence, or by causing a reasonable fear of harm. This includes intentional contact with breasts, buttocks, groin, mouth, or genitals, as well as any other intentional bodily contact that occurs in a sexual manner.

### Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, forcibly or without affirmative consent or where the victim is incapable of affirmative consent due to mental or physical incapacity. Statutory rape is non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

### Domestic Violence

May include violent acts by a current or former spouse; by a person with whom the victim shares a child in common; by a person who is or has cohabitated with the victim as a spouse; by a person similarly situated to a spouse; between a parent and child; between members of the same household in an intimate relationship; or by any other person similarly situated. Domestic violence can be physical, sexual, emotional or economic in nature.

### Dating Violence

Can be violence or abusive behavior used by one partner to gain or maintain control over another partner. It can be violence committed by a person who is or has been in a social, romantic or intimate relationship with the victim. The existence of such a relationship will be determined by factors such as the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

### Stalking

The unwanted or obsessive attention by an individual or group toward a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. Stalking may include the monitoring of an individual online or involve the use of social media, email or other technology. It may also include unwanted observation or surveillance.

### Affirmative Consent (MC)

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. This definition does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act;
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol;
- Consent may be initially given but withdrawn at any time;
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of

intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent;

- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm;
- When consent is withdrawn or can no longer be given, sexual activity must stop;
- Children under 17 years of age cannot legally consent under New York State Law to having sex or sexual contact with an adult (i.e., someone who is 17 years of age or older). Any sexual contact in New York between a child under 17 and an adult is a crime, and any such illegal behavior between a College student under 17 and a College employee or employee of a contracted service provider to the College will be reported to an appropriate law enforcement agency. Other jurisdictions may have different standards, and any illegal behavior in such jurisdiction also will be reported to the appropriate law enforcement agency.

### Incapacitation

Occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Evaluating incapacitation requires an assessment of an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments;
- Capacity to appreciate the nature and the quality of the act; and
- Level of consciousness.
- An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a knowing, reasonable decision about whether to engage in sexual activity is in violation of this Policy.

### Hate Crimes

Manhattan College is committed to promoting an inclusive campus community. For most students, college is the first time they may have extensive contact with individuals who differ from them in significant ways. This is especially true in residence halls, where students now live with a new, large extended family. Malicious behavior, writing on someone's door, leaving inappropriate phone messages, or committing other crimes in conjunction with a bias related slur are classic examples of hate crimes committed on college campuses.

A Hate Crime is a criminal offense that manifests evidence the victim was intentionally selected because of the perpetrator's bias, actual or perceived, against the victim. Under federal law (*Clery Act*) Hate Crimes include any of the following offenses motivated by bias - murder and non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction, damage, or vandalism of property.

### If You Are a Victim of a Hate Crime

Hate crimes are serious incidents and are investigated by the NYPD's Hate Crime Task Force. If you are the victim of a hate crime seek help and report it. No matter where the incident occurred, support and referral resources are available. A victim of a hate crime occurring on campus should report the incident to a Public Safety officer or by calling 718-862-7333, if the incident occurred off campus call 911. MC will investigate any hate crime occurring on campus and will assist any student making notifications to the proper authorities if requested.

### Categories of Bias

Federal law (the *Clery Act*) identifies the following eight categories of bias in hate crimes-

#### Race

A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

### Religion

Preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

### Sexual Orientation

Preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

### Gender

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

### Gender Identity

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

### Ethnicity

A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

### National Origin

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

### Disability

A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### NY State Law

A person commits a hate crime when they commit a *SPECIFIED OFFENSE*, larceny-theft, simple assault, intimidation or destruction/damage/vandalism of property and either: intentionally selects the person against whom the offense is committed or intentionally commits the act or acts constituting the offense because of a belief or perception regarding the race, color, national origin, ancestry, gender identity, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief/perception is correct.

The following crimes (*Specified Offenses*) fall under the Hate Crimes statute in NY State: Assault 1st, 2nd, 3rd degree; Aggravated assault upon a person less than eleven years old; Menacing 1st, 2nd, 3rd, degree; Reckless endangerment 1st, 2nd degree; Manslaughter 2nd degree, sub.1, 1st degree sub. 1,2,3,4; Murder 2nd degree; Stalking 1st, 2nd, 3rd, 4th degree; Rape 1st degree, sub.1; Criminal sexual act 1st degree; Sexual abuse 1st degree; Aggravated sexual abuse 1st degree, sub.1a, 2nd degree, sub.1; Unlawful imprisonment 1st, 2nd degree; Kidnapping 1st, 2nd degree; Coercion 1st, 2nd degree; Criminal trespass 1st, 2nd, 3rd degree; Burglary 1st, 2nd, 3rd degree; Criminal mischief 1st, 2nd, 3rd, 4th degree; Arson 1st, 2nd, 3rd, 4th degree; Petit larceny, Grand larceny 1st, 2nd, 3rd, 4th degree; Robbery 1st, 2nd, 3rd degree; Harassment 1st degree; Aggravated harassment, sub. 1, 2, 4, or any attempt/conspiracy to commit any of the foregoing offenses.



### Penalties for the Commission of Hate Crimes

The following are the penalties in NY State for conviction of a Hate Crime-

- 1) If the specified offense is a violent felony offense as defined in Section 70.02, the hate crime shall be deemed a violent felony offense.
- 2) If the specified offense is a misdemeanor or a class C, D, or E felony, the hate crime shall be deemed one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
- 3) If the *specified offense* is a class B felony:

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

### Sanctions

Violators are subject to disciplinary actions including possible suspension or termination of employment for College employees, ejection from campus for visitors, and suspension or separation from the College for students. Violators are also subject to penalties in accordance with federal and state law.

### Education and Awareness Prevention Programs

Manhattan College engages in comprehensive programming and initiatives to promote the awareness of dating and domestic violence, sexual assault and stalking on campus. The College prohibits these crimes as defined in the Clery Act and New York State law. During freshman orientation, students are informed of the laws and penalties relating to these crimes. They are advised of the procedures at MC for dealing with such offenses, including reporting, the availability of counseling and support for victims.

