



ANNUAL SECURITY REPORT



MANDL SCHOOL, THE COLLEGE OF ALLIED HEALTH
254 West 54th Street, New York, NY 10019

MANDL SCHOOL, THE COLLEGE OF ALLIED HEALTH 2023- 2024 ANNUAL SECURITY REPORT (ASR)

The Clery Act ensures that postsecondary schools maintain transparency when reporting crimes.

You can read the full text of the Clery Act at the Federal Register [here](#).

Please note that this Annual Security Report (ASR) is organized into a number of sections. The first part below is the preface and provides an overview of Clery Crimes and reporting requirements, the following section (Part 2) provides a summary of what is included in this ASR, while Part 3 contains definitions that will be useful and should be referenced as the community reads this ASR. Part 4 is the ASR itself.

The fire log, annual fire safety report, disclosure of fire statistics and missing student notification procedures are mandatory for any institution that has an on-campus student housing facility; Mandl is a commuter college and does not have any on-campus housing for students.

Part 1 Preface and Overview: Clery Crimes

CAMPUS SECURITY AUTHORITIES (CSAs)

The Jean Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) requires that all persons listed as Campus Security Authorities must report crimes immediately to the Vice President of Institutional Effectiveness.

Campus Security Authorities Include:

- the College President
- all College Vice-Presidents
- all College Deans
- all College Administrators
- all Faculty Advisors
- all Faculty
- all campus officials with significant responsibility for students and campus activities

Please note: **All reported crimes must be recorded.**

Mandl must include in its crime statistics all crimes listed occurring on or within its Clery geography that are reported to a campus security authority for purposes of Clery Act reporting. Clery Act reporting does not require initiating an investigation or disclosing personally identifying information about the victim, as defined in section 40002(a)(20) of the [Violence Against Women Act of 1994 \(42 U.S.C. 13925\(a\)\(20\)\)](#).

Colleges may not withhold, or subsequently remove, a reported crime from their crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar noncampus official.

However, an institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation 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.**

An institution must report to the Department and disclose in its annual security report statistics the total number of crime reports that were “unfounded” and subsequently withheld from its crime statistics during each of the three most recent calendar years.

Institutions are required to report to the Department of Education, and disclose to the public, Crime Statistics for the three most recent calendar years. **Please see the Appendix for Mandl’s Crime Statistics for the years 2021, 2022, and 2023.** Crime statistics (for the three most recent calendar years) include the number of each of the crimes listed below that occurred on or within Mandl’s Clery geography and that are reported to local police agencies or to a campus security authority.

The Clery Act requires institutions to disclose statistics for reported crimes based on

- where the crimes occurred,
- to whom the crimes were reported,
- the types of crimes that were reported, and
- the year in which the crimes were reported.

CLERY ACT CRIMES

Clery crimes are broken down into four general categories: criminal offenses, hate crimes, Violence Against Women Reauthorization offenses, and incidents and arrests that involve disciplinary action. Further information see [34 CFR 668.46\(c\)](#)

Statistics must be disclosed separately for each of these four general categories. This means that when an incident meets definitions in more than one of these categories, it must be reported in each category.

For example, any Criminal Offense that is also a Hate Crime or VAWA Offense, or results in an arrest or disciplinary action for a Weapons, Drug Abuse or Liquor Law Violation, should be counted as a Criminal Offense and also as a Hate Crime, VAWA Offense, arrest, or disciplinary referral, as appropriate.¹

¹ <https://www2.ed.gov/admins/lead/safety/handbook.pdf>

Institutions are expected to classify and count reported incidents based on the definitions specified by the Clery Act and in accordance with the Uniform Crime Reporting Program definitions citation 34 CFR 668.46(c)(7).

- **Criminal Homicide Murder & Non-negligent Manslaughter** — The willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter** — The killing of another person through gross negligence.
- **Sexual Assault** — Rape is defined as 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** is defined as 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** is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.
- **Robbery** — The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault** — An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary** — The unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with the intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Larceny-Theft** — The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- **Motor Vehicle Theft (Stolen Vehicle)** — The theft or attempted theft of a motor vehicle. include joyriding and unauthorized use.
- **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.
- **Vandalism** — To willfully or maliciously destroy, injure, disfigure or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth or any other such means as may be specified by local law.
- **Intimidation** — To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Domestic violence** — For the purposes of complying with requirements 34 CFR 668.46 and 668.41 any of the following incidents meeting this definition is considered a crime for the purposes of Clery reporting.

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.
- 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.
- Stalking** — A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.
- Other Assaults-Simple, Not Aggravated** — All other assaults that do not use the use of a firearm, knife, cutting instrument or other dangerous weapon and in which the victim did not sustain serious or aggravated injury. This type of assault may require basic first aid.

Part 2 This Annual Security Report (ASR) contains the following information:

CRIME STATISTICS

Crime statistics for the three most recent calendar years for each of the following crimes that occurred on or within Clery geography that were reported to a local police agency or campus security authority (CSA):

- Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence;
- Sex offenses: rape, fondling, incest, and statutory rape;
- Robbery;
- Aggravated assault;
- Burglary;
- Motor vehicle theft;
- Arson;
- Arrests and referrals for disciplinary action for liquor law violations, drug law violations,
- and illegal weapons possession;
- Hate crimes for all the above crimes that are determined to be hate crimes and larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property;
- Dating violence, domestic violence, and stalking.

REPORTING CRIMES & OTHER EMERGENCIES

Mandl's policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. Mandl's policies concerning its response to these reports, including:

- Policies for making timely warning reports to the campus community;
- Policies for preparing the annual disclosure of crime statistics;
- A list of the titles of each person or organization to whom students and employees;
- should report criminal offenses for the purposes of making timely warning reports and the annual statistical disclosure;
- Policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

SECURITY & ACCESS

Mandl's policies concerning security of and access to campus facilities, and security considerations used in the maintenance of campus facilities.

CAMPUS LAW ENFORCEMENT

Mandl's policies concerning campus law enforcement that:

- Address the enforcement authority and jurisdiction of security personnel;
- Address the working relationship of campus security personnel with state and local police agencies, including:
- Whether those security personnel have the authority to make arrests; and
- Any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses.

ACCURATE & PROMPT REPORTING

Mandl's stance and policies on encouraging accurate and prompt reporting of all crimes to the campus personnel and the appropriate law enforcement agencies when the victim of a crime elects to, or is unable to, make such a report.

VOLUNTARY CONFIDENTIAL REPORTING PROCEDURES (PROFESSIONAL COUNSELORS)

Mandl's procedures for encouraging counselors, when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

PROGRAMS

A description of the types and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

MONITORING & RECORDING

A description of programs designed to inform students and employees about the prevention of crimes.

DRUGS & ALCOHOL

- Mandl's policy regarding the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws.
- Mandl's policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws.
- A description of Mandl's drug or alcohol-abuse education programs, as required under the Drug-Free Schools and Communities Act of 1989.

SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, & STALKING

Mandl's policy regarding programs to prevent dating violence, domestic violence, sexual assault, and stalking and procedures that Mandl will follow when one of these crimes is reported.

The policy includes:

Sexual Assault, Domestic Violence, Dating Violence, & Stalking: Programs & Campaigns

A description of Mandl's educational programs and campaigns to promote the awareness and prevention of dating violence, domestic violence, sexual assault, and stalking. This includes Mandl's primary prevention and awareness programs for all incoming students and new employees.

Sexual Assault, Domestic Violence, Dating Violence, & Stalking: Procedures to Follow

- Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about:
- The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- How and to whom the alleged offense should be reported;
- Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to:
- Notify proper law enforcement authorities, including local police;
- Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses;
- Decline to notify such authorities; and

- Where applicable, the rights of victims and Mandl’s responsibilities for orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal or civil court, or by Mandl.
- Information about how Mandl will protect the confidentiality of victims and other necessary parties, including how Mandl will:
- Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20));
- Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Sexual Assault, Domestic Violence, Dating Violence, & Stalking: Written Notification

Mandl’s policies on how the College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

Mandl’s policies on providing written notification to victims about options for, available assistance in, and how to request changes to academic, transportation, and working situations or protective measures. (Mandl will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus safety authority or local law enforcement).

Sexual Assault, Domestic Violence, Dating Violence, & Stalking: Procedures for Disciplinary Action

An explanation of the procedures for Mandl’s disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. This includes the descriptions of types of proceedings (and how they are determined). How to file a complaint as well as the steps, timelines, and decision-making processes. The standard of evidence used in Mandl’s proceedings and a list of possible sanctions and the range of protective measures. An explanation of the disciplinary proceedings and the requirement for prompt, fair, and impartial process where both parties, the reporting individual and the respondent, have the same opportunities to have others present, as well as the notification processes of the result of the proceedings and appeal opportunities.

Sexual Assault, Domestic Violence, Dating Violence, & Stalking: Written Explanations of Rights & Options

Mandl’s policies on providing a written explanation of the rights and options to any student or employee who reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus.

SEX OFFENDER REGISTRATION

A statement advising the campus community where law enforcement agency information provided by a State under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), concerning registered sex offenders may be obtained.

EMERGENCY RESPONSE & EVACUATION

Mandl's policy regarding emergency response and evacuation procedures.

Part 3 DEFINITIONS

The following definitions should be used to help you read through this document. Please use them as a reference.

ACCUSED

Shall mean a person accused of a violation who has not yet entered an institution's judicial or conduct process whereas a "Respondent" shall mean a person accused of a violation who has entered an institution's judicial or conduct process (see "Respondent" and "Reporting Individual").

ADVISOR

The Clery Act requires that complainants and respondents each have the same opportunity to have others present at disciplinary proceedings (which includes formal and nonformal meetings), including an advisor of choice. Similarly, Title IX affords an advisor of choice. Title IX requires the grievance process to provide for a live hearing and makes the advisor of choice responsible for conducting cross-examination during the live hearing.

AFFIRMATIVE CONSENT

Education Law Article 129-B New York State Education requires higher education institutions to adopt a statewide uniform definition of "affirmative consent," which provides: "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."

Six Guiding Principles Regarding Consensual Sexual Activity: The following principles, along with the above definition, will be used to evaluate whether sexual activity was consensual:

1. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be initially given but withdrawn at any time.
4. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity.

- Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent.
 - Depending upon the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
6. When consent is withdrawn or can no longer be given, sexual activity must stop.

Minors Lack Consent: A minor, defined as anyone less than 17 years of age, is incapable of consenting to sexual activity with a person 18 years of age or older. The College adopts this prohibition of sexual activity with minors for conduct occurring on campus or off campus regardless of out-of-state laws.

<p>Know the Facts</p> <ul style="list-style-type: none"> • Consent must be active and full. If any type of manipulation, threat, or force is used to obtain a “yes” to sexual activity, the “yes” does not qualify as consent. • Silence does not mean “yes.” If a person is afraid to say “no,” physically immobilized as a result of coercion, or incapacitated due to drug or alcohol consumption or a mental disability, they are unable to consent to sexual activity. • The respondents and complainants are intoxicated in the majority of reported sexual offenses on college campuses. Avoid excessive alcohol and other drug use. Alcohol and drug use can lead you to commit a sexual offense, blunt your alertness, and impair your ability to understand and respond to feelings and situations, making it more difficult to ask for and receive consent, or to resist peer pressure to engage in behaviors that put you at risk.
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AGGRAVATED ASSAULT

Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Examples of Aggravated Assault include, but are not limited to, poisonings (including the use of date rape drugs), assault with disease (as in cases when the offender is aware that he or she is infected with a deadly disease and deliberately attempts to inflict the disease). If an attack results in broken bones, loss of consciousness or significant blood loss, or requires medical treatment or hospitalization, such as stitches or castings (regardless of whether the victim accepts such assistance), the incident must be classified as an Aggravated Assault.

ALCOHOL AND OTHER DRUGS (AOD)

Every year, on or before October 1st, in compliance with the Department’s regulations at 34 CFR Part 86 and 120(a)-(d) of HEA, Mandl distributes to all current students and employees the institutional policies regarding the possession, use, and the sale of alcoholic beverages and illegal drugs, as well as policies regarding the enforcement of State underage drinking laws and Federal and State drug laws.

ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION

Under the Clery Act, institutions must report arrests and referrals for disciplinary action for **liquor law violations, drug law violations, and illegal weapons possession.**

Arrest: Persons processed by arrest, citation or summons.

Referred for disciplinary action: The referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction. This includes only alleged violations of law, not violations of an institution's policies.

ARSON

Arson is 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. Arson includes incidents where an individual willfully or maliciously burns his or her own property. Accidental fires such as a cooking fire are not included in this offense.

