



Annual Security Report 2023



Table of Contents

Manhattanville University Campus **4**

Manhattanville University Campus Safety & Security Department **5**

Emergency Call Boxes **7**

Emergency Preparedness & Response **9**

Weapons Policy **13**

Shelter in Place/Lockdown/Active Shooter Protocol **13**

The Jeanne A. Clery Disclosure of Campus Security Policy and
Campus Crime Statistics Act **17**

Timely Warnings/Emergency Management Team **18**

Campus Safety Authorities **21**

Reporting a Crime **23**

Violence Against Women Act (VAWA) **24**

Educational and Prevention Programs to Prevent Sexual Misconduct **25**

Title IX (Sexual Misconduct) **26**

Missing Student Policy **59**

Parental Notification Policy **60**

Drug-Free Schools and Campuses Act **61**

Registered Sex Offender Policy **65**

Student Conduct Process **67**

Work-Place Violence and Intimidation **67**

Crime Prevention **68**

Fire Safety **69**

Clery Act Statistics **77**

Definitions of Reportable Crimes **77**

Notice of Combined Annual Jeanne A.Clery Security Report & Annual Fire Safety

Report Availability **81**

Manhattanville Crime Statistics **81**

Campus Map **87**

Manhattanville University Campus

Manhattanville University is committed to providing a safe and secure environment for its students, faculty, staff and visitors. Students, staff and faculty can adopt measures aimed at protecting both our property and ourselves. Policies and procedures exist to protect all persons on the campus. In addition, the Department of Campus Safety & Security has developed projects and programs focused on maintaining safety and security. Located in suburban Purchase, NY, Manhattanville University strives to have one of the safest campuses in the nation.

A Campus Safety Officer operates the main entrance to the University, which is off Purchase Street, 24 hours a day. The University is surrounded on two sides by a local neighborhood consisting of single-family homes and a public school. The other two sides have a private school and an office building. Bordering the campus is Purchase, a hamlet of the Town of Harrison. The town has an excellent police department, fire department, and emergency medical services. Manhattanville University takes public safety seriously and our efforts to maintain campus safety have been long-standing and ongoing. We have taken a number of steps to show that our campus remains safe. The University has invested in several different systems that allow us to enhance safety through technology. For example, all of the residence halls exterior doors and many other facilities on campus are kept locked at all times. Those doors can only be accessed with a state-of-the-art automated ID card access system. There are also security cameras in select areas. At Manhattanville, students are required to provide emergency contact information, which includes cell phone numbers and e-mail addresses. Therefore, should it be necessary to provide students with emergency alert information, we can use e-mail, text and/or voice mail to communicate relevant news. The University may also send alerts via the University's website (www.mville.edu), and the campus wide notification app (RAVE Guardian). In addition, patrol trucks are equipped with public address systems.



Manhattanville University Campus Safety & Security Department

The Department of Campus Safety & Security is responsible for the University's campus security. Located on the ground floor main entrance to Spellman Hall, the Department operates 24 hours a day, 365 days per year. The full-time staff consists of the Director of Campus Safety, the Assistant Director of Campus Safety, Security Operations Manager, Community Liaison Officer, shift supervisors, desk sergeants, and patrol officers. Jurisdiction of the Department is limited to the geographical boundaries of the campus. However, the Student Code of Conduct applies to every Manhattanville student, whether matriculated or not, on and off-campus. Conduct which adversely affects the University community or all those communities with which students interact carrying out educational or professional activities, including but not limited to students pursuing field experiences and other course assignments, practica, internships, student teaching or supervised teaching, teaching under an internship certificate, research, and students

attending professional conferences and education events, shall fall under the jurisdiction of the Student Code of Conduct. All officers are CPR/AED/First Aid certified, as well as being New York State certified and licensed as a security officer under New York State law, and is charged with the enforcement of federal, state, county, and local laws, as well as University policies and regulations. Campus Safety officers do not make arrests; therefore, the Department of Campus Safety & Security maintains a close working relationship with local, county, state and federal law enforcement agencies. Under extreme circumstances such as a felony either occurring in an officer's presence, or reported to an officer by a third party, the Department of Campus Safety & Security have the authority to detain an alleged perpetrator until the arrival of local authorities. We have a comprehensive and proactive approach to preventing, preparing for, responding to, and recovering from emergencies. This approach to planning for emergencies and efforts are led by the President's Cabinet and Emergency Management Team. Students, faculty, staff and guests of the University should report emergencies and criminal activity immediately to the Department of Campus Safety & Security.

Manhattanville is diligent in maintaining the University's buildings and grounds, with special concern for safety and security. Outdoor lights are checked on a regular basis to ensure that burned out or damaged bulbs are replaced quickly. Defects are given priority and repaired promptly. The Department of Campus Safety & Security works closely with other law enforcement agencies, including federal, state, county, and municipal law enforcement agencies to investigate matters of mutual interest and provide security to dignitaries who visit our campus. The Department maintains an excellent relationship with the local police departments (Harrison, Westchester County and White Plains Police Departments), with which we share crime prevention strategies and local crime information. Our officers monitor local Harrison police radios and can be in communications with local police officers as needed. In addition, our officers can be in direct contact with local detective squads to share investigatory information and conduct real-time crime analysis as deemed necessary.

Emergency Call Boxes

Yellow Emergency Call Box Phones are located in each residence halls in the following locations:

- Dammann Hall- main entrance, laundry room, and elevator*
- Founders Hall- main entrance, and elevator*
- Spellman Hall- main entrance, and elevator *
- Tenney Hall- main entrance, laundry room, and elevator*
- Burnett House- main entrance
- Olmstead House-main entrance
- Houston House-main entrance
- Marisa A. Pagli House-main entrance
- Barat House-front entrance
- Duchesne House-main entrance



Yellow Emergency Call Box Phones are also located in other buildings:

- Brownson Hall- Ground floor, 1st floor, 2nd floor, and elevator*
- Performing Arts Building- Ground floor and 1st floor
- Brownson Wing-Ground Floor
- Berman Student Center- fitness club, dance studio, Black Box Theater, 1st floor South
- and West entrances, Ground floor North and East entrances, Elevator*

Emergency Phones are also located at the

- Benziger Hall- main entrance and elevator*
- Library- main entrance and elevator*
- Kennedy Gym- 1st floor Lobby
- Reid Hall- rear basement entrance and elevator*
- O'Byrne Chapel- elevator*

*elevator Emergency Phones are built into the panel.

Regardless of the method used to contact the Department of Campus Safety & Security, always try to provide the following information: *Who, What, Where, When, and How*.

- Who you are
- What is happening
- When it happened
- Where you are and where it is happening
- How it happened

If you think, someone is following you and you do not want to stop at the Emergency Phone, press the button and keep moving to the next Emergency Phone and press it. This will allow Campus Safety Officers to determine your direction of travel so they may intercept you and provide assistance. The university also utilizes the RAVE Guardian app, <https://www.raveguardian.com/> that allows the university community to connect with campus safety through a GPS navigation map. This allows members of the campus to quickly contact campus safety in regards to all matters safety related. Members can also speak with campus safety via text message to report any suspicious activity, hazardous conditions, or any other matters.

Inspections/Health and Safety

In order to maintain a healthy and safe environment in the residence halls, the Office of Residence Life conducts room inspection several times during a semester. Fines are imposed for violations including but not limited to possession of prohibited lights or appliances, candles, and prohibited pets, and other infractions, alcohol in a room whose occupants are underage.

Escorts

The Department of Campus Safety & Security provides escorts on request for students, faculty and staff during evening hours when a person would feel safer by having a patrol officer's escort. Transportation to and from classes is provided for students who need such service because of medical conditions and in consultation with the Center for Student Accommodations.

Medical Emergencies

It is essential that all medical emergencies be reported to the Department of Campus Safety & Security immediately. All of our security officers are CPR/AED and First Aid Certified. When calling to report a medical emergency please provide the Campus Safety Officer with as much information as possible: *Who, What, When, Where, How*

- Who is calling?
- Who needs help?
- What happened?
- When did it happen?
- Where did it happen?
- How did it happen?

Emergency Preparedness & Response

The Department of Campus Safety & Security, working with Manhattanville Emergency Response Team, has procedures to guide our response to emergencies for a wide range of scenarios. The objectives are to minimize the risk to community members; clear the area; and assist local authorities in resolving the situation. One set of standard operating procedures deals with when an active shooter is on campus. The Department of Campus Safety & Security meets regularly with members of the Emergency Management Team throughout the year to anticipate and respond to emergency management issues. This includes information about Incident Teams, University operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements.

University Departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The University conducts numerous emergency response exercises each year, such as tabletop exercises, field exercise, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

Campus Safety & Security staff have received training on various topics related to incident response and emergency procedures. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are the Campus Safety & Security Officers, followed by Harrison Police Department (HPD), Purchase Fire Department (PFD) and Harrison Emergency Medical Services (HEMS). All typically work together to manage the incident. Depending on the nature of the incident, other local, state, or federal agencies could also be involved in responding to the incident. General information about the emergency response and evacuation procedures for Manhattanville are publicized each year as part of the Annual Security Report and that information is available on the Manhattanville University Department of Campus Safety & Security webpage. <https://www.mville.edu/offices/campus-safety-and-security/campus-safety-and-security.php> All members of the Manhattanville University community are notified on an annual basis that they are required to notify the Department of Campus Safety & Security of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. The Department of Campus Safety & Security has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the Department of Campus Safety & Security has a responsibility to respond to such incidents to determine if the situation in fact, poses a threat to the community.

Access to Campus Facilities and Residence Halls

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests. The University encourages an open environment with limited constraints to ensure the reasonable protection of all members of the community. Except for residence halls, which are not open to the public and may only be accessed by resident students, their registered guests, and University officials after business hours, most campus facilities are open during

business hours. Individuals who wish to access University buildings or property during non-business hours or for special events should contact the Events Coordinator <https://www.mville.edu/about/conference-and-event-services/about-reid-castle.php>, or the Department of Campus Safety & Security.