Ongoing prevention and awareness campaigns means programming, initiatives and strategies sustained over time, and a focus on increasing understanding of relevant topics and skills for addressing dating and domestic violence, sexual assault and stalking, using a range of strategies with audiences throughout the college. College staff and outside professionals present primary prevention and awareness programs for incoming and matriculated students and new or tenured employees. Programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, assessed for value, effectiveness, or outcome, and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels. Programs present options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and help individuals and communities address conditions that facilitate violence.

Education programs include, but are not limited to:

- a) MC's prohibition against domestic and dating violence, sexual assault, stalking, hate crimes and applicable definitions;
- b) Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic or dating violence, sexual assault, or stalking against a another person;
- c) Information on risk reduction options designed to decrease perpetration, bystander inaction, warning signs of abusive behavior and how to avoid potential attacks;
- d) Informing students of personal safety services on campus, including mental health services;
- e) The laws, penalties, reporting, and availability of counseling relating to hate crimes.

### Employee Programing

1. Human Resources coordinates programing at employee orientations for staff, faculty and administrators.
2. New employees are provided a copy of the Manhattan College Annual Security and Fire Safety Report as well as the MC Emergency Response Guide. These documents detail safety and emergency response guidelines on campus, campus security policies, sexual misconduct, sexual assault prevention and reporting, the Violence Against Women Act, reporting crime and various other topics.

3. All new employees receive training on Title IX, Equal Employment Opportunity (EEO), the Federal Education Rights Privacy Act (FERPA) and Sexual Harassment.

### Title IX

Training is provided *annually* by the Office of the Director of Equity, Diversity/Chief Title IX Coordinator, and includes:

1. Sexual Harassment for all employees, including reporting procedures (online). In person training includes Title IX application, mandatory reporting, and reporting of discrimination and discriminatory harassment.
2. Title IX and consent training for all students.
3. Sexual assault training for all student athletes (online).
4. NCAA training for Athletes and Coaches.
5. Mandatory reporting training for resident assistants (RAs).
6. Mandatory reporting training for faculty chairs.
7. Additional training for new employees includes:
  - Diversity, discrimination and sexual misconduct for new employees.
  - Title IX and mandatory reporting training for new faculty.

### Counseling Center

The Counseling Center is committed to substance abuse prevention and the reduction of alcohol and drug use through education, interventions and assessment. Students have access to trained alcohol and substance abuse clinicians. All incoming undergraduate students complete the Alcohol-Wise program, a one-hour online course about alcohol abuse prevention designed specifically for college students. Additional programs include-

1. Adjustment to College Group – this program addresses alcohol use, dating safety and consent.
2. One Love- this program addresses dating violence and related issues.

### **Primary Prevention Programs**

*Initiatives and strategies intended to stop dating violence, domestic violence, sexual assault and stalking before they occur, through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality. Encouraging safe bystander intervention and seeking to change behavior and social norms in healthy and safe directions.*

### Take Back the Night (Student Engagement)

An annual student-coordinated event with the mission of ending sexual violence in all forms. The intent is to participate in protest and take direct action against rape and other forms of sexual violence. It raises awareness about gender-based violence and supports survivors. The Take Back the Night Committee meets throughout the year to brainstorm practices that support survivors.

### Fundamentals for Freshman; First Year Student Orientation (Title IX)

Annual training on consent with respect to sexual activities, which is required of all incoming students both freshmen and transfers. This one hour mandatory training program, which takes place at the beginning of the school year, educates students on the importance of affirmative consent prior to engaging in any sexual activities, as required by New York Education Article 129-B, through the use of slides, videos, and audience participation.

### Sexual Harassment (Title IX)

Online sexual harassment training for new employees and new students that educates them on appropriate behavior in the workplace. Additionally, online and in-person sexual harassment training required of *all* employees by the State of New York's new sexual harassment law. This 45-minute training covers the definition of sexual harassment under both federal and New York State Law, reporting procedures, who is required to report, and supervisory responsibilities.

### Sex and Excess (Athletics)

Annual training provided by the Athletics Department for student athletes. This training program educates students on the use and abuse of alcohol and drugs, consent, sexual activities and bystander intervention.

### Athletics and Title IX (Athletics)

Annual training conducted in person or online by the Athletics Department for coaches and staff. This training program educates athletics department employees about Title IX compliance to meet New York State and the National Collegiate Athletic Association (NCAA) requirements.

### Awareness Programs

*Community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety and reduce perpetration.*

### Manhattan College Club Training (Student Engagement)

The Student Government Association's Office of Club Administration has implemented annual training sessions for students of all College clubs and organizations. This training includes Title IX, sexual harassment, sexual assault, domestic violence, dating violence, and stalking information. Students receive hard copies of policies and electronic copies are provided if requested. It is required that all club and organization student members attend these training sessions.

### Our Bodies Our Minds (Title IX)

An interactive theater presentation in which students are educated about the impact that sexual assault and dating violence has on mental health.

### Green Dot Training (Title IX)

Green Dot is a violence prevention program that focuses on making our campus safer by empowering bystanders to become active members in reducing incidents of power-based personal violence. Certified Green Dot Trainers provide bystander intervention training to students and employees every semester. Green Dot offers workshops throughout the semester as well as resources about ways to reduce violence and change culture.

### The Clothesline Project

A program for all students that builds campus awareness of sexual and gender-based violence by inviting survivors to create t-shirts that reflect their experience, or honor another's experience, of sexual or gender-based violence. By creating space for survivors to name their own experience, and displaying these shirts on a clothesline in the Quad, community awareness is enhanced about the pervasiveness and the effects of sexual and gender-based violence.

### Department of Residence Life Programs

Programs in the residence halls are both passive (bulletin boards) and active, and range from alcohol education to drug use and abuse.

### RA Training

Resident Assistants receive training annually on the following:

- 1) The recognition, use, abuse, and response protocols regarding illegal/prescription drugs.
- 2) Green Dot Bystander Intervention: a bystander education approach that aims to prevent violence with the help of bystanders and built on the premise that violence can be measurably and systematically reduced within a community. This includes harassment, sexual assault, domestic and dating violence and other topics.
- 3) Smart Decisions – Sanctions for alcohol and drug offenses include a “Smart Decisions” session, a one-on-one response-based meeting exploring the impact of drug and alcohol use on the student, family, relationships, and community, and uses motivational interviewing and harm reduction techniques to discuss how the student makes their decisions around drugs and alcohol.