AWARENESS PROGRAMS

Are defined as communitywide 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

It is the interruption of behavior or speech by someone who is present for or a bystander to that behavior or speech. More simply, it is spontaneously helping in a situation when help is needed.

In a higher education setting, Bystander Intervention techniques are most often applied to circumstances of alcohol misuse, sexual assault, bias incidents, and mental health challenges. Bystander intervention is not just about helping in challenging moments, but also about changing social norms and promoting community.

BURGLARY

Burglary is the unlawful entry of a structure to commit a felony or a theft. This includes all offenses that are classified by local law enforcement agencies as Burglary, as well as all offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony; unlawful trespass of a structure with no force such as through an unlocked door or window for the purpose of committing a theft or felony; and attempted forcible entry where the totality of the facts indicate that a Burglary was in fact attempted. Examples of offenses that are NOT classified as Burglary include thefts from automobiles, shoplifting, thefts from areas of open access, and robbery.

BUSINESS DAY

Is defined as Monday through Friday, excluding any day when the institution is closed.

CAMPUS

“Campus” is defined in 34 CFR 668.46(a) as “(i) 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 (ii) any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).”

CAMPUS SECURITY AUTHORITY

MandI does not have campus police department or personnel in a dedicated campus security department. MandI employees who have significant responsibility for student and campus activities are designated as Campus Security Authorities (CSAs).

A CSA is an individual to whom students and employees should report criminal offenses.

- Employees that are specified as individuals to whom students and employees should report criminal offenses are all referred to as CSAs.

MandI’s officials who have significant responsibility for student and campus activities, including, but not limited to, student discipline and campus judicial proceedings are CSAs.

- An official is defined as any person who has the authority and the duty to take action or to respond to particular issues on behalf of the College.

The function of a CSA is to report to the Title IX Coordinator, who is designated by MandI to collect crime report information, those allegations of Clery Act crimes that he or she receives.

CATEGORIES OF CRIME STATISTICS

The Clery Act requires institutions of higher education to include four general categories of crime statistics: Reported crime statistics citation 34 CFR 668.46(c):

- **Criminal Offenses** (Also referred to as Primary Crimes) — Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault (Also referred to as Sex Offenses) including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- **Hate Crimes** — Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias. A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of this ASR, the categories of bias include the victim’s actual or perceived race, religion, gender identity, sexual orientation, ethnicity, national origin, and disability.
- **VAWA Offenses** — Any incidents of Domestic Violence, Dating Violence, and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes); Crime statistics will be organized by the following geographical categories: 1) on-campus; 2) on-campus

student residential facilities (please note, Mandl does not have residential facilities); 3) certain-non-campus buildings and property; and 4) certain adjacent and accessible public property (in accordance with 34 C.F.R. 668.46 (c)); and

- **Arrests and Referrals for Disciplinary Action for Weapons** — Carrying, Possessing, etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations.

CONSENT

Please refer to *AFFIRMATIVE CONSENT*.

CRIMINAL HOMICIDE

Murder and Non-negligent Manslaughter is the willful (non-negligent) killing of one human being by another. This offense includes any death caused by injuries received in a fight, argument, quarrel, assault, or the commission of a crime. **This offense does NOT include traffic fatalities, suicides, accidental deaths,** or justifiable homicide as defined by law.

Manslaughter by negligence is the killing of another person through gross negligence. This offense includes any death caused by the gross negligence of another. **This offense does NOT include death of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities.**

DATING VIOLENCE (VAWA OFFENSE)

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 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.

- 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.

DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY

Willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it. Classify as Destruction/Damage/Vandalism of Property a wide range of malicious behavior directed at property, such as:

- Cutting auto tires;
- Drawing obscene pictures on restroom walls;
- Smashing windows;
- Destroying school records;
- Defacing library books.

DOMESTIC VIOLENCE (VAWA OFFENSE)

A felony or misdemeanor crime of violence committed by:

- A current or former spouse of intimate partner of the victim;
- A person with whom the victim shares a child in common;

- A person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- 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.

DRUG VIOLATIONS

Drug Law Violations are defined as 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. **This offense includes illegally obtaining prescription drugs; however, it does NOT include use of legally obtained personal prescription drugs used by the owner in a manner that is not consistent with the instructions provided by the prescribing physician.**

EMERGENCY NOTIFICATION

Emergency notifications provide immediate notice to the campus community upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees. Unlike the Timely Warning*, the Emergency Notification is released by the college only when a significant emergency or event is currently occurring on campus or is imminently threatening the campus.

** Please refer to [TIMELY WARNING](#).*

FIELD TRIPS

For Clery purposes, schools are not required to include statistics for crimes that occur on field trips at locations the institution does not own or control. For Enough is Enough legislation the College must report all reported incidents related to sexual assault, domestic violence, dating violence, and stalking regardless of the geography in which they occur, including field trips.

FIRE

For the purposes of the HEA, is any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. Some examples are:

- trash-can fire;
- microwave fire;
- flame coming from electric extension cord;
- burning wall hanging or poster;
- fire in an overheated bathroom vent fan;
- seating that is burning without any flame evident.

FIRE DRILL

Is defined in this document as a supervised practice of a mandatory evacuation of a building

for a fire.

FIRE-RELATED DEATH

For the purposes of reporting, fire-related death is defined as any instance in which a person

- is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
- dies within one year of injuries sustained as a result of the fire.

Examples of natural causes of fire-related death:

- Lung damage due to smoke inhalation;
- Heart problems due to stress or exertion.

Examples of accidental causes of fire-related death:

- Getting struck by a falling object;
- Getting burned by fallen wires;
- Being killed by jumping out of a window.

FIRE-RELATED INJURY

Is defined as any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire.

The term “person” includes students, employees, visitors, firefighters, or any other individuals. When reporting fire-related injuries MandI will include:

- individuals who are transported to a medical facility (even if they refuse treatment at the facility);
- individuals who are treated at a temporary medical facility that is set up at the fire site; and
- individuals who are treated in an ambulance.

MandI will not include individuals who appear to be injured but refuse to be treated or transferred to a medical facility.

FIRE SAFETY SYSTEM

Is defined as any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

HATE CRIMES

Under the Clery Act, the possible bias categories are Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin, Disability.

- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person’s physical, romantic, and/or emotional attraction to members of the same and/or opposite sex.

- **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g. bias against transgender or gender non-conforming individuals).
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

HATE CRIMES – OFFENSES

For Clery purposes, Hate Crimes include any of the following offenses that are motivated by bias: Murder and Non-negligent Manslaughter, Sexual Assault (Sex Offenses), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property.

Larceny (Theft), Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in Clery Act statistics only if it is committed as a hate crime (motivated by the perpetrator’s bias against the victim on the basis of race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and/or disability).

Larceny (Theft) is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

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

Intimidation is 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. This includes cyber-intimidation if the victim is threatened via electronic means while on campus, on public property immediately adjacent to campus, or on College owned, leased, or controlled space that is not on campus.

Destruction/Damage/Vandalism of Property is 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.

HEARING PANEL

The entity authorized to resolve disciplinary matters within the College. It consists of 5 members of the College community (excluding students).

The officials who are chosen to conduct proceedings to address allegations of dating violence, domestic violence, sexual assault, and stalking receive training at least once a year.

Training content and materials are updated as necessary to address the latest issues and techniques for conducting proceedings on these topics. Training for hearing panel members serving on cases involving sexual misconduct addresses, but is not limited to, the following topics:

- relevant evidence and how it should be used during a proceeding;
- proper techniques for questioning witnesses;
- basic procedural rules for conducting a proceeding; and
- avoiding actual and perceived conflicts of interest.

IMMEDIATE THREAT

Includes an imminent or impending threat, such as an approaching hurricane, or a fire currently raging on campus.

Other examples include, but are not limited to:

- an outbreak of meningitis, norovirus, or other serious illness;
- any extreme weather conditions (such as blizzards);
- earthquakes;
- gas leaks;
- terrorist incidents;
- armed intruders;
- bomb threats;
- civil unrest or rioting;
- explosions;
- nearby chemical or hazardous waste spills.

INTIMIDATION

The act of unlawfully placing another person in reasonable fear (a person is assumed to be placed in “reasonable fear” if he or she reports threatening words or other conduct to law enforcement personnel) 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.

LARCENY

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Under Clery Act the following are reported by the College:

- thefts of bicycles or automobile accessories;
- shoplifting;
- pocket-picking;
- the stealing of any property or article that is not taken by force and violence or by fraud;
- any of the above regardless of the value of the item or items taken;
- attempted larcenies.

LIQUOR LAW VIOLATIONS

Liquor Law Violations are defined as 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. This offense does include, amongst other violations, underage possession, furnishing liquor to a minor or intemperate person, using a vehicle for illegal transportation of liquor, and any attempts to commit these offenses.

ON-CAMPUS

On-campus definition citation 34 CFR 668.46(a):

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 the area identified in 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 (such as a food or other retail vendor).

PERSONALLY IDENTIFYING INFORMATION

(as defined in Section 40002(a) of the Violence Against Women Act of 1994):

As defined in Section 40002(a) of the Violence Against Women Act of 1994, refers to individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including:

- a first and last name;
- a home or other physical address;
- contact information (including a postal, E-mail or Internet protocol address, or telephone or fax number);
- a social security number, driver's license number, passport number or student identification number; and
- any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

PRIMARY PREVENTION PROGRAMS

Are defined as programming, initiatives and strategies intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. These programs aim to define said crimes and ensure that incoming students and new employees understand the definition of *consent (affirmative consent)* in reference to sexual activity as defined by New York State. Although the emphasis is on providing information on risk reduction, these programs cover the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred. Written information is provided about: importance of preserving evidence; how and to whom the alleged offense should be reported, as well as options about the involvement of law enforcement and campus authorities (see [*CAMPUS SECURITY AUTHORITY*](#)).

Mandl also embeds preventing dating violence, domestic violence, sexual assault, and stalking into the Law and Ethics Class curriculum (ALH 175) which is a required course for all programs offered at the College.

PROMPT, FAIR AND IMPARTIAL PROCEEDING

Colleges are required to follow their published policies with respect to the steps and time-frames involved in their disciplinary proceedings. Mandl will attempt to remain flexible without allowing undue delays. The College will ensure that the proceedings are fair and clear to all parties involved and are conducted without hidden agendas and conditions, making appropriate information available to each party. Mandl will ensure that the officials conducting a disciplinary proceeding do not have a conflict of interest or bias either for or against the accuser or the accused. Proceedings will be completed within reasonably prompt timeframes designated by Mandl's policy, including:

- a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay;
- conducted in a manner that – is consistent with the institution's policies and transparent to the accuser and the accused; – includes 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
- conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

PROCEEDING

Is defined as 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.

PROTECTIVE MEASURES

Refers to the examples of protective actions or measures the College may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking.

These may include, but are not limited to:

- orders of protection, including no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court, or by the institution;
- transportation assistance or security escorts;
- modifications to academic requirements or class schedules; and/or
- changes working situations.

PUBLIC PROPERTY

Under the Clery Act, public property encompasses the following: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Public property is any area that immediately borders and is accessible from the campus. In many cases this property consists of a public sidewalk that borders the campus, the public street along the sidewalk and the public sidewalk on the other side of the street (i.e., sidewalk,

street, sidewalk). Private homes and businesses are not included. The Department applies no specific measurable distance definition into adjacent public property.

REFERRED FOR DISCIPLINARY ACTION

Is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction.

REGISTERED SEX OFFENDERS

Upon release from prison, individuals convicted of sex crimes may be required by law to register with law enforcement agencies (some of these laws are referred to as “Megan’s Laws”). If registered sex offenders are enrolled at or employed at a postsecondary institution, the offenders also must provide this information to the state. **The state then provides the information to law enforcement authorities in the jurisdiction where the institution is located.** In turn, the institution is required to advise the campus community how to access this information. MandI provides a link through its website to the registry of Sex Offenders in New York.

The registry of Sex Offenders in New York can be obtained by checking the <https://www.criminaljustice.ny.gov/nsor/>

REPORTING INDIVIDUAL

Encompasses the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

RESPONDENT

Shall mean a person accused of a violation who has entered MandI’s judicial or conduct process.

RESULT

Refers to any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within MandI. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result also must include the rationale for the result and the sanctions.

In explaining the rationale for the result and sanctions, the official or entity must explain how it weighted the evidence and information presented during the proceeding and explain how the evidence and information support the result and sanctions. MandI’s representatives will describe how the institution’s standard of evidence was applied. There will be no substantive discussion of the findings or conclusion of the decision maker, or discussion of the sanctions imposed, with either the accuser (the reporting individual) or the accused (the respondent) prior to simultaneous notification to both of the result.