Security Considerations in the Maintenance of Campus Facilities

Manhattanville University is committed to safety and security. Exterior lighting and landscape control is a critical part of that commitment. Representatives from the Department of Campus Safety and Security conduct nightly security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. Department members conduct routine checks of lighting on campus during regularly assigned patrol duties. If lights are out or dim, campus safety officers will initiate an immediate work order, which is acted upon by a representative of the appropriate maintenance office. We encourage community members to report any deficiency in lighting to the Physical Plant Work Order line at x6080 (<http://facilities.mville.edu/>).

Maintenance staff is available to respond to calls for service regarding unsafe facility conditions or for personal safety and property protection. These conditions also may include unsafe steps of a concern about physical security should contact the Department of Campus Safety and Security.

Procedures for Testing Emergency Response and Evacuation Procedures

A series of fire drills are conducted throughout the semesters for all Residence Halls. Thus, the emergency response and evacuation procedures are tested at least twice each year and, for some of the buildings, four times a year. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The Department of Campus Safety & Security staff on scene will communicate information to students regarding the developing situation or any evacuation status changes. The purpose of evacuation drills is to prepare building occupants for organized evacuation in case of an emergency. At Manhattanville, evacuation drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the locations of exits and

the sounds of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of fire alarm system components. Evacuation drills are monitored by the Departments of Campus Safety & Security and Residence Life to evaluate egress and behavioral patterns. Reports are prepared by participating departments, which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration. The Department of Campus Safety & Security conducts numerous announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities.

Weapons Policy

Students are not permitted to possess or imply possession of a weapon anywhere on property owned, leased, or controlled by Manhattanville University. It is prohibited to possess weapons, even if legally possessed, in a manner that harms, threatens, or causes fear to self or others. Examples of weapons include, but are not limited to, any type of firearm, pistol, revolver, shotgun, rifle, weapon, devices which resemble firearms, dangerous chemicals, fireworks, explosive materials, accelerants, dangerous devices capable of casting a projectile, crossbows, pellet guns, paint guns, “BB” guns, knives (including switchblades), martial arts tools, paintball and air soft guns, explosives, chemicals used in a dangerous way, and ammunition. The University also prohibits the use of any object, which is utilized in a dangerous manner – an example of this would be matches used to set fire to or damage any object. Hazardous chemicals, which could pose a health risk, are also prohibited from the campus. This includes chemicals which, when combined with other substances, could be hazardous or present a danger to others. Violation of this policy are referred to the appropriate disciplinary process. The University considers possession of weapons to be very serious and a violation, and therefore, requires any student, staff, or faculty to report the existence of such weapon immediately to the Director of Campus Safety, Assistant Dean of Student Engagement, or to any staff member.

Shelter-in-Place, Lockdown & Active Shooter Procedures

What it Means to “Shelter-in-Place”

If an incident occurs and the buildings or areas around you become dangerous or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Lock Down Procedures- What it Means to “Lockdown”

Lockdown – This protective action involves a serious and imminent threat in the immediate area. When a “Lockdown” is required, university officials via the emergency notification system will appropriately advise you. Follow any specific instructions in the communication.

- Stay where you are or go to the nearest room with a door.
- Secure the room by locking it from the inside or, if the door cannot be locked, by barricading the door with whatever is available (furniture, books, etc.).
- Stay behind solid objects away from the door as much as possible.
- Close blinds or curtain, block windows, stay out of sight and be quiet.
- Wait for the “all-clear” message from authorities via the emergency notification system.

Active Shooter Protocol

Should an active shooter situation occur, the university’s Emergency Management Team advises you do the following:

How to Respond

In the event of an active shooter situation, quickly deciding the most appropriate way to respond is the key. Please keep in mind that, when possible, students should follow the lead of employees or directions given by safety and law enforcement.

RUN

If there is an accessible escape path, attempt to evacuate the premises as quickly as possible.

Be sure to:

- Have an escape route and plan in mind
- Evacuate regardless of whether others agree to follow
- Leave your belongings behind

- Help others escape, if possible
- Prevent individuals from entering in an area where the active shooter may be
- Keep your hands visible
- Do not attempt to move wounded people
- Call 911 when you are safe

HIDE

If evacuation is not possible, find a place to hide where the active shooter is less likely to find you. Your hiding place should:

- Be out of the active shooter's view
- Provide protection if shots are fired in your direction (i.e., an office with a closed and locked door)
- Not trap you or restrict your options for movement

To prevent an active shooter from entering your place:

- Lock the door
- Blockade the door with heavy furniture

If the active shooter is nearby:

- Lock the door
- Silence your cell phone and/or pager
- Turn off any source of noise (i.e., radios, televisions)
- Hide behind large items (i.e., cabinets, desks)
- Remain quiet

If evacuation and hiding out are not possible:

- Remain calm
- Dial 911, if possible, to alert police to the active shooter's location

- If you cannot speak, leave the line open and allow the dispatcher to listen

FIGHT

As a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter by:

- Acting as aggressively as possible against him/her
- Throwing items and improvising weapons, such as chairs, books, or fire extinguishers
- Working together in numbers to overcome the shooter
- Yelling

For on Campus Emergencies Call:

Department of Campus Safety & Security, Spellman Hall
(available 24hrs a day, 365 days a year):

- Ext. 888 from a Campus phone
- (914) 323-SAFE (7233) from an outside line

During Business Hours (9 AM – 5 PM)

Health Center, Spellman Hall:	(914) 323-5245
Counseling Center, Spellman Hall:	(914) 323-5155
Student Life, Spellman Hall:	(914) 323-5217
Dean of Students, Spellman Hall	(914) 323-5217

Other Important Phone Numbers

Harrison Police Department:	(914) 967-5111
-----------------------------	----------------

The Jeanne A. Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

The federal law enacted as The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (or Clery Act) was formerly known as The Crime Awareness and Campus Security Act of 1990. The Clery Act, enforced by the United States Department of Education, requires University's and universities to:

- Publish an annual report every year by October 1 (this year extended to December 31) that contains three years of campus crime statistics and certain campus security policy statements;
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other University officials who have “ significant responsibility for student and campus activities;”
- Provide “timely warning” notices of those crimes that have occurred and pose an ongoing “threat to students and employees;” and
- Disclose in a public crime log “any crime that occurred on campus...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department.”

The Manhattanville University Department of Campus Safety & Security is responsible for preparing and distributing this report, which is a continual process. We make every effort to ensure that the report is complete and accurate. This process includes the gathering of crime statistics from those individuals identified as Campus Security Authorities as well as verification that there are no changes in policies or procedures from previous years with offices such as the Vice President of Student Affairs, the Dean of Students, and the Director of Residence Life. After collecting crime statistics from the other resources, the Department reconciles them with its own statistics to ensure that all offenses have been counted and that no incidents are counted twice. Upon verification of new or changed procedure and crime statistics, the report is prepared as an online version. Upon completion of the annual security report, the crime statistics are

submitted to the U.S. Department of Education. We encourage members of the community to use this report as a guide for safe practices on and off campus. It is available on the Mville.edu site.

Each year each member of the Manhattanville community receives an e-mail that describes the report and provides its Web address.

Timely Warning Policy

“The Clery Act requires you to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Although the Clery Act does not define “timely”, the intent of a warning, regarding a criminal incident(s) is to enable people to protect themselves. This means that a warning should be issued as soon as pertinent information is available.” (*Handbook for Campus Safety and Security Reporting, 6-12*)

Emergency Management Team

A university-wide team meets throughout the year to plan for emergencies, conduct tabletop exercises and continually review safety and security issues. The Emergency Management Team, which is directed by the General Counsel & Chief of Staff, is made up of representatives from the university’s various departments and sole task is to coordinate and execute action plans should such major emergencies occur that threaten the health and safety of the university community.

Timely Warning Notices

To help prevent crimes or serious incidents, the Department of Campus Safety & Security, issues Campus Safety Alerts to aid in protecting themselves and the community. Members of the community who know of a crime or other serious incident should report that incident as soon as possible to the Department of Campus Safety & Security. In the event that a situation arises, either on or off campus, that in the judgment of the General Counsel & Chief of Staff, and/or Director of Campus Safety, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the University Emergency

Notification system to students, faculty, and staff. Depending on the particular circumstances of the crime, especially in situations that could pose an immediate threat to the community and individuals, the Department of Campus Safety & Security may also post a notice on the www.mville.edu web site, providing the University community with more immediate notification. Anyone with information warranting a timely warning should report the circumstances to the Department of Campus Safety and Security, by phone (914) 323-SAFE (7233) or in person at the main security desk located on the ground floor in Spellman Hall.

Emergency Notifications to the Manhattanville Community

If the Department of Campus Safety & Security confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Department of Campus Safety & Security along with the Manhattanville Community will collaborate with the General Counsel & Chief of Staff to determine the content of the message and will use some or all of the systems described below to communicate the threat to the Manhattanville Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The Department of Campus Safety & Security, General Counsel & Chief of Staff, will without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders, including but not limited to: Department of Campus Safety & Security, Harrison Police Department (HPD), Purchase Fire Department (PFD), Harrison Fire Department (HFD), and Harrison Emergency Medical Services (HEMS), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the Manhattanville Community, the University has various systems in place for communicating information quickly.

Some or all of these methods of communication may be activated in the event of an immediate threat to the Manhattanville Campus Community. These methods of communication include network emails, emergency text messages that can be sent to a phone or tablet, via RAVE Emergency Notification System. The University will post updates during a critical incident on the Mville.edu website. Individuals can call Manhattanville Department of Campus Safety &

Security at 914-323-SAFE (7233) or 914-323-5244 for updates. Registration for RAVE can be found at <https://www.getrave.com/login/mville> and is encouraged for all members of the Manhattanville Community to register.

The university also utilizes the RAVE Guardian app, <https://www.raveguardian.com/> that allows the university community to connect with campus safety through a GPS navigation map. This allows members of the campus to quickly contact campus safety in regards to all matters safety related. Members can also speak with campus safety via text message to report any suspicious activity, hazardous conditions, or any other matters.