### Crime Prevention and Security Awareness Information and Programs

Keeping Manhattan College safe is everyone's business. All members of the campus community have a responsibility for their own safety as well as the safety of others. Public Safety encourages the campus community to review security awareness information that is provided and available to the campus community as follows -

- 1) Sent annually via College email;
- 2) Thru literature available at the Public Safety office (Jasper Hall, 1<sup>st</sup> floor);
- 3) From the Public Safety Department webpage;

- 4) By contacting Public Safety directly with any questions or concerns.

#### Information and Lectures

Provided upon request for students, faculty, administrators and staff about various safety and security issues, including active shooter, sexual assault, domestic and dating violence, stalking, bias crimes and any other requested topics.

#### Active Shooter Response Seminar

Officers from the NYPD, as available, present a training session on active shooter response protocols. This is an interactive session including a power point presentation and an opportunity for attendees to ask questions. This is open to the campus community and presented annually.

#### Operation ID / Crime Prevention Awareness Sessions

This is an annual endeavor provided by NYPD Crime Prevention and MC Public Safety. The NYPD visits MC to register personal electronic devices (laptops, iPods, iPhones, etc.) at no charge to students, faculty or staff. This service may help recover these devices if they are ever lost or stolen. Operation Identification participants provide police with the serial numbers of their electronic devices which are recorded in an NYPD database. If any of the registered items are stolen, police are often able to recover the devices through the recorded serial numbers or through activating locator software built into the device. Crime prevention and personal protection information is also available to all participants.

#### Bicycle Registration Program (NYPD)

The NYPD provides a bike registration program free of charge upon request. This program discourages theft of bicycles by engraving a serial number on the bike in a discreet location and affixing a decal to the bicycle identifying it as registered with the NYPD. If the decal fails to prevent theft, removal of the decal leaves behind the word "void" which alerts police that the bicycle has been stolen. Police are then able to track down the owner through the engraved serial number. For more information contact the Director of Public Safety.

#### Combat Auto Theft (CAT) (NYPD)

The NYPD provides this program upon request. It allows community members to register their motor vehicles with the NYPD to protect those vehicles from being stolen. When a vehicle is registered, police affix a decal to a rear side window that authorizes police officers to stop the vehicle if it is seen in operation between 1:00 AM and 5:00 AM. Car owners who do not ordinarily use their vehicles during the hours the program is in effect may find this useful. For more information contact the Director of Public Safety.

#### VIN Etching Program (NYPD)

This program entails police officers etching a vehicle's identification number onto its windows and is provided upon request. The program is a strong deterrent to thieves. For more information contact the Director of Public Safety.

#### Safety Tips

The following information can help you stay safe at home, work or on a college campus. Make staying safe a priority. Always remain alert and be aware of your surroundings, whether on or off campus. Public Safety can provide additional information on various crime prevention topics to help protect you and your property. Share these tips with your family and friends.

#### Residence Hall Safety

- ***ALWAYS lock your door, whether you are in your apartment or out.***
- ***Report suspicious activity immediately to Public Safety.***
- *Do not give out your key or combo to anyone – report it immediately if you lose it.*
- *Don't leave your door unlocked or let strangers into your room or your residence hall building.*
- Avoid posting personal information on-line or on social networking sites.
- Don't prop doors open (it's both a fire and security hazard).
- Avoid keeping valuables in your room (even if they are hidden).
- Consider purchasing a small dorm security safe with a security cable for valuables and a laptop security cable.
- ***Keep electronic devices with you at all times – do not leave them unattended.*** Have your devices registered with the NYPD (available thru Public Safety).

## Living Off Campus

- ***ALWAYS lock your door whether you are in your apartment or out.***
- Be prepared to enter your apartment without complications. *Have the key in your hand.*
- If you live in an apartment building close the lobby door behind you when entering, especially if a stranger is near.
- Never let strangers inside your building or apartment for any reason.
- Insure proper locks and a door viewer are installed and use them to stay safe.
- If a window or door has been forced or broken - don't go in - call 911 immediately.
- Never leave your keys in a mailbox or under a doormat.
- Use only last names on mailboxes, doorbells and phone listings.
- Use drapes and blinds for privacy. Make sure all windows have locks; keep them locked.
- Don't answer the door automatically. Request ID from any expected repair or delivery personnel.
- Avoid going to a basement or laundry room alone. Have a neighbor or friend accompany you if possible.

## Elevator Safety

- When waiting for an elevator leave the lobby/hallway if someone there makes you feel uncomfortable.
- Avoid entering an elevator if occupied by a lone stranger.
- If someone makes you feel uneasy, either don't get in or get off on the next floor.
- Stand near the control panel and the door should you need to get out quickly.
- If you are accosted, push as many buttons as possible, scream for help, defend yourself.

## Ride Share Safety

Many students and employees use ride share services (Lyft, Uber, etc.) to get around. If you use these services there are things you can do to help stay safe. Remember –

### 1. Request your ride inside

Minimize the time you're standing outside by yourself with your phone in your hand. Instead, wait inside until the app shows your driver has arrived. An indoor location reduces time spent waiting on the street. Choose a pickup spot where your driver can easily pull over. (This means no bus stops or other no-stopping zones.) Give yourself enough time to make sure it's the right car.

### 2. Check Your Ride

Every time you take a trip make sure you're getting into the right car with the right driver by matching the license plate, car make and model, and driver photo with what's provided in your app. Have the driver confirm your name.

### 3. ***NEVER*** get in a car where the vehicle or driver identity doesn't match what's displayed in your app.

### 4. Share your trip info with loved ones

They'll see your location in real-time. You can also check your driver's route in your app to see how you're getting to your destination.

### 5. Be a back-seat rider

Whenever possible sit in the back seat, especially if you're riding alone. This helps ensure you can safely exit on either side of the vehicle to avoid moving traffic, and it gives you and your driver some personal space.

### 6. Always wear your seat belt

Seat belt use is the most effective way to save lives and reduce injuries related to car crashes.

