



MarymountManhattan



# Annual Security Report 2016

Marymount Manhattan College  
221 E 71 Street, NY, NY 10021  
Department of Campus Safety



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## Important Phone Numbers

### Department of Campus Safety

Main Building	212-517-0411
55th Street Residence Hall	212-371-2350
1760 3 <sup>rd</sup> Avenue Residence Hall	212-600-5555
200 E 6 <sup>th</sup> Street Residence Hall	646-869-5126
MMC Security Supervisors	212-774-4859
Director of Campus Safety	212-517-0685
MMC Confidential Tip Line	212-774-4878
<b>NYPD / FDNY / NYC Emergency Medical Services</b>	<b>911</b>

### Offices Where Campus Community Members Can Report Crimes or Other Serious Incidents (Campus Security Authorities)

- |  |                                    |
|--|------------------------------------|
| <b>1. Any Member of the Campus Safety Department</b> | <b>212-517-0411 / 212-371-2350</b> |
| 2. VP for Student Affairs                            | 212- 774- 0756                     |
| 3. Dean of Students/Diversity Officer                | 212- 774- 0756                     |
| 4. Director of Residence Life                        | 212- 774- 0751                     |
| 5. Assistant Director of Residence Life              | 212- 774- 0744                     |
| 6. Coordinator of Student Development & Activities   | 212- 774- 0739                     |
| 7. Title IX Coordinator                              | 212- 517- 0562                     |
| 8. Any MMC Resident Director (RD)                    | 212- 774- 0740                     |

MMC Counseling and Wellness Center (CWC) 212-774-0700

MMC Student Health Center 212-759-5870

Title IX Coordinator 212-517-0562  
Main Building Room 307D

**Resources**

The following on-campus and community resources are available to victims of sexual assault, domestic or dating violence relative to counseling, health, mental health, victim advocacy, and legal assistance issues.

***Emergencies***

**911**

VISA/Immigration Assistance 311  
Requests for immigration or citizenship application forms,  
legal assistance and counseling

New York City Domestic Violence Hotline (24 hours) 1-800-621-HOPE (4673) or 311

New York State Coalition against Domestic Violence Hotline 1-800-942-6906 <http://www.nyscadv.org/>

NYC Incest/Sexual Assault 24 hour Hotline (212) 267-7273

NYC Crime Victims 24 hour Hotline (212) 577-7777

NYPD Special Victims 24-Hour Report Line (646) 610-7273

VINE - Victim Information Notification Everyday 1-888-VINE-4-NY

Mount Sinai Hospital Sexual Assault/Violence Intervention Program (212) 423-2140

VINE is a 24 hour automated hotline that provides victims with the release date of inmates who are in custody of the New York City or NY State Department of Corrections. When you call 911, 311, or the Domestic Violence Hotline, they will answer in English. If you do not speak English, say in English the name of the language you speak. It will help them find an interpreter for you.

**MMC Counseling and Wellness Center (CWC)** 212-774-0700

Counseling services are available to all MMC students, including victims of sexual assault or hate related crime. Counseling staff can provide initial evaluations, short-term counseling and referrals for long-term treatment, and a part-time psychiatrist is available to provide evaluations, prescriptions and monitoring of medications. Walk in hours (no appointment necessary) are Monday through Friday from 3-4 PM. The CWC office is located in the Main building, 8<sup>th</sup> floor, in room 806. All services are free and confidential.

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**Information for Students on How to Respond to and Prevent Sexual Assault on College Campuses**

<https://www.notalone.gov/>

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

**New York State Coalition Against Sexual Assault** (518) 482-4222 <http://nyscasa.org/>

NYSCASA is dedicated to seeing that all people who want to help themselves, a friend, loved one, neighbor or stranger begin the path to healing from Sexual Violence have the tools and resources that they need.

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

At any given moment, more than 1,100 trained volunteers are on duty and available to help victims at RAINN-affiliated crisis centers across the country.

**Sexual Assault and Violence Prevention Program at Mount Sinai Hospital** (212) 423-2140

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

**Love is Respect** 866-331-9474 <http://www.loveisrespect.org/>

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

**National Domestic Violence Hotline** 800-799-7233 <http://www.thehotline.org/>

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

**The Trevor Project Helpline** 866-488-7386 <http://www.thetrevorproject.org>

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

**National Suicide Prevention Lifeline** 800-273-TALK (8255) <http://www.suicidepreventionlifeline.org>

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

#### **Other Resources**

Alcoholics Anonymous (212) 647-1680 [www.nyintergroup.org](http://www.nyintergroup.org)

Cocaine Anonymous (212) 262-2463 [www.canewyork.org](http://www.canewyork.org)

Narcotics Anonymous (212) 929-6262 <http://www.newyorkna.net>

National Institute on Drug Abuse (301) 443-1124 <http://www.nida.nih.gov>

National Council on Alcoholism and Drug Dependence (212) 269-7797 <http://www.ncadd.org>

College Drinking - Changing the Culture <http://www.collegedrinkingprevention.gov>

#### **Substance Abuse Treatment Centers**

New York State Psychiatric Institute (212) 923-3031 <http://substanceabuse.columbia.edu/contact.htm>

The Addiction Institute of NY (212) 523-6491 <http://www.addictioninstituteny.org>

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

Today everyone is concerned about safety on college campuses and recent events make it all too clear that the safety and security of our campus is paramount. Marymount Manhattan College (MMC) understands these concerns and continually reviews and updates security measures at the College. This practice helps ensure that MMC remains as safe as possible for our students, faculty, staff, and visitors.

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

This report has been prepared by the Director of Campus Safety in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, with cooperation from the local law enforcement agency (NYPD) surrounding the MMC campus and residence halls. Campus crime and arrest and referral statistics include those reported to Campus Safety, the New York City Police department and other Campus Security Authorities so designated by the College. Each year an e-mail notification is sent to all current students and employees regarding the availability of this Annual Security Report and its contents.

This publication provides mandatory information to inform current students and employees, and can also assist prospective students and their families in the decision-making process of selecting a college or university that makes the safety of students a very high priority. Members of MMC, prospective students and prospective employees may obtain a copy of this report by contacting the Director of Campus Safety at 212-517-0685 or online at <http://www.mmm.edu/current/publicsafety/MMCCampusSecurityReport.pdf>

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### Crime Reporting

Marymount Manhattan College encourages the accurate and prompt reporting of all crimes to campus security and the appropriate police agencies. **Students, faculty, staff and visitors are strongly urged to immediately report any *emergency, crime in progress, criminal or suspicious activity, or past crime to Campus Safety officers at-***

Main Building Security Desk (24 hours a day)	212-517-0411
55th Street Residence Hall Security Desk (24 hours a day)	212-371-2350
NYPD	911

The Department of Campus Safety is responsible to investigate reported incidents and to prepare, classify and file reports. All attempts will be made to protect the identity of complainant(s), victim(s) and witnesses. Campus Safety will offer support and assistance to any victim or witness. Prompt reporting will assure the issuance of a "Timely Warning Notice" if warranted and timely disclosure of crime statistics. Any actions taken by any individual that recklessly or intentionally endangers the mental or physical health of any member of the MMC community should be reported to Campus Safety or the Dean of Students.

### Unfounded Crimes

MMC may withhold, or subsequently remove a reported crime from its crime statistics in rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore "unfounded." Only sworn or commissioned law enforcement personnel may "unfound" a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen

property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report. MMC will report the number of incidents (within this Annual Security Report and to the Department of Education) sworn or commissioned law enforcement personnel have determined through investigation to be “unfounded.” This would include incidents withheld or subsequently removed from the MMC annual crime statistics. MMC will maintain documentation of any such crime reports classified “unfounded” in compliance with Federal law.

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

Non-emergencies and past crimes may also be reported to any Campus Security Authority (CSA). A CSA is a College official with significant responsibility for student and campus activities. Campus Security Authorities include senior staff members in Residence Life, Student Affairs and Student Activities. All Resident Directors (RDs) and Resident Assistants (RAs) are CSAs. Crimes reported to any Campus Security Authority are then reported to Campus Safety. After reports are received and reviewed victims may be referred to law enforcement, counseling or health services, judicial affairs or the appropriate College department for follow up.

### **Offices Where Campus Community Members Can Report Crimes or Other Serious Incidents (CSAs)**

- |  |                             |
|--|-----------------------------|
| 1. Any Member of the Campus Safety Department      | 212-517-0411 / 212-371-2350 |
| 2. VP for Student Affairs                          | 212- 774- 0756              |
| 3. Dean of Students                                | 212- 774- 0756              |
| 4. Director of Residence Life                      | 212- 774- 0751              |
| 5. Assistant Director of Residence Life            | 212- 774- 0744              |
| 6. Coordinator of Student Development & Activities | 212- 774- 0739              |
| 7. Title IX Coordinator                            | 212- 517- 0562              |
| 8. Any MMC Resident Director (RD)                  | 212- 774- 0740              |

### **Confidential Reporting Procedures**

If you are the victim or witness of a crime and do not want to pursue action within the College judicial or the criminal justice system you may still want to consider making a confidential report. With your permission, the Director of Campus Safety or designee can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to ensure the future safety of yourself and others.

With such information the College can keep an accurate record of the number of incidents involving students, determine if there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution. Clery Act regulations state a disclosure may not jeopardize the confidentiality of the victim. This takes precedence over state crime log laws. College pastoral or professional counselors, when acting as such, are not considered Campus Security Authorities and *are not* required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, counselors are encouraged, when they deem it appropriate, to inform persons being counseled of the reasons and procedures to report crimes on a voluntary, confidential basis for investigation and inclusion in the annual security report, daily crime log and annual crime statistics.

Additional information regarding your rights to confidentiality can be found in the Student Handbook, (Griffin Guide) page 71.

**Timely Warning notices will withhold the names of all victims as confidential. You would not be named in a Timely Warning and no personally identifiable information about you would be included in the Notice.** MMC will treat any investigation, identity of victims or other involved parties, accommodations, protective measures, and other information pertaining to any reported incident confidentially. Contact the Director of Campus Safety for

assistance at 212-517-0685. The College will not share information about a report of a sexual misconduct incident with a student's parents without the consent of the student.

The Family Educational Rights and Privacy Act ("FERPA") permits the College to share information with a student's parents when there is a health or safety emergency, when the student is listed as a dependent on either parent's prior year federal income tax return, or when the student has signed a FERPA Waiver.

### Anonymous Tip Line

MMC provides the College community with a means of contacting the Director of Campus Safety discretely, if needed, to report an incident or concern anonymously. This can be done via the tip line at 212-774-4878. *Do not use the Tip Line to report an emergency; for emergencies contact Campus Safety directly at 212-517 0411.*

### Daily Crime Log

The Department of Campus Safety maintains a daily log of crimes and incidents that occur on campus. The information is recorded by date, time, location, and disposition of the complaint. The log is available to the public at the Main Building security desk during normal business hours for the most recent 60-day period. Portions of the log older than 60 days are available within two business days of a request for inspection. Entries or updates are generally made within two business days after an incident has occurred.

Incidents and situations considered a threat to the College community are posted immediately. While most incidents are posted, the Director of Campus Safety may decide an incident be classified as "confidential" in order to not jeopardize a criminal investigation, the identity and safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. **The crime log does not include the name or other personally identifiable information of any victims.**

### Access to Campus Facilities

Students, faculty and employees have access to academic, recreational and administrative facilities on campus during regular hours of operation. All students and employees must obtain a Marymount Manhattan College ID Card. ID cards can be obtained at the Campus Safety desk in the Main Building lobby.

*ID cards must be presented when entering the building*, carried at all times while on College property and presented when requested by College authority. The public can attend cultural and recreational events on campus with access limited to the facilities in which these events are held. To report violations of this policy or to report a crime or suspicious activity contact Campus Safety at 212-517-0411.

Access to the Residence Halls is restricted to residents and their guests according to the guest procedures found in Residence Life policy. Access by College employees is restricted and incorporates a strict control procedure through Campus Safety and the Office of Residence Life. Security features at the residence halls include 24 hour uniformed security officers, a building card access system and security cameras.

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

The Facilities Department maintains the campus buildings and grounds with a concern for safety and security. It inspects campus facilities regularly, makes repairs if needed, and responds to reports of potential safety hazards. Campus Safety officers and facilities maintenance personnel are expected to promptly report any safety and security maintenance issues when discovered. Safety and security maintenance requests receive priority over non safety and non-emergency work orders. MMC manages a college-wide lock and key system allowing for prompt lock changes when lost keys are reported. College keys are patent protected and are very difficult to duplicate. Security considerations are factored into the maintenance of College facilities, including lighting, security camera

placement and when planning and designing renovations or construction to/for campus facilities Those with concerns about the physical safety of campus buildings and grounds can call the Facilities Office at 212-517-0449, Monday through Friday, 8:00 AM to 4:30 PM. For emergencies that occur during non-business hours contact Campus Safety at 212-517-0411.