Student/Staff/ Faculty Registration for Emergency Notification

In the event of an actual emergency, the campus community will be notified through RAVE, which utilizes sending messages via phone, voicemail, e-mail, and text message, as well as on the www.mville.edu webpage. In order to receive campus-wide e-mail announcements, students must have a University e-mail account; if you do not have a University e-mail address contact the IT help desk at <https://www.mville.edu/technology/information-technology.php> or at x7230. Instructions for automatic forwarding of e-mail messages from a University account to another account are available from the IT Department. To stop receiving Emergency Notification messages sign onto the website above and deregister. Texting STOP to 67283 or 226787 will also stop Emergency Notification messages.

Crime and Fire Logs

In compliance with federal law, the Department of Campus Safety & Security maintains crime and fire logs that provide a list of all crimes and fires that occur on campus that have been reported. The logs are updated daily. The crime and fire logs may be viewed at the Department of Campus Safety & Security Headquarters in Spellman Hall.

Campus Security Authorities

It is the policy of Manhattanville University that the following individuals and organizations within the University are designated as campus security authorities in accordance with the

guidelines set forth by **The Clery Act**, and subsequent rules. As a Campus Security Authority, those enumerated individuals who become aware of a crime involving Manhattanville University or a member of our community must report it within five days in accordance with protocols established by the Department of Campus Safety & Security

- Department of Campus Safety & Security personnel
- General Counsel & Chief of Staff
- Office of the Provost
- Dean of Students
- Director of Residence Life
- Associate/Assistant Directors of Residence Life
- Resident Directors of residence halls
- Assistant Resident Directors of residence halls
- Associate Vice President of Athletics
- Dean for Student Health and Wellbeing
- Resident Assistants
- Center for Student Involvement & Leadership Staff
- Full advisors of student organizations

The function of a CSA is to report to the university Clery compliance officer and/or Campus Safety those allegations of Clery Act crimes that he or she receives. CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA. This means that CSAs are not responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation. It does not matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the institution. If a campus security authority receives a report, he or she must report this to the university Clery compliance officer. CSA reports are used by the institution to compile statistics for Clery Act reporting and to help 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).

Pastoral counselors and professional counselors are not considered CSAs under the Clery Act. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors.

Pastoral counselor- A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

Professional counselor- A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

Reporting a Crime

If you become a victim of and/or witness to a crime, immediately report the incident to the Department of Campus Safety & Security. The sooner a crime is reported, the better the chances are that we will solve the crime, identify the suspect and/or recover any property that may have been taken. To report a crime, call the Department of Campus Safety & Security at x888 or 914-323-SAFE (7233) or the local law enforcement agency. Once an incident has been reported, a Department of Campus Safety & Security Officer will be dispatched to your location to begin the investigation of the crime. The Department of Campus Safety & Security follows up on all reported crimes and violations of institutional policy as needed or requested. This includes confidential (where the reporting parties' names are known but not released) and anonymous (where the reporting parties' names are not known) reports. The Department of Campus Safety & Security staff provides assistance and coordinates with local law enforcement, if necessary, and uses video technologies and card access reports in the investigation of cases.

Organizations at Off-Campus Locations

Manhattanville University operates no off-campus housing or off-campus student organization facilities. However, some students live within close proximity to the University. Manhattanville Campus Safety has direct communication with the Harrison Police Department and other local law enforcement to facilitate communication in an emergency.

Confidential Reporting Through Pastoral and Professional Counselors

Manhattanville University does not have any procedures that encourage pastoral and professional counselors to inform persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. The pastoral or professional counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes that they may learn of. This exception is intended to protect the counselor-client relationship. However, even the legally recognized privileges acknowledges some exemptions, and there may be situations in which counselors are in fact under a legal obligation to report a crime.

CARE TEAM

The CARE (Community Assessment Response and Evaluation) Team is guided by university values of a student-oriented environment and a strong sense of community, the CARE team employs a caring, preventive, early intervention approach with students who exhibit concerning or disruptive behaviors. The multidisciplinary team meets weekly to review and discuss new referrals, ongoing cases and the best course of action to support the student of concern.

Violence Against Women Act (VAWA)

In October 2014, the Department of Education published final regulations to modify the regulations implementing the Jeanne Clery Disclosure of Campus Safety Act (Clery Act). The Violence Against Women Act (VAWA) and its proposed regulations require the inclusion of certain definitions in a campus's Annual Security Report and require that those definitions be provided in campaigns, orientations, programs and trainings for employees and students. Definitions required include consent; dating violence; domestic violence; sexual assault; and stalking.

These new regulations implement the changes made to the Clery Act by the Violence Against Women Reauthorization Act of 2013 (VAWA). These regulations require institutions to develop and implement new reporting procedures, policy statements and training programs.

Consent

Lack of consent results from: forcible compulsion; or incapacity to consent; or 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. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in 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 incapable of consent when he or she

is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.



Educational and Prevention Programs to Prevent Sexual Misconduct

The University provides the following educational & preventative programs for students and employees.

All students:

Passive programming

- Information packets are given to students during orientation, which includes contact information as well as other resources.

Active programming

- Programing in residence halls, which includes training on topics of recognizing forms of sexual misconduct, reporting any incidents relating to sexual misconduct, and what services are available for those for need victim assistance.
- Resident Advisors go through RA training at the beginning of the academic year, where they are given information to pass on and discuss with students what to do and who to reach out to in the events they are a victim or someone they believe is a victim of some type of sexual misconduct.
- The Center of Student Health and Counseling offers discussion platforms entitled “*Active Minds*”. This group organizes discussions on various forms of mental health issues and sexuality. Lifestyle changes are also spoken about, and the Department of Student Involvement provides resources for victims so that anyone can reach out and get the help that they need.

All employees:

Mandatory training

- All employees must complete the online Sexual Harassment Training annually as well as mandatory Title IX Training for all faculty and staff, which discusses issues related to campus sexual violence, University policies and procedures, and workplace sexual harassment

Sexual Harassment & Sexual Misconduct

Manhattanville University is a community of inquiry committed to promoting the free exchange of ideas and to providing a safe and nondiscriminatory environment for students and employees that recognizes the intrinsic worth and dignity of all individuals.

The University will not tolerate discrimination based on sex or gender by any University employee, student, or third party. Any individual who has been the victim of an act of sexual violence or harassment is urged to make an official report, pursuant to which the University will initiate a prompt, thorough, and impartial investigation. This investigative process is designed to provide a fair and reliable determination as to whether the University’s Non-Discrimination and

Harassment and Sexual Misconduct policies have been violated. If so, the University will implement a prompt and effective remedy to end the discrimination, prevent its recurrence and address its effects.

The University's Non-Discrimination and Harassment and Sexual Misconduct policies are not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern.

Definitions of Sexual Misconduct

Any student, employee or other member of the University Community who has experienced or witnessed prohibited conduct under the Sexual Misconduct Policy:

https://www.mville.edu/_resources/files/about/office-of-the-president/policy-documents/sexual_misconduct_policy_-september_2020.pdf

https://www.mville.edu/_resources/files/about/office-of-the-president/policy-documents/title_ix_policy_-aug_2022.pdf

Sexual harassment- is a form of gender-based discrimination. It involves unwelcome sexual conduct that:

- Is used as the basis for hiring or other employment decisions, such as promotions, raises or job assignments; or
- Creates an intimidating, hostile or offensive work environment. The harasser can be a supervisor, a co-worker or someone who is not an employee, such as a client or customer.

Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision. Sexual harassment may be verbal, visual and/or physical, including:

- Sexually offensive remarks or jokes;
- Unwanted touching or groping;

- Coerced sex acts;
- Requests for sexual favors of a sexually suggestive nature (e.g., asking employee to dig coins out of a supervisor's pants pocket);
- Displaying pornographic images;
- Comments (either complimentary or derogatory) about a person's gender or sexual preferences;
- Sexual gestures (e.g., pantomiming sex acts). Sexual harassment is prohibited by Title VII of the 1964 federal Civil Rights Act, New York State Human Rights Law and, in some instances, local law (for example, the New York City Administrative Code). The NYS Human Rights Law also protects against harassment based on gender identity or transgender status. The New York State Orientation Non-Discrimination Act ("SONDA") also prohibits harassment on the basis of actual or perceived sexual orientation.

Nonconsensual sexual contact- any intentional touching, however slight, whether clothed or unclothed, with any object or body part by a person against another person that is without consent and/or by force. Examples of nonconsensual sexual contact include, but are not limited to:

- intentional contact with the breasts, buttocks, groin or genitals;
- intentional touching of another with breasts, buttocks, groin or genitals;
- making another person touch someone or themselves in a sexual manner;
- any intentional bodily contact in a sexual manner. Nonconsensual sexual intercourse includes any sexual intercourse, however slight, with any object or body part by a person against other person that is without consent and/or by force. Examples of nonconsensual sexual intercourse include, but are not limited to:
 - vaginal penetration by a penis, object, tongue or finger;
 - anal penetration by a penis, object, tongue or finger;
 - oral copulation (mouth to genital contact or genital to mouth contact). Sexual exploitation includes but is not limited to:
 - invasion of sexual privacy and voyeurism (in-person or through audio or video recording);
 - knowingly transmitting a sexually transmitted infection;

- exposing of a person's body or genitals;
- prostituting or soliciting another community member.

Incapacitation- a state where someone cannot make rational, reasonable decisions due to a lack of capacity to give knowing consent (e.g., to understand the “who, what, when, where, why and how” of the sexual interaction. Sexual activity with someone who is, or based on circumstances should reasonably have known to be, mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this policy. A person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the consumption (voluntary or otherwise) of incapacitating drugs cannot give consent.

Force- use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation and coercion that overcomes resistance or produces consent. Coercion is unreasonable pressure for sexual activity. Coercion is the use of emotional manipulation to persuade someone to do something they may not want to do, such as being sexual or performing certain sexual acts. Being coerced into having sex or performing sexual acts is not consenting sex and is considered sexual misconduct.