### 7. Follow your intuition

Trust your instincts and use your best judgment. If you ever feel you're in a dangerous situation call 911 or use the emergency button located in your app, if available.

### 8. Exit Curbside

Exit safely – check for traffic (vehicles, bicycles, scooters) before exiting the vehicle. (make sure you haven't left anything behind, such as your phone, keys, etc.)

### In Your Car

- Park in a highly visible, well-lighted area and be mindful of suspicious activity.
- Look around before exiting or entering your car. Have your keys ready to unlock the door and enter without delay.
- Check the interior of the car before entering; *lock car doors* as soon as you get in and while driving.
- Don't leave valuables or packages visible in your car.
- Don't stop for a stranded motorist - call the police for assistance if needed.
- If you think you are being followed drive to the nearest police station or call 911 for help.
- Never leave house keys attached to car keys at service station or parking lots.

### Out in Public Places

- ***To enhance personal safety, especially after an evening class, walk with friends or someone you know well.***
- Always be aware of your surroundings. *Stay alert.*
- *Keep your head up. Don't be preoccupied with cell phones or other electronic devices.*
- Walk on the side of the street facing traffic.
- Try to avoid isolated areas. It's difficult to get help if no one is around.
- Avoid walking close to shrubbery, doorways and other places of concealment.
- Travel on well-lighted areas and avoid shortcuts such as alleyways.
- Be aware of where campus blue-light emergency callboxes are located; use one if you feel unsafe or need help.
- If someone makes you feel uncomfortable or unsafe call 911; don't be embarrassed to attract attention to yourself – run away, scream or yell for help.
- Try to let someone know where you are going and the time you expect to return home.
- *Never leave purses or valuables unattended – especially in public places or over the back of your chair in any establishment.*

### ATM's

We all use ATM's regularly. Be alert when using an ATM and only use those at legitimate banking locations.

- Use ATMs in well lit, well populated locations.
- Avoid ATM vestibules that have unlocked doors or ATMs located directly on the street.
- Be aware of suspicious people near the entrance. Use mirrors positioned at the ATM to see behind you.
- Block a bystander's view when entering your pin number; cover the keypad with your hand to do so.
- Don't let anyone into a bank vestibule with you; they should gain entry with their own bank card.
- Put your money, card and receipt away *before* exiting an ATM.
- Be aware of "Skimming" devices on ATMs. This is a phony card-reading device used to capture the financial information from your card. These devices are usually attached with two-sided tape and can be discovered by simply tugging on areas where the card is swiped.

### Public Transportation Safety

Cell phones and other electronic devices are prime targets for thieves who snatch these items right from the victim's hands as train or bus doors close - leaving you helpless and without your device! To reduce your risk, please consider the following tips –

#### Subways

- Be ready. Have your metro card, access device or money available and ready for use.
- Whenever possible travel with a friend.
- *Refrain from using your electronic devices onboard the train or station platforms – keep them OUT of VIEW.*
- Wait for the train near the station booth during non-rush hours. Many stations have off-hour waiting areas.
- Stand away from the edge of the platform. Wait and walk close to the wall.
- Ride in the conductor's car, especially during off-peak hours.
- Avoid cars that are significantly less crowded and *remain awake on the train.*
- Sit in the center of the car and away from the doors to avoid a purse, phone or chain snatch.
- Keep money and jewelry hidden. Hold your handbag and other possessions securely.
- Keep bags closed and zipped/fastened shut. Be aware of your wallet or purse to avoid being pickpocketed.

## Buses

In addition to the aforementioned, remember-

- Wait for the bus on the sidewalk away from the curb.
- Sit near the front of the bus and the driver if possible.

## Personal Safety and Sexual Assault

The following are some strategies to help reduce one's risk of sexual assault -

- Be aware of your surroundings and trust your instincts. If a situation feels unsafe or uncomfortable, it probably is.
- When you go out socially, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. If a friend needs help or is intoxicated, get them to a safe place.
- Make sure your cell phone is with you, charged and you can pay for a cab if needed.
- *Never* leave a bar or club with a stranger. Do not allow yourself to be isolated with someone you don't know.
- Don't accept drinks from people you don't know and don't leave your drink unattended for any period of time.
- At parties, don't drink from punch bowls or other large, common open containers.
- Let someone know where you are going and who you are with. Have a code word with friends so if you feel uncomfortable you can call them, communicate your discomfort, and have them come get you or make up an excuse for you to leave.

## Clery Act Geography

In accordance with the "Campus Safety Act", data included in this document represents reported crime on campus and on the streets immediately adjacent to the campus. The following definitions explain the geographic locations used in classifying reported crime at Manhattan College.

### On Campus

Any building or property owned or controlled by the College within the same reasonably contiguous geographic area, and used in direct support of, or in a manner related to, the College's educational purposes, including residence halls. Also, any building or property within or reasonably contiguous to the area identified in paragraph (1) of this definition, owned by the College but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). All College buildings fall under this classification of "on campus".

### Residence Halls

Any student housing facility owned or controlled by the College, or is located on property that is owned or controlled by the College, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. All campus residence halls fall under this category. Crimes reported in this category are a subset of the "On Campus" category in the crime statistics section.

### Public Property

Includes all public property including thoroughfares, streets, sidewalks, parking facilities, within or immediately adjacent to and accessible from the campus; this includes the public sidewalk, street, and opposite sidewalk. The following streets near campus fall under this category – Broadway, Corlear Avenue, Manhattan College Parkway, Post Road, Tibbett Avenue, Waldo Avenue, W.238 Street, W.240 Street, and Brust Park.

## Clery Act Definitions of Reportable Crime

The following definitions are from the *FBI's Uniform Crime Reporting Program and Handbook*. Campus crime statistics include hate crimes, arrests and disciplinary referrals made to campus authorities for alcohol, drug and weapon possession. A disciplinary referral is when a student is formally reported in writing to a College officer for possible sanctions.

### Criminal Homicide - Murder and Non-Negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

### Negligent Manslaughter

The killing of another person through gross negligence.

### Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

### Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm.

### Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

### Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even though the vehicle is later abandoned, including joy riding.)

### Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### Dating Violence

1. Violence committed by a person who is/has been in a social relationship of a romantic/intimate nature with the victim.
2. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
3. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
4. Dating violence does not include acts covered under the definition of domestic violence.

### Domestic Violence

A felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

### Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety, the safety of others, or suffer substantial emotional distress.

1. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
4. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### Sexual Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI Uniform Crime Report program. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.



### Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

### Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

### Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

### **Other Offenses**

The following violations can result in a disciplinary referral or arrest. *A disciplinary referral is the referral of any person to a college official who initiates a disciplinary action, of which a record is established, and which may result in the imposition of a sanction. Arrests are when an individual is processed by arrest, citation or summons by a law enforcement officer.*

### Liquor Law Violations

The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

### Drug Abuse Violations

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

### Weapons Possession

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

### **Clery Act Hate Crimes Definitions**

In addition to the crimes listed above, the following are reportable as Hate Crimes under the Clery Act when evidence suggests the victim was intentionally selected because of their actual or perceived race, gender, religion, sexual orientation, ethnicity, national origin, or disability.

### Larceny-Theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

### Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property (Except "Arson")

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

*Manhattan College Crime Statistics*

<u>Offense</u>	<u>Year</u>	<u>On Campus</u>	<u>Residence Halls</u>	<u>Public Property</u>	<u>Unfounded</u>
Criminal Homicide, Murder, and Non-Negligent Manslaughter	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Rape	2019	0	0	0	0
	2018	3	3	0	0
	2017	3	3	0	0
Fondling	2019	1	1	0	0
	2018	1	1	1	0
	2017	0	0	0	0
Statutory Rape	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Incest	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Robbery	2019	0	0	0	0
	2018	0	0	3	0
	2017	0	0	1	0
Aggravated Assault	2019	0	0	0	0
	2018	0	0	1	0
	2017	1	1	2	0
Burglary	2019	4	2	0	0
	2018	1	1	0	0
	2017	9	4	0	0
Motor Vehicle Theft	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Arson	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0

There were no reported Hate Crimes in 2019, 2018 or 2017.

Manhattan College Crime Statistics

<u>Offense</u>	<u>Year</u>	<u>On Campus</u>	<u>Residence Halls</u>	<u>Public Property</u>	<u>Unfounded</u>
Stalking	2019	3	1	0	0
	2018	3	1	0	0
	2017	4	3	0	0
Dating Violence	2019	2	2	0	0
	2018	2	2	1	0
	2017	0	0	0	0
Domestic Violence	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
There were no reported Hate Crimes in 2019, 2018 or 2017.					
<b><u>DISCIPLINARY REFERRALS</u></b>					
	<u>Year</u>	<u>On Campus</u>	<u>Residence Halls</u>	<u>Public Property</u>	<u>Unfounded</u>
<u>Other Offenses</u>					
Liquor Law Violations	2019	276	272	0	0
	2018	183	183	0	0
	2017	245	242	0	0
Drug Abuse Violations	2019	124	122	0	0
	2018	68	68	0	0
	2017	145	144	0	0
Weapons Possession	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b><u>ARRESTS</u></b>					
Liquor Law Violations	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Drug Abuse Violations	2019	0	0	0	0
	2018	0	0	0	0
	2017	2	2	0	0
Weapons Possession	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0

## ANNUAL FIRE SAFETY REPORT

In accordance with the Higher Education Opportunity Act of 2008, Manhattan College is providing fire safety information as part of this Annual Report. All reports of fires and fire alarms are maintained by the Department of Public Safety. For the purposes of including a fire in the statistics of this report, students and employees must report the instance of any fire on campus to Public Safety.

### Fires and Fire Safety

Fires poses a serious risk to everyone on campus. All students and employees of the College need to be familiar with the response procedures for a fire, explosion or fire alarm emergency on campus. Please take ALL FIRE ALARMS seriously. In the event of a fire or explosion every second counts. You need to know what to do and where to go to be safe.

All members of the campus community play a part in keeping our campus fire safe. Fire safety equipment (smoke detectors, fire extinguishers and fire alarm pull stations) are located in each campus building for your protection. Stay alert and be reminded –

- 1) *The activation of the fire alarm in any campus building requires a mandatory evacuation by all building occupants.*
- 2) Do not prop open emergency exit, stairwell or fire doors.
- 3) Keep doorways, corridors, and stairwells clear and unobstructed.
- 4) NEVER block emergency exits with any type of obstruction.
- 5) Make sure that all electrical appliances and cords you use are in good condition and UL approved.
- 6) Do not overload electrical outlets. Use fuse-protected power strips and extension cords when necessary.
- 7) Do not park in fire lanes or block a fire hydrant on campus.
- 8) *Transmitting a false alarm is a serious violation of NY State law and College policy. It endangers the lives of building occupants and responding emergency personnel. Violators are subject to College judicial sanctions and/or arrest.*

### Residence Halls

*The activation of the fire alarm system in any residence hall requires a mandatory evacuation by all building occupants.* Students who fail to comply with fire safety procedures or who otherwise violate rules and regulations related to fire safety are subject to College judicial action and/or criminal sanctions, including expulsion or suspension from residence halls and/or Manhattan College. Violations of MC fire safety regulations, include, but are not limited to –

1. Smoking indoors.
2. Tampering with fire alarms, fire extinguishers, smoke detectors, fire doors, sprinklers, etc.;
3. Possession of propane, butane, torches, flammable substances or similar items;
4. Disposing of any burning/smoldering items/products in trash receptacles;
5. Obstruction of emergency exits or propping doors open.
6. Starting or maintaining any open flame on campus.
7. *Fire safety regulations mandate the following items are prohibited in any residence hall:*
  - Barbecue grills
  - Candles, incense, oil lamps, hookahs
  - Decorative/holiday lights
  - Electric blankets
  - Halogen lamps, “spider” lamps
  - Hot plates, George Foreman grills, toaster ovens
  - Non UL-rated electric devices or appliances
  - Plug-in air fresheners
  - Space heaters
  - Two-prong extension cords

### Fire Safety Education and Training

Students are educated on the fire safety plan for their residence halls each semester by Resident Assistants, which includes fire safety information and evacuation procedures. All members of the campus community receive fire safety information annually via College email.