RETALIATION (INTIMIDATION AND RETALIATION for REPORTING)

Attempts either directly or indirectly, to violate College NO CONTACT restriction or to intimidate, threaten, retaliate against, interfere with, restrain, coerce, discriminate against, or harass any person for attempting to report misconduct, reporting misconduct, pursuing a formal complaint, serving as a witness, or being a potential party or witness in a College investigation regarding possible violations of any of the College's policies regarding sexual and related misconduct are prohibited. Members of the College community who engage in this conduct will be subject to prompt and appropriate disciplinary action, including possible termination or expulsion from the College. Individuals engaging in this conduct who are not members of the College community will be subject to campus bans and other actions deemed appropriate by the Title IX Coordinator or an appropriately trained designee.

ROBBERY

Robbery is 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. To be classified as Robbery, the offense must be committed in the presence of the victim; the victim must be directly confronted by the perpetrator; the victim must be threatened with force or put in fear that force will be used; and the offense must involve a theft or larceny.

SEX and GENDER DISCRIMINATION

Any severe, pervasive, or persistent conduct that denies a person access to, the benefits of, or the ability to participate in any education program or activity on the basis of sex or gender. For the Sex and Gender Discrimination applicable to employees, please see Mandl's Anti-Harassment and Anti-Discrimination of Employment Policy.

SEXUAL ASSAULT (SEX OFFENSES)

- Rape is 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. This offense includes the rape of both males and females.
- Fondling is 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 or physical incapacity.
- Statutory Rape is sexual intercourse with a person who is under the statutory age of consent. If force was used or threatened, or if the victim was incapable of giving consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Statutory Rape. In Pennsylvania, children less than 13 years old cannot grant consent to sexual activity. Teens between the ages of 13 and 15 cannot consent to sexual activity with anyone who is four or more years older than them. People ages 16 and older can legally consent to sexual activity, so long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute.
- Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

SEXUAL EXPLOITATION and OTHER SEXUAL MISCONDUCT

Taking advantage of another person, or attempting to take advantage of another person, without that person's consent. The following activities are prohibited under this provision:

Voyeurism or Peeping: Intentionally watching, videotaping, or recording an individual who is undressing, completely or partially naked, or engaging in sexual activity. This includes allowing others to observe such conduct.

1. Sexual Exhibitionism: **Engaging in sexually explicit activity in public spaces, including online.**
2. Displaying or distributing nude or sexually explicit images of another person without that person's consent.
3. Writing or marking of graffiti on College property that is sexually graphic in nature.
4. Prostituting another person or soliciting a prostitute to campus, or a campus event, to engage in prostitution.
5. Knowingly exposing another person to a sexually transmitted infection or virus without that person's knowledge.
6. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
7. Stealthing: The act of removing a condom during sexual intercourse without affirmative consent of the sexual partner; or the act of intentionally misleading a sexual partner to believe a condom is being used during sexual intercourse after having agreed to do so.

SEXUAL HARASSMENT

Unwelcome conduct of a sexual nature that is severe, pervasive, or persistent, including but not limited to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, and:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's employment, academic standing, or status in a program, course, or activity; or
- Submission to or rejection of such conduct by a person is used as the basis for employment or educational decisions affecting that person, or for academic evaluation, grades, or advancement; or
- Such conduct is sufficiently severe, pervasive, or persistent to have the purpose or reasonable effect of interfering with a person's work or educational performance, or creating an intimidating, hostile, or offensive work or educational environment.

The effect of the conduct will be evaluated based upon the perspective of a reasonable person in the position of the complainant.

Some examples of sexual harassment include, but are not limited to:

Stating an intention or threat to expose another person's sexual orientation or sexual experiences with others.

- A direct or implied threat that submission to sexual advances is a condition to participate in a living, working, or learning group or activity; and
- Severe, pervasive, or persistent comments of a sexual nature, including jokes and remarks about sexual experiences.

Sexual harassment may be a crime if it involves things like:

- physical touching

- physical confinement
- pressure to have sex

For the full description of Sexual Harassment applicable to employees, please see Mandl's Sexual Harassment in Employment Prevention Policy.

SIMPLE ASSAULT

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.

STALKING

VAWA OFFENSE

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.

- 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 professional treatment or counseling.

For Clery purposes: it is not necessary for all activities in the course of conduct to occur on Clery Act geography in order to count the incident.

For Enough is Enough purposes: the incident is counted regardless of where it occurs. Incidents are counted as person specific, not geography specific.

TIMELY WARNING

The Clery Act requires colleges to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Although the Clery Act doesn't define "timely," the intent of a warning regarding a criminal incident(s) is to enable members of the college community to protect themselves. This means that a warning will be issued by Mandl as soon as pertinent information is available.

MandI will issue a timely warning for all Clery Act crimes* that occur on your Clery Act geography** that are:

- reported to campus security authorities (CSAs) or local police agencies; and
- considered by Mandl to represent a serious or continuing threat to students and employees.

Although the Clery Act mandates timely warnings only for Clery Act crimes, nothing in the law prohibits timely warnings for other crimes that may pose a serious or continuing threat to the campus community. Should a serious or continuing threat that does not meet the definition of a Clery Crime pose safety concerns for the members of the community, the college may make the decision to send a timely warning.

* Please refer to *CATEGORIES OF CRIME STATISTICS*.

** Clery Act Geography: 254 W 54th St , New York, NY 10019.

The decision chart to be utilized by administrators when issuing a timely warning is attached in the APPENDIX of this document.

WEAPON LAW VIOLATIONS

Weapon Law Violations are defined as 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. This classification encompasses weapons offenses that are regulatory in nature.

Part 4 ANNUAL SECURITY REPORT (ASR) FOR THE 2021, 2022, 2023 REPORTING YEARS

This is the 2023 Annual Security Report (ASR) for Mandl, the College of Allied Health. Part of Mandl's mission is to be an inclusive and diverse community. The development of the Annual Security Report (ASR) helps meet this goal by sharing the options and resources we provide to all students and employees regardless of race, gender, gender identity, national origin, ethnicity, sexual orientation, religion, disability, or any other category protected by local, state, and federal law.

This security report was produced in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, also referred to as the Clery Act or Campus Security Act, as part of the Higher Education Act of 1965 (HEA). The Clery Act is a consumer protection law that aims to provide transparency around campus crime policy and statistics. It requires Colleges and universities that receive federal funding to disseminate a public annual security report (ASR) to employees and students every October 1st. This ASR includes statistics of campus crime for the preceding 3 calendar years, plus this report provides the procedures, practices, and programs Mandl uses to keep students and employees safe and its facilities secure. This report also details the efforts taken to improve campus safety and is distributed annually electronically to all students and employees.

This ASR was produced by the Safety and Security Committee. Hard copies of the report are available upon request at the library on the 2nd floor and from the office of the Title IX Coordinator located on the 5th floor.

New and prospective employees can request printed copies by emailing rsenser@mandl.edu.

Current, new, and prospective students can request a printed copy from the Title IX Coordinator by emailing atejada@mandlacademics.com.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g. large print, audio, etc.) on request to the Accessibility Coordinator by emailing atejada@mandlacademics.com.

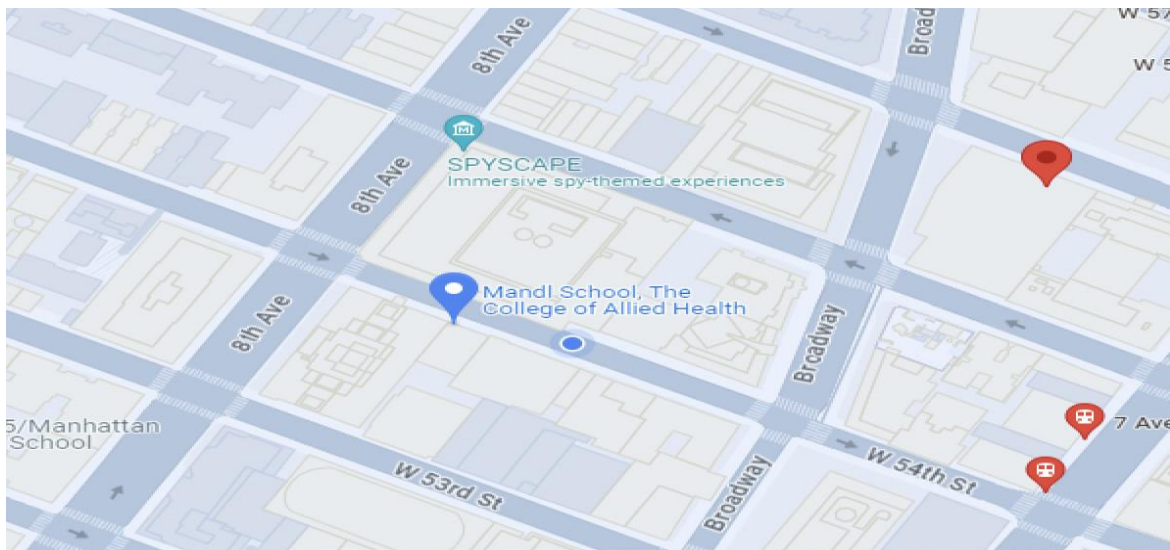
OVERVIEW

The 2023 Annual Security Report includes statistics for the previous three years about reported crimes that occurred on campus and on public property within, or immediately adjacent to and accessible from each Mandl campus location. Outside of the core physical Mandl locations, the College does not own or control “non-campus buildings or property” that are used for educational purposes or used by students but not a part of the core campus.

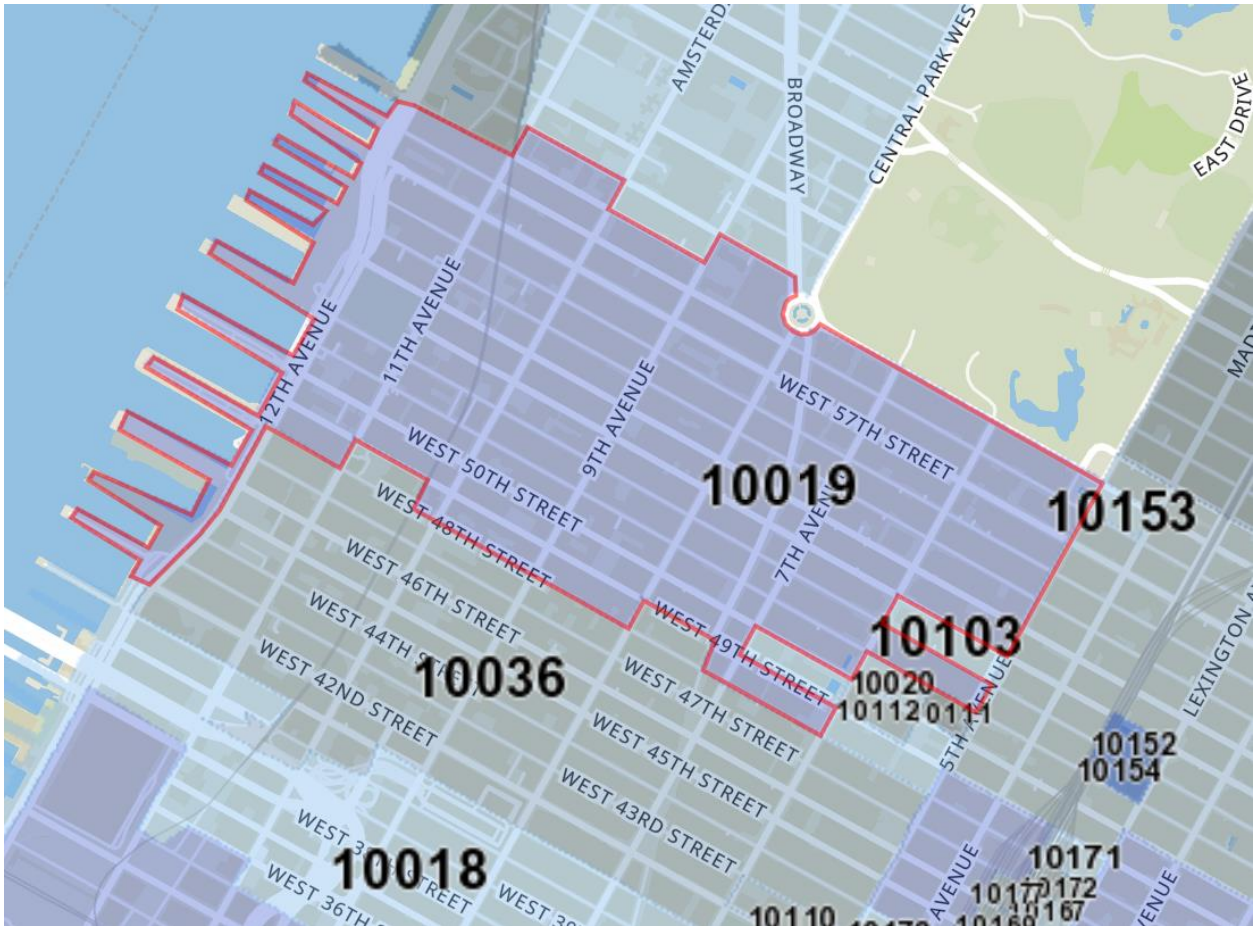
The statistics listed in this report are compiled from campus incident reports, reports from designated campus personnel, and from the local precinct with jurisdiction over the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and use, crime prevention, the reporting of crimes, including those that involve sexual misconduct, emergency, and evacuation procedures.