Rape- Rape is a crime, which is a form of criminal sexual assault. Every state has its own definitions of rape. In general, rape is actual or attempted penetration accomplished by threats, coercion, or physical force without consent. It includes nonconsensual vaginal, anal, or oral penetration by penis, finger, or any object. In the following circumstances, actual or attempted penetration is rape, it is impossible for the following to give consent: when it is not consensual; individuals who are under the influence of alcohol or other controlled substances; who are physically helpless (including sleeping); who are under the age of 17; who are mentally incapacitated; and/or who are mentally disabled. Men and women, irrespective of sexual orientation, may be either perpetrators or victims.

Sexual Assault

New York State states that the baseline act of subjecting another person to sexual contact without the person's consent constitutes third-degree sexual abuse. Elevation of the offense to a more serious degree depends on the circumstances surrounding the contact, including the victim's age. Thus, a person is guilty of second-degree abuse when or she subjects another person to sexual contact and the latter is incapable of consent by reason of some other factor other than being less than 17 years old, or is less than 14 years old.

A person commits first-degree sexual abuse when he or she subjects another person to sexual contact:

- by "forcible compulsion" - compelling the victim through the use of physical force or the threat of immediate death, physical injury or kidnapping;
- when the other person is incapable of consent by reason of being physically helpless;
- when the other person is less than 11 years old; or
- the other person is less than 13 years old and the defendant is 21 years old or older.

Title IX of the Amendment of 1972 protects people from discrimination based on gender in education programs or activities which receive federal financial assistance. Athletic programs are not the only academic realm governed by Title IX. Title IX applies to all departments, programs and activities, on and off campus, available to students at Manhattanville University in addition to employment. Manhattanville University prohibits and will not tolerate sexual harassment, sexual violence, domestic violence, stalking and dating violence upon any member of the community.

Title IX states that:

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

Title IX of the Education Amendment of 1972 protects people from discrimination based on gender in education programs or activities, which receive Federal financial assistance. Athletic

programs are not the only academic realm governed by Title IX. Title IX applies to all departments, programs and activities, on and off campus, available to students at Manhattanville University in addition to employment. Manhattanville University prohibits and will not tolerate sexual harassment, sexual violence, domestic violence, stalking and dating violence upon any member of the community.

Each institution must designate at least one employee to evaluate current policy practices, coordinate university wide educational programming and training to ensure an institution's compliance with Title IX, coordinate efforts to effectively and efficiently respond to complaints of sex discrimination, including complaints of sexual harassment, sexual violence, domestic violence, stalking and dating violence and ensure as much as possible that every student has an equal education. If you would like to file a complaint or give notice of a violation of Title IX, please contact one of the following Title IX Coordinators or [email TitleIX@mville.edu](mailto:TitleIX@mville.edu).

Reporting of Offenses

Any student, employee or other member of the University Community who has experienced or witnessed prohibited conduct under the Title IX policy:

https://www.mville.edu/resources/files/about/office-of-the-president/policy-documents/title_ix_policy_-_aug_2022.pdf

Including any form of sexual harassment, sexual assault, dating/domestic violence or stalking, is encouraged to make a prompt report to law enforcement and/or to designated officials of the University. Individuals may also report to any University employee not specifically designated as a reporting option. An employee who receives such a report is required to share this information with the Title IX Coordinator to ensure the consistent and proper implementation of available University resources and resolution options.

The University encourages all Community members to take reasonable and prudent actions to prevent or stop an act of sexual misconduct, including direct intervention when safe to do so, enlisting the assistance of friends or persons in authority, contacting law enforcement, and/or reporting the incident to campus officials. Community members who choose to exercise this positive, moral obligation will be supported by the University and protected from retaliation. In general, the University will not seek to hold any student who reports sexual harassment, sexual violence, dating/domestic violence or stalking accountable for conduct which may constitute a

violation of Community Standards, provided that any such violation did or does not place the health or safety of any person at risk. This means, for example, that students reporting sexual misconduct generally will not face disciplinary action due to the personal ingestion of alcohol or other drugs.

The University recognizes that not every individual is prepared to move forward with a complaint for informal or formal resolution under this Policy. Confidential resources are available for those who are seeking assistance, but do not necessarily wish to make a report to the University. In addition, there are also many off-campus resources.

Introduction

What is the purpose of the Title IX Grievance Policy?

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this institution must respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment. See, 85 Fed. Reg. 30026 (May 19, 2020). Manhattanville University will implement the following Title IX Grievance Policy, effective August 14, 2020.

How does the Title IX Grievance Policy impact other campus disciplinary policies?

In recent years, “Title IX” cases have become a shorthand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, Manhattanville University must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. Only incidents falling within the Final Rule’s definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below. Manhattanville University remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule. Specifically, our campus has a Student Code of Conduct that defines certain behavior as a violation of campus policy, and a separate Sexual Misconduct Policy that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses that fall outside the jurisdiction of this policy.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Student Code of Conduct and/or the Sexual Misconduct Policy through a separate grievance proceeding.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the University for any violation of the Code of Conduct, Sexual Misconduct Policy, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the University and may not be cited for or against any right or aspect of any other policy or process.

The Title IX Grievance Policy

General Rules of Application

This Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020. Complaints

brought prior to August 14, 2020 will be investigated and adjudicated according to the Title IX Grievance Policy if a case is not complete by that date.

Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Sexual Misconduct Policy.

Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

Definitions

Covered Sexual Harassment

For the purposes of this Title IX Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo)
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;

3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which
6. includes any 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 New York's domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York.
7. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 1. (A) fear for their safety or the safety of others;
 2. Or (B) suffer substantial emotional distress.
8. Note that conduct that does not meet one or more of these criteria may still be prohibited under the Student Code of Conduct, Employee Handbook, and/or Sexual Misconduct Policy. Consent for the purposes of this Title IX Grievance Policy, "consent" means a "knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
9. 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.

10. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
11. Consent may be initially given but withdrawn at any time.
12. 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.
13. 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 incapacitate and therefore unable to consent.
14. 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.”

NY Educ. Law § 6441

Education Program or Activity

For the purposes of this Title IX Grievance Policy, Manhattanville University’s “education program or activity” includes:

1. Any on-campus premises
2. Any off-campus premises that Manhattanville University has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
3. Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Manhattanville University’s programs and activities over which the University has substantial control.

Formal Complaint

For the purposes of this Title IX Grievance Policy, “formal complaint” means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Deputy Title IX Coordinator, alleging sexual harassment against a respondent about conduct within

Manhattanville University's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

Complainant

For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

Relevant evidence and questions

"Relevant" evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Grievance Process. Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:

- They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
- They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. §106.45(6)(i).

Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege. Any party's medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

Respondent

For the purposes of this Title IX Grievance policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

Privacy vs. Confidentiality

Consistent with Manhattanville University policies, references made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or university officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean Manhattanville University offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Manhattanville University will limit the disclosure as much as practicable, even if the Deputy Title IX Coordinator determines that the request for confidentiality cannot be honored.

Disability Accommodations

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities from the Center for Student Accommodations at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Deputy Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties and approved by the Center for Student Accommodations, even where the Parties may be receiving accommodations in other institutional programs and activities.

Making a Report Regarding Covered Sexual Harassment to the Institution

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Sean Kalagher

General Counsel and Chief of Staff

Title IX Coordinator

Reid Castle; Rm. 230

Sean.Kalagher@mville.edu

914-323-5379

Julene Caulfield

Associate Vice President of Athletics

Deputy Title IX Coordinator

Kennedy Gymnasium-Main Floor

Julene.Fisher@mville.edu

914-323-7285

Susan Boyd

Dean of Students

Spellman Hall, Rm. 111

Susan.Boyd@mville.edu

914-323-5217

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator or a Deputy Coordinator.

Confidential Reporting

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator or Deputy Coordinators

- President
- Senior Officers (Vice Presidents and Upper level administrators)
- Campus Safety
- Human Resources
- Other Deans, Associate Deans, Directors and Administrators with supervisory responsibilities
- Academic Division Chairs and Program Directors.
- Coaches including Assistant Coaches, Associate Vice President of Athletics
- Faculty
- Staff
- Faculty/Staff advisors to student clubs/organizations
- Student Affairs professionals
- Residential Life Para and Professional Staff

The following Officials may provide confidentiality:

- Counselors in Student Health and Counseling
- Nurses in Student Health and Counseling

Non-Investigatory Measures Available Under the Title IX Grievance Policy

Supportive Measures

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from Manhattanville University regardless of whether they desire to file a complaint, which may include one or multiple items listed below as appropriate. Supportive measures are non-disciplinary and non-punitive. As appropriate, supportive measures may include, but not be limited to:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Restrictions on contact between the parties (no contact orders)
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

See 85 Fed. Reg. 30401.

Emergency Suspension

Manhattanville University retains the authority to remove a respondent from the University's program or activity on an emergency basis, where the University (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

For an emergency removal to take place the Dean of Students or designee assesses the information that they have available to complete an individualized safety and risk analysis. This analysis includes determining if there is an immediate threat to the physical health and safety of an individual. Emotional or mental harm to a complainant is not enough to warrant an emergency removal and supportive measures can be provided to the complainant. If the respondent threatens their own physical health that does warrant the ability to institute an emergency removal.

The respondent is provided notice of the removal and is provided with an opportunity to challenge the decision. The respondent is provided 5 business days to submit in writing a challenge to the emergency removal. The challenge to the emergency removal must contain all information, documentation, and evidence that the respondent wants to have considered in requesting to be allowed back on campus. The Dean of Students or designee will receive the documents from the respondent and will review the documents and determine if the emergency

removal is in the best interest of the complaint and/or respondent. The Dean of Students or designee may consult with appropriate University departments and employees when conducting this review. The decision is final. Administrative Leave Manhattanville University retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with the Employee Handbook.

The Title IX Grievance Process

Filing a Formal Complaint

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) business days after the filing of the Formal Complaint, provided that the Process may be extended for good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; periods of break or holiday in the University calendar, or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below. To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Manhattanville University, including as an employee. For complainants who do not meet this criteria, the University will utilize existing policy in the Sexual Misconduct Policy.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. Manhattanville University will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Grievance Policy or other relevant University policies prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Multi-Party Situations

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or

by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

Determining Jurisdiction

The Title IX Coordinator or designee will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Manhattanville University's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Manhattanville University will investigate the allegations according to the Grievance Process.

Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

Mandatory Dismissal

If any one of these elements are not met, the Title IX Coordinator or designee will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

Discretionary Dismissal

The Title IX Coordinator or designee may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by Manhattanville University; or,
- If specific circumstances prevent Manhattanville University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

Notice of Dismissal

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts

Notice of Removal

Upon dismissal for the purposes of Title IX, Manhattanville University retains discretion to utilize the Student Code of Conduct, Employee Handbook, or Sexual Misconduct Policy to determine if a violation of any of those policies has occurred. If so, Manhattanville University will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the applicable process.

Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, no later than 10 business days after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither. The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview. The Title IX Coordinator, Investigator, or designee may determine that the

Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with or in separate correspondence after, the Notice of Allegations.

Contents of Notice

The Notice of Allegations will include the following:

- Notice of the institution's Title IX Grievance Process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- A statement that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Ongoing Notice

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Policy, the institution will notify the parties whose identities are known of the additional allegations by their institutional

email accounts or other reasonable means. The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

Advisor of Choice and Participation of Advisor of Choice

Manhattanville University will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally. The University has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. An Advisor of Choice may accompany students participating as Complainant or Respondent in this process to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of Manhattanville University.

The University will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

Manhattanville University's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other university policies apply to matters governed under this Policy, and the University cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The Title IX Coordinator or designee shall make the determination of what is reasonable. The University will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice.

Notice of Meetings and Interviews

Manhattanville University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Delays

Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Investigators, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties. For example, a request to take a five-day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted. The Title IX Coordinator shall have sole judgment to grant further pauses in the Process.

Investigation

General Rules of Investigations

An investigator or investigators appointed by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations. Manhattanville University, and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility. Manhattanville University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review electronically or via hard copy. The University is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access. The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension as their designated extension request.

The institution will provide copies of the parties' written responses to the investigator to all parties and their advisors, if any. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination. The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

Inclusion of Evidence Not Directly Related to the Allegations (select one):

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report.

Investigative Report

The Investigator(s) will create an Investigative Report that fairly summarizes relevant evidence, will and provide that Report to the parties at least ten (10) business days prior the hearing in electronic or hard copy format for each party's review and written response. The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence. Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report. The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant. See, 85 Fed. Reg. 30026, 30304 (May 19, 2020).

Hearing

General Rules of Hearings

Manhattanville University will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing. The live hearing may be conducted with all parties physically present in the same geographic location, or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through Microsoft Teams, Zoom, or another virtual meeting platform. This technology will enable participants simultaneously to see and hear each other. At its discretion, Manhattanville University may delay or adjourn a hearing based on technological errors not within a party's control. All proceedings will be recorded through an audio or audiovisual recording. That recording will be made available to the parties for inspection and review. Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

Continuances or Granting Extensions

Manhattanville University may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, The University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

Newly-discovered Evidence

As a general rule, no new evidence or witnesses may be submitted during the live hearing. If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing. The Hearing Board Chair will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence. If the Hearing Board Chair answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

Participants in the live hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party. 85 Fed. Reg. 30026, 30361 (May 19, 2020).
- For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a "prior statement" that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged

to have been the act of sexual harassment under the formal complaint. See, OCR Blog (May 22, 2020), available at <https://www2.ed.gov/about/offices/list/ocr/blog/20200522.html>

- Manhattanville University will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation. See 34 C.F.R. § 106.71; see also 85 Fed. Reg. 30026, 30216 (May 19, 2020).
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross-examination or other questions. See 34 C.F.R. §106.45(b) (6) (i).

The Hearing Board

- The hearing body will consist of a panel of three staff or faculty members. One member of the panel will be designated as the Chair and will administer the hearing.
- No member of the hearing body will also have served as the Title IX Coordinator, Investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.
- Parties shall maintain decorum within the hearing, and may be removed upon noncompliance with the Haring Board Chair's directives.

Advisor of choice

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- In addition to selecting an advisor to conduct cross-examination, the parties may select an advisor who may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party.
- The parties themselves are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross examination at no fee or charge to the party. Manhattanville University will not provide attorneys for parties participating in this process.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
- If neither a party nor their advisor appear at the hearing, the University will provide an advisor to appear on behalf of the non-appearing party. See, 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).
- Advisors shall maintain decorum within the hearing, and may be removed upon noncompliance with the Hearing Board Chair's directives.

Witnesses

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. See, 85 Fed. Reg. 30026, 30360 (May 19, 2020).

- If a witness does not submit to cross-examination, as described below, the decision maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).
- Witnesses shall maintain decorum within the hearing, and may be removed upon noncompliance with the Hearing Board Chair's directives.

Hearing Procedures

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- Hearing Board Chair will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- The Hearing Board will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the Hearing Board conducts its initial round of questioning; During the Parties' cross-examination, the Hearing Board Chair will have the authority to pause cross-examination at any time for the purposes of asking the Board's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Hearing Board Chair. A Party's waiver of cross-examination does not eliminate the ability of the Hearing Board to use statements made by the Party.

Live Cross-Examination Procedure

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination, the advisor will ask the other party or parties and witness's relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time. Before any cross-examination question is answered, the Hearing Board Chair will determine if the question is relevant. Cross-examination questions that are

duplicative of those already asked, including by Hearing Board may be deemed irrelevant if they have been asked and answered.

Review of Recording

The recording of the hearing will be available for review by the parties within five (5) business days unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

Determination Regarding Responsibility

Standard of Proof

Manhattanville University uses the clear and convincing evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines that the evidence is clear and convincing, highly and substantially likely, to a neutral decision maker that a violation of the Policy occurred.

General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Hearing Board. Decision-makers shall not draw inferences regarding a party or witness 'credibility based on the party or witness ' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances. Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. Still, credibility judgments should not rest on whether a party or witness ' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety. Decision makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be

weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that Manhattanville University allow parties to call "expert witnesses" for direct and cross-examination. The University does not provide for expert witnesses in other proceedings or processes. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to nonfactual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses. The Final Rule requires that Manhattanville University allow parties to call character witnesses to testify. The University does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that Manhattanville University admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses. Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Hearing Board may draw an adverse inference as to that party or witness' credibility.

Components of the Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of this Policy and other University policies, if any and if applicable, the respondent has or has not violated.
5. For each allegation:
 1. A statement of, and rationale for, a determination regarding responsibility;
 2. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
 3. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within ten (10) business days of the completion of the hearing.

Finality

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

Appeals

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal. If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than five (5) pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards. An Appeal Panel who will be free of conflict of interest and bias, and will not serve as Investigator, Title IX Coordinator, or Hearing Board Member in the same matter will decide appeals. Outcome of appeal will be provided in writing simultaneously to both parties, and include Rationale for the decision.

Retaliation

Manhattanville University will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has

made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations. No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment. Pursuant to Manhattanville University's Sexual Assault Amnesty Policy, a bystander or a Complainant acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to University officials or law enforcement will not be subject to the University's Code of Conduct action for violations. Retaliation against an individual for alleging Harassment, Discrimination, or Sexual Misconduct, for supporting a person filing a complaint of Harassment, Discrimination, or Sexual Misconduct, for assisting in providing information relevant to a claim of Harassment, Discrimination, or Sexual Misconduct, or for otherwise participating in an investigation of a complaint of Harassment, Discrimination or Sexual Misconduct is a serious violation of this policy. Acts of alleged Retaliation should be reported immediately to the Director, Human Resources, or the Title IX Coordinator and will be promptly investigated. The University will take appropriate steps to protect individuals who fear that they may be subjected to Retaliation.

Missing Student Policy

The Higher Education Opportunity Act (“HEOA”) requires University’s with housing to establish a policy and procedures regarding the reporting, investigation, and required emergency notification when a Residential Student is deemed to be missing. The University is respectful of student’s privacy when trying to determine how to address each case, but every report must be taken seriously. If a student is reported to be missing, whether it is extensive absences from class or failure to show up for commitments (athletic teams, clubs and organizations etc.), there is a reason to be concerned for the student’s wellbeing.

Contact Information for Residential Students

1. During each semester check-in, each student will complete an Emergency Contact form.
2. Students will identify one or two people over 18 years old to be contacted. If the student is under 18 years old and not emancipated, the University will notify a parent or guardian.
3. Residential students will provide the contact information to the Office of Residence Life.
4. It is the responsibility of the Office of Residence Life to ensure there is a fully completed form for each residential student. In the event the student does not identify a person to contact, the University will use the contact information provided in Colleague.

Contact Information for Commuter Students

1. During each semester check-in, each student will complete an Emergency Contact form.
2. Students will identify one or two people over 18 years old to be contacted. If the student is under 18 years old and not emancipated, the University will notify a parent or guardian.
3. Commuter students will provide the contact information to Commuter Services.
4. It is the responsibility of the Office of Residence Life to ensure there is a fully completed form for each residential student. In the event the student does not identify a person to contact, the University will use the contact information provided in Colleague.

Reporting and Investigating Missing Student

Any student or employee of Manhattanville University who receives information that a student is missing should immediately report the information to Campus Safety or the Office of Residence Life. Upon notification of the potentially Missing Student, Campus Safety will begin the investigation. The initial efforts to contact the student by Campus Safety or the Director of Residence Life may involve, but are not limited to, the following:

1. Attempt to contact the reported Missing Student via telephone,
2. Go to the Missing Student's room to perform a health and safety inspection to look for personal property (wallet, keys, cell phone, clothes, etc.) which might provide clues,
3. Check to see if the Missing Student has a registered car,
4. Check to see Missing Student's card swipe usage, and
5. Contact roommate(s), friends, or person(s) designated on the form to gain information on the Missing Student's whereabouts and/or wellness and to confirm initial contact information is correct.
6. If Missing Student is a Commuter Student, local police will be contacted to further investigate.

Communication

Upon determination that the student is actually missing, then the following will occur:

- The Director of Residence Life or the Dean of Students will communicate with the Missing Student's emergency contact.
- The Director of Campus Safety will contact and request assistance from law enforcement officials to investigate further.