## **Be Prepared**

It is extremely important that all members of the campus community be familiar with building evacuation routes and assembly areas. You should know how to get out and how to be safe.

1. Determine in advance the nearest (2) exits from your work location, classroom or dorm room, and the route you will follow to that exit in an emergency.
2. Establish an alternate route in the event your primary route is blocked or unsafe.
3. Be familiar with the location of fire alarm pull stations near your workspace, classroom or in your residence hall.
4. *Planning ahead is important* - inform Public Safety in advance if you will have trouble evacuating in an emergency.

## **Assembly Areas**

In the event of a building evacuation occupants should report to an assembly area and await instruction from Public Safety or emergency responders. These locations are subject to change dependent on incident conditions. Information about campus safety and building assembly areas can be found within the Manhattan College Emergency Response Guide, available on the Public Safety webpage- [https://content.manhattan.edu/public-safety-files/MC\\_Emergency\\_Response\\_Guide.pdf](https://content.manhattan.edu/public-safety-files/MC_Emergency_Response_Guide.pdf) .

## **If the Fire Alarm is Activated**

1. *New York law and College policy requires all building occupants to evacuate in the event of a fire alarm activation.*
2. Don't hesitate when you hear the fire alarm sound; exit calmly, quickly and safely.
3. If possible, close doors behind you while exiting. Leave lights on and doors unlocked.
4. Evacuate from the nearest exit if it is safe and clear of smoke or fire.
5. *Do not use the elevators.* You could become trapped or an elevator could open on an unsafe floor.
6. Upon exit, immediately advise Public Safety officers of the location of any persons who have not yet evacuated due to injury or incapacitation.
7. Once outside, move quickly away from the building. Be alert for falling glass or other debris.
8. *Stay clear of the building and roadway.* Keep building access, streets and sidewalks clear for emergency vehicles and personnel.
9. Proceed to the closest building assembly area and await further instruction from Public Safety personnel or emergency responders.
10. Do not attempt to re-enter the building until you are instructed to do so by Public Safety or FDNY personnel. FDNY will advise when the building is safe and re-entry is permitted.

## **If You Need Assistance Evacuating**

In the event you are unable to exit the building:

1. Don't panic - if you can't exit without assistance stay in a room or office that is safe.
2. Contact Public Safety at (718) 862-7333 and advise them where you are located.
3. Provide your cellphone # and stay on the line with the officer if possible.
4. Notify those evacuating of your situation so they can advise Public Safety of your location.

## **When Evacuating**

1. Check doors for heat before opening.
2. Do not open a door if it's hot or warm; seek another exit if possible.
3. If it's cool, open it slowly; slam it shut if smoke pours through.
4. If you have to escape through smoke, stay close to the floor where the air is less contaminated.

## **If You See a Fire**

1. Pull the nearest fire alarm pull station.
2. Get away from the area; alert others as you are evacuating.
3. Close doors behind you while exiting to contain fire or smoke.
4. Evacuate the building safely and report to an assembly area.
5. Do not attempt to put out a fire – call for help. Report the fire immediately to Public Safety at (718) 862-7333 and 911 as soon as you can do so safely.

## Help Others

If you can do so safely, assist those that may need help exiting the building.

1. Alert others on your way out.
2. Avoid transporting others up or down stairwells without the help of emergency personnel.
3. If someone is unable to evacuate and you can do so safely, escort them to a safe position at the nearest stairwell where they will await assistance.
4. ***Notify*** Public Safety officers or emergency responders on the scene of their location.
5. If you are supervising students, instruct them to remain together and meet at building assembly areas.
6. Report the names of anyone missing to emergency personnel along with their last known location.

## If You are Trapped in a Building Fire

1. If you are unable to evacuate because of fire or smoke in the building, try to remain calm.
2. If smoke, heat or flames block your exit routes stay in a room with doors closed.
3. Try to get into a safe room that has windows.
4. Call Public Safety and 911 to notify them of your location; stay on the line if possible.
5. If possible, put a wet towel or garment under the door to keep out smoke.
6. Open a window and wave a cloth or flashlight to signal for help if possible.

## Fire Safety Tips

Following these basic guidelines can help reduce the chance of fire related injuries on campus.

- a. *Accidental fires from cooking materials or **unattended cooking** are the most common fire safety issues in college dorms. **Never leave food you are cooking unattended on a stove or in an oven.***
- b. Don't hesitate when you hear the fire alarm sound. GET OUT quickly and safely.
- c. Identify the (2) closest exits and all potential evacuation routes near your office, classroom and dorm room.
- d. Do not prop open emergency exits, stairwell or fire doors.
- e. Keep exits, doorways, corridors and stairwells clear and unobstructed.
- f. Report damaged or missing fire safety equipment or devices to Public Safety immediately.

## Manhattan College Smoking Policy

Smoking is prohibited in all indoor and outdoor locations, enclosed areas, and College vehicles. Smoking is permitted only in the following designated locations:

1. O'Malley Library (service road across from Lee Hall)
2. Draddy Gymnasium (Walsh Plaza)
3. Leo Engineering (front north/east corner of Leo)
4. Research and Learning Center (south side by the parking lot area)
5. Jasper Hall (north lawn area behind Jasper)
6. R. Kelly Student Commons (west side sidewalk entrance)
7. Smith Auditorium (west side of Smith)

## Smoking Safety

Smoking can cause a fire. If you smoke, it's important to know the steps you can take to keep yourself, families and others safe from fire. Remember –

- 1) Don't smoke indoors. Many things in your home or at work can catch on fire if they touch something hot like a cigarette or ashes.
- 2) Put cigarettes out completely.
- 3) Don't walk away from lit cigarettes or other smoking materials. To be safe, put water on ashes and butts to make sure they are completely extinguished before you put them in the trash.

## Fire Drills

*New York law and College policy requires all building occupants to evacuate in the event of a fire alarm activation or similar emergency.* The Public Safety Department coordinates and supervises building evacuation/fire drills throughout the year in all academic, administrative and residence hall buildings.

The purpose of a fire drill is to train, familiarize and reinforce proper evacuation practices with students and employees of the College. The objective is to recognize the sound of the fire alarm and initiate an automatic, safe response by building occupants whenever a fire alarm sounds.