### Campus Safety

The primary responsibility of the MMC Department of Campus Safety is to ensure a safe environment for our students, employees and visitors of the College. These responsibilities are within the framework of MMC rules, regulations, and all local, state and federal laws. The College utilizes NYS licensed security officers to provide security services at our facilities. The Department of Campus Safety is comprised of a Director of Campus Safety, three Security Supervisors, proprietary NYS licensed security officers and a contracted NYS licensed Security Company. These officers are assigned to the Main Building and the 55th Street Residence Hall security desks 24 hours a day, seven days a week and officers conduct regular patrols of the buildings. The jurisdiction of campus safety officers is limited to MMC property.

Officers respond to service calls, control building access and investigate complaints. Members of the Department of Campus Safety *do not* have arrest authority or police/peace officer status as described in the New York State Criminal Procedure Law.

The Department of Campus Safety maintains a highly professional working relationship with the New York City Police Department and the police precincts that provide service to all MMC facilities. The Department of Campus Safety has former members of the NYPD on staff. These individuals are well versed in safety/security matters and have extensive knowledge of police procedure. They train, evaluate and monitor both the in-house and contracted New York State certified security guards. *MMC does have a formal written Memorandum of Understanding (MOU) with the New York City Police Department. The investigation of any crimes committed on campus falls under NYPD jurisdiction, and MMC security staff work closely with the NYPD relative to any police investigation of crimes committed on campus.*

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### Advisory Committee on Campus Security

In compliance with New York State Education Law Article 129A, MMC has in place an Advisory Committee on Campus Security. This committee is comprised of students, faculty and staff members of the College and meets annually. The committee reviews current campus security policies, make recommendations for their improvement, and reports in writing to the College President its findings each academic year. The committee shall specifically review current policies for:

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

- e. Counseling victims.
- f. Responding to inquiries from concerned persons.

**Rules for the Maintenance of Public Order Pursuant to Article 129A of the NYS Education Law**

Marymount Manhattan College is committed to providing a safe environment for the entire MMC community, as well as supporting the rights of freedom of speech, public assembly and peaceful protest. The following rules for the maintenance of public order on our campus and other College properties are in support of this commitment and govern the conduct of students, faculty, staff, visitors and other licensees and invitees on College property.

1. Any member or non-member of the MMC community shall not intentionally obstruct the College's educational process or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for failure to comply with lawful directions issued by representatives of the College when they are acting in their official capacities.
3. Members of the MMC community are required to show their identification cards when entering the buildings or when requested to do so by an official of the College.
4. Visitors, guests and other individuals desiring to enter the College are required to provide valid governmental photo identification and be announced upon entering.
5. Unauthorized occupancy of College facilities or blocking access to or from such areas is prohibited.
6. The use or threat of force or violence against any person is prohibited.
7. Permission from appropriate College authorities must be obtained for removal, relocation, and use of College equipment or supplies.
8. Theft from or damage to College premises or property or the property of any person on College premises is prohibited.
9. Action may be taken against any person who has no legitimate reason for their presence on College property, or whose presence obstructs or interferes with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
10. In case the President of the College or designee determines that College resources are unable to maintain order on the campus, they may request local authorities to respond and address conditions.
11. Disorderly or indecent conduct on College-owned or controlled property is prohibited.

12. No individual shall have in his possession a rifle, shotgun, or firearm or knowingly have in their possession any other dangerous instruments or material that can be used to inflict bodily harm on an individual or damage upon a building or the grounds of the College without written authorization of such educational institution. Nor shall any individual have in their possession any other instrument or material which can be used and is intended to inflict bodily harm on an individual or damage upon a building or the grounds of the College.
13. Any actions which recklessly or intentionally endanger the mental or physical health of anyone, or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization, is prohibited.
14. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances by MMC students or employees on College premises, or as part of any College activities is prohibited.
15. The unsanctioned, unlawful possession, use, or distribution of alcohol by students or employees on College premises or as part of College activities is prohibited.
16. In the case of an organization or group which authorizes such conduct, rescision of permission for that organization to operate on College property.
17. The protections in this article apply regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.
18. The provisions of this article shall apply regardless of whether the violation occurs on campus, off campus, or while studying abroad.

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**Sanctions for Violations of the Rules for the Maintenance of Public Order**

Sanctions for violations of the aforementioned for non-students can include termination or suspension of employment, removal from College property or arrest by civil authority. Violations of these rules by faculty members may be referred to the Dean of Academic Affairs and violations by staff or other non-faculty employees may be referred to the Director of Human Resources. Any student engaging in prohibited conduct shall be subject to the following range of sanctions as part of the Judicial Process and handled by the Dean of Students-

**Oral or Written Notice**

An oral or written notice which states that a student’s conduct is in violation of the Code of Conduct. Subsequent violations may result in the imposition of additional sanctions.

**Disciplinary Probation**

Levied for a specific period of time based on the seriousness of the case. Disciplinary Probation constitutes a loss of good standing at the College, and serves as a warning that any further violation of the Code of Conduct may result in the imposition of additional sanctions, including suspension or expulsion.

### Restitution

Reimbursement in the amount of the cost to replace or repair stolen or damaged property of the College or property damaged at a College sponsored event. The restitution should not exceed the cost of replacing or restoring the property and/or labor costs of replacement.

### Imposition of Special Conditions

Assignment of a task appropriate to the circumstances of the case. Special conditions may include completion of service hours on campus or in the community, or compliance with a behavioral contract.

### Interim Suspension

Levied by the Vice President for Student Affairs or a Designee where she or he is satisfied that the continued presence of the student on campus and/or in the residence hall constitutes a threat to the security or emotional safety and well-being of members of the College community, guests, or College property.

### Suspension

A separation of the student from the College for a definite or indefinite period of time or until written specified conditions are met. Conditions may include a ban on visitation on the campus without prior written approval from the Vice President for Student Affairs.

### Expulsion

Permanent termination of student status from the College.

### Removal from College property or arrest by civil authority.

### Timely Warning Notices

In the event an emergency or serious criminal incident occurs on or off campus that in the judgment of the Director of Campus Safety or designee poses an ongoing or continuing threat to the health and safety of the College community, a campus wide "Timely Warning Notice" will be issued. MMC will issue a Timely Warning Notice in the event it becomes aware of such an incident occurring on campus, on public property within or immediately adjacent to the campus, or on non-campus buildings or property controlled by the College.

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

A Notice will be issued or not based on the facts of the case and the amount of information known by Campus Safety. Considerations will be made on a case by case basis, including whether the alleged crime represents a serious or continuing threat to the College community, the nature of the incident; when and where the incident occurred and when it was reported. If there is insufficient information available to determine whether the incident represents a continuing threat to the College community, a warning will be issued and it will note that the College does not have enough information to evaluate the threat completely. The reasons for issuing, or not, a Notice for any Clery Crime reported to the College will be documented and maintained by the Department of Campus Safety for seven years.

The Director of Campus Safety or designee is responsible for determining whether to issue a Timely Warning Notice. If the Director or designee is not available the determination will be made by a member of the College's Emergency Response Quick Team (*See "Emergency Response" policy*). For purposes of this policy "timely" means as soon as reasonably practicable, generally not more than 48 hours after a serious incident has been reported to the Department of Campus Safety, MMC *Campus Security Authorities* or the local police agencies having jurisdiction.

The Director of Campus Safety will develop the Notice and make efforts to consult with the Vice President of Institutional Advancement or designee, if available, regarding the content of the Notice. Time permitting, additional input may be garnered from other members of the Emergency Response Quick Team, including the Directors of Human Resources, Facilities and the Dean of Students. The College's Title IX Coordinator may also be consulted in appropriate situations.

The Timely Warning Notice will include, if available, the date, time and nature of the offense, a brief overview of circumstances, a physical description of the perpetrator(s), law enforcement's immediate actions, a request and method for witnesses to contact law enforcement, and where appropriate, cautionary advice to promote safety. In developing the content of the Timely Warning Notice the College will take all reasonable efforts not to compromise ongoing law enforcement efforts or the identity of any victims. The Department of Campus Safety will e-mail the Timely Warning Notice to the College community and it will be posted on campus bulletin boards and on the College website ([www.mmm.edu](http://www.mmm.edu)).

### *Did you know?*

*The MMC Emergency Response Guide details how you can stay safe in the event of an emergency at MMC.*

*Take time to review it so you will know how to respond during an emergency.*

*The MMC Emergency Response Guide can be found online at-*  
<http://www.mmm.edu/eplan.pdf>

**Timely Warning notices will withhold the names of all victims as confidential. You will not be named in a Timely Warning and no personally identifiable information about you would be included in the Notice.**

Anyone with information about a serious crime or incident should always report the circumstances to the Campus Safety Department by phone at 212-517-0411 or in person at the Main Building Security Desk. If a report is made to other College administrators those administrators will immediately notify Campus Safety.

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

This policy statement summarizes MMCs emergency response and evacuation procedures, including protocols for emergency notifications to the College community. This policy statement complies with the Emergency Notification requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Higher Education Opportunity Act of 2008 and applicable Department of Education regulations.



### **Emergency Response Plan**

The College's Executive Council (EC) is responsible for the overall direction and planning for emergency situations on campus or in the local or regional area affecting the campus. Under direction of the EC, MMC has developed an emergency response plan that outlines steps the College will take to prevent, mitigate, respond to and recover from a range of emergency incidents.

To ensure these plans remain current and actionable, MMC conducts an emergency management exercise at least annually. These exercises may include tabletop drills, emergency operations planning exercises and complete building evacuations. An after-action review of all emergency management exercises is conducted.

*Unannounced* complete building evacuation drills and *announced* tests of the **Connect ED** emergency messaging system are conducted annually. Tests of the campus Public Address Emergency Notification System are conducted every semester. All members of the College are notified in advance via email, and signage of the

annual emergency message testing is posted on campus. All drills are planned in advance and documented for review. In conjunction with emergency drills and notifications, MMC provides the College community emergency response and building evacuation procedures annually via email.

### **Confirming the Existence of a Significant Emergency or Dangerous Situation**

The report of any incident that may or does in fact pose an immediate threat to the health or safety of the College community will be promptly investigated by Department of Campus Safety personnel and other College professionals as warranted. This investigation may include conferrals with local officials, including the NYPD and FDNY.

Upon confirmation of such an incident the College's Emergency Operations Guide (EOG) will be utilized to direct the incident response. MMC will utilize components of the National Incident Management System

(NIMS) and the Incident Command System (ICS) structure to respond to an emergency. This will include the MMC Emergency Response Quick Team and Crises Response Teams, which are comprised of an Incident Commander, Director of Campus Safety, security supervisors and other College professionals. These individuals will coordinate the College's response to the incident and the sending of an alert to the College community.

## **Initiating the Emergency Notification System (Connect-ED) to Notify the Campus Community**

MMC is fully committed to ensuring the campus community receives timely, accurate, and useful information in the event of an emergency situation on campus or in the local area that poses a risk or immediate threat to the health and safety of campus community.

The College has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated for emergency notification to all or a segment of campus community.

Emergency information will be transmitted utilizing *Connect-ED*, the College's mass emergency communication system, which allows MMC to send time sensitive information via voice, email and text messages. The decision to send an alert will be made by the MMC Emergency Response Quick Team and Incident Commander, Director of Campus Safety and MMC security supervisors.

The alert message will be sent to all members of the College community via *Connect-Ed* and advise current conditions. It will include actions to be taken to stay safe and follow up messages will be regularly sent to help keep the College community informed.

Emergency information may also be broadcast on the building Public Address System, sent out via the College email system and posted on the MMC webpage in order to disseminate information to the larger College community. Individuals can call the College Information Line (212-517-0400) for a pre-recorded message about the emergency. If the situation warrants, the College may establish additional phone lines to better communicate with the campus community during such an occurrence. The College will post updates during a critical incident on the webpage.

The *Connect-ED* service will enhance emergency preparedness and response at the College and enable our community to stay informed in the event of an emergency. *Connect-ED* may not be utilized if the notification will, in the professional judgment of responsible College officials, compromise efforts to assist victims or contain, respond to, or otherwise mitigate the emergency.