MandI serves approximately 400 students all attending Mandl’s campus located on 254 W 54th St , New York, NY 10019.

The College employs approximately 100 members of faculty and staff, with approximately half classified as adjunct or contingent faculty.



In the pulsating heart of Manhattan, just a stone's throw away from Broadway, lies 254 W 54th Street, a location steeped in the dynamic history and contemporary vitality of New York City. This area, nestled within the broader Midtown West neighborhood, is a melting pot of culture, entertainment, and urban living.



“The people living in ZIP code 10019 are primarily white. The number of people in their late 20s to early 40s is extremely large while the number of middle-aged adults is small. There are also an extremely large number of single adults and an extremely small number of families. The percentage of children under 18 living in the 10019 ZIP code is extremely small compared to other areas of the country”.²



² <https://www.unitedstateszipcodes.org/10019/#stats>

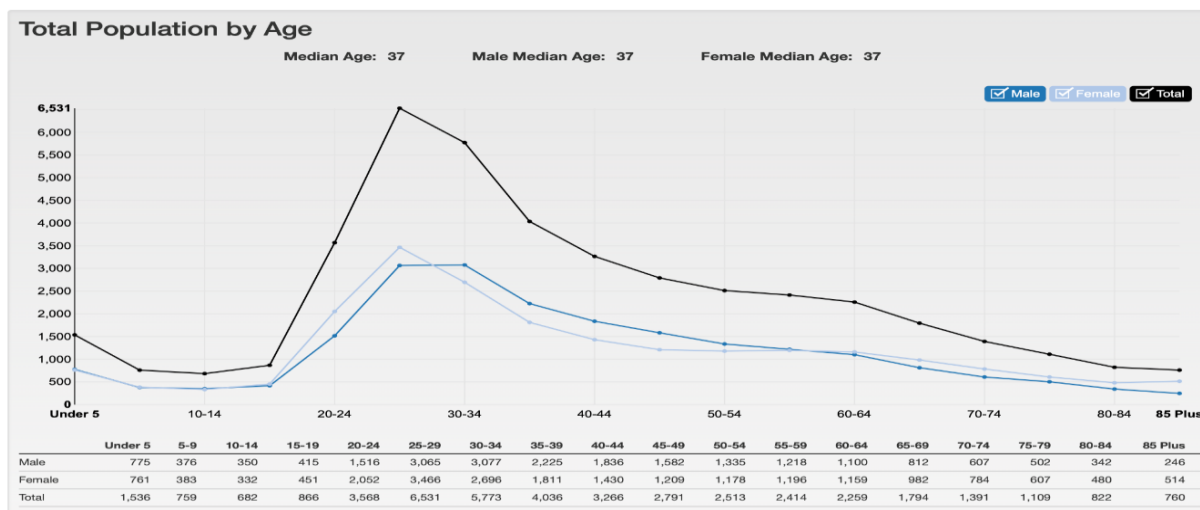
“Zip code 10019 compared to state average: Median house value significantly above state average. Black race population percentage significantly below state average. Renting percentage above state average. Length of stay since moving in significantly above state average. Number of rooms per house significantly below state average. Percentage of population with a bachelor's degree or higher significantly above state average”.³

“The median household income of \$84,424 is extremely high compared to the rest of the country. It is also slightly higher than average compared to nearby ZIP codes. So, 10019 is likely to be one of the nicer parts of town with a more affluent demographic”.⁴

Median Income for 10019 is \$84,424.
 Median Home Value is \$808,600.
 Population Density is 63,042 per sq mile.

Residents with income below the poverty level in 2021:
 This zip code: 12.6%
 Whole state: 13.9%

Residents with income below 50% of the poverty level in 2021:
 This zip code: 5.6%
 Whole state: 7.0%⁵



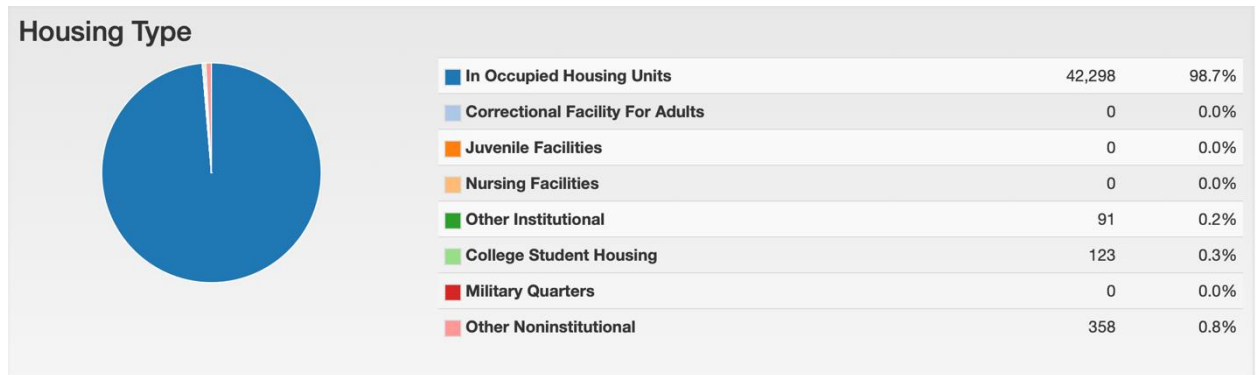
³ <http://www.city-data.com/zips/10019.html>

⁴ <https://www.unitedstateszipcodes.org/10019/#stats>

⁵ <http://www.city-data.com/zips/10019.html>

Source: <https://www.unitedstateszipcodes.org/10019/#stats>

Looking at 10019 real estate data, the median home value of \$808,600 is extremely high compared to the rest of the country. It is also high compared to nearby ZIP codes. So, one is less likely to find inexpensive homes in the 10019 zip code.



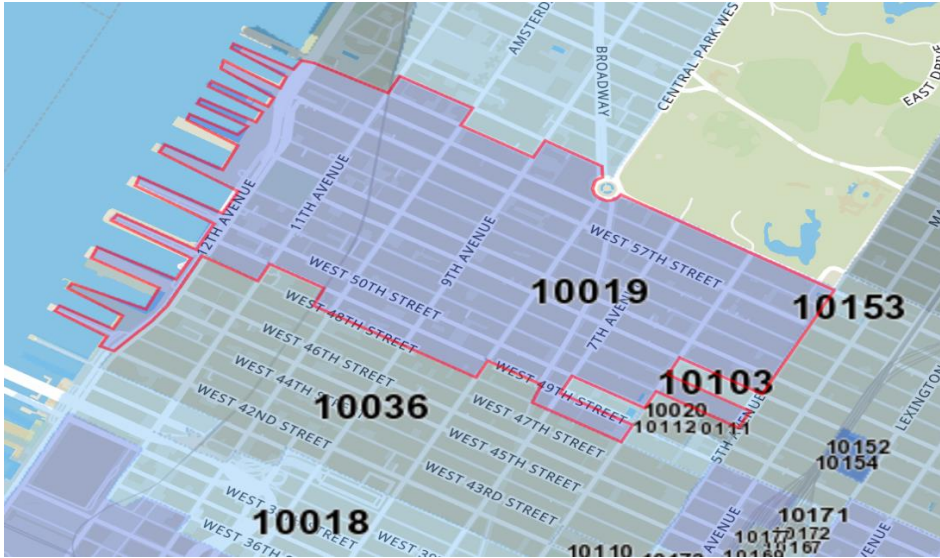
Source: <https://www.unitedstateszipcodes.org/10019/#stats>

As the above demonstrates, Mandl is located in the vibrant Midtown West section of Manhattan. The economic tapestry of the area is rich and varied. Median household incomes in Midtown West reflect the neighborhood's diverse economic status, with a mixture of high-earning professionals and individuals in the service industry. This financial diversity is indicative of the area's wide range of housing options, from luxury apartments to more affordable living spaces, accommodating a broad spectrum of residents.

Demographically, the neighborhood is a microcosm of New York City's vast diversity. Residents come from myriad backgrounds, contributing to a vibrant community fabric woven with various cultures, languages, and lifestyles.

Businesses in and around Mandl's campus at 254 W 54th Street, New York NY 10019 are as varied as the city itself. From the historic Studio 54, which once stood as a beacon of New York nightlife and now serves as a theater and Mandl's campus, to small boutiques, high-end restaurants, and corporate offices, the area is a bustling commercial zone. Entertainment venues, particularly theaters, stand at the forefront, drawing in both locals and tourists with Broadway productions and off-Broadway shows.

Most recent safety data reflects the increased levels of crime across New York City. Please carefully review the Clery crime categories in the 10019 zip code (the zip code in which Mandl is located). It is worth noting that the zip code covers a large area from 5th Avenue to 12th Avenue to the Hudson River.



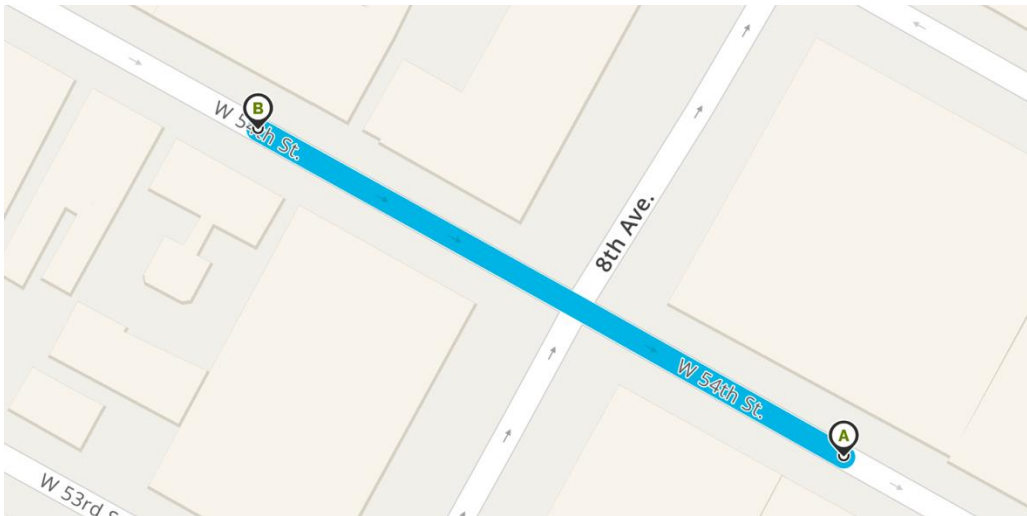
“New York City is divided into 77 police precincts, and each precinct is divided into sectors that correspond, as much as possible, with the boundaries of actual established neighborhoods”.⁶

Mandl’s Police Precinct is the Midtown North Precinct.



The precinct is located steps away from the campus.

⁶ <https://www.nyc.gov/site/nypd/bureaus/patrol/find-your-precinct.page>



Contact Information:

306 West 54th Street
New York, NY, 10019-5102

Precinct: (212) 767-8400
Community Affairs: (212) 767-8447
Crime Prevention: (212) 767-8445- Raymond Gregg E-mail: Raymond.Gregg.trent@nypd.org
Domestic Violence Officer: (212) 767-8448 - [E-mail](#)
Youth Coordination Officer: (212) 767-8472 - [E-mail](#)
Auxiliary Coordinator: (212) 767-8404
Detective Squad: (212) 767-8415

The precinct publishes current and historical crime statistics on its dedicated Midtown North Precinct page. **The page can be accessed by [here](#).**

Below is a comparison summary of crime statistics for the precinct since 1990.