Notifying Parents:

For undergraduates in the student conduct process, the Conduct Officer may notify parents or guardians via letter, phone call, or email depending on the severity of the violation. If a deferred suspension, suspension or dismissal is the given sanction, parents or guardians will be notified prior to the Appeals Process. Under certain circumstances, an Office of Residence Life staff

member will notify a student's Emergency Contact in the event a student is transported to the hospital.

Drug-Free Schools and Campuses Act

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) require an institution of higher education (IHE) such as Manhattanville University to certify it has adopted and implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs both by students and employees both on its premises and as a part of any of its activities.

The Drug-Free Schools and Campuses Regulations requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an IHE must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. If audited, failure to comply with the Drug-Free Schools and Campuses Regulations may cause an institution to forfeit eligibility for federal funding.

The University acknowledges its obligation to conduct a biennial review of compliance with the Drug Free Schools and Communities Act, and authorized an administrative review to be conducted to determine if the University fulfills the requirements of these Federal regulations.

Overview of Campus Community Strategies

The University uses a four-part framework to address alcohol and drugs use by implementing the following strategies: Policy, Enforcement, Education and Intervention. Below each strategy is described in this document.

POLICY

The University's policy on alcohol and drugs is implemented across the University community. Most commonly, the policy is articulated in the Student Handbook/Code of Conduct, Employee Handbook, and the Student Athlete Handbook. The Student Engagement office and the Office of

Residence Life oversees the student disciplinary actions; and Human Resources oversee the employees 'disciplinary actions.

Student Alcohol Use Policy: The University neither condones nor allows the use of alcohol. All individuals are expected to observe the applicable local, state and federal laws.

University-sponsored events, alcohol may be served only to those persons of legal drinking age who are able to verify their name and age with a state issued identification. Written permission from the Office of Student Engagement must be obtained prior to a student event for alcohol to be served. If permitted, student event must use our food services, Chartwells that obtains the required alcohol permits.

Student Drug Use Policy: The unlawful possession, use, sale, or distribution of illegal drugs or controlled substances is prohibited within the residence halls, on campus grounds or at University- sponsored events. Drug paraphernalia is not permitted within the residence halls, on campus grounds or at University-sponsored events.

Student Athlete Alcohol and Drug and Policies:

Alcohol Policy: The Manhattanville University Department of Athletics does not promote or condone the use of alcohol by student-athletes. The use of alcohol is not permitted at any athletic-related function, on day or overnight trips, or on any team travel vehicles. The head coach and/or Director of Athletics and the Dean of Students may discipline student- athletes caught abusing alcohol in any manner.

Drug Policy: At no time is the use of recreational or performance-enhancing drugs permissible. Any student-athlete found using or abusing drugs would be subject to disciplinary actions set forth by the Manhattanville University Department of Athletics and the Manhattanville University Code of Conduct, in addition to the penalties imposed by the NCAA Drug Testing Program.

Employee Drug-Free Workplace Policy:

Manhattanville, as an employer and a University, strives to prevent the unlawful possession, use, manufacture, or distribution of illegal drugs and alcohol by employees. Manufacturing, distributing, dispensing, possessing or being under the influence of any illegal drug while on University premises is prohibited. This includes drug paraphernalia in addition to the drug in question. These activities constitute serious violations of University policy.

ENFORCEMENT

The University seeks to uphold the University's alcohol and drug-related policies and will impose disciplinary sanctions against those students and/or employees who violate the policies and laws consistent with local, state and federal laws. Enforcement of the University's Student Alcohol and Drug policy is documented and investigated by the Office of Residence Life, Campus Safety and the Dean of Students office. Human Resources investigate any incident or accusation regarding University employees. As part of the disciplinary process for students or employees, the University may request counseling and/or completion of a rehabilitation program. *Students:* Sanctions for students include- warnings, letter home to parents (regardless of age), written assignments, disciplinary probation, assessment tools, and mandated counseling sessions. The University also has a Medical Amnesty/Good Samaritan Policy that is intended to address possible barriers to students taking responsible action on behalf of their own safety and that of others, and to encourage students to call for assistance in high-risk situations. The University maintains a progressive sanctioning protocol and imposing sanctions that will help the student to develop within the process.

Employees: Sanctions for employees include 1st offense, verbal warning, 2nd offense, written warning and a referral to Employee Assistance Program (EAP) 3rd or final offence, termination. Employees may self-refer or have a Human Resource's referral to the EAP for assistance dealing with the use of alcohol and/or controlled substance. Human Resources will follow-up with employee to make sure corrective actions are being taken.

EDUCATION

The University acknowledges the diverse needs of its community learners. Our approach is to provide optional and mandatory educational and training programs to the campus community.

INTERVENTION

Resources & Support Services

1. The University disseminates resource and intervention referrals regarding the use of alcohol and other drugs to our student body and employees.
2. Student Handbook/Code of Conduct reviews the policies related to drugs and alcohol use and the sanctions imposed for failure to comply.
3. Student Athlete Handbook and policies related to drug and alcohol use and the sanctions imposed for failure to comply.
4. Human Resource policies and actions for possible infractions related to drug and alcohol use by University employees and the sanctions imposed for failure to comply. Services are coordinated through the Employee Assistance Program (EAP).
5. The Counseling Center and Wellness Center utilizes several assessment instruments for alcohol and drug usage.
 1. Students complete The Audit as part of the student's intake packet prior to the first counseling session. The Audit is an alcohol screening assessment, which helps to identify both patterns of drinking and problematic drinking.
 2. A Substance Use/Abuse Screening instrument, which the student completes, based in part from the clinical interview with the clinician.
6. The federally mandated policy about alcohol and other drugs is distributed annually to each employee and student as follows:
 1. The employee Alcohol and Drug-Free Campus and Workplace Policy is distributed regularly to all current new employees during orientation.
 2. The student Alcohol and Other Drug Policy is distributed during August Orientation and emailed annually within the Student Handbook/Code of Conduct.
 3. Information is available to employees and students in general public area such as the Commuter Lounge, Counseling & Wellness Center, Health Center and Campus Safety. Student information can also be found on the Dean of Students webpage. Faculty information is online through the Human Resource webpage and is distributed annually.

4. Have direct contact as needed with both St. Vincent's Hospital and Columbia Presbyterian Hospital in Westchester County. Both have units as well as outpatient programs for individuals involved in drug and alcohol abuse.
5. All office staff are members who receive bi-monthly updates from ACHA (American University Health Association) regarding all university issues.
6. Students are assessed individually in the health center and education is provided when it is known the students are having a problem.
7. Pamphlets are available in the waiting area re: Drugs and Alcohol
8. Follow up on any student hospitalized or reported by University officials as having a possible issue with alcohol and drugs.
9. A resource operating within the Wellness Center, The Collegiate Alliance for Student Success and Prevention (CASSAP) works together with our campus community to prevent substance misuse and the negative outcomes of alcohol, tobacco and other drug use at Purchase University and the surrounding community.
10. Success and Prevention (CASSAP) works together with our campus community to prevent substance misuse and the negative outcomes of alcohol, tobacco and other drug use at Purchase University and the surrounding community.
11. Alcohol and Other Drug Policy documents distributed to all faculty, staff and students

Bystander Intervention: Members of the university community who are aware of an incident involving alcohol or other drug abuse, unsafe situations involving alcohol and/or drugs and students who are in need of medical assistance due to alcohol and/or drugs are encouraged to speak to a university staff member to request assistance. Although policy violations cannot be overlooked, the university will consider the positive impact of reporting an incident when determining the appropriate response for policy violations.

Registered Sex Offender Policy

Under the provisions of the Family Educational Rights and Privacy Act, as amended by the Campus Sex Crimes Prevention Act, and the New York State Sex Offender Registration Act, Manhattanville University will disclose information concerning Registered Sex Offenders. The purpose of this reporting is to ensure that members of the campus community have information available concerning the presence of Registered Sex Offenders. Any person who is required to register as a Sex Offender in New York shall provide notice as required under state law. The

state is required to report such information concerning Registered Sex Offender's enrollment or employment and to make this information available promptly to the Department of Campus Safety & Security.

Registered Sex Offenders are not barred from employment or enrollment with University. Any limitations and restrictions on employment must be both reasonable, job related, and directly related to areas of potential risk. Upon receipt of notification that an employee or student is a Registered Sex Offender, Director of Campus Safety, will notify the Director, Human Resources, if the Registered Sex Offender is an employee or notify Office of Student Engagement if the Registered Sex Offender is a student. Self-Reporting Requirements: 1) All Registered Sex Offenders are required to self-report their status to Campus Safety upon employment or enrollment. 2) If student/employee is designated as Registered Sex Offender after employment or enrollment, the self-reporting must occur within one (1) Business Day of the designation. Prohibitions: 3) Registered Sex Offenders are prohibited from working in or being upon the premises without authority of any area of the University that is designated to provide service/care to children. This prohibition includes locations and/or events that are designated at the discretion of University administration. 4) Supervisors of Registered Sex Offenders should not assign the employee to an area from which they are prohibited if other employees are available to complete the assignment. If the assignment of the Registered Sex Offender is essential, their immediate supervisor must escort them for the entire time that they are working in the prohibited location.

Information is also available at New York State Division of Criminal Justice Services, Office of Sex Offender Management:

<https://www.criminaljustice.ny.gov/nsor/>

New York State Division of Criminal Justice Services

Sex Offender Registry

4 Tower Place

Albany, New York 12203

(518) 457-3167; (800) 262-3257

Student Conduct Process

The educational purposes of Manhattanville University include the preparation of men and women for discerning and responsible citizenship in a diverse and global world. Members of the University must be able to come together in trust, the pursuit of academic excellence and respect for one another's integrity in a just community. Each member of the community must respect the rights of others and observe the rules of decent living. All community members must keep the ideal of a just community in the forefront of their minds while making decisions. The Code of Conduct that follows is constructed on the above tenets. The University encourages its students to govern their own social and intellectual community through the procedures outlined below. By encouraging individuals to govern their community, the University does not absolve the individual from accepting responsibility for his/her own behavior. The University adheres to its mission statement to educate ethically and socially responsible leaders for the global world. The University reaffirms its tenet that its community must be respectful of all differences including creeds, races, ethnic backgrounds, sexual orientations and genders. To that end, all student clubs and organizations are open to any student. The University does affirm the idea of student freedom with the acceptance of full responsibility for individual action and the consequence of such action.