**Did You Know?**  
*Register Now for Text, Email and Voicemail Emergency Alerts via Connect-ED!*

***All members of the College community are strongly urged to sign up for Connect-ED messaging.***

***This will enable you to stay informed in the event of an emergency incident at MMC.***

### **Students**

- Go to MMC's website
- Click current students
- Click MMC portal
- Click Blackboard  
Connect-Ed - edit your contact info
- Enter your cellphone number
- Check to receive text notifications
- Click "confirm and save"

### **Employees**

*Go to the MMC website, click on faculty or staff, and follow the above listed steps -*

**Building Evacuations**

Always treat any fire alarm seriously and be familiar with the buildings you work or reside in; know how to get out safely during an emergency. A building evacuation will occur if the fire alarm system activates or if a decision is made to evacuate due to another safety related incident or concern. Act promptly for everyone’s safety. It’s important that you familiarize yourself with all applicable fire safety procedures. In the event of a fire or other emergency notify security immediately.

- If you ever see fire, smoke or smell smoke - do not hesitate to activate the nearest fire alarm pull station.
- Call 911 if possible.
- Do not try to fight a fire.

**If You Need Help Evacuating**

1. Main / Nugent - proceed to the nearest double elevator bay and remain there until help arrives
2. Faculty Center Townhouse - stay by the elevator or within a safe room until help arrives
3. Notify others evacuating of your situation so they can tell security where you are.
4. **Call campus security at 212-517-0411 or 911 and advise them where you are, if possible.**
5. Plan ahead - advise your floor warden or campus security of your situation ahead of time if you will have trouble evacuating in an emergency.

**Main / Nugent Building**

*Evacuation Assembly Areas - 71<sup>st</sup> and 72<sup>nd</sup> Streets at 2<sup>nd</sup> or 3<sup>rd</sup> Avenue*

**Faculty Center Townhouse**

*Evacuation Assembly Areas - 71<sup>st</sup> Street at 2<sup>nd</sup> or 3<sup>rd</sup> Avenue*

**Martha Graham Dance Studio**

*Evacuation Assembly Areas - 63<sup>rd</sup> Street at 2<sup>nd</sup> Avenue*

- Evacuation of the building is mandatory by all occupants.
- Stay calm and remain alert for instructions.
- Do not rush or panic. Do not use the elevators.
- Gather personal belongings if safe to do so.
- Take prescription medications, keys, ID, purse, glasses, etc. if possible.
- Close, but don’t lock office doors when exiting.
- Use the nearest safe stairway to proceed to an exit.
- Proceed to the designated Evacuation Assembly Area as directed by Security Officers.
- Assist those who may require help in evacuating.
- Wait for instructions from emergency responders or Campus Safety personnel.
- Do not re-enter the building until instructed to do so by Campus Safety

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**231 East 55th Street Residence Hall**

*Evacuation Assembly Areas - 55<sup>th</sup> Street at 2<sup>nd</sup> or 3<sup>rd</sup> Avenue*

Listen for instructions from building security or emergency responders. In the event of an alarm, initially only the floor of the alarm and the one above it will be evacuated. If you need to evacuate the building-

- Stay calm and remain alert for instructions.
- Do not rush or panic. Do not use the elevators.
- Gather personal belongings if safe to do so.
- Quickly grab your prescription medications, keys, ID, purse, glasses, etc., if possible.

- Use the nearest safe stairway to proceed to an exit.
- Proceed to the designated Evacuation Assembly Area and await instruction.
- Assist those who may require help in evacuating.
- Do not re-enter the building until instructed to do so by emergency responders.
  
- If you cannot safely exit your apartment or the building, call 911 and building security - tell them your address, floor, apartment number and the number of people in your apartment.

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**1760 3rd Avenue Residence Hall**

**If there is a Fire in Your Room-**

- Vacate the room immediately.
- Call 911.
- Close all windows, doors and open shades.
- Take your identification and keys with you.
- Alert other people by knocking on their doors or yelling on your way out.
- Use the nearest stairway to exit, **NEVER** use the elevator.
- Assemble across the street and maintain absolute silence so instructions can be heard.
  
- Wait until the appropriate officials indicate that you can re-enter the building.

**If the Fire is Not in Your Room**

- If you cannot safely exit your room or building call 911 and provide them with appropriate information (name, address, room number, etc.).
- Stay in your room; listen for instructions from unless conditions become dangerous.
- If you must exit your room, first feel your room door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat or fire.
- If you can exit your apartment safely, follow the instructions above for a fire in a room.
- If you are unable to safely leave your apartment, seal the floor in your room with wet towels or sheets and seal air ducts or other openings where smoke may enter.
- Open windows a few inches unless flames and smoke are coming from below.
- Do not break any windows.
- If condition in the room appears life threatening, open a window and wave a towel or sheet to attract the attention of firefighters.

In the event of a fire drill residents must follow all instructions given by emergency staff via the PA system. Floor plans and diagrams for emergency staircases and exits are posted in public areas on all floors as well as the back of every room door. Residents should familiarize themselves with these maps to be able to exit promptly during fire drills or actual emergencies.

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**200 East 6<sup>th</sup> Street Residence Hall**

**Evacuation Assembly Area - E 6<sup>th</sup> Street and Cooper Square Park**

Listen for instructions from building security or emergency responders. In the event of an alarm, initially only the floor of the alarm, the floor below and the floor above it will be evacuated. If you need to evacuate the building-

- Stay calm and remain alert for instructions.
  - Do not rush or panic. Do not use the elevators.
  - Gather personal belongings if safe to do so.
  - Quickly grab your prescription medications, keys, ID, purse, glasses, etc., if possible.
  - Use the nearest safe stairway to proceed to an exit.
- 
- Proceed to the designated Evacuation Assembly Area and await instruction.
  - Assist those who may require help in evacuating.
  - Do not re-enter the building until instructed to do so by emergency responders.
  - If you cannot safely exit your apartment or the building, call 911 and building security - tell them your address, floor, apartment number and the number of people in your apartment.

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**Sheltering in Place**

Sheltering in place means finding a safe room within the building and taking refuge there. If you are told to shelter in place follow the instructions of College authority. "Sheltering in Place" protective measures are a response to potentially dangerous environmental conditions or building systems/structural emergencies.

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

- Chemical, biological or radiological contaminants are accidentally or intentionally released into the environment.
- Severe weather conditions are anticipated or present.
- A serious facilities emergency occurs in or outside of the building.

**How to Shelter in Place**

- Students, staff and faculty should report to assigned offices or classrooms immediately.
- Unassigned students should seek shelter in the nearest classroom or other similarly protected area.
- Residence hall students should return to their respective rooms.
- Close and lock all doors and windows.
- Once inside a room, stay away from doors and windows.
- Keep all hallways clear.
- Don't open windows or doors. Remain in protected areas until advised otherwise by College authority.

## **Active Shooter or Armed Assailant / Building Lockdown**

An active shooter or armed assailant incident could occur on or near campus with little or no warning. This would involve one or more individuals armed with firearms or other dangerous weapon(s) intent on killing or injuring people in a confined or populated area. The following guidelines can help you reduce your risk should such an incident ever occur on or near our campus. All members of the MMC Community will need to exercise their best judgment to stay safe in any such situation.

### **Always**

- Be aware of your environment and any potential dangers
- Take note of the two nearest exits in any facility you visit
- Have an escape route in mind

In the event a dangerous situation develops that poses a serious threat to the College community, MMC wants everyone to know what to do and how to best respond. You must protect yourself as best you can by either evacuating the building or locking down.

- Evacuating means getting out and away from the threat.
- Lockdown means to lock yourself in a secure area that will help protect you.

Both options are dependent on your specific situation. In any emergency situation, staying calm and thinking clearly will help you react in the best possible manner. MMC will utilize Connect-Ed, our emergency notification system, to warn the College community of the incident. MMC strongly urges all members of the College community to register with Connect-Ed via the MMC portal on our website.

### **Stay Safe**

- 1. RUN (EVACUATE)**
- 2. HIDE (LOCKDOWN)**
- 3. TAKE ACTION**

### **Evacuate (Get Away)**

- Evacuate the building if it is safe to do so.
- Visualize your escape route before beginning to move. Get out as quickly as possible.
- Evacuate regardless of whether others agree to follow.
- Help others escape, if possible.
- Avoid using elevators - the car may stop on a floor that is not safe.
- Leave behind your belongings, do not pick anything up, and do not go back for anything.
- Prevent others from entering an area where the active shooter may be, if possible.

### **Lock Down (Hide)**

- *If evacuating the building safely is not possible, hide in a secure area.*
- Seek shelter in the nearest classroom or other similarly protected area.
- If you work in an open common area or non-locking room seek shelter in a locked office or classroom.
- Avoid seeking shelter in any room with glass doors or walls.
- Lock or barricade doors if possible. Use all available room furnishings to barricade the door.
- Stay away from windows and doors and remain silent - stay out of sight.
- Turn off lights and silence all electronic devices.
- Take a seated position on the floor next to an interior solid wall and out of view from any door window.
- Put your cell phone on silent - not on vibrate. Monitor it for information from MMC Connect-Ed.
- Do not respond to a fire alarm during a lockdown unless imminent signs of fire are observed.

- Do not respond to directives to open the door or exit the room.
- Don't leave a locked room - you will be escorted out by Campus Safety or the NYPD.

### Contact Authorities

- **CALL 911 IMMEDIATELY.**
- Contact Campus Safety at x411.

### What to Report (if known)

- Your specific location- building name, address and office or room number.
- Number of people with you.
- Location, number and description of assailant(s).
- Number of people injured and types of injuries.
- Type of weapons used.

- If you can do so safely and quietly - stay on the line with the 911 operator.

### Faculty / Staff Response

1. Clear students from hallways and bathrooms immediately.
2. Tell students to get down on the floor, up against an interior solid wall and remain quiet.
3. If possible, account for all students. Document any non-class students sheltered in the room and any missing students.

### Police Response

When the police respond to a report of an active shooter or armed assailant they do not initially know who these individuals are. When they arrive they will consider *everyone* as a potential threat. They may yell or scream directives to you. Therefore, when law enforcement arrives on the scene -

- Listen to and follow all commands by police - stay calm.
- Don't run towards police - move calmly and slowly.
- Keep your hands up, **empty** and visible.
- Follow police instructions.
- Do not make any sudden or alarming movements.
- Avoid pointing, screaming or yelling

The first officers on scene will not stop to help the injured. Their primary objective is to locate and stop the shooter. Expect rescue teams to follow initial officers. These rescue teams will treat and remove the injured.

### Take Action

*As a last resort and only when your life is in imminent danger.*

*When you have no other options.....*

- Attempt to incapacitate the shooter
- Work as a team with others
- Act with aggression
- Improvise weapons or throw items at the active shooter

**When You Are Safe**

Once you are out of the building and safe, follow the directives of NYPD or College Authority. Let someone from your family and MMC know you are safe as soon as possible.

Once you have reached a safe location, you will likely be held in that area by law enforcement until the situation is under control and all witnesses have been identified and questioned.

**Investigation of Violent Felony Offenses**

New York State Education Law Chapter 129A, section 6434, requires Colleges and Universities to adopt and implement plans for the investigation of violent felony offenses (as defined by NYS Penal Law section 70.02 sub.1) occurring on the grounds of the College. Upon notification to the Department of Campus Safety that a violent felony offense has occurred on the grounds of the College the primary and immediate objectives are:

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

**Other Objectives**

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

Campus Safety Officers at the scene will be responsible for these measures until the arrival at the scene by local law enforcement; at this time the NYPD will assume responsibility for the incident. Campus Safety will assist as requested and act as the liaison between the police and the College community. No representative of MMC may compel the victim of a crime to file a police report or pursue remedies within the Criminal Justice System. The victim will be apprised of all options available - filing a police report, College incident report, both or neither. The College will render reasonable assistance and support in whatever decision is made. Refusal of the victim to file a police report does not prevent the College from continuing the investigation in cooperation with any law enforcement agency.

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## Weapons on Campus

Firearms and dangerous weapons/instruments of any type (including mace/pepper spray) are not permitted on campus or in the residence halls. The use, possession or sale of firearms or other dangerous weapons by anyone on campus is a violation of state and federal law as well as a violation of the student code of rights and responsibilities.

The following items are illegal in NY State and on campus - any firearm, electronic dart gun, electronic stun gun, gravity knife, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chukka sticks, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken or "Kung Fu star". Possession of any BB or pellet gun in NYC is illegal. Any questions about weapons on campus should be directed to the Director of Campus Safety.

## Security in the Residence Hall

The Departments of Campus Safety and Residence Life are committed to providing a safe environment in the Residence Halls. Students are advised of any safety concerns and provided with information on crime prevention through brochures, pamphlets and floor meetings with Resident Assistants. While there are many safeguards in place for Residence Hall students, each student must do his/her part to help maintain a safe and secure environment by adhering to related policies and procedures. The Resident Directors and Resident Assistants supervise the Residence Halls. Resident Directors (RDs) are professional staff who live in the Residence Halls. Resident Assistants (RAs) are assigned to each residence building. All RAs receive extensive training in enforcing safety and security policies and awareness of potential safety hazards and concerns.