*Failing to evacuate a building during a fire alarm activation is a serious offense. Students or employees who fail to evacuate during a fire alarm activation or other emergency are subject to disciplinary action by the College.*

**Future Fire Safety Improvements**

Manhattan College complies with New York City fire safety requirements and implements fire system upgrades as needed or required during building construction or renovation projects. Building fire alarm systems are inspected daily by the Public Safety Department. Any system operational issue is immediately addressed for repair or upgrade as needed by licensed fire alarm system professionals.

**Residence Hall Fire Detection, Alarm and Suppression Systems**

The following is a description of the fire safety systems in Manhattan College residence halls and the number of mandated supervised fire drills conducted annually.

	Chrysostom Hall	Jasper Hall	Horan Hall	Lee Hall	Overlook Manor
<b>Detection Systems</b>					
Smoke Detectors: Hard Wired	corridors	corridors	corridors	corridors	corridors and rooms
Smoke Detectors: Battery	rooms only	rooms only	rooms only	rooms only	corridors and rooms
<b>Alarm Systems</b>					
Pull Boxes	yes	yes	yes	yes	yes
Local on-campus dialer to Public Safety	yes	yes	no	no	no
Central Station Monitoring	no	no	yes	yes	yes
Fire Alert Control Panel	yes	yes	yes	yes	yes
<b>Suppression / Escape Systems</b>					
Sprinklers	yes	yes	yes	yes	garage, kitchen, hallways
Standpipe	yes	yes	yes	yes	yes
Fire Extinguishers	yes	yes	yes	yes	yes
Fire Escapes	no	no	no	no	yes
Evacuation Placards (You are here)	yes	yes	yes	yes	yes
<b>Fire Drills &amp; Construction</b>					
Fire Drills During The Year	4	4	4	4	4
Number of Floors	4	6 + basement	11	10	7+ basement
Capacity (Number of Beds)	110	236	728	550	404
Year Constructed	1929	1955	1990	2008	1959



Manhattan College Fire Statistics

These statistics include fires that have occurred in on-campus student housing facilities. A “fire” is defined as any instance of open flame, burning in a place not intended to contain the burning, or burning in an uncontrolled manner.

<b>2019</b>							
Residential Facilities	Total Fires in each Building	Fire Number	Date and Time of Fire	Value of Property Damage Caused by Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to Fire	Cause of Fire
<i>Chrysostom Hall - 4513</i> Manhattan College Parkway	0	0	0	0	0	0	n/a
<i>Horan Hall</i> 4381 Post Road	1	1	09/07/19 11:20 pm	\$0.00	0	0	Unintentional. Fire in trash room.
<i>Jasper Hall - 4513</i> Manhattan College Parkway	0	0	0	0	0	0	n/a
<i>Lee Hall - 4455</i> Manhattan College Parkway	0	0	0	0	0	0	n/a
<i>Overlook Manor</i> 435 W. 238 St.	1	1	09/06/19 6:56 pm	\$0.00	0	0	Unintentional. Fire in oven.

<b>2018</b>							
Residential Facilities	Total Fires in each Building	Fire Number	Date and Time of Fire	Value of Property Damage Caused by Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to Fire	Cause of Fire
<i>Chrysostom Hall - 4513</i> Manhattan College Parkway	0	0	0	0	0	0	n/a
<i>Horan Hall</i> 4381 Post Road	0	0	0	0	0	0	n/a
<i>Jasper Hall - 4513</i> Manhattan College Parkway	0	0	0	0	0	0	n/a
<i>Lee Hall - 4455</i> Manhattan College Parkway	0	0	0	0	0	0	n/a
<i>Overlook Manor</i> 435 W. 238 St.	0	0	0	0	0	0	n/a

<b>2017</b>							
Residential Facilities	Total Fires in each Building	Fire Number	Date and Time of Fire	Value of Property Damage Caused by Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to Fire	Cause of Fire
<i>Chrysostom Hall - 4513</i> Manhattan College Parkway	0	0	0	0	0	0	n/a
<i>Horan Hall</i> 4381 Post Road	1	1	01/28/17 7:10 PM	\$261.31	0	0	Unintentional. Fire in trash can.
<i>Jasper Hall - 4513</i> Manhattan College Parkway	0	0	0	0	0	0	n/a
<i>Lee Hall - 4455</i> Manhattan College Parkway	0	0	0	0	0	0	n/a
<i>Overlook Manor</i> 435 W. 238 St.	0	0	0	0	0	0	n/a



## Resources

The following on-campus and community resources are available to the Manhattan College community and victims of sexual assault, domestic violence or dating violence. Assistance is available relative to counseling, physical and mental health, victim advocacy, student financial aid, and legal, visa and immigration issues.

### Important Phone Numbers

(If dialing from a College telephone dial 9 first)

### EMERGENCIES

NYPD / FDNY / Emergency Medical Services 911  
Public Safety (24 Hr. Emergencies - Main Booth) 718-862-7333

### Department of Public Safety

Main Office (M-F, 9am-4:30pm) 718-862-7240  
24 Hr. Non-Emergencies - Main Booth 7500 / 7504  
Horan Hall Security 7389  
Kelly Commons Security 8100  
Lee Hall Security 7386  
MCP Garage Security 7853  
Overlook Manor Security 7376

Counseling Center	718-862-7394	Miguel Hall rm.501, 5th Floor	Monday-Friday, 9AM - 4:30PM
Health Services	718-862-7217	Horan Hall, rm. 0218	Monday-Friday, 9AM - 4:30PM
Physical Plant	718-862-7480	MCP Garage, 1 <sup>st</sup> floor	
Residence Life	718-862-7438	Thomas Hall 5th Floor	Monday-Friday, 9AM - 4:30PM
Title IX Coordinator	718-862-7512	Kelly Commons, rm. 3.04	

### Immigration, Citizenship, Legal and Counseling Assistance

VISA/Immigration Assistance 311  
MC Office of International Students 718-862-7213

New York City Domestic Violence Hotline (24 hours) 800-621-HOPE (4673) or 311  
NY State Coalition against Domestic Violence Hotline 800-942-6906 <http://www.nyscadv.org/>  
NY State Sex Offender Registry Information 800-262-3257  
NYC Incest/Sexual Assault 24 hour Hotline 212-267-7273  
NYC Crime Victims 24 hour Hotline 212-577-7777  
NYPD Special Victims 24-Hour Report Line 646-610-7272  
Mount Sinai Hospital Sexual Assault/ 212-423-2140

### Violence Intervention Program

VINE (Victim Information Notification Everyday) 888-VINE-4-NY  
VINE is a 24 hour automated hotline that provides victims with the release date of inmates who are in the custody of New York City or NY State Department of Corrections.