The University cannot and will not permit destructive or antisocial behavior. Therefore, it reserves the right to intercede and require the immediate suspension or withdrawal of a student where that behavior is perceived to constitute a threat to or violate the rights of members of the community or the individual student. Disciplinary authority is vested in the Dean of Students. In addition, the President and the Vice President; Chief Diversity Officer or their designee can, in the exercise of discretion, immediately dismiss, suspend or discipline a student for serious misconduct.

Work-Place Violence and Intimidation

Manhattanville University is committed to providing a safe, violence free educational and work environment and will not tolerate any form of violence by its employees including verbal or physical threats, intimidation and/or harassment. Prohibited contact includes but is not limited to:

1. Any act which results in a physical assault.

2. A communicated or suggested intent to harm another, endanger the safety of another person, destruction or defacing of University property, or the intent to intimidate another.
3. Behavior or actions that convey the potential for violence or a dangerous lack of self-control (i.e. throwing objects, waving fists, shouting, etc.)
4. Failure to report incidents of workplace violence or to cooperate in the investigation of such incidents or reports.
5. Employees and visitors are further prohibited from bringing to the facility or on the facility premises, including facility parking lots any firearms, weapons or objects whose purpose is violent or threatening. Employees should raise any safety concerns with their immediate supervisor or Vice President and should report any potential threat to themselves or others as soon as possible. This includes a potentially violent non-work related situation that could result in violence. In the case of an emergency on campus, employees should immediately contact the Department of Campus Safety & Security at 914- 323-7233 (SAFE).

Additionally, if an employee needs to file or has filed a restraining order, that employee must notify the Director of Human Resources at (914) 323-5270 immediately. The University will immediately investigate any reports of violence or potential violence and will take prompt action to protect the well-being of all employees, students and visitors. The University will also guard against any retribution or adverse treatment of employees who report incidents, raise concerns or participate in an ongoing investigation. If evidence exists to support the finding that the offender is an employee, immediate disciplinary action will be taken up to and including immediate termination.

Crime Prevention

Property thefts and vandalism are a continuing problem on University campuses, and one that will not be easily solved. However, you can help by becoming aware of crime prevention and security measures.

The following suggestions are offered to help protect yourself and your property:

- Never leave purses, keys, ID cards, cell phones, laptops, backpacks or other personal property unattended in offices, dining areas, classrooms or the library.

- If you misplace your ID card, please visit the Campus Safety Headquarters in Spellman Hall immediately.
- Lock your room, suite, apartment, or office door even if you "just step out for a minute." Contact The Office of Residence Life or the Department of Campus Safety & Security if your door lock is not working.
- Do not leave money or valuables exposed in your living quarters; place them out of sight and under special lock protection.
- Do not prop doors open.
- Do not let strangers into your living area.
- Do not leave your car unlocked, unattended or with a key in it.
- Do not leave valuables, purses, or money in plain view in parked vehicles.
- Report any suspicious persons or activity, unusual behavior, threatening incident, or criminal activity in or around campus buildings immediately to Campus Safety at ext. 888 or (914) 323-SAFE.
- Do not walk alone at night. Go in pairs or a group and try to remain in well-lit areas. Stay away from isolated areas.
- Know the locations of exterior Emergency Blue Light Call Boxes and Yellow Emergency Call Box Phones.
- Install anti-theft software on laptop computers, and keep a record with make, model and serial number.

Campus Safety Seminars

The Director and Deputy Directors of Campus Safety & Security are available to speak to any concerned individuals or groups at any time. Meetings are often scheduled through the Offices of Residence Life and Student Activities early in the academic year to help create campus safety awareness and answer questions.

Fire Safety

Definitions:

Fire: any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Arson: Any willful or malicious burning to attempt to burn—with or without intent to defraud—a dwelling house, public building, motor vehicle or aircraft, or personal property of another. Any fire that is determined to be arson must be reported both as a fire statistic and as a crime statistic.

On-Campus Student Housing Facility: any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Fire Alarms

Smoke detectors, heat detectors, carbon monoxide detectors and fire extinguishers have been strategically placed in all facilities on campus to protect life and property. All of the residence halls have complete sprinkler system coverage and have a state-of-the-art addressable fire alarm system. The Department of Campus Safety & Security monitors this system 24 hours a day.

Campus Safety officers are dispatched and respond immediately to any alarm situation.

In compliance with New York State regulations, the Department of Campus Safety & Security and the Office of Residence Life conduct two fire drills in each of the residence halls and alternative housing every semester. The fire drills require the complete evacuation of each residence hall. Every student is responsible for knowing procedures of evacuation of the building. Failure to evacuate will result in disciplinary action. Students must take the lead in being aware of fire prevention and precautions that must be taken to prevent fires on campus.

New York State law prohibits smoking inside buildings.

Fire Safety & Prevention

The Department of Campus Safety & Security works closely with the Harrison and Purchase Fire departments. The Department also collaborates closely with the Town of Harrison's Fire Inspector. The Department of Campus Safety & Security's goal is to educate the Manhattanville

Community about fire and life safety, to prevent fire emergencies and to reduce alarms, and there are periodic drills throughout the year.

Failure to evacuate while a fire alarm is sounding in any building will result in disciplinary action and or monetary fines. Each student is responsible for knowing evacuation procedures of the building. Students must take the lead in being aware of fire prevention and precautions on campus.

The University reminds its members that malicious acts involving fire equipment or fire alarms will not be tolerated and will result in the expulsion of students. Such acts include, but are not limited to, intentionally discharging a fire extinguisher, spraying a substance known to activate the building fire alarm system near a fire/smoke detector, or activating a building fire alarm system via pull station. The University reserves the right to report instances to the proper law enforcement authorities.

The University has an obligation to uphold public law and warns its members that any malicious act involving fire equipment or fire alarms will result in disciplinary action by the University, including expulsion, and is punishable by state law under Section 240.55 of the New York State Penal Law, FALSELY REPORTING AN INCIDENT in the second degree, a class E Felony. Further, should anyone become injured or killed as a direct result of such a malicious act, the offense is punishable under section 240.60 of the New York State Penal Law, FALSELY REPORTING AN INCIDENT in the first degree, a class D Felony.

In Case of Fire:

- Remain calm and think.
- Feel the entire door for heat. BE CAREFUL TOUCHING DOOR KNOBS. THEY CAN CONDUCT THE MOST HEAT. If door is hot or if there is excessive smoke in the hallway, remain in your Room. See section below.
- Move in an orderly and rapid manner in a single file line along the wall upon which the exit is located.
- DO NOT attempt to extinguish the fire.
- If smoke is present, wrap a wet cloth or towel over your nose and mouth.
- Remain close to the floor.

- NEVER use the elevator when there is a suspected fire in the building.
- If in residence halls, go to determined assembly area for roll call by Resident Advisor.
- If in any other building on campus, please use the nearest exit, assemble in a safe location and wait for further instructions.

If you cannot leave the Room:

- Open windows if there is smoke coming in from the hallways; if there is no smoke, leave windows closed to prevent outside smoke from being drawn into the room.
- Seal cracks around the door with towels (damp, if possible).
- If you are trapped, attract attention by hanging an object from the window- the brighter the color, the better. If outside smoke is drawn in, close the window leaving the objects hanging.
- If smoke is severe, place a wet cloth over your nostrils and REMEMBER, the floor is usually clear of smoke.
- If possible and safe to do so, have water readily available in a nearby sink and/or bath tub
- Report the emergency by dialing the Department of Campus Safety & Security at 914- 323-5244 or 914-323-7233 (SAFE)
- Fire safety is an issue of which the entire community should be aware. Violations of fire safety procedures or misuse of fire safety equipment will be dealt with seriously and may result in the removal of the violator from the residence halls and/or the University community.
- Parking in Fire Lanes also presents a fire safety threat to the community and should be avoided at all costs. Violators will be fined and/or towed.

Fire Statistics

In accordance with the Higher Education Opportunities Act of 2008, Manhattanville University is providing mandatory fire safety information as part of this Annual Report. (Detailed fire data for all on-campus student-housing facilities can be found at the end of this report.) All reports of fires and fire alarms are maintained in a database within the Department of Campus Safety &

Security. Data collected includes, but is not limited to, the building name; alarm location; time and date; the number and cause of each fire; any injuries and fatalities.

Description of Student Housing Fire Systems

Every University student residence hall has:

- An interior fire alarm system with detection throughout the building, including detectors in every sleeping room;
- Yearly testing of fire detection, suppression, and notification equipment (all test records are maintained within the Manhattanville University Maintenance Department);
- An interior fire alarm panel which triggers a full first alarm response from the Department of Campus Safety & Security and the Purchase Fire Department to the building upon activation; and
- Automatic wet sprinklers in all public corridor and rooms.
- Complete building-specific fire suppression and detection information is available within the Maintenance Department developed for each building. *Please see campus map and Student Housing Fire Detection and Suppression Systems Calendar below for a list of all student residence halls, their fire suppression and detection systems, and fire drills conducted.*

Fire Safety Education and Training Programs Provided to Students and Employees

Fire safety education and training programs are taught by the Department of Campus Safety and Security who are experienced in fire safety matters. If a fire occurs, students are instructed to leave hazardous areas per the evacuation routes and get to a predetermined location before calling 911 for help. The students is to remain in that location so that the Department of Residence Life has documented that the student has left the building. Occupants are instructed to pull the fire alarm as they are leaving the building if they can do so without risking their safety. The information provided during the fire safety programs is also available online at any time at www.mville.edu. In addition to this, fire drills are also conducted for all administration,

academic, and athletic buildings. These drills are conducted in coordination with the Department of Campus Safety, as well as Facilities.