There are uniformed security officers on duty in the main lobby of the residence halls 24 hours a day, seven days a week. It is their responsibility to check Identification Cards (ID) and register guests and visitors in compliance with Residence Life policy. Residents must produce their ID every time they enter the hall and scan in. Residence Hall students should always be alert to their surroundings, especially when traveling to and from the buildings. Residence Life and Campus Safety staff will act as needed to discourage, prevent, correct, and discipline behavior that violates Residence Hall policy. The College will investigate allegations of unlawful discrimination based on race, color, national origin, religion, age, sex, disability or marital status. Allegations of unlawful discrimination can be discussed with the Director of Residence Life or the Dean for Students.

The Facilities Department maintains the campus buildings and grounds with a concern for safety and security. It inspects campus facilities regularly, makes repairs if needed, and responds to reports of potential safety hazards. Those with concerns about the physical safety of campus buildings and grounds can call the Facilities Office at 212-517-0449, Monday through Friday, 8:00 AM to 4:30 PM. For emergencies that occur during non-business hours contact Campus Safety at **212-517-0411**.

There are no off-campus/non-campus student organizations nor off campus/non-campus student organization housing facilities affiliated with or recognized by MMC, therefore the monitoring or recording through local police agencies of criminal activity by students at these locations is not applicable to MMC.

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**Missing Student Notification Procedures**

The Clery Act and New York State Education Law Chapter 129A, section 6434, requires Colleges and Universities to adopt and implement plans for the investigation of reports of missing students occurring on the grounds of the College. For the purpose of this plan the term "missing student" shall refer to any MMC student who resides in a facility owned or operated by MMC who has not been seen by friends or associates for a reasonable length of time. The College will investigate once advised a student is missing with no reasonable explanation for their absence.

When a resident student cannot be located for a period of 24 hours or less, as warranted, the Director of Campus Safety, Director of Residence Life, and Dean of Students will be notified to commence an investigation. This process will include interviews of friends, students, family, professors and staff, a check of College records and a search of the facilities. If after these efforts the resident is not located or contacted, the NYPD will be notified, within 24 hours of the report, to conduct an official police investigation. MMC will continue to assist in the investigation as necessary.

Every student living in an MMC Residence Hall has an option to register a confidential contact person. This individual will be notified if the resident is deemed missing, and only authorized College officials and law enforcement will have access to this information in furtherance of an investigation. MMC will notify a custodial parent or guardian if a missing student is less than 18 years of age and not emancipated, in addition to any

additional contact person designated by the student. You can register a confidential contact person via the Office of Residence Life. Anyone having concern about the safety or well-being of a resident student should notify Campus Safety, an RA, RD, or any other member of the Residence Life staff. The College will investigate such instances when there is a concern the resident may be in physical danger, injured, or ill.

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**Policy on Drugs and Alcohol** *(excerpted from the MMC Student Handbook)*

MMC adheres to the following concerning Illegal Drugs-

1. The College strictly prohibits the unlawful possession, use or distribution of illicit drugs on College premises or at College activities.
2. The unlawful possession, use, or distribution of drugs, illegal or unauthorized prescription drugs, or drug paraphernalia on College premises by any student may result in suspension or expulsion.
3. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription.

4. The College will take disciplinary action, up to and including expulsion, against any student found to be unlawfully using, possessing, or distributing drugs on the premises.

Faculty, staff and students should be aware that in addition to College sanctions they may be subject to federal and state laws that specify fines or imprisonment for conviction of drug-related offenses. Where appropriate or necessary the College will fully cooperate with law enforcement relative to any such investigations.

### Alcohol

The impact of excessive and underage drinking and other forms of substance abuse are present in college communities across the country. The legal age for drinking alcoholic beverages in New York State is twenty-

one (21) years of age. It is prohibited in New York State to sell or give away alcoholic beverages to anyone under the age of 21 years.

The College prohibits the unlawful possession, use, manufacture, or distribution of alcohol while on College property, in residence halls, or while participating in College-sponsored activities or conducting College business off-premises. Alcoholic beverages are prohibited at all student events sponsored by students or by the Division of Student Affairs.

Any actions taken by an individual that involves the forced consumption of alcohol or drugs for the purpose of initiation into or affiliation with any group or organization or for any other reason, is a violation of NYS law and a serious violation of College policy. **At the Residence Halls, no individual, regardless of age, may possess and/or consume alcoholic beverages.**

Anyone in need of assistance with respect to questions or personal problems regarding alcohol or other drugs should contact the MMC Counseling and Wellness Center at 212-774-0700. A description of alcohol and other drug programs appears in the MMC Handbook.

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

The College educates students about alcohol and drug use through specific programs throughout the year in the residence halls and through published information and other services offered by the Counseling and Wellness Center (212-774-0700). At new student orientation all new students participate in a session on Alcohol and Drug Prevention.

Students who wish to discuss in confidence matters related to drug and alcohol abuse are encouraged to contact the College's Counseling and Wellness Center (CWC) [(212) 774-0700]. Counselors provide short-term counseling and community resources for students needing specialized substance abuse treatment.

### Did You Know?

- In 1 of 3 reported sexual assaults the perpetrator was intoxicated
- Overall, at least 50% of reported college student sexual assaults are associated with alcohol use
- **90% of reported acquaintance rapes involve alcohol use**

The Counseling and Wellness Center also administers the AUDIT, an alcohol abuse assessment instrument, to all clients, and provides a psycho-educational program for students who have concerns and questions about alcohol and other drug abuse. CWC bulletin boards contain wallet card handouts explaining how to recognize an overdose and how to intervene. CWC's web site (<http://www.mmm.edu/offices/counseling-and-wellness-center/>) contains extensive information and resources associated with substance abuse issues. Halloween Harm Reduction is an event led by a CWC-supervised peer educator group that provides information on harm reduction. CWC conducts a Wellness Fair in February providing information about alcohol and drug abuse and AUDIT assessments.

### Department of Residence Life Programs

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

- a) RA Training - Resident Advisors are trained on recognition, use/abuse, and response regarding illegal and prescription drugs.
- b) Digital Signage Passive Programing - Good Samaritan policy is displayed on the digital sign in the lobby explaining how students should seek help for others in need of assistance due to intoxication.
- c) Passive Programing - Alcohol, drug use and safety information displayed on all bulletin boards.
  
- d) Smart Decisions - Sanctions for alcohol and drug offenses include a "Smart Decisions" session, a one-on-one response-based meeting exploring the impact of drug and alcohol use on the student, family, relationships, and community, and uses motivational interviewing and harm reduction techniques to discuss how the student makes their decisions around drugs and alcohol.

### RA Programs

- "Shirley Temples & Arnold Palmers" - Details drinking statistics in college.
  - "Mocktails Party"- Details the statistics about alcohol abuse.
- "Cope with Hope"- Details the challenges of using alcohol to cope with depression.
- "Beer Goggle Olympics"- Simulates having impaired judgment when under the influence of alcohol.
  
- "Drunk Busters"- Details myths regarding alcohol and alcohol consumption.
- "Trivia night (Prescription pill trivia)"- Details abuse of ADHD medicine and other prescription pills
- "Prescription Drug"- Educates students on prescription drug terminology and facts/fiction of pill use and abuse.

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

domestic violence, dating violence, stalking or sexual assault to the College's officials. A bystander acting in good faith or a Reporting Individual acting in good faith who discloses any incident of domestic violence, dating violence, stalking or sexual assault to Marymount Manhattan College's officials or law enforcement will not be subject to the college's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence stalking or sexual assault.

### **The Active Bystander**

What is an Active Bystander? Every day we witness many things (both good and not so good). This makes us all bystanders. We also make decisions about how to respond to what we see. Our choices can turn us into active bystanders.

An active bystander witnesses an act that is harmful (such as name-calling, derogatory joke-telling, rumors, property damage or physical violence) or potentially harmful (such as "hitting on" someone who is too drunk or

otherwise incapacitated to consent) and doesn't just passively observe or walk away. An active bystander **DOES SOMETHING ABOUT IT!**

The vast majority of college sexual assaults involve the consumption of alcohol and/or drugs. You can actively help prevent a sexual assault before it occurs and keep your friends or others safe. People often don't intervene because they assume a situation isn't a problem, feel it is none of their business or think someone else will do something. A person might even feel their own safety is at risk. At the very least, you can speak up. A conversation will help determine if an ambiguous situation requires help.

Most college sexual assaults involve a male perpetrator, female victim, and alcohol. If you are ever in a setting where you observe an intoxicated female being led to an isolated room or area by a male or group of males - that would be the opportune time for an active bystander to get involved, and possibly prevent a sexual assault. Simply checking in with someone can stop the momentum of something bad happening. In order to create a safer community everyone can take steps to be an active bystander.

If you are out with friends and someone is intoxicated –

***DON'T*** leave them alone with strangers or other acquaintances.

*Get involved.*

*Get them home safely.*

***DO THE RIGHT THING.***

### **Ask yourself, 'If I were in this situation, would I want someone to help me?'**

- Consider whether the situation demands some action. Do you feel a responsibility to act?
- Choose what form of assistance you can use to intervene
- Have someone with you if you intervene or just call for help
- Even small interventions can make a big difference in a questionable situation.
- Saying something or just checking in with a person can stop the momentum of a possible assault

- *Never put yourself in a dangerous situation* - use your cell phone (or any phone) to contact campus security or call 9-1-1

### **Worried about reporting the incident because drugs and/or alcohol were involved ?**

A reporter of sexual misconduct or a bystander who reports a sexual misconduct incident to College officials or law enforcement will not be found responsible for violations of alcohol and/or drug use policies occurring at or near the time of the sexual misconduct incident.

### **Help Create a Safer Community.**

#### **Do You Know?**

- ✓ Active bystanders can intervene before sexual assault occurs
- ✓ Active bystanders can address sexist attitudes to combat behavior that supports sexual violence
- ✓ Active bystanders are pro-social and intervene in ways that impact the outcome positively
- ✓ Active bystanders influence their peer group and community

A bystander acting in good faith or a Reporting Individual acting in good faith who discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Marymount Manhattan

College's officials or law enforcement will not be subject to the College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.

### **Campus Sexual Violence Elimination Act**

#### **Sexual Assault, Domestic Violence, Dating Violence and Stalking**

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

*Marymount Manhattan College prohibits and strongly condemns these acts and will not tolerate retaliation against any individual who reports or is the victim of such crimes. Violators of this policy will be subject to disciplinary action including, but not limited to, termination of employment, expulsion, and/or termination of existing contractual relationships with the College.*

**Sexual Misconduct** is conduct of a sexual nature that is committed without valid consent, including sexual assault and sexual harassment. Sexual misconduct may occur between people of the same sex or between people of different sexes and regardless of gender expression or identity. Sexual misconduct can include both intentional

conduct and conduct that results in negative effects, even if those negative effects were unintended. Sexual misconduct can also include retaliation in connection with an individual's report under this policy.

## **Reporting Sexual Misconduct to the College**

MMC encourages anyone who has experienced sexual violence, dating violence, domestic violence or stalking to report the matter to law enforcement. Any student or employee of MMC reporting they have been a victim of domestic violence, dating violence, sexual assault or stalking, whether it occurred on or off-campus, should report the incident and shall be provided with a written explanation of their rights and options. MMC will treat any investigation, identity of victims or other involved parties, accommodations, protective measures, and other information pertaining to any reported incident confidentially.

To make a report contact any of the following offices:

Title IX Coordinator	(212) 517-0562	Room 307 Main
Campus Safety	(212) 517-0411	any security desk
Vice President for Student Affairs	(212) 774-0756	Room 807 Main
Dean of Students	(212) 774-0756	Room 807 Main
Assistant Vice President of Human Resources	(212) 517-0532	Room 305 Main

You have the right to make a report to campus security, law enforcement, choose not to report, be protected by the institution from retaliation for reporting an incident, and to receive assistance and resources from the College. We strongly encourage individuals to make reports of possible violations as soon as possible. Although the College may pursue a report at any time, delays make it more difficult to gather relevant and reliable information.

MMC will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal, visa and immigration assistance, and other services available to victims, both at the College or in the public sector.

Whenever possible MMC will attempt to obtain the consent of a Reporting Individual before an investigation is conducted. If you don't give your consent your request will be honored unless it is determined that conducting an investigation is necessary to mitigate a potential risk of harm to you or the College community. Should it be determined that an investigation is necessary you will be informed of this decision. You are not obligated to participate in the investigation. Reporters of sexual misconduct have the right to withdraw a complaint or involvement from the College process at any time.