Historical Perspective										
(Historical perspective is a complete calendar year of data.)										
	1990	1993	1998	2001	2023	%Chg '23 vs '01	%Chg '23 vs '98	%Chg '23 vs '93	%Chg '23 vs '90	
Murder	16	11	3	5	3	-40.0	0.0	-72.7	-81.2	Murder
Rape	18	26	22	17	9	-47.1	-59.1	-65.4	-50.0	Rape
Robbery	2,135	1,388	595	394	137	-65.2	-77.0	-90.1	-93.6	Robbery
Fel. Assault	389	496	343	251	184	-26.7	-46.4	-62.9	-52.7	Fel. Assault
Burglary	2,912	2,161	993	462	130	-71.9	-86.9	-94.0	-95.5	Burglary
Gr. Larceny	8,903	7,683	4,242	3,966	1,979	-50.1	-53.3	-74.2	-77.8	Gr. Larceny
G.L.A.	1,012	511	331	201	83	-58.7	-74.9	-83.8	-91.8	G.L.A.
TOTAL	15,385	12,276	6,529	5,296	2,525	-52.3	-61.3	-79.4	-83.6	TOTAL

NYC provides the public with the ability to search crime statistics by specific location. The link to this site is [here](#).

In an effort to promote personal safety and safety awareness members of the Mandl community are strongly encouraged to review the links provided above.

Sex Offender Registry

"Megan's Law" protects our communities and higher education institutions by mandating that convicted sex offenders register with the state through the Division of Criminal Justice Services. Information regarding these convicted sex offenders is obtainable through local police agencies having jurisdiction.

In compliance with obligations the College has to publish information about Sex Offender Registry, all members of the Mandl community are highly encouraged to familiarize themselves with the resources provided by the New York State Division of Criminal Justice Services. Their website can be accessed [here](#).

The website is: <https://www.criminaljustice.ny.gov/nsor/>

Information available to the public about all individuals required to register includes, but is not limited, to:

- Residence address(es);
- Current crime(s) of conviction requiring registration;
- Prior crime(s) of conviction requiring registration;
- Multiple photographs, if available;
- Vehicle(s) make, model and license plate number; and
- Conditions of parole or probation supervision, if applicable.

Phone: 518-417-3384

Registry Search Requests: 518-457-5837 or 800-262-3257

Mailing Address: New York State Division of Criminal Justice Services, Sex Offender Registry, 10th Floor, 80 South Swan St., Albany, N.Y. 12210

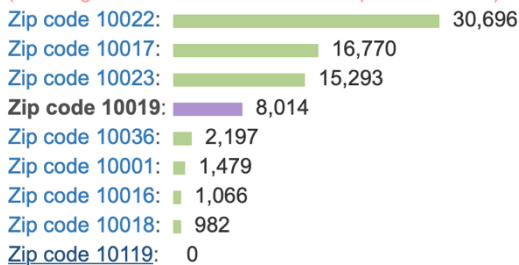
Email: SORRequests@dcjs.ny.gov

According to the research at city-data.com “the ratio of all residents to sex offenders in zip code 10019 is 8,014 to 1. *The ratio of registered sex offenders to all residents in this zip code is much lower than the state average.*

Please read more: <https://www.city-data.com/soz/soz-10019.html>

Zip code 10019 ratio of number of residents to the number of sex offenders compared to nearest zip codes:

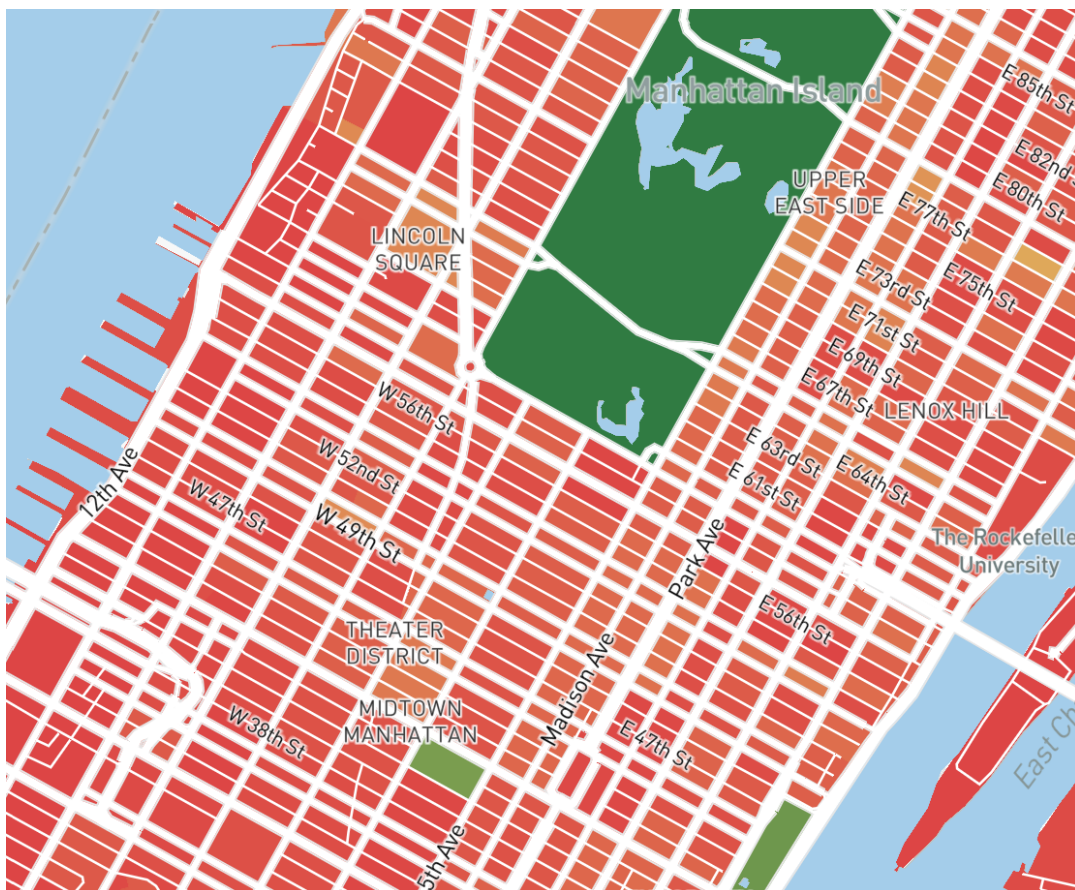
(Note: Higher values mean more residents per sex offender)



Source: <https://www.city-data.com/soz/soz-10019.html>

Cleary Crime Categories for 10019 zip code:

The area around 254 W 54th St, New York, NY 10019, has a high rate of crime compared to the national average. The overall crime grade for the zip code 10019 is rated as F, meaning it's much higher than the US average. The neighborhood's total crime rate is 158.9 per 1,000 residents during a standard year. Violent crime and property crime rates are notably high, contributing to this grade. Residents and visitors are advised to be vigilant, although certain areas, especially towards the northwest, are considered safer.⁷



⁷ <https://crimegrade.org/safest-places-in-10019/>

When looking at the crime map for 10019, remember that the rate of crime per resident may appear inflated when people visit the area during the day, but do not live there. For example, there are more retail establishments in the southeast part of the zip. Many crimes are committed in retail areas in blocks where few people live.

10019 Crime Breakdown

The tables below show which crimes are used to calculate the Crime Grades above. All crime rates are shown as the number of crimes per 1,000 10019 residents in a standard year.

Violent Crime Rates

Crime Type	Crime Rate
Assault	5.242
Robbery	7.473
Rape	1.957
Murder	0.0263
Total Violent Crime	14.70 (F)

Property Crime Rates

Crime Type	Crime Rate
Theft	33.80
Vehicle Theft	0.8542
Burglary	8.894
Arson	0.9550
Total Property Crime	44.50 (F)

Other Crime Rates

Crime Type	Crime Rate
Kidnapping	1.727
Drug Crimes	5.393
Vandalism	90.66
Identity Theft	1.715
Animal Cruelty	0.1845
Total "Other" Rate	99.68 (F)

Burglary per Capita in 10019

The map below shows burglary per 1,000 10019 zip code residents.

The rate of burglary in 10019 is 8.894 per 1,000 residents during a standard year. People who live in 10019 generally consider the northwest part of the zip to be the safest for this type of crime.

Your chance of being a victim of burglary in 10019 zip code may be as high as 1 in 91 in the northeast neighborhoods, or as low as 1 in 195 in the northwest part of the zip.



By a simple count ignoring population, more crimes occur in the central parts of 10019, NY: about 91 per year. The southwest part of 10019 has fewer cases of burglary with only 0 in a typical year.

Interpreting the Burglary Crime Maps

When looking at the burglary crime map for 10019 zip code, remember that the rate of burglary per resident may appear inflated when people visit the area during the day, but do not live there. For example, there are more retail establishments in the southeast part of the Zip Codes. Many crimes are committed in retail areas in blocks where few people live. Red areas on the burglary crime rate map do not always indicate danger for 10019 residents who live there.

Arson

Your chance of being a victim of arson in 10019 zip code may be as high as 1 in 979 in the east neighborhoods, or as low as 1 in 1,090 in the northwest part of the zip. By a simple count ignoring population, more crimes occur in the south parts of 10019, NY: about 9 per year. The southwest part of 10019 has fewer cases of arson with only 0 in a typical year.⁸

Assault per Capita in zip code 10019

The rate of assault in 10019 is 5.242 per 1,000 residents during a standard year. People who live in 10019 generally consider the northwest part of the zip to be the safest for this type of crime. Your chance of being a victim of assault in 10019 may be as high as 1 in 124 in the southeast neighborhoods, or as low as 1 in 1,088 in the northwest part of the zip.⁹

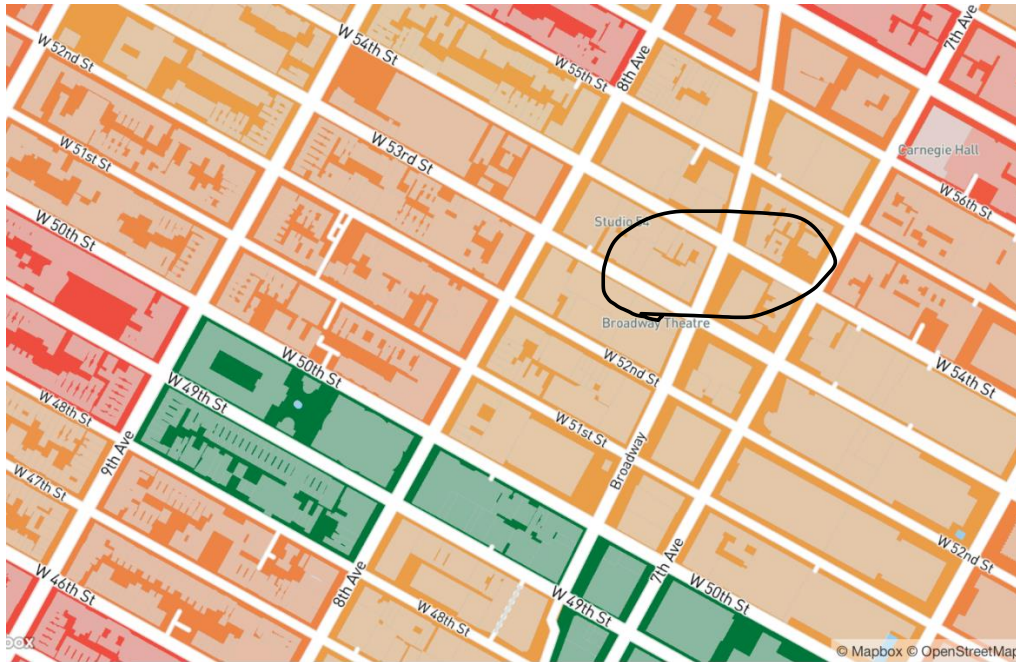
Murder per Capita in Zip code 10019

The rate of murder in 10019 is 0.0263 per 1,000 residents during a standard year. People who live in 10019 zip code generally consider the south part of the zip to be the safest for this type of crime.

Your chance of being a victim of murder in 10019 zip code may be as high as 1 in 23,913 in the northeast neighborhoods, or as low as 1 in 49,786 in the south part of the zip.