Procedures for Student Housing Evacuation in the Case of a Fire

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the Department of Campus Safety and Security. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, University policy is that all occupants must exit the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

Fire Response Do's and Don'ts

- DO treat every alarm as an emergency. If an alarm sounds, exit the building immediately.
- DON'T assume that a fire alarm is a drill or test. All building alarm systems are tested as required by law, but these tests are announced in advance.
- DO remain in your room if you cannot get out of the building because of heat or smoke. Call the Department of Campus Safety right away. Keep the door closed and await assistance from the Department of Campus Safety or the Fire Department. If smoke is entering around the door, stuff the crack under the door with sheets, clothes, or blankets. If possible, open the window and wave a brightly colored garment or towel from your window—the Fire Department will be looking for this sign.
- DO close the door behind you if it is safe to leave your room.
- DON'T waste time collecting personal valuables. Take your keys so that you can reenter your room if exit from the building is not possible.

- DON'T use an elevator during a fire emergency: always use the fire stairs.
- DO make your presence known to other occupants and to Department of Campus Safety & Security by telephone 914-323-7233 (SAFE) if you are injured or disabled. Emergency staff members will assist you in leaving the building.



*Description of Student Housing Fire Detection and
Suppression Systems Calendar Year 2023:*

RESIDENTIAL BUILDING	FIRE ALARM	ROOM DETECTION	CAMPUS SAFETY ALARM MONITORING	SPRINKLER	STANDPIPE	FIRE DRILLS CONDUCTED
BURNETT HOUSE	YES	YES	YES	YES	NO	4
DAMMANN HALL	YES	YES	YES	YES	YES	4
MAPLE HOUSE	YES	YES	YES	YES	NO	4
FOUNDERS HALL	YES	YES	YES	YES	YES	4
HOUSTON HOUSE	YES	YES	YES	YES	NO	4
M.A PAGLI HOUSE	YES	YES	YES	YES	NO	4
OLMSTED HOUSE	YES	YES	YES	YES	NO	4
SPELLMAN HALL	YES	YES	YES	YES	YES	4
TENNEY HALL	YES	YES	YES	YES	YES	4

Manhattanville Fire Statistics Calendar Year 2023:

The following information pertaining to specific fire categories and geographic areas is reported annually to the United States Department of Education in compliance with The Clery Act:

RESIDENTIAL BUILDING	DATE OF FIRE	TIME OF FIRE	CAUSE OF FIRE	NO. OF INJURIES	NO.OF DEATHS	VALUE OF PROPERTY DAMAGE
N/A	N/A	N/A	N/A	N/A	N/A	N/A

Clery Act Statistics

The crimes listed below are mandated by the Clery Act to be reported and distributed annually on October 1st through the department's annual report to all current students, faculty and staff.

The statistics gathered for this report include all reported crimes in these categories to the police department, incidents that occurred on public property surrounding the campus, and incidents not reported to the police that may have been reported confidentially to a Campus Security Authority.

The report also contains statistics for arrests and referrals to the campus judicial process for liquor law violations, drug abuse violations and weapon law violations.

Federal law also requires that all hate crime in the mandated categories be reported. Those crimes are further categorized by the nature of the bias, i.e. race, gender, religion, sexual orientation, ethnicity and disability.

Definitions of reportable crimes

Criminal homicide

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

Sex offenses

- Rape: Rape is a crime, which is a form of criminal sexual assault. Every state has its own definitions of rape. In general, rape is actual or attempted penetration accomplished by threats, coercion, or physical force without consent. It includes nonconsensual vaginal, anal, or oral penetration by penis, finger, or any object. In the following circumstances, actual or attempted penetration is rape, it is impossible for the following to give consent: when it is not consensual; individuals who are under the influence of alcohol or other controlled substances; who are physically helpless (including sleeping); who are under the age of 17; who are mentally incapacitated; and/or who are mentally disabled. Men and women, irrespective of sexual orientation, may be either perpetrators or victims.

- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- **Incest.** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape.** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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, which also includes poisoning by any type of date rape drug(s). This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)

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 if 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.

Other offenses

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

VAWA Crimes

- **Domestic Violence:** An act which would constitute a violation of the penal law, including, but not limited to acts constituting 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 or a person's child. Such acts are alleged to 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.
- **Dating violence.** Dating violence is violence that occurs between people who know each other: boyfriends and girlfriends or same sex partners whether or not they live together. The violence may be physical, emotional and/or sexual. It may include threats, enforced social

isolation and/or humiliation, intimidation, harassment, emotional mistreatment or abuse, financial control, forced sex or making threats with regard to family, friends, and/or children. Some of the common terms used to describe relationship violence are courtship violence, battering, intimate partner violence, and relationship violence or domestic violence.

· **Stalking.** Stalking is defined as non-consensual communication with, and/or harassment of another person. It is the willful, malicious and repeated harassing or threatening of another person which, as a pattern, tends to escalate in both intensity and frequency over time and can last for many years. Stalking includes a direct or implied threat, and victims often report fear for their safety. Stalking is about power and control. Stalkers control the time, type, amount, and place of contact. No matter what the motivation for stalking, the unwanted behaviors are the same and may include, but are not limited to: repeated following, repeated telephone calls and hang-ups; letters; unwanted gifts and packages; spreading harmful gossip about victims; breaking-and-entering that can include vandalism, theft, or even simply rearranging objects so that victims know the stalker was there. Stalkers may also enlist their friends or associates to help them stalk or have their associates speak with friends of the victim to obtain information.

Hate Crimes

Hate crime: A criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

All Clery-Identified Crimes are documented in this report as Hate Crimes if the crime was motivated by bias. In addition, the following crimes are documented only as Hate Crimes if they are motivated by bias.

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 with threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: 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.

Notice of Combined Annual Jeanne A. Clery Security Report and Annual Fire Safety Report Availability

Manhattanville is committed to assisting all members of the Manhattanville Community in providing for their own safety and security. The annual security and fire safety compliance document is available at <https://www.mville.edu/life-manhattanville/campus-safety-security>. For a paper copy, contact the Department of Campus Safety & Security at 914-323-7233 (SAFE), or e-mail campussafety@mville.edu. The website and report contain information regarding campus security and personal safety including topics such as: crime prevention, fire safety, campus safety policies, crime reporting policies, disciplinary procedures and other matters of importance related to security and safety on campus. They also contain information about crime statistics for the three previous calendar years concerning reported crimes that occurred on campus.

This information is required by law and is provided by the Manhattanville Campus Safety Department.

Manhattanville Crime Statistics

The following information pertaining to specific crime categories and geographic areas is reported annually to the United States Department of Education in compliance with The Clery Act:

<i>Criminal Offenses</i>			
Criminal Offenses - On-campus	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses - Rape	1	1	1
d. Sex offenses - Fondling	0	0	0

Sex offenses- Incest	0	0	0
Sex offenses- Statutory rape	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	0	0	0
g. Burglary	1	0	2
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0

Criminal Offenses – On-campus Student Housing Facilities	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses – Rape	1	1	1
d. Sex offenses – Fondling	0	0	0
Sex offenses- Incest	0	0	0
Sex offenses-Statutory rape	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	0	0	0
g. Burglary	0	0	2
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0

Criminal Offenses - Public Property	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses - Rape	0	0	0
d. Sex offenses- Fondling	0	0	0

Sex offenses- Incest	0	0	0
Sex offenses-Statutory rape	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	0	0	0
g. Burglary	0	0	0
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0

<i>Hate Offenses</i>			
Hate Offenses - On-campus	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses - Rape	0	0	0
Sex offenses - Fondling	0	0	0
Sex offenses- Incest	0	0	0
Sex offenses- Statutory rape	0	0	0
d. Robbery	0	0	0
e. Aggravated assault	0	0	0
f. Burglary	0	0	0
g. Motor vehicle theft	0	0	0
h. Arson	0	0	0
i. Simple assault	0	0	0
j. Larceny-theft	0	0	0
k. Intimidation	0	3	0
l. Destruction/damage/vandalism of property	0	0	0
*denotes Religious bias			
Hate Offenses - On-campus Student Housing Facilities	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses - Rape	0	0	0

Sex offenses – Fondling Sex offenses- Incest Sex offenses- Statutory rape	0	0	0
d. Robbery	0	0	0
e. Aggravated assault	0	0	0
f. Burglary	0	0	0
g. Motor vehicle theft	0	0	0
h. Arson	0	0	0
i. Simple assault	0	0	0
j. Larceny-theft	0	0	0
k. Intimidation	0	2	0
l. Destruction/damage/vandalism of property	0	0	0
Hate Offenses - Public Property	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses - Rape	0	0	0
Sex offenses – Fondling Sex offenses-Incest Sex offenses- Statutory rape	0	0	0
d. Robbery	0	0	0
e. Aggravated assault	0	0	0
f. Burglary	0	0	0
g. Motor vehicle theft	0	0	0
h. Arson	0	0	0
i. Simple assault	0	0	0
j. Larceny-theft	0	0	0
k. Intimidation	0	0	0
l. Destruction/damage/vandalism of property	0	0	0
VAWA Crimes			
Incidents	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Domestic Violence	0	0	0
b. Dating Violence	0	0	0

c. Stalking	0	1	3
<i>Arrests</i>			
Arrests - On-campus	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Weapons: carrying, possessing, etc.	0	1	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	0
Arrests - On-campus Student Housing Facilities	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	0
Arrests - Public Property	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	0
<i>Disciplinary Actions</i>			
Disciplinary Actions - On-campus	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug law violations	7	17	11
c. Liquor law violations	58	47	28
Disciplinary Actions - On-campus Student Housing Facilities	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug law violations	7	17	11
c. Liquor law violations	58	47	0

Disciplinary Actions - Public Property	<u>2021</u>	<u>2022</u>	<u>2023</u>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	0

<i>Fires - On-campus Student Housing Facilities</i>			
<i>Summary of Fires</i>	<u><i>2021</i></u>	<u><i>2022</i></u>	<u><i>2023</i></u>
Burnett House	0	0	0
Dammann Hall	0	0	0
Duchesne House	0	0	0
Founders Hall	0	0	0
Houston House	0	0	0
Marissa A. Pagli House	0	0	0
Olmsted House	0	0	0
Spellman Hall	0	0	0
Tenney Hall	0	0	0