## **Sexual Assault**

Incidents of sexual assault including rape, sexual abuse, sodomy and forcible touching constitute crimes and are prohibited by New York State law. MMC strongly condemns sexual assault and criminal assault in any form. *If you are a victim of a sexual assault you need to protect yourself - seek help and report it.*

## **College Campuses and Sexual Assault**

*The vast majority of sexual assaults experienced by college students occur in situations involving drinking by the victim, the assailant, or both. You should know:*

- Every sixty seconds someone is sexually assaulted.
- One of every five dates ends up in a sexual assault.
- Seven of ten rapes are committed by someone the victim knows.

- Being raped is never the victim's fault.
- Most college students (85%) sexually assaulted are victimized by someone they know.
- Although rapes committed by strangers do occur, acquaintance rape is by far the more prevalent form of sexual violence among college students.

### Non-Stranger Sexual Assault

Date or acquaintance sexual assaults occur when you are forced or manipulated into having sex against your will. **Be aware of the impact of alcohol and other drugs on your judgment and that of your date.** These drugs often play a role in sexual assault.

#### Risk Reduction

##### *Remember ...*

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

### Sexual Assault by a Stranger

Make it a practice to always be aware of your surroundings and never put yourself in an unsafe situation.

#### Risk Reduction

##### *Remember...*

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



## **Sex Offenses – Consent**

You must have consent to engage in any and all sexual behaviors with your partner. **Consent is hearing the word “yes.” It is not the absence of hearing “no.” It’s the LAW.** It is an element of every offense defined in

Article 130 of the NY State Penal Law - SEX OFFENSES, that the sexual act was committed without consent of the victim.

### **Consent** (from the MMC Policy on Sexual Misconduct, Sexual Assault, Stalking, and Relationship Violence (Revised 8.14.15))

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

### **Lack of Consent Results From**

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

### **Mentally Disabled**

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

**Mentally Incapacitated**

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

**Physically Helpless**

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

**Forcible Compulsion**

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

**Sex Offenses**

The following is a listing of sex offenses taken from the New York State Penal Law. All are crimes in New York State and are punishable by imprisonment, fines or both:

Section

130.20- Sexual Misconduct.

130.25- Rape in the third degree.

130.30 -Rape in the second degree.

130.35- Rape in the first degree.

130.40 -Sodomy in the third degree.

130.45 - Sodomy in the second degree.

130.50- Sodomy in the first degree.

130.52- Forcible touching.

130.55- Sexual abuse in the third degree.

130.60- Sexual abuse in the second degree

130.65 -Sexual abuse in the first degree.

130.65a Aggravated Sexual Abuse in the third degree.

130.66 Aggravated sexual abuse in the third degree

130.67 Aggravated sexual abuse in the second degree

130.70 Aggravated sexual abuse in the second degree

130.90 Facilitating a sex offense with a controlled substance

The following represent the penalties for the commission of certain sex offenses in New York State:

Sexual Misconduct	1 year
Rape 3	Up to 4 years
Rape 2	Up to 7 years
Rape 1	6-25 years
Sodomy 3	Up to 4 years
Sodomy 2	Up to 7 years
Sodomy 1	6-25 years
Sex Abuse 3	Up to 3 months

Sex Abuse 2  
Sex Abuse 1

1 year  
Up to 7 years

\*\*\*\*\*

### Campus Sex Crimes Prevention Act

On July 25, 1995 Governor George E. Pataki signed into law Chapter 192 of the Laws of 1995 (the Sex Offender Registration Act -SORA) also known as Megan's Law. This law established a Sex Offender Registry within the New York State Division of Criminal Justice Services. This legislation was enacted to assist local law enforcement agencies protect communities by requiring sex offenders to register with the State, and to provide information to the public about certain sex offenders residing in their communities.

### Sex Offender Registry Information Line

The New York State Sex Offender Registration Act established an 800 telephone number which employers, parents, students and the general public can call to determine whether an individual is a convicted sex offender who is required to register. To request information call the SEX OFFENDER REGISTRY INFORMATION LINE at 1-800-262-3257 24 hours a day, 7 days a week. You must be 18 years old and provide your name, address and telephone number. Anyone is able to check a sub-directory of High Risk Sex Offenders on-line via the New York State Sex Offender website at <http://www.criminaljustice.ny.gov/nsor/>.

### Domestic Violence

Domestic and Dating Violence impacts everyone, regardless of age, race, religion, sexual orientation or occupation. Domestic violence is when one person does a variety of things to control another person in an intimate relationship. Often people wonder if what is happening to them is domestic violence because their partner has never hit them. Physical abuse is probably what most people think of when they think about domestic violence, but it is just one of the many ways that your partner might try to gain power and control in your relationship. Domestic violence is intended to harm the physical and/or mental well-being of the victim and can be psychological, physical, economic or sexual in nature. Domestic violence is rarely an isolated incident - it is a pattern of coercive behavior intended to exert control and domination by the offender over the victim. MMC strongly condemns acts of domestic violence in any form. ***If you are a victim of domestic violence, especially physical abuse, you need to protect yourself and report it.***

*The term "domestic violence" includes felony or misdemeanor crimes of violence committed -*

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

Domestic violence incidents can often escalate in frequency and severity. Often in the early stages, the victim may not even realize they are in an abusive relationship. By the time the victim does realize it, there are often many barriers to leaving. Without outside intervention to protect the victim, stop the violence, and hold the abuser accountable, the results can be serious physical or emotional injury or death. Domestic violence harms everyone in a family, a household, neighborhood, a community and our society as a whole.

Risk Reduction - Remember...

- You are not alone. Anyone can be a victim of domestic violence.
- Help is available.
- It is against the law to physically hurt a member of your household.
- Once it begins, domestic violence often only gets worse.
- Domestic Violence often increases or begins during pregnancy.
- Children who witness domestic violence may become anxious, depressed, or aggressive. They may also have trouble in school.

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Dating Violence (42 USC 13925)

MMC strongly condemns acts of dating violence in any form. The term ‘dating violence’ means:

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- The existence of such a relationship shall be determined based on-
  1. The reporting party’s statement with consideration of the length of the relationship.
  2. The type of relationship.
  3. The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. ***If you are a victim of dating violence you need to protect yourself and report it.***

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Stalking

Anyone can be a victim of stalking. People who engage in stalking behavior can be a former intimate partner, stranger, acquaintance, relative, spouse, etc. MMC strongly condemns acts of stalking in any form. ***If you are a victim of stalking you need to protect yourself and report it.***

What is Stalking? (NYS Penal Law 140.20)

Stalking involves intentional and repeated actions that place an individual in reasonable fear for their safety, the safety of others, or to suffer substantial emotional distress. Stalking is a course of conduct used to maintain contact with, or exercise power and control over another individual. Stalking is a crime, and if you are a victim, you can get help.

A person is guilty of stalking when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person and knows or reasonably should know that such conduct:

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

### **Things you should know about Stalking**

1. Stalking is a crime.
2. Stalking can happen to anyone- not just celebrities.
3. Stalking happens to many people.
4. Stalking can be very dangerous.
5. Stalking is harmful and intrusive.
6. Stalking can occur during, after, or in the absence of a relationship.
7. Computers, cell phones, etc. can be used to stalk.
8. Help is available, but you must be willing to seek it out.

### **Stalking is committed when a person-**

Intentionally, for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct is likely to, or does, cause a particular type of fear or harm. Simply stated, whatever intentional actions he or she does with the purpose of putting you in fear can be considered stalking.

### **You are being Stalked if someone is-**

- Repeatedly following or spying on you
- Repeatedly calling your home and/or work
- Repeatedly sending unwanted e-mails, letters, faxes, etc.

- Leaving unwanted gifts or items for you
- Vandalizing or damaging your property
- Threatening you or someone close to you
- Repeatedly showing up for no legitimate purpose at places you go to

**What to do if you are being Stalked**

1. ***Notify Campus Safety.***
2. File a police report.
3. Document all incidents of possible stalking.
4. Keep a log of incidents, including dates, times, what happened, and the names of any witnesses.
5. Keep e-mails, letters, faxes, items left for you, etc.
6. Save any packages, letters, messages, or gifts from the stalker.
7. If you decide not to pursue prosecution now, you may change your mind in the future.
8. Documentation of every incident makes for a stronger case.
  
9. If you have an Order of Protection make several copies, carry a copy with you at all times, and notify Campus Safety about the order.
10. Inform people you know that you are being stalked so that the stalker cannot get information about you from them.
11. If you have a picture of the stalker make copies and give them to people you know at the places you frequent.

**If You Are the Victim of a Sexual Assault, Rape, Domestic Violence, Dating Violence, or a Stalking Incident Occurring On or Off Campus**

1. Get to a safe location.

**Take time to take care of yourself.**

*The aftermath of a sexual assault will be overwhelming.*

*Understand your options for reporting an assault to MMC Campus Safety and/or the police.*

*Ask for assistance or help from campus resources at MMC; we are here to help you.*

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*Remember, no matter when or where the assault occurred, support and referral resources are available. Medical and Counseling assistance is available through the MMC Health Center and the Counseling and Wellness Center.*

*Reporting a sexual assault may help prevent another assault and is the best option to be sure you receive the physical safety, emotional support, and medical care that you need.*

*Filing a report will ensure a timely investigation and response is initiated.*

*The preservation of evidence is very important. This could substantiate that the assault occurred and may be helpful in obtaining an order of protection.*

1. For incidents occurring on campus ***immediately report the incident*** to Campus Safety at 212-517-0411 or to any security officer.
2. For incidents occurring off campus **call 911 immediately for help**. A notification to Campus Safety should also be made.
3. MMC will assist any victim with making notifications to the proper authorities (law enforcement, medical assistance, etc.). Victims may decline to notify MMC Campus Safety or law enforcement without consequence. You have the option of being assisted in notifying such authorities if you choose so.
4. If you prefer you can go on your own to an emergency room that has a SAFE Center of Excellence where staffs are specially trained to care for, counsel victims and collect evidence.
5. If you suspect that you were given any type of drug, you should be tested within 24 hours of ingestion. Advise law enforcement and medical staff of this possibility.
6. If the incident occurs in an MMC residence hall you can notify an RA or RD if you prefer.
7. You are not responsible for crimes committed against you and such crimes should always be reported. Reach out for support - talk to
8. someone you trust.
9. Seek medical attention. A hospital visit will be required and timely follow-up medical (within 96 hours) care is crucially important for victims of sexual assault. You may need to be tested for sexually transmitted diseases or pregnancy.
10. It is extremely important to preserve any evidence available. Do not wash, douche, change clothing, brush your teeth or hair, or otherwise clean up. Bring a full change of clothing to the hospital. Clothes worn at
11. the time of the attack may be kept as evidence. An ER nurse will complete a rape evidence collection kit and treat any injuries that you may have sustained. The kit can be analyzed later, if necessary.
12. Victims can provide information to Campus Safety and choose either criminal prosecution and/or a referral for on-campus discipline. Every
13. effort will be made to ensure the confidentiality of all reports.
14. You have the right to be treated with dignity and professionalism by College staff. No employee, officer, or agent of MMC shall harm, retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under federal law (Clery Act, Title IX, etc.).
15. Filing a report with Campus Safety will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. You may report and prosecute your case through the College Judicial System and/or the Criminal Justice System under New York State Law. You have the right to refuse all these options without reproach from any College official. Filing a report will -
  - Ensures a victim of sexual assault receives the necessary medical treatment and tests at no expense
  - Provide the opportunity to collect evidence helpful in prosecution which cannot be obtained later
  - Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention
  - A College representative will guide and support the victim through available options

**Rights, Options and Resources for Individuals who Report Sexual Misconduct** (from the MMC publication *You Are Not Alone - Rights and Options for Individuals who Report Sexual Misconduct*)

1. You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to the College; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College.
2. If you wish to go forward with one or more of the options as set forth above, please note the differing standards of proof required in different proceedings. The College employs a “preponderance of the evidence standard,” meaning that the College will determine that its Sexual Misconduct Policy has been violated if it is more likely than not that the Policy was violated. To the contrary, the criminal justice system employs the heightened “beyond a reasonable doubt” standard. Both standards of proof serve the purposes of the respective institutions.
3. No matter your choice and even if you elect not to pursue any claim, it is important to preserve all evidence should you wish to later pursue a claim as set forth above. If you have been the victim of a sexual assault, then you should obtain a Sexual Assault Forensic Examination as soon as possible and, if possible, before washing yourself or your clothing. The following institution provides Sexual Assault Forensic Examinations, which are generally available twenty-four (24) hours per day, seven (7) days per week: Mount Sinai Beth Israel, First Avenue at 16th Street, New York, NY 10003, telephone: 212/420-2000.
4. Generally, if you go to the hospital, then local police will be called, but you are not obligated to talk to the police or to pursue prosecution. If you are interested in initiating proceedings in family court or civil court, we suggest that you contact The Legal Aid Society (Telephone Number: 212/577-3300) or visit [LawHelpNY.org](http://LawHelpNY.org) to speak with a trained legal professional.
5. You have the right to file a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance. Reports shall be investigated in accordance with institution policy and a reporting individual’s identity shall remain private at all times if said reporting individual wishes to maintain privacy.
6. Disclose if the accused is an employee of the institution, the incident to the institution’s human resources authority or the right to request that a confidential or private employee assist in reporting to the appropriate human resources authority.
7. Receive assistance from appropriate institution representatives in initiating legal proceedings in family or civil court and:
8. Withdraw a complaint or involvement from the institution process at any time.