⁸ <https://crimegrade.org/arson-10019/>

⁹ <https://crimegrade.org/assault-10019/>



Crime Grades



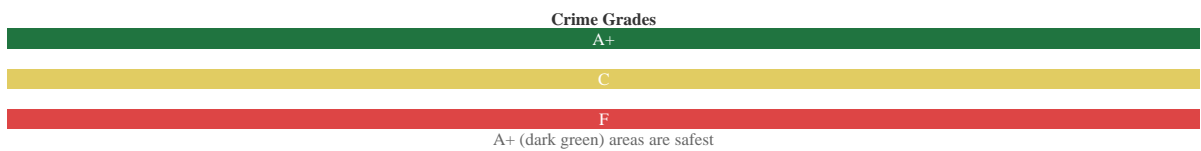
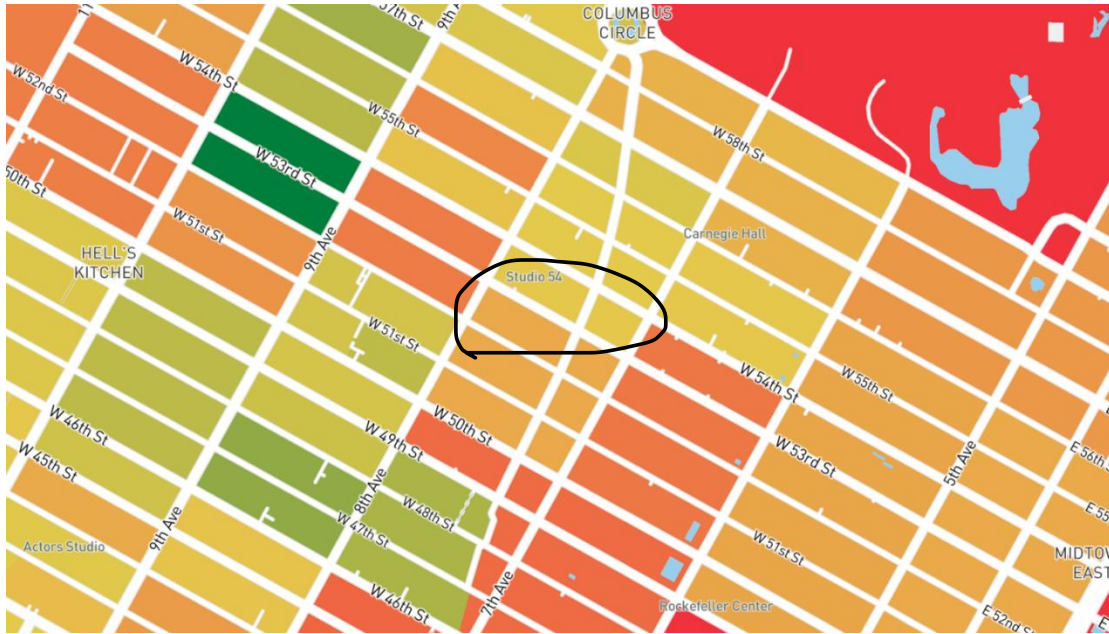
Drug-Related

Crime per Capita in Zip Code 10019

The rate of drug-related crime in 10019 is 5.393 per 1,000 residents during a standard year. People who live in 10019 zip code generally consider the northeast part of the zip to be the safest for this type of crime.

Your chance of being a victim of drug-related crime in 10019 may be as high as 1 in 133 in the west neighborhoods, or as low as 1 in 274 in the northeast part of the zip.¹⁰

¹⁰ <https://crimegrade.org/drug-crimes-10019/>



Public Transportation and Safety

There are several subway and bus lines that make the commute to the campus for students and faculty very accessible.

The following public transportation is available to the campus:

Trains:

- The C, E, and 1 lines to 50th Street.
- The N, R, Q, W to 57th Street.
- The B, D, E to 42nd St. and 6th Ave.

Buses:

- M27** bus line runs cross-town on 49th/50th Streets, and then south on 7th Avenue and north on 8th Avenue.
- M50** buses run cross-town via 49th and 50th Streets
- M31** and **M57** buses run cross-town on 57th Street
- M10** and **M20** buses head north on 8th Avenue and south on 7th Avenue. The bus lines run south on Broadway and onto 7th Avenue at 44th Street.
- M20** bus provides local service between Lincoln Center and Battery Park, and the M104 bus provides local service between Harlem and Murray Hill via Broadway and 42nd Street.

Mandl does not have dorms or residence halls; therefore, Mandl is classified as a commuter college. Below are tips from the MTA to ensure the personal safety of students and employees.

Tips to protect yourself:

During non-rush hours, wait for trains in designated areas.

Avoid empty subway cars.

During off-hours on the subway, ride in the conductor car. That's in the middle of the train.

Use subway entrances and exits where there's the most activity. That's usually the entrance with the 24-hour booth (though not all stations have these).

If there is anything that occurs, the MTA has a help line. Call 511 between 6 a.m. and 10 p.m. daily and speak with a customer service representative.

The following form allows individuals to report a sexual assault to the MTA:

<https://new.mta.info/safety-and-security>

Members of the Mandl community who experience any form of sexual assault while traveling to or from the College are encouraged to make the report to one of Mandl's Campus Safety Authorities (CSA's).

If any member of the Mandl community experiences a hate crime (bias-motivated threats, harassment, discrimination) while commuting to or from the campus, the following are immediate steps that can be followed:

If the incident occurs on **New York City Subways and Buses**,

Call the **Hate Crimes Task Force at 888-392-3644** (Monday through Friday, 9 a.m.-5 p.m.)

Text "HATE" to 81336. You can include photos with your message.

In subway stations, you can also use a Help Point intercom.

If the incident takes place on Long Island Railroad, Metro-North Railroad, and the Staten Island Railway:

Call the MTA Police Department at **1-212-878-1000 (24 hours a day)**.

Email/text tips@mtapd.org. You can include photos with your message.

Statement of Policy:

Safety and Awareness

Any individual who believes that they are being subject to sexual harassment or bullying should utilize the procedures as described in the **Conduct That Falls Under Title IX** section of this ASR and an immediate response and investigation will commence.

Sexual offenses, domestic or dating violence, and stalking can be reported to the dean during business hours or to the local police 24 hours a day. The electronic incident reporting form can be submitted 24 hours a day, but it will be responded to during normal business hours. In sex offense cases immediate reporting with the ability to find and safeguard evidence, is crucial to subsequent prosecution should the victim decide to proceed criminally. The victim retains the right to decide whether to proceed criminally or to seek other available forms of resolution. The college is required

to report all violent felonies listed in section 70.02 of the New York State Penal Law to the local police. The college will actively support the victim's decision. The office of the Title IX Coordinator will facilitate the victim's ability to report the incident to the local police. For domestic or dating violence and stalking offenses, the local precinct detective squad will investigate the types of cases that require follow-up investigation.

In sex offense, domestic or dating violence, and stalking cases, if the victim elects to initiate formal college conduct process against another student, group of students or another member of the Mandl community, the details of the incident should be put in writing and filed with the dean of students. The victim and the individual or individuals against whom the complaint is lodged will each be assigned an administrative support person. A prompt, fair, and impartial process from the initial complaint to the final result will be conducted. The disciplinary process is conducted by officials who receive annual training on the issues of domestic violence, dating violence, sexual assault, and stalking. Additionally, these officials learn how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability. The accuser and the accused are entitled to the same opportunities to have an advisor of choice present during a student conduct process. The evidentiary standard in determining the facts will be based upon a preponderance of evidence, i.e., a finding that it is more likely than not that the alleged sexual misconduct occurred or did not occur.

Information on the availability of off-campus counseling will be provided. Members of the Office of the Dean of Academics & Student Affairs are also available to discuss sexual assault, rape, domestic or dating violence, and stalking incidents, and make referrals.

REPORTING CRIMES AND EMERGENCIES PROCEDURES

QUESTION: WHAT IS "REPORTABLE"?

ANSWER: Any actual crime or criminal activity committed on campus or on any contiguous geographic perimeter of the campus, including public property¹¹ within or immediately adjacent to and accessible from the campus; any attempted crime or criminal activity committed on campus or on any contiguous geographic perimeter of the campus, including public property within or immediately adjacent to and accessible from the campus; or any past crime or criminal activity committed on campus or on any contiguous geographic perimeter of the campus, including public property within or immediately adjacent to and accessible from the campus. Mandl stresses the importance of accurate and prompt reporting of all criminal actions, accidents, injuries, and emergencies to the College administration and designated individuals as well as appropriate police agencies.

¹¹ For the purposes of reporting "public property" is defined as: all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. In order for this definition to apply, the property in question must satisfy all three conditions: 1) public (e.g. publicly-owned); 2) within or immediately adjacent to campus; and 3) accessible from campus. This definition excludes any private property, and may in some cases exclude areas such as property divided by a fence or wall, or property with clearly posted signs indicating that it is not part of the campus or that trespassing is prohibited. Private property where students have established regular usage – whether legal, illegal, open, or inconspicuous – that is not otherwise campus or noncampus property, is not public property for Clery reporting purposes.

QUESTION: WHO SHOULD THE CRIMINAL ACTIVITY BE REPORTED TO?

ANSWER: Any criminal activity on campus or on any contiguous geographic perimeter of the campus should be reported to the individuals who hold the titles listed below. Those individuals are considered officials who have the authority and duty to take action or respond to particular issues on behalf of Mandl.

As noted on page 1 of this document, the following individuals have a significant responsibility for student and campus activities and have the authority to institute corrective measures” for Title IX purposes under 34 CFR 106.30(a). These individuals are referred to as Campus Security Authorities (CSAs) in the rest of this document:

- the College President
- all College Vice-Presidents
- all College Deans
- all College Administrators
- all Faculty Advisors
- all Faculty
- all Campus Officials with significant responsibility for students and campus activities
-

QUESTION: HOW SHOULD I REPORT A CRIME OR CRIMINAL ACTIVITY TO Mandl?

ANSWER: Mandl asks that anyone who witnesses any criminal activity, or attempted criminal activity, emergencies, accidents, or injuries on campus or on the designated contiguous areas, should report it promptly to one of the Campus Security Authorities (CSA).

Reports can be made in person, by contacting one of the designated individuals enumerated above directly by e-mail, phone, or in person, or by sending an anonymous E-mail to SAFETY@MANDLACADEMICS.COM.

Mandl students, employees, visitors, vendors, or anyone else who may be on Mandl’s premises or on any contiguous geographic perimeter of the campus to witness an actual crime or attempted criminal act are asked to promptly report it to College administration. Individuals with knowledge of any past criminal activity or attempted criminal activity are also encouraged to make a report to one of the designated administrators, or CSAs. The designated members of the Safety and Security team will respond without delay to the report and will make necessary notifications to the local police precinct when appropriate. **Members of Mandl’s Safety and Security team, the CSAs, and members of the Crisis Intervention Committee do not have the authority to make arrests.**

Mandl encourages all individuals to report activities that threaten the safety and security of any member of the Mandl community without fear of punishment or retribution. Crimes and criminal activities can be reported anonymously and confidentially for the purposes of being included in **Mandl’s ASR (Annual Security Report) and Annual Disclosure of Crime Statistics by E-mailing SAFETY@MANDLACADEMICS.COM.**

WHEN TO CALL 911

Situations that pose **imminent danger** or while a crime is in progress should be reported to local law enforcement by calling 911 from any campus phone or cell phone. Individuals making the call from a cell phone will need to provide the address where the emergency occurred.

Campus Title IX Coordinator (Ms. Ana Tejada atejada@mandlacademics.com)

Students, staff, and visitors should report criminal actions, accidents, injuries, or other emergency incidents to one of the Campus Security Authorities identified above. Once reported, the individual making the report will be encouraged to also report it to appropriate police agencies. If requested, the CSA or a designated and trained member of the College staff will assist a student in making the report to the police.

Designated individuals advising victims or bystanders are asked by the College to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Victims and bystanders (witnesses) who wish to report any criminal activity on campus or contiguous areas of the campus **only for the purposes of inclusion in the annual security report should do so with individuals designated as Campus Security Authorities** but should indicate their request for and anonymity. The receiving CSA will forward only the report of the crime, name of victim or witness will not be included, to the Title IX Coordinator for inclusion in the annual crime report.

CONFIDENTIALITY

Mandl recognizes the importance of confidentiality to victims and witnesses of crimes. Mandl will not disclose the identity of the victim or the witness when providing crime statistics pursuant to the Campus Security Act. Mandl, however, cannot guarantee full confidentiality or anonymity in all other contexts. Mandl reserves the right to notify law enforcement when the designated College official handling the case believes in good faith that such reporting is necessary for the protection of the Mandl community. Whenever College-wide notifications will be necessary, those will be sent to the community without disclosing the victim's identity and will be done only for the purposes of providing a community-wide safety alert. Members of the community who wish to alert the College about an important safety and security concern or crime fill out the anonymous incident form located [here](#).

This email was set-up by the Safety and Security team to enable individuals who are unwilling to disclose their identity for any reason, but who feel that the information they have is important for Mandl to know, to be able to share that information anonymously with the College. This email is monitored by the Title IX Coordinator, the VP of Institutional Effectiveness, and the Deans.

A subset of Mandl's Safety and Security team has been set-up to function as a first- response team to address behavioral situations, to identify, investigate, assess, refer, monitor and take action in response to behaviors exhibited by a member of the College community that may pose a threat. The members of this subset group form the Crisis Intervention Committee, or the CIC. The purpose of the Crisis Intervention Committee, or the CIC, is to assist all members of the Mandl community,

including students, faculty, and staff with staying safe, healthy, and well. The CIC can help when the danger is not imminent or immediately life-threatening.