### MC Counseling Center

718-862-7394 Miguel Hall, rm. 501

The Counseling Center supports the academic mission of the College by providing a range of counseling services that includes developmental, preventive, and remedial approaches to student development. It offers a wide range of services to full-time undergraduate Manhattan College students, including short-term individual therapy, groups, crisis intervention, substance abuse screenings, consultation, psychological education and referrals.

Domestic & Other Violence Emergencies (DOVE) Program

New York Presbyterian Hospital/Columbia University Medical Center

DOVE Hotline: 212-305-9060 [dove@nyp.org](mailto:dove@nyp.org)

<http://www.nyp.org/clinical-services/social-work/domestic-and-other-violence-emergencies>

A Memorandum of Understanding (MOU) is in place with the Domestic and Other Violence Emergencies Program (“DOVE”) and Manhattan College. The parties share the goals of preventing sexual assault on campus, in the community, and responding appropriately to students and employees who have been victimized. If you are a survivor of domestic violence or sexual assault, the DOVE Program can help you. *The DOVE Hotline should not be used in case of emergency. If you fear for your life and/or bodily integrity please call 911.*

SAFE-Designated Hospitals

New York State Sexual Assault Forensic Examiner (SAFE) Designated Hospital Programs provide specialized care to sexual assault patients. The following are the local SAFE designated hospitals -

Jacobi Medical Center,  
Social Work Department  
1400 Pelham Parkway, Room 1E4  
South Bronx, NY 10467                      718-918-5800

Lincoln Hospital  
Emergency Department  
234 E. 149th Street  
Bronx, NY 10451                              718-579-5784

North Central Bronx Hospital  
Social Work Department, Room 14A03,  
3424 Kossuth Avenue  
Bronx, NY 10467                              718-519-3013

New York State Sexual Assault Victims Bill of Rights

The 'New York State Sexual Assault Victim Bill of Rights' must be provided to every presenting sexual offense victim before a medical facility commences a physical examination of a sexual offense victim, or a police agency, prosecutorial agency or other law enforcement agency commences an interview of a sexual offense victim. The health care professional conducting the exam, police agency, prosecutorial agency or other law enforcement agency shall inform the victim of the victim's rights by providing a copy of this sexual assault victim bill of rights and offering to explain such rights

NYS SEX OFFENDER Registry                              800-262-3257                              <http://www.criminaljustice.ny.gov/nsor/>

NYS Coalition Against Sexual Assault                              518-482-4222                              <http://nyscasa.org/>  
Dedicated to seeing that all people who want to help themselves or a friend begin the path to healing from sexual violence, and receive the tools and resources they need.

RAINN (Rape, Abuse & Incest National Network)

National Sexual Assault Hotline                              800-656-4673                              <http://www.rainn.org/>

The nation's largest anti-sexual violence organization that created and operates the National Sexual Assault Hotline. At any given moment more than 1,100 trained volunteers are on duty and available to help victims at RAINN-affiliated crisis centers across the country.

Safe Horizon 212-227-3000 / 800-621-4673                              <https://www.safehorizon.org/get-help/rape-and-sexual-assault/>

A victim assistance nonprofit that has been standing with victims of violence and abuse in New York City since 1978. They provide assistance, advocacy and support to victims who have experienced domestic violence, child abuse, sexual assault, stalking, human trafficking, youth homelessness and other crimes.

Sexual Assault and Violence Prevention Program at Mount Sinai Hospital

212-423-2140

Counseling and support for victims of sexual assault, domestic violence and intimate partner violence. Also provides support for friends and families of victims and provides emergency room advocacy, legal advocacy, education and training.

Love is Respect

866-331-9474

<http://www.loveisrespect.org/>

Designed specifically for teens and young adults. Provides 24/7 phone, text and chat services, and real-time one-on-one confidential support from peer advocates. Text campus to 22522 for help; message and data rates apply on text for help services.

National Domestic Violence Hotline

800-799-7233

<http://www.thehotline.org/>

Provides 24/7 confidential, one-on-one support. Offers crisis intervention, options for next steps, and direct connection to sources for immediate safety for women, men, children and families affected by domestic violence.

Stalking

The Trevor Project Helpline

866-488-7386

<http://www.thetrevorproject.org>

Provides crisis intervention and suicide prevention services to lesbian, gay, bisexual, transgender and questioning (LGBTQ) young people ages 13-24. Help and support are available via phone, chat, text, and online social networking.

National Suicide Prevention Lifeline

800-273-8255

<http://www.suicidepreventionlifeline.org>

If you or someone you know is suicidal or in emotional distress, contact the National Suicide Prevention Lifeline. Trained crisis workers are available to talk 24 hours a day, 7 days a week. Your confidential and toll-free call goes to the nearest crisis center in the Lifeline national network. These centers provide crisis counseling and mental health referrals.

**Other Resources**

Alcoholics Anonymous

212-647-1680

[www.nyintergroup.org](http://www.nyintergroup.org)

Cocaine Anonymous

212-262-2463

[www.canewyork.org](http://www.canewyork.org)

Narcotics Anonymous

212-929-6262

<http://www.newyorkna.net>

National Institute on Drug Abuse

301-443-1124

<http://www.nida.nih.gov>

College Drinking - Changing the Culture

<http://www.collegedrinkingprevention.gov>

Substance Abuse Treatment Centers

New York State Psychiatric Institute

212-923-3031

<http://substanceabuse.columbia.edu/contact.htm>

The Addiction Institute of NY

212-523-6491

<https://www.mountsinai.org/locations/addiction-institute>