### Additional Information for Victims

- Both the accuser and the accused are entitled to the same opportunity to have others present during a campus disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. MMC may establish restrictions, equally applied to both parties, regarding the extent to which the advisor may participate in such proceedings. Advisors provide the accuser or accused support, guidance, or advice.
- MMC will provide a prompt, fair, and impartial proceeding (investigation and resolution).  
*Proceeding:* All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings.

Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

*Result:* Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

### Proceedings

- Investigations will normally commence within 24 hours of the College being notified. Proceedings will be conducted in a timely fashion, normally within 60 days, unless an extension for good cause is required. The accuser and accused will be advised in writing of any delay in proceedings and the reason for such.
- Conducted in a professional manner that are consistent with MMC's policies and transparent to the accuser and accused
- Include timely notice of meetings at which the accuser or accused, or both, may be present; and
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- Are conducted by officials who do not have a conflict of interest or bias for or against the accuser or accused
- Will be conducted by College officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- The accuser and accused will be given advance notice of any meetings that they may attend relative to the investigation, as well as any information that may be used after the fact finding investigation or during formal and informal disciplinary meetings and hearings.
- You will be notified if the accused is prohibited from contacting you or entering your Residence Hall.
- Both the accuser and the accused shall be simultaneously informed, in writing, of the outcome of any disciplinary proceeding alleging sexual assault, domestic violence, dating violence, or stalking, any change to the results that occurs prior to the time such results become final, and when such results become final. Compliance with these provisions does not constitute a violation section 444 of the General Education Provisions Act (20USC 1232g), commonly known as the *Family Educational Rights and Privacy Act of 1974 (FERPA)*. For the purpose of this paragraph, the outcome of a disciplinary proceeding means only the
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institution's final determination with respect to the alleged offense and any sanction that is imposed against the accused.

### **Protective Measures for Victims**

- You may be eligible to be issued an order of protection from the courts. If you need assistance in obtaining an order of protection or have obtained one already, please contact the Director of Campus Safety at 212-517-0685. This will ensure MMC is aware of your protection order so that additional protective measures can be taken, if needed (escorts, restrictions on building access, academic schedule concerns, working situations, medical and mental health services, etc.) regardless of whether a report is made with Campus Safety or the police.
- MMC will provide any victim with written notification about options for, and assistance in changing academic, living, transportation, and working situations, regardless of whether you choose to report the crime to Campus Safety or law enforcement. The College will make such accommodations if they are requested and if they are reasonably available.
- Prior to resolution of any alleged charges, a student's status may be altered and the right to be on campus and to attend classes may be suspended at the discretion of the Vice President for Student Affairs. This may occur where the student constitutes an immediate threat to the security or emotional safety and well-being of members of the College community, guests or College property.

**Students Bill of Rights** (*from the MMC Policy on Sexual Misconduct, Sexual Assault, Stalking, and Relationship Violence and the MMC publication for victims; Revised 8.14.15*). All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the Reporting Individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or

- their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
  10. Be accompanied by an advisor of choice who may assist and advise a Reporting Individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
  11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.
  12. Receive resources, such as counseling and medical attention.
  13. Confidentially or anonymously disclose a crime or violation to confidential resources.
- 
14. Make a report to an employee with the authority to address complaints, including the Title IX Coordinator, Director of Human Resources, Campus Security, Local Law Enforcement, and/or Family or Civil Court.
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15. Receive reasonable accommodations in academic, living, or working environments.

### **Title IX**

Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. The Title IX Coordinator provides advice and oversight on policies, preventive educational programs, resources and services required under Title IX. They oversee and investigate all complaints of sexual harassment and sexual violence, as well as identifying and addressing any patterns or systematic problems that arise during the review of complaints. All employees of Marymount Manhattan College are considered “Responsible Employees”, meaning that if you become aware any reports of sexual misconduct (directly or indirectly) it is your obligation to report the information to the Title IX Coordinator.

### **Title IX Coordinator**

All inquiries concerning the application of policies for the prevention of sexual harassment and sexual violence under Title IX can be reported to the MMC Title IX Coordinator at 212-517-0562, Main Building room 307D.

### **Procedures for Campus Disciplinary Actions and Investigation of Reports of Sexual Misconduct (Sexual Assault, Rape, Domestic Violence, Dating Violence, Stalking or Sexual Harassment)**

*(from the MMC Policy on Sexual Misconduct, Sexual Assault, Stalking, and Relationship Violence, Revised 8.14.15).* MMC is committed to ensuring all reports of sexual misconduct are promptly and thoroughly investigated.

### **A. Initial Review**

When the College receives a complaint or otherwise learns of a concern about sexual misconduct, domestic violence, dating violence and/or stalking, it will review the matter to determine if the behavior, as reported, would violate MMC policies. If so, MMC will determine how to address the matter, as provided for below.

### **B. Decision to Proceed with Investigation**

If the Reporting Individual is willing to participate in the review and investigation process, the College will proceed as described in the Investigation section below. If the Reporting Individual requests confidentiality or asks that the report of sexual misconduct not be pursued, the College will, generally before taking any further investigative steps, forward that information, along with all available information about the report, to the Title IX Team. The Title IX team comprises senior administrators, faculty and staff at the College who meet regularly to respond to complaints, identify and address compliance issues, review College policies and procedures, and monitor campus culture surrounding sexual and gender violence.

Even in those instances in which the Reporting Individual does not wish to be involved in the process, interim measures and resources continue to be available (see Section J, below, Interim Measures).

The Title IX Team is charged with balancing the College's tradition of supporting survivor-centered practices with the College's equally strong commitments to providing due process to the Responding Individual and promoting a safe community. Specifically, the Title IX Team members will provide information and advice to the Title IX Coordinator regarding:

1. Their perspectives on whether, how, and to what extent, College should further investigate the report of sexual misconduct;
2. What steps may be possible or appropriate when a Responding Individual is unknown; and
3. What other measures or remedies might be considered to address any effects of the reported sexual misconduct on the campus community. In all cases, the final decision on whether, how, and to what extent the College will conduct an investigation, and whether other measures will be taken in connection with any allegation of sexual misconduct, rests solely with the Title IX Coordinator.

### **C. Notification of Charges**

The Reporting Individual and the Responding Individual shall be notified that the Responding Individual is the subject of a complaint when it is determined that an investigation is warranted. Charges may be presented to the Responding Individual in person, by placement in the individual's residence hall or work mailbox, by email to

the Responding Individual's official College email address or by mail to the Responding Individual's local or permanent address.

### **D. Investigation**

The Title IX Coordinator and/or Assistant Vice President for Human Resources or designee will appoint an internal and/or external investigator to conduct a prompt, thorough and impartial investigation of the complaint. This investigation consists of (but will not necessarily be limited to) separate interviews of the Reporting Individual, the Responding Individual, other individuals who may have witnessed the reported incident or incidents or have

other relevant information, and a review of any relevant documents, photographs or other materials. In addition to their interview, the Reporting Individual and Responding Individual may provide a written statement or supporting

materials or identify other potential witnesses regarding the matter under review. At the completion of the investigation, the investigator will provide an investigation report to the Title IX Coordinator.

#### **E. Rights of Persons Reporting and Responding to Sexual Misconduct Complaints**

Both Reporting and Responding Individuals shall have the right to participate in proceedings that are in accordance with College rules. Each shall have the right to receive written or electronic notice of any meeting or hearing they are required to or are eligible to attend. They have the right to review evidence in the case file maintained by the College. They may provide testimony via alternative arrangements such as telephone or videoconferencing to lessen confrontations. Prior sexual history or past mental health history shall be excluded in determining responsibility but may be considered in imposing an appropriate sanction. These and other rights are set forth below.

#### **F. Advisors**

Both the Reporting and Responding Individuals each may have an advisor of their choosing throughout the processes set forth in this policy. The advisor may be an attorney. The advisor may privately counsel the Reporting and Responding Individuals, but may not speak on behalf of their advisee or otherwise actively participate in the investigation process.

#### **G. Standard of Proof**

The investigator's findings will be made using the "*preponderance of the evidence standard.*" This standard requires that the information supporting a finding that the policy was violated be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have engaged in behavior that violates the policy unless a preponderance of the evidence supports a finding that such behavior occurred.

#### **H. Findings and Outcomes**

If the investigation determines that the policy was violated, the College will act promptly to eliminate the offending conduct, prevent its recurrence and address its effects, which may include sanctions/discipline, where appropriate. The Vice President for Student Affairs or Assistant Vice President for Human Resources or designee, in consultation with the Title IX Coordinator and appropriate senior administrators, will determine the appropriate sanctions and interventions based on the totality of the circumstances. Reporting Individuals and Responding Individuals each have the right to present, within five (5) days of notification of whether this policy was violated, an impact statement to the Title IX Coordinator to be considered during the sanction process.

In those instances in which the underlying behavior occurred, but did not constitute a violation of this policy (e.g., the behavior was not sufficiently severe, persistent or pervasive as to constitute sexual harassment or did

not meet the definition of domestic violence, dating violence or stalking), the College may still impose sanctions or take disciplinary action intended to stop the offending behavior when the misconduct violates the Code of Conduct. Such action may include any of the sanctions listed below, and will be reasonably calculated to stop the offending behavior.

### **Sanctions**

The Vice President for Student Affairs or Assistant Vice President for Human Resources or designee, in consultation with the Title IX Coordinator and appropriate senior administrators, will determine the appropriate sanctions and interventions based on the totality of the circumstances. Reporting Individuals and Responding Individuals each have the right to present, within five (5) days of notification of whether this policy was violated, an impact statement to the Title IX Coordinator to be considered during the sanction process.

In those instances in which the underlying behavior occurred, but did not constitute a violation of this policy (e.g., the behavior was not sufficiently severe, persistent or pervasive as to constitute sexual harassment or did not meet the definition of domestic violence, dating violence or stalking), the College may still impose sanctions or take disciplinary action intended to stop the offending behavior when the misconduct violates the Code of Conduct. Such action may include any of the sanctions listed below, and will be reasonably calculated to stop the offending behavior.

1. **Notice of Outcome** - Notice of the outcome will be provided in writing to the Reporting and Responding Individuals simultaneously.
2. **Student Sanctions** - Students found in violation of the policy are subject to sanctions or interventions that may include, but are not limited to one or more of the following:

- a. **Written Notice:** A written notice stating that a student’s conduct is in violation of the Policy. Subsequent violations may result in the imposition of additional sanctions.
  
- b. **Disciplinary Probation:** Levied for a specific period of time based on the seriousness of the case. Disciplinary Probation constitutes a loss of good standing at the College, and serves as a warning that any further violation of the Policy may result in the imposition of additional sanctions, including suspension or expulsion.
  
- c. **Restitution:** Reimbursement in the amount of the cost to replace or repair stolen or damaged property of the College, the Reporting Individual or another person, or to cover certain expenses of the Reporting Individual.
  
- d. **Educational Sanctions/Imposition of Special Conditions:** Assignment of an educational task appropriate to the circumstances of the case. Special conditions may include completion of training or educational programs, an educational project, service hours on campus or in the community; compliance with a behavioral contract; removal from specific courses or activities and/or permanent no contact directives.
  
- e. **Removal from College Housing:** Placement in another room or housing unit or removal from college housing. Housing transfers or removals may be temporary or permanent depending on the circumstances.
  
- f. **Suspension:** A separation of the student from the College for a definite or indefinite period of time or until written specified conditions are met. Conditions may include a ban on visitation on the campus and/or residential housing without prior written approval from the Vice President for Student Affairs or designee. For students found responsible for committing sexual assault, the sanction shall either be immediate suspension, with any other conditions, or expulsion.
  