Any member of the Mandl community concerned about the physical or mental health of another member of the community should reach out to CIC, which is a subset of Mandl's Safety and Security team. If a student's behavior disrupts class or causes others to worry about his or her future actions, those concerned should report these concerns to the Safety and Security team or to the Dean as soon as possible. Help for individuals in distress is available through the Crisis Intervention Committee, which will investigate and assess the situation to determine what course of action may be best or most effective for the individual involved. Ensuring that Mandl is a safe place to learn and to work is everyone's responsibility. All members of the community are strongly encouraged to alert the College when behaviors of others become unpredictable or worrisome. Keep in mind that by reporting the situation you may have the opportunity to help someone else avoid a dangerous situation and to obtain the help they need.

If you are witnessing or are in a life-threatening situation, immediately call 911.

Any situations that escalate quickly and that make you feel unsafe should be directly reported to law enforcement as quickly as possible. Unless members of the Safety and Security Team are readily available or in the vicinity, do not risk putting yourself or others in further danger by looking for these individuals, immediately call 911 and direct responding law enforcement to your location. If you use your cell phone to call 911, you will need to provide the address where the emergency is occurring/has occurred.

INVESTIGATION OF VIOLENT FELONY OFFENSES

Mandl does not have dormitories or residences it owns, controls, or operates. No students reside on Mandl's premises, or on any premises the College owns, controls, or operates.

The section below discusses the obligations Colleges and universities have with respect to implementing a plan for the notification of local law enforcement of any violent felony offense occurring at or on the grounds of the institution.

Such plans shall include, but not be limited to, written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports and a requirement that the institution shall notify the appropriate law enforcement agency as soon as practicable, but in no case more than twenty-four hours after a report of a violent felony or that a student who resides in housing owned or operated by such institution is missing; provided that each institution shall:

- inform each victim of a sexual offense of their options to notify proper law enforcement authorities, including on-campus and local police;
- inform the victim of a sexual offense of the right to report or not to report such offense to local law enforcement agencies; and
- offer the option to be assisted by campus authorities in notifying such authorities, if the victim of sexual assault so chooses, all in compliance with 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).

As used in this section, the following terms shall have the following meanings:

- **“Local law enforcement agencies”** means any agency or agencies employing peace officers or police officers for the enforcement of the laws of the state, and which has or have jurisdiction under provisions of the criminal procedure law over offenses occurring at or on the grounds of any institution subject to the provisions of this section.
- **“Violent felony offense”** means a violent felony offense as defined in subdivision one of section 70.02 of the penal law.

In accordance with New York State Education Law - EDN § 6434 (Investigation of Crimes and Crime Reporting), Mandl maintains a plan for the investigation of violent felonies, which includes coordination with appropriate local law enforcement agencies if violent felonies occur on campus or on any of Mandl's designated geographic areas. In compliance with New York State Law and subject to applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code 1092(f) which gives the victim of a sexual offense the right-to-decide whether to report, Mandl will notify the appropriate law enforcement agency as soon as practicable, but in no case more than twenty-four (24) hours after receiving a report of a violent felony, excluding Sexual Offenses* (see the Enough is Enough Sexual Assault Special Section for reporting policy), that has occurred on campus or in institutionally owned or controlled facilities.

** (1) inform each victim of a sexual offense of their options to notify proper law enforcement authorities, including on-campus and local police; (2) inform the victim of a sexual offense of the right to report or not to report such offense to local law enforcement agencies; and (3) offer the option to be assisted by campus authorities in notifying such authorities, if the victim of sexual assault so chooses, all in compliance with 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).*

HATE CRIME & BIAS-RELATED INCIDENTS BIAS NEW YORK PENAL LAW - PEN § 485.05

HATE CRIMES

State

A person commits a hate crime when he or she commits a specified offense and either:

- intentionally selects the person against whom the offense is committed or intended
- to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ethnicity, ancestry, gender, gender identity, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct; or
- intentionally commits the act or acts constituting the offense in whole or in substantial

- part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender-identity, religion, religious practice, age¹², disability¹³, or sexual orientation of a person, regardless of whether the belief or perception is correct.

Hate crimes have a pervasive effect. As the Legislative Findings of New York’s Hate Crimes Act of 2000 state, “Crimes motivated by individual hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic processes.”¹⁴

Threatening phone calls;

- Hate mail (including E-mail, text messages, voice-mails);
- Stalking or causing someone to fear for their safety;
- Intentionally creating situations or conditions that have the potential to cause bodily harm to others;
- Fire bombings.

In addition to the legal ramifications from the state and federal governments, Mandl students, staff, or faculty who commit bias crimes also will be subject to Mandl’s disciplinary procedures and a range of sanctions as applicable up to and including suspension, expulsion, or termination of employment. Mandl strongly encourages any member of the community who is a victim of a hate crime or witnesses it, to report it to the College in a manner described in the **Procedures for Reporting Crimes or Criminal Activity** section of this document. The College asks that victims and witnesses come forward as soon as feasible so that proper steps can be taken to handle the perpetrator(s) and to prevent future occurrences.

To effectively handle incidents of bias related crimes and to prevent them in the future, victims or witnesses of a hate crime are encouraged immediately to report incidents in the manner described above. Mandl’s advisors will assist victims of hate/bias crimes obtain access to counseling and support services.

An integral part of Mandl’s mission and a key fiber of the community is the College’s racial, ethnic, linguistic, and religious diversity. As a career College preparing students to enter New York City’s medical offices and hospitals, Mandl’s curriculum and classroom education aims to promote tolerance and diversity, multiculturalism and understanding of other cultures and identities. Active classroom emphasis on the value of multiculturalism supported by co-curricular activities that aim to deepen students’ understanding of other cultures and identities helps graduates form more meaningful perspectives on LGBTQ people and other minority communities. According to New York State’s Division of Criminal Justice Services Report issued in August 2016, 83% of hate crime offenders were male, and of those, the greatest concentration of offenders were under the age of 25¹⁵

¹² For the purposes of New York Penal Law - PEN § 485.05 Hate Crimes the term “age” means sixty years old or more.

¹³ For the purposes of New York Penal Law - PEN § 485.05 Hate Crimes the term “disability” means a physical or mental impairment that substantially limits a major life activity.

¹⁴ https://www.nysenate.gov/sites/default/files/report_2017_update_to_hate_crimes_report.pdf

¹⁵ <http://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>

Although Mandl's student demographics do not coincide with the demographics reported for hate crime offenders, as noted previously, Mandl is approximately 83% female with the average student age is 29. Mandl continues to incorporate tolerance, anti-bullying, and anti-harassment education into existing curriculum and co-curricular activities so that graduates are able to recognize and address bullying, harassment, and discrimination in their private and professional lives as part of Mandl's mandate to create empowered life-long learners. In addition to classroom education, Mandl provides community awareness on the Hate Crimes Law in order to raise understanding and to help individuals and communities devise strategies to address hate violence and provide guidance to victims.

Special Note: Media requests specifically regarding the Cleary Report should be referred to the Office of the Vice President of Institutional Effectiveness for appropriate handling.

HOW TO REPORT A HATE CRIME

A person reports a hate in the same manner as they would any other crime. If it is a serious crime in progress call 911. The responding police officers will provide whatever immediate assistance is needed and begin the reporting process.

Hate Crime Task Force

Run by the State Police with the assistance of the State Division of Human Rights, and the Division of Criminal Justice Services, the Task Force works together to prevent, investigate, and monitor Hate Crimes and violations of Human Rights Law.

Call: 1-888-392-3644 or Text "HATE" to 81336

To file a report on line: <https://www.ny.gov/programs/hate-crimes-task-force>

The New York State Office of Victim Services (OVS) also provides assistance to victims of hate crimes. OVS funds 212 programs statewide that provide direct services, such as crisis intervention and counseling, to victims of crime, including those physically injured as a result of a hate crime. Those programs also help any victim of crime apply for compensation and other assistance from the agency, which is a safety net for individuals who have no other resources. Individuals seeking help from OVS also can search for a service provider online: <https://ovs.ny.concerncenter.com>

For more information, please visit: <https://ovs.ny.gov>

REPORTING INCIDENTS OF SEXUAL HARASSMENT INCLUDING SEXUAL ASSAULT, SEXUAL MISCONDUCT, STALKING, AND DATING/INTIMATE PARTNER VIOLENCE

New York City Sexual Harassment Policy

https://www.nyc.gov/assets/cchr/downloads/pdf/materials/SexHarass_Notice8.5x14-English.pdf

The following are New York State Department of Health-approved rape crisis centers provide free and confidential services for sexual assault victims, survivors, and their close family and friends. Services at most centers include:

- Free, confidential sexual assault hotline

- Information about sexual assault
- Referral to other community service providers as needed
- Crisis intervention and ongoing support
- Medical and legal advocacy
- Community awareness, outreach, and prevention activities

Most crisis hotlines are available 24 hours a day, 7 days a week. Please, don't hesitate to call if you need help.

**New York State Hotline for Sexual Assault and Domestic Violence:
1-800-942-6906.**

If you have been sexually assaulted, call the New York State Hotline for Sexual Assault and Domestic Violence.

[1-800-942-6906](tel:1-800-942-6906)

Anti-Violence Project

Address: 116 Nassau Street, 3rd Floor, New York, NY 10038

- Website: <https://avp.org/get-help>
- Hotline: (212) 714-1141

Safe Horizon

- Address: 100 East 122nd Street, Bronx, NY 10035
- Website: <https://www.safehorizon.org>
- Hotline: (212) 227-3000

Crime Victims Treatment Center

- Address: 40 Exchange Place, Suite 510, New York, NY 10005
- Website: <https://www.cvtcnyc.org>
- Hotline: (212) 523-4728

Columbia Health, Sexual Violence Response

- Address: 29020 Broadway, Columbia University, 301 Lerner Hall, New York, NY 10027

- Website: <https://health.columbia.edu/content/sexual-violence-response>
- Hotline: (212) 854-4357

New York-Presbyterian/Columbia University Medical Center, DOVE Program

- Address: 622 West 168th Street, New York, NY 10032
- Website: <https://www.nyp.org/social-work/domestic-and-other-violence-emergencies>
- Hotline: (212) 305-5130

Mount Sinai Adolescent Health Center, Violence Prevention and Intervention Services

- Address: 320 East 94th Street, New York, NY 10128
- Website: <https://www.mountsinai.org/locations/adolescent-health-center/services/violence-prevention-and-treatment>
- Hotline: (212) 227-3000

Mount Sinai Sexual Assault and Violence Intervention (SAVI) Program

- Address: 1 Gustave L. Levy Place, New York, NY 10029
- Website: <https://www.mountsinai.org/patient-care/service-areas/community-medicine/sexual-assault-and-violence-intervention-program-savi>
- Hotline: (212) 423-2140

Mount Sinai Beth Israel Medical Center, Victim Services

- Address: 10 Nathan D Perlman Place, New York, NY 10003
- Website: <https://www.mountsinai.org/locations/beth-israel/support/social-work/victim-services>
- Hotline: 212-420-2000

NY-Presbyterian/Weill Cornell Medical Center Victim Intervention Program

- Address: 525 East 68th Street, New York, NY 10065
- Website: <https://www.nyp.org/social-work/victim-intervention-program>
- Hotline: (214) 746-9414

Rising Ground, STEPS to End Family Violence

- Address: 151 Lawrence Street, Brooklyn, 5th Floor, NY 11201
- Website: <https://www.risingground.org/program/steps>
- Hotline: 877-STEPS-94 / (877) 783-7794 or STEPShelpline@RisingGround.org

Violence Intervention Program (VIP Mujeres)

- Address: Triborough Station, P.O. Box 1161, New York, NY 10035
- Website: <https://www.vipmujeres.org/get-help>
- Hotline: (800) 664-5880 (bilingual English/Spanish)

Title IX is a federal civil rights law that prohibits discrimination on the basis of sex, including on the basis of sex stereotypes, in education programs and activities. All Colleges and universities that receive federal funds must comply with Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq. and its implementing regulations, 34 C.F.R. Part 106. Because harassment, including sexual harassment, is prohibited by federal and state laws, Mandl strictly forbids harassment of any kind, and will swiftly take appropriate action to address any violations of this policy.

Further to this policy, Mandl is committed to providing a safe environment for every member of its community and to ensuring that no student, faculty, or staff member is excluded from participation in or denied the benefits of any College program or activity on the basis of sex. Accordingly, the College strictly prohibits the following forms of sex- based misconduct (sexual misconduct): harassment, sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, sexual exploitation, and stalking. The use of alcohol or other drugs will not be accepted as a defense to a violation of this policy.