- g.
  - a. Written reprimand
  - b. Change in work assignment/hours
  - c. Loss of privileges (including, but not limited to loss of vacation and sabbatical)
  - d. Reduction in salary or loss of future wage increase
  - e. Mandatory training
  - f. Suspension without pay and/or termination of employment
  - g. Demotion to a lower academic rank
  - h. Loss of honorific title
  - i. Loss of chair, department, committee and/or division positions

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**Appeals**

The Reporting Individual and/or the Responding Individual may appeal the outcome of the complaint. Appeals must be made in writing and submitted to the Title IX Coordinator within 14 calendar days of the notification of the decision regarding the outcome of the case. This deadline may be delayed for good cause shown (e.g. semester break, illness, etc.) upon approval of the Title IX Coordinator.

1. Grounds for Appeal- Appeals must be based on one or more of the following circumstances:
  - A material deviation from the procedures affected the outcome of the case;
  
  - There is new and relevant information that was unavailable, with reasonable diligence and effort, at the time of the investigation, that could reasonably affect the findings; or
  - The sanctions are disproportionate to the determined violation(s).
2. Appeals Board - will consist of one faculty member and two staff members who will be appointed by the President.
3. Removal for Conflict of Interest - Appeals Board members may be removed from a particular case for cause, such as conflict of interest or bias. Requests to have an Appeal Board member removed should be made in writing to the Title IX Coordinator, describing the conflict of interest or bias that is the basis of the request.
4. Decision - The Appeals Board may consider appeals based on the circumstances above. The appeal is not a new hearing and will consist of a review of the record. Upon review, the Appeals Board may make one of the following decisions within 14 calendar days from the request for an appeal:
  - Uphold the original outcome(s);
  - Modify the sanction(s); or
  - Remand the case with corrective instructions to the investigators.

### **Orders of Protection (Restraining Order)**

An order of protection is a document issued by the court that forbids an individual from engaging in certain behavior. For example, an order of protection can forbid a person from having any contact with the victim. This means that the person can't go to the victim's home, place of employment, or school, or contact the victim via email, phone, text message or any other electronic means. An order of protection can also require an individual not to assault, threaten, harass, or stalk a victim.

**How do you obtain an order of protection?** To obtain an order of protection you must have a case pending in court. There are two places where you can obtain an order of protection: Criminal Court and Civil Court (Family Court is a Civil Court). You can go to Family Court and file a request (called a petition) for an order of protection if you and the individual who you want the order against are:

- legally married;
- divorced;
- related by blood;
- have a child in common;
- or have been in an intimate relationship

An intimate relationship does not necessarily mean a sexual relationship, but is more than just a casual acquaintance. This includes people who are or have been dating, or living together, including those who have been or are in a same-sex relationship. In Criminal Court, an order of protection can be issued regardless of the relationship between you and the person you want protection from. *In order to obtain an order of protection in*



*Criminal Court, the person must be arrested and there must be a Criminal Court case pending against them. The District Attorney's Office will request an Order of Protection from the court on your behalf.*

**How long is an order of protection valid?**

A Temporary Order of Protection usually lasts from one court date to another court date. A Final Order of Protection will be issued when there is a final disposition in the case and can last from one year to several years, depending upon the seriousness of the case. If the case is dismissed, the order of protection will end.

**How do you get a copy of your Criminal Court Order of Protection?**

After the Court issues an Order of Protection in Criminal Court, the *Witness Aid Service Unit* (WASU) of the District Attorney's Office will mail a copy of the Order of Protection to you. Make sure the District Attorney's Office has your correct address. You can also request a copy of your Criminal Court Order of Protection by contacting WASU at (212) 335-9040. WASU is located at 100 Centre Street, room 231.

**What happens if the Order of Protection is violated?**

It is a crime to violate an order of protection. If the individual violates the Order of Protection, you should 911 and report it to the police. You can also walk into the nearest precinct to report a violation. After contacting the police, you should also contact the Assistant District Attorney assigned to your case. If you don't know who

your assigned assistant is, contact WASU at (212) 335-9040 for that information. **KEEP** your Order of Protection with you at all times. If you misplace your copy of your Order of Protection you can get a copy from WASU. NYPD can also determine if a valid Order exists.

**You have order of protection, are you safe?**

An order of protection does not guarantee a victim's safety. It is extremely important to develop a safety plan. Please contact WASU at (212) 335-9040 to work with a social services worker to develop a safety plan. If you are a victim of Domestic Violence you can also call the 24 hour/toll-free Domestic Violence hotline at 1 (800) 621-HOPE (4673) for other organizations that can help you develop a safety plan.

**Is your order of protection valid outside of New York City?**

Your Order of Protection can be enforced even if you travel or move to another state. Most Orders of Protection must be given "Full Faith and Credit" in any other state, which means that your Order may be good wherever you go. Some states require that you register your order in the new state before it becomes effective. If you should move to another state, call the Clerk of the Court to determine whether or not you are required to register your Order and what steps need to be taken by you in order for it to be properly registered.

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**Sexual Harassment**

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. The College encourages reporting of all unwelcome conduct of a sexual nature, so that it can investigate as appropriate, and determine if the conduct violates [Title IX](#). Such conduct violates [Title IX](#) if:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, living environment, employment, or other participation in a College program or activity;
- b. Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's education, living environment, employment, or other participation in a College program or activity; or,
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's educational performance or creates an intimidating, hostile, offensive, or abusive environment for that individual's education, living environment, employment, or other participation in a College program or activity.

Examples may include, but are not limited to, the following: unwanted sexual statements; unwanted personal attention including [stalking](#) and cyber-[stalking](#); unwanted physical or sexual advances that would constitute sexual assault, as defined in this policy; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without the knowledge and [consent](#) of all parties involved; touching oneself sexually for others to view; and voyeurism (spying on others who are in intimate or sexual situations).

Conduct reported as sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally are more likely to create a hostile environment, a serious incident, even if isolated, can be sufficient. For example, a single instance of sexual assault can create a hostile

environment in violation of this policy. In any event, as noted above, the College encourages reporting of all unwelcome conduct of a sexual nature so that it can determine whether it violates the College's policies.

MMC will not tolerate retaliatory acts against individuals who have complained about sexual harassment. Violators of this policy will be subject to disciplinary action that may include termination of employment, expulsion, and/or termination of an existing contractual relationship with the College. If you feel you have been a victim of sexual harassment please contact the College's Title IX Coordinator at 212-517-0522.

### **College Campuses and Hate Crimes**

According to the US Department of Justice there is no place where hate crimes occur with such increasing frequency, visibility and hostility than in institutions of higher education. Hate crimes are intended to hurt and intimidate individuals because they are perceived to be different with respect to their race, color, religion, natural origin, gender, age or disability. For most students, college is the first occasion to have extensive contact with

individuals who differ from them in socially significant ways. This is especially true in residence halls where new students now live with a large extended family they do not know. Malicious behavior viewed as a prank can

escalate quickly. Writing on someone's door, leaving inappropriate phone messages, committing an assault or any other crime in conjunction with an ethnic, gender or disability related slur are classic examples of hate crimes committed on college property.

The Higher Education Opportunity Act (HEOA) requires institutions to report as a hate crime any occurrence of criminal homicide, sex offense, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation and destruction/damage/vandalism of property, or any other crime involving bodily injury reported to local law enforcement or a campus security authority that manifests evidence the victim was intentionally selected because of the perpetrator's bias against the victim.

*Possible categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. The FBI's Uniform Crime Reporting Hate Crime Collection Guidelines are the source for these definitions.*

Additionally, the New York State Legislature passed the Hate Crimes Act in the year 2000, found in the NY State Penal Law section 485. These crimes are commonly referred to as "hate crimes" or "bias crimes" because victims are intentionally selected, in whole or in part, because of their actual or perceived- race, color, national origin, ethnicity, ancestry, gender, gender identity, religion, religious practice, age, disability or sexual orientation. These crimes, motivated by an individual's hatred of any of the aforementioned, seriously impact the victim and all members of the group to which the victim belongs.

A person commits a hate crime when he or she commits a **SPECIFIED OFFENSE** or larceny-theft, simple assault, intimidation or destruction/damage/vandalism of property and either: Intentionally selects the person against whom

the offense is committed **or** intentionally commits the act or acts constituting the offense because of a belief or perception regarding the race, color, national origin, ancestry, gender identity, religion, religious practice, age, disability or sexual orientation of a person - regardless of whether the belief or perception is correct.

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

- Assault 1st, 2nd, 3rd degree
- Aggravated assault upon a person less than eleven years old
- Menacing 1st, 2nd, 3rd, degree
- Reckless endangerment 1st, 2nd degree
- Manslaughter 2nd degree, sub.1, 1st degree sub. 1,2,3,4
- Murder 2nd degree
- Stalking 1st, 2nd, 3rd, 4th degree
- Rape 1st degree, sub.1
- Criminal sexual act 1st degree
- Sexual abuse 1st degree
- Aggravated sexual abuse 1st degree, sub.1a, 2nd degree, sub.1
- Unlawful imprisonment 1st, 2nd degree

- Kidnapping 1st, 2nd degree
- Coercion 1st, 2nd degree
- Criminal trespass 1st, 2nd, 3rd degree
- Burglary 1st, 2nd, 3rd degree
- Criminal mischief 1st, 2nd, 3rd, 4th degree
- Arson 1st, 2nd, 3rd, 4th degree
- Petit larceny
- Grand larceny 1st, 2nd, 3rd, 4th degree
- Robbery 1st, 2nd, 3rd degree
- Harassment 1st degree

## Did You Know?

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

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

Aggravated harassment, sub. 1, 2, 4

\* or any attempt or conspiracy to commit any of the foregoing offenses.

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

Hate crimes are prohibited by New York State law and MMC strongly condemns these acts. *If you believe you are the victim of a hate crime you need to protect yourself - seek help and report it.*

**Reporting a Hate/Bias Incident**

No matter when or where the incident occurred, support and referral resources are available. A victim of a hate crime occurring on campus should immediately report the incident to Campus Safety at **212-517-0411**; if the incident occurred off campus call 911.

Reports may also be made to any Bias Incident Response Team member either in writing or via MMC email. MMC will assist any student with making notifications to the proper authorities. Once reported, an investigation of the incident will be conducted in a timely manner and the appropriate actions taken.

**Bias Incident Response Team**

The Bias Incident Response Team will assess and coordinate the response to bias-related campus incidents. The team will investigate reported bias-related incidents to determine whether an incident is bias-related and recommend appropriate outcomes for the incident, including the necessity of involvement from law enforcement or other outside agencies.

**Bias Incident Response Team Members**

- Vice President for Student Affairs
- Dean of Students & Diversity Officer
- Title IX Coordinator
- Director of Campus Safety
- Associate Dean for Academic Affairs
  
- VP for Institutional Advancement (serving as PR representative)
- Faculty member, recommended by the Dean of the Faculty
- Director of Human Resources

### Education and Awareness Prevention Programs

MMC educates the College community through primary prevention and awareness programs for all incoming students and new employees, as well as ongoing prevention and awareness campaigns for all students and employees. Education programs include, but are not limited to:

- a) MMC's prohibition against domestic violence, dating violence, sexual assault, and stalking
- b) The definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity
- c) Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual
- d) Information on risk reduction, warning signs of abusive behavior and how to avoid potential attacks

All new students are sent an electronic copy of the MMC Annual Security Report and the MMC Emergency Response Guide. Programs are run at mandatory freshman orientations each fall as well as other times during the academic year and are presented by College staff and outside professionals. Students are informed of personal safety services available on campus, including counseling and mental health services.

### Prevention Programs

Programs to prevent dating violence, domestic violence, sexual assault, and stalking. The programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. They also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

### Awareness Programs

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

### Bystander Intervention

Programs and trainings offering safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. They include recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

### Ongoing Prevention & Awareness Campaigns

These include programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the college/university and including information provided in campus education programs.

### Primary Prevention Programs

These include programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

### Risk Reduction Programs

These programs present options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

### Awareness and Prevention Programs to Address Sexual Assault, Domestic/Dating Violence and Stalking

During annual new student orientation students are informed about the laws relating to and the penalties applicable to the commission of such offenses. All students are encouraged to complete an online tutorial, “Sexual Violence Awareness and Prevention for Higher Education Students” during the first two months of the semester. Booklets are distributed at each program containing definitions, consent, risk reduction, bystander prevention, laws, victims’ rights and resources for assistance.

Students are also advised of the procedures at MMC for dealing with such offenses, how to report such crimes, and the availability of counseling and support for the victims of such offenses. The Division of Student Affairs, the Office of Residence Life and the Counseling and Wellness Center also coordinate annual wellness fairs, educational programs for on campus and off -campus students, passive programming and social media campaigns, which include the common circumstances relating to such offenses occurring on college campuses.

### Awareness and Prevention Programs to Address Bias/Hate Crime

During annual new student orientation students are informed about the laws relating to and the penalties applicable to the commission of such offenses. Students are advised of the procedures at MMC for dealing with such offenses, how to report such crimes, and the availability of counseling and support for victims. Details about the MMC Bias Incident Response Team are provided in orientation booklets and in the Student Handbook.

The Division of Student Affairs, the Office of Residence Life and the Counseling and Wellness Center coordinate annual wellness fairs, educational programs for residents and social media campaigns, which include the common circumstances relating to such offenses occurring on college campuses. Booklets are distributed at each program containing definitions, laws, penalties for the commission of such crimes and resources for assistance.

### Employee Training Programs

All employees are required to take training annually on Title IX, EEO and FERPA. Training for the majority of employees is online. Employees with the title of Director and/or Division Chair are required to take in-person training annually. The in-person training covers EEO, and Title IX. The training is conducted by the College’s outside counsel. All new employees are provided with a copy of the MMC Annual Security Report and the MMC Emergency Response Guide.

### **Crime Prevention Information / Programs**

Members of the College Community are urged to always secure valuables and be aware of their surroundings, whether on or off campus. Crime prevention information and literature is available year round to students and employees in brochures found at the security desks and the Main Campus first floor security office (room 105). Crime prevention information is sent out annually via the College email system to all students and employees and is contained in this Annual Security Report. Presentations are conducted annually for the Jump Start Program and for RAs during the Resident Assistants training and orientation. Crime prevention information, presentations and lectures are provided upon request for any size group across various safety and security issues, including sexual assault, domestic and dating violence, stalking, bias crimes and various other topics.

### **Operation ID / Crime Prevention Awareness Sessions**

This is a joint endeavor between the NYPD Crime Prevention Section and MMC Campus Safety, conducted twice annually. The NYPD visits MMC to register personal electronic devices (laptops, iPods, iPhones, etc.) at no charge to students, faculty or staff. This service may help recover these devices if they are ever lost or stolen. MMC security staff provides crime prevention and personal protection information to all participants.

### **Bike Registration**

The NYPD provides a bike registration program free of charge. Bicycles are marked with an identification number using an engraver and a decal is affixed to the bicycle, which is difficult to remove. In the event the bicycle is stolen and recovered, it can be traced back to the owner through the I.D. number. Speak with the Director of Campus Safety or a Security Supervisor for assistance.

### **Anonymous Tip Line**

MMC provides the College community with a means of contacting the Director of Campus Safety discretely, if needed, or to report a non-emergency issue or concern anonymously. This can be done via the tip line at 212-774-4878.

### **Safety Tips**

The following information will help protect you whether at home, work or on a college campus. You should always be alert and aware of your surroundings. The Department of Campus Safety can provide additional information on crime prevention to help protect you and your property. Share these tips with your family and friends-

### **Off Campus Living**

- Your obvious hiding places for keys are just as obvious to an attacker.
- Use only last names on mailboxes, doorbells and phone listings.
- Be prepared to enter your apartment without complications. *Have the key in your hand.*
- If a window or door has been forced or broken - don't go in - call the police immediately.
- Insure proper locks and a door viewer are installed - remember, they only offer protection when used.
- Use drapes and blinds for privacy. Make sure all windows have locks.
- Don't answer the door automatically. Request ID from all expected repair or delivery personnel.
- Never let strangers inside your apartment to use the phone. Never admit that you are home alone.
- Avoid going to a basement or laundry room alone. Have a neighbor or friend accompany you.

### **Elevator Safety**

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

### Telephone Safety

- If you receive obscene or annoying phone calls hang up immediately.
- If the calls continue report them to the police and the telephone company.
- List only your last name and initials in the phone book.
- If the call is a “wrong number” ask what number was dialed; never reveal your number or name.
- Note the number from any troublesome calls using caller ID if you have it.
- Save any harassing or threatening messages; they will be critical to any police investigation.
- Do not divulge personal information over the phone to anyone, **EVER**.

### In Your Car

- Always park in highly visible, well-lighted areas and be mindful of suspicious activity.
- Check the interior of the car before entering and lock car doors while driving.
- Keep doors locked when driving.
- Don't leave valuables or packages visible in your car.
- Have your keys ready to unlock the door and enter without delay.
- Do not stop for a stranded motorist - call the police for assistance.
- If you suspect you are being followed drive to the nearest public place, police station or fire station for help.
- Never leave house keys attached to car keys at service station or parking lots.

### In Your Room

- ***Always lock your door*** - especially if you are inside sleeping or if you plan to be out for “just a minute”.
- Don't let strangers into your room.
- Never leave messages on your door since they advertise you are away and the time you plan to return. Don't post this info on on-line social networking sites either.
- Don't give out your key to anyone - report it immediately if you lose it.
- Don't keep many valuables in your room (even if they are hidden) or leave them in plain sight.
- Purchase a laptop security cable and always keep your laptop secured.
- Have your electronic devices registered with the NYPD (available from Campus Safety).
- Consider purchasing a small dorm security safe with a security cable for valuables.
- Don't prop doors open - it's both a fire and security hazard.

### Out in Public Places

To enhance personal safety, ***especially after an evening class***, walk with friends or someone you know well.

- Always be alert and aware.
- Walk on the side of the street facing traffic.
- Avoid walking close to shrubbery, doorways and other places of concealment.
- Travel on well-lighted areas and avoid shortcuts such as alleyways.
  
- If someone bothers you don't be embarrassed to attract attention to yourself - scream or yell.
- Try to let someone know where you are going and the time you expect to return home.
- Never leave purses or valuables unattended anywhere - especially in public places or over the back of your chair in any establishment.
- Be alert when using ATM machines. Only use those at legitimate banking locations.



### Check Overpayment Scams

With overpayment and fake check scams, fraudsters play the role of buyer and target consumers selling a product or service, or they just send you a check “accidentally”. It usually works this way:

If you are selling something - the buyer "accidentally" sends you a check for more than the amount they owe you by mistake. They ask you to deposit the check into your bank account and then wire them the difference. (A deposited check can take several days or more to clear). When the original check turns out to be a fake and bounces, the victim is on the hook to pay the bank back for any money withdrawn.

You are not selling anything, but a check is “accidentally” mailed to you. The sender apologizes for sending you the check, and asks you to deposit it into your bank account. They tell you to keep a certain amount of money for your trouble and then wire them the difference. Once again, the original check bounces and you are responsible to pay the bank back for any money withdrawn. *Don't respond to any checks that just happen to arrive in your mail that you were not expecting. Fake checks can be used for any type of scam and are very popular, so be very wary of this practice.*

### Employment Scams

Employment scams generally start with a too good to be true offer—work from home and earn thousands of dollars a month, no experience needed, and finally end with the consumer out of a "job" and out of money. Whether it's a secret shopper scheme, work-from-home scam, or a phony offer of employment, job-related scams are the worst because they can dash your hopes, steal your money, and possibly your identity.

It's easy for scammers to create email, websites and online "job applications" that look very professional. Be cautious of anyone who wants to interview you only over the phone, who asks you to wire money for supplies or other upfront expenses, or who asks you to fill out an online form that asks for personal data like your social security number or bank account. Be especially cautious of offers that claim you can make big money with no experience necessary. **And, never, never, never, wire money to secure a job offer.**

### Clery Act Geography

In accordance with the “Campus Safety Act” data included in this document is presented to review crime both on campus and on the streets adjacent to the College campus. A specific breakdown of offenses occurring in College owned or controlled residence halls appear under the “Non - Campus Building or Property” category.

*The On-Campus category includes any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes. The Main / Nugent Building fall under this category.*

*The Non-Campus Building or Property category includes any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. The 55th Street and 1760 3rd Avenue Residence Halls fall under this category.*

*The Public Property category includes all public property, including thoroughfares, streets, sidewalks, and parking facilities, within or immediately adjacent to and accessible from the campus. This includes the public sidewalk, street, and opposite sidewalk on E 71st and E 72nd Streets from 2nd to 3rd Avenues and 2nd and 3<sup>rd</sup> Avenues from E 71st to E 72nd Street.*

### Definitions of Reportable Crime

The following definitions are defined in the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions for *murder; robbery; aggravated assault; burglary; motor vehicle theft; weapons: carrying, possessing, etc.; law violations; drug abuse violations; and liquor law violations* are from the Uniform Crime Reporting Handbook. The definitions of the sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook. The definitions of *larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property* are from the Hate Crime Data Collection Guidelines of the Uniform Crime Reporting Handbook.

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

### Robbery

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

### Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (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 though the vehicle is later abandoned, including joy riding.)

### Arson

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

### Larceny-Theft (except motor vehicle theft)

The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

### 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.

### Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition—
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

### Domestic Violence

A felony or misdemeanor crime of violence committed—

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

### Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person's safety or the safety of others or suffer substantial emotional distress.

### For the purposes of this definition:

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

Intimidation

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

Destruction/Damage/Vandalism of Property

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.

Sexual Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI Uniform Crime Report program.

Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape

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

Fondling

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

Incest

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

Statutory Rape

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

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Other Crimes and Offenses

Liquor Law Violations

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

Drug Abuse Violations

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

Weapons: Carrying, Possessing, etc.

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

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Marymount Manhattan College Crime Statistics

<u>Type of Offense</u>	<u>Year</u>	<u>On Campus</u>	<u>Non-Campus Building or Property</u>	<u>Public Property</u>
<b><u>Criminal Homicide</u></b>				
Murder and Non-Negligent Manslaughter	2015	0	0	0
Negligent Manslaughter	2015	0	0	0
<b><u>Sex Offenses</u></b>				
Rape	2015	0	1	0
Fondling	2015	0	0	0
Incest	2015	0	0	0
Statutory Rape	2015	0	0	0
Robbery	2015	0	0	1
Aggravated Assault	2015	0	0	0
Burglary	2015	0	0	0
Motor Vehicle Theft	2015	0	0	1
Arson	2015	0	0	0
Stalking	2015	0	0	0
Dating Violence	2015	0	0	0
Domestic Violence	2015	0	0	0
Total Unfounded Crimes	2015	0	0	0

Marymount Manhattan College Residence Halls are located off-campus. Crimes reported in the Residence Halls are included in the “Non-Campus Building or Property” category. There were no reported hate / bias crimes in 2013, 2014 or 2015.

Marymount Manhattan College Crime Statistics

Non-Campus Building

<u>Type of Offense</u>	<u>Year</u>	<u>On Campus</u>	<u>Non-Campus Building or Property</u>	<u>Public Property</u>
<b><u>Criminal Homicide</u></b>				
Murder and Non-Negligent Manslaughter	2013	0	0	0
	2014	0	0	0
<hr/>				
Negligent Manslaughter	2013	0	0	0
	2014	0	0	0
<hr/>				
<b><u>Sex Offenses</u></b>				
Rape	2013	0	0	0
	2014	0	0	0
Fondling	2013	0	1	0
	2014	0	0	0
Incest	2013	0	0	0
	2014	0	0	0
Statutory Rape	2013	0	0	0
	2014	0	0	0
<hr/>				
Robbery	2013	0	0	0
	2014	0	0	0
<hr/>				
Aggravated Assault	2013	0	0	0
	2014	0	0	0
<hr/>				
Burglary	2013	0	0	0
	2014	0	0	0
<hr/>				
Motor Vehicle Theft	2013	0	0	0
	2014	0	0	0
<hr/>				
Arson	2013	0	0	0
	2014	0	0	0
<hr/>				
Stalking	2013	0	0	0
	2014	0	1	0
Dating Violence	2013	0	0	0
	2014	0	0	0
Domestic Violence	2013	0	0	0
	2014	0	0	0
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Total Unfounded Crimes	2014	0	0	0





Marymount Manhattan College Crime Statistics

**DISCIPLINARY**

<u>Other Offenses</u>	<u>Year</u>	<u>On Campus</u>	<u>Non-Campus Building or Property</u>	<u>Public Property</u>
Liquor Law Violations	2013	0	75	0
	2014	0	40	0
	2015	0	25	0
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Drug Abuse Violations	2013	0	93	0
	2014	0	62	0
	2015	0	83	0
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Weapons- Carrying, Possessing, etc.	2013	0	3	0
	2014	0	1	0
	2015	0	0	0

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**ARRESTS**

<u>Other Offenses</u>	<u>Year</u>	<u>On Campus</u>	<u>Non-Campus Building or Property</u>	<u>Public Property</u>
Liquor Law Violations	2013	0	0	0
	2014	0	0	0
	2015	0	0	0
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Drug Abuse Violations	2013	0	0	0
	2014	0	0	0
	2015	0	1	0
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Weapons- Carrying, Possessing, etc.	2013	0	0	0
	2014	0	0	0
	2015	0	0	0

Marymount Manhattan College Residence Halls are located off-campus. Weapons, Liquor Law and Drug Abuse violations that have occurred in the Residence Halls are reported under the “Non-Campus Building or Property” category.