Mandl prohibits retaliation against any individual for reporting an incident of sexual misconduct or for participating in any investigation or proceeding related to any such report. Members of the College community who believe that they have been subjected to any form of sexual misconduct are encouraged to report such incidents to the College and, where applicable, to local law enforcement. Pursuant to the procedures detailed below, upon receiving a report, Mandl will respond promptly and fairly. When responding to charges of harassment (sex-based or not), Mandl will take immediate and appropriate action to investigate or otherwise to determine what may have occurred. The specific steps in an investigation will vary depending upon the nature of the allegations, the age of the student or students involved, and other similar factors. In all cases, however, the inquiry will be prompt, thorough, and impartial. If the investigation reveals that discriminatory harassment has occurred, Mandl will take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. Mandl will take steps to stop further harassment and to prevent any retaliation against the person who made the complaint (or was the subject of the harassment) or against those who provided information as witnesses. Mandl will ensure that the individuals

subjected to the harassment and their families know how to report any subsequent problems, conducting follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and responding promptly and appropriately to address continuing or new problems.

When responding to incidents of misconduct, Mandl will not be guided by the label used to describe the incident (e.g. bullying, sexually harassing, etc.). Rather, the nature of the conduct itself will be assessed for violation of College policies and processes, state and federal guideline violations, and civil rights implications. For instance, if the abusive behavior is on the basis of race, color, national origin, sex, or disability, and creates a hostile environment, Mandl will respond to the complaint in accordance with the applicable federal civil rights statutes and regulations enforced by the Office for Civil Rights (OCR).

PROHIBITED SEXUAL MISCONDUCT DEFINED

Harassment is any verbal (can include verbal taunting, including racial and ethnic slurs) or physical conduct designed to threaten, intimidate, or coerce that, in the victim's opinion, impairs his or her access to Mandl's programs or activities. Harassing conduct may take many forms, including verbal acts and name calling; graphic and written statements, which may include use of cell phones, e-mail, social media, or the internet in non-enumerated here ways; or other conduct that may be physically threatening, harmful, or humiliating.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by Mandl.

When such harassment is based on race, color, national origin, age, disability, sex (including pregnancy, sexual orientation, gender identity, and sex characteristics), it violates the civil rights laws that the OCR enforces.

Further examples of harassment include:

- **Verbal:** Comments that can be perceived as offensive or are unwelcomed regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body disability or appearance, epithets, slurs, or negative stereotyping.
- **Nonverbal:** Distribution, display, or discussion of any written or graphic material that ridicules, demeans, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race color, religion, age, gender, sexual orientation, pregnancy, disability, gender identity, marital, or other protected status.

Sexual Harassment is defined as unwelcome conduct of a sexual nature, including but not limited to sexual advances, requests for sexual favors or other physical, verbal, or visual conduct of a sexual nature, including rape, sexual assault, and sexual exploitation.

This definition prohibits conduct which is intentional and also conduct which, regardless of intent, has the effect or impact of creating an intimidating, hostile, or offensive working or learning environment on the basis of sex. "Joking" or "teasing," will not be accepted as defense for violating this policy. Members of the community are asked to keep in mind that even if the person does not object to the alleged harassing conduct or does not request that the harassing conduct cease, it does not imply that the conduct is welcome.

Unwelcome conduct of a sexual nature constitutes sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of one's education, participation in community activities, or employment (quid pro quo harassment);
- submission to, or rejection of such conduct by an individual is used as the basis for employment, academic or course performance affecting such individual (quid pro quo harassment);
- such conduct has the purpose or effect of interfering unreasonably with an individual's academic performance or ability to participate in or benefit from Mandl's programs or activities, or creating an intimidating, hostile, or offensive academic or work environment that is, or would be, offensive to a person of reasonable sensitivity and sensibilities (hostile environment sexual harassment).

Examples of sexual harassment that may cause a hostile environment include, but are not limited to:

- subtle or persistent pressure for sexual activity;
- unwelcome touching of a sexual nature;
- impeding or blocking movements;
- requesting (or demanding) sexual favors concerning employment or academic activities;
- unwelcome or unsolicited communications (verbal, written, electronic, etc.) of a sexual nature;
- refusing to accept the termination of a consensual relationship;
- engaging in visual conduct such as staring at, gaping, gawking, or making sexual gestures;
- displaying sexually suggestive or degrading objects, pictures, cartoons, posters;
- distributing sexually suggestive, pornographic or obscene material;
- making derogatory comments on the basis of sex; discussing sexual activities; making sexual propositions; telling sexually explicit jokes or jokes concerning gender-specific traits or sexual preferences;
- making sexually explicit comments about an individual's body or clothing; comments about an individual's sexual desirability; or using sexually degrading words to describe an individual; and
- engaging in verbal or written slurs, degrading, or negative stereotyping.

When making the determination of whether the harassment created a hostile environment, the College will consider the severity, persistence, or pervasiveness of the sexual harassment. It should be noted that the College will determine whether the reported incident was severe enough that there is no need to show a repetitive series of incidents to find a hostile environment. **A single instance of sexual harassment may be sufficient to create a hostile environment.** Conversely, a series of incidents may be sufficient to determine that sexual harassment occurred even if each instance presented is not particularly severe in isolation.

GENDER-BASED HARASSMENT

This type of harassment occurs when verbal or physical conduct belittles or shows hostility or aversion toward an individual because of his or her gender and that behavior substantially interferes with an individual's educational, campus life, or employment experience. Gender-based harassment includes verbal and/or physical aggression toward another individual based upon a

perception that the individual fails to conform to stereotypical notions of expected characteristics for males or females.

What is an example of gender-based harassment?

Hospital denies a student an externship after an initial interview. Supervisor of internships remarked to colleagues that the student did not look sufficiently feminine for the role.

Gender-based harassment is unwelcome conduct based on an individual's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling as well as gender-motivated physical threats, attacks, or other hateful conduct.

SEXUAL HARASSMENT UNDER THE LAW

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender.

When is sex-based harassment a violation of Title IX and Section 1557?

Title IX requires colleges to respond to sex-based harassment that is sufficiently serious to deny or limit the ability of students or employees to participate in or benefit from Mandl's educational programs and activities (e.g., creates a hostile environment).

As the Department of Education has noted, when a recipient "knows or reasonably should know of possible sex-based harassment, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. If an investigation reveals that the harassment created a hostile environment, the College must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects."¹⁶

SOME EXAMPLES OF SEXUAL HARASSMENT

- Unwelcome or inappropriate touching of employees or customers;
- Threatening or engaging in adverse action after someone refuses a sexual advance;
- making lewd or sexual comments about an individual's appearance, body, or style of dress;
- Conditioning promotions or other opportunities on sexual favors;
- Displaying pornographic images, cartoons, or graffiti on computers, e-mails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender.

¹⁶

<https://www.hhs.gov/civil-rights/for-individuals/special-topics/harassment/index.html#:~:text=Gender%2Dbased%20harassment%20is%20unwelcome,attacks%2C%20or%20other%20hateful%20conduct.>

RETALIATION IS PROHIBITED UNDER THE LAW

It is a violation of the law for an employer to take action against you because you oppose or speak out against sexual harassment in the workplace. The NYC Human Rights Law prohibits employers from retaliating or discriminating “in any manner against any person” because that person opposed an unlawful discriminatory practice. Retaliation can manifest through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased workload or being transferred to a less desirable location. The NYC Human Rights Law protects individuals against retaliation who have a good faith belief that their employer’s conduct is illegal, even if it turns out that they were mistaken.

If you feel that you have exhausted all available internal process and your report has not been addressed, and you feel you have been retaliated against, you may also file a complaint with the NYC Commission on Human Rights -- call 311 or (212) 416-0197 and ask for the NYC Commission on Human Rights.

REPORT SEXUAL HARASSMENT

If you have witnessed or experienced sexual harassment, inform the Title IX Coordinator, the Vice President of Institutional Effectiveness, any of the CSA’s, or the President of the College as soon as possible.

STATE & FEDERAL GOVERNMENT RESOURCES

Sexual harassment is also unlawful under state and federal law where statutes of limitations vary.

- To file a complaint with the New York State Division of Human Rights (DHR), please visit the Division’s website at www.dhr.ny.gov.

You can also call DHR’s toll-free sexual harassment hotline at 1-800-HARASS-3 Monday through Friday, 9:00 AM to 5:00 PM.

- To file a charge with the U.S. Equal Employment Opportunity Commission (EEOC), please visit the EEOC’s website at www.eeoc.gov.

SEXUAL ASSAULT

Nonconsensual Sexual Contact and Nonconsensual Sexual Intercourse¹⁷

Nonconsensual Sexual Contact is any “sexual contact”¹⁸ or the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any

¹⁷ Sex offenses under New York State law are defined in Article 130 of the NYS Penal Code. A summary of New York State Penal Code 130 sex offenses and the penalties for commission of sex offenses is which is available online at <http://codes.lp.findlaw.com/nycode/PEN/THREE/H/130>. References to Penal Code sections are provided for information purposes only. Mandl enforces its policies and not the Penal Code provisions.

¹⁸ “Sexual contact” has the same meaning as “sexual act” and “sexual activity” as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3)

person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person” without **Affirmative Consent**.

Nonconsensual Sexual Act is any sexual contact, between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person against the individual’s will or without **Affirmative Consent** and/or by force.

PROTECTING YOURSELF

While fully acknowledging that the foundational principle guiding our interactions should always be a profound respect for the dignity of every individual, this guidance does not, in any way, seek to excuse sexual misconduct or suggest that the responsibility for such acts lies with the victim. Rather, it is intended to offer pragmatic advice on how students might safeguard themselves. Recognizing the unique nature of each student and the diverse circumstances surrounding incidents, it's important to note that a significant proportion of victims are female, with estimations suggesting that one in four women will face sexual abuse and one in eight will experience rape in their lifetimes. Nonetheless, sexual misconduct does not respect boundaries of gender, gender identity, age, socio-economic status, race, or sexual orientation. Men, as well as students identifying with other or no specific gender, are also vulnerable to sexual assault. An increasing number of men are seeking support, navigating through the complex web of emotions that may include issues related to sexuality, societal stigma about masculinity, or hesitance towards pursuing medical care post-incident.

Students who identify as lesbian, gay, bisexual, transgender, and/or queer may face additional layers of complexity in their response to an assault, especially if the incident involved elements of intolerance or violence beyond the assault itself.

It is crucial for all students to be educated about what constitutes a sexual offense, proactive measures for self-protection, and the processes for reporting an incident. The ensuing section aims to provide essential information for your protection, detailing the nature of gang, acquaintance, and substance-related rapes.

Heeding Your Instincts: Always trust your intuition, acting on it even if you cannot immediately identify the source of your discomfort. If a situation makes you feel uneasy, it's imperative to exit promptly and seek assistance.

Staying Vigilant: Awareness of your environment, the individuals within it, and prevailing circumstances is a vital preventative step against sexual offenses. Familiarize yourself with your surroundings, how to reach police or campus security services, and the locations of emergency communication devices on campus.

Planning Ahead: Equip yourself with knowledge of safety practices, the College’s policy on sexual misconduct, and the protocol for reporting offenses.

Mitigating Risks: **Engage with the protective strategies outlined in this document. For instance:**

- Get to know your local area.
- Limit alcohol intake and plan with friends to ensure everyone's safety.
- Given that many sexual offenses are perpetrated by acquaintances, choose to spend time with those you trust.
- Communicate your boundaries regarding sexual activities clearly and stick to them.
- This guidance is crafted with the intent to empower students to take proactive steps in safeguarding their well-being while fostering an environment of mutual respect and safety on campus.

When Going Out:

- **Communicate Plans:** Always inform a trusted individual about the specifics of your outing, including your destination, companions, and expected time of return.
- **Go out with friends you trust and agree to look out for one another:** Establish a mutual agreement to watch over each other throughout the evening. It is advisable to depart with a friend rather than alone or with an acquaintance you don't know well.
- **Maintain Vigilance Over Personal Items:** Exercise caution by keeping your beverages within sight at all times to prevent any possibility of tampering.
- **Observe and Act:** Be attentive to the behavior of your friends. If a friend is considering leaving with someone they are not well-acquainted with, even if that person is known to them, advise against it to ensure their safety.
- **Cultivate Awareness Among Peers:** Share these precautionary measures with your friends and engage in discussions on how you can collectively contribute to a safer environment for everyone.

When Walking:

- Constantly be aware of your surroundings—people, lighting, and situations.
- Do not walk while wearing headphones or earbuds; it dulls your hearing and makes you less aware of what is happening around you.
- Avoid walking alone at night.
- Walk close to the curb to avoid shrubs, dark doorways, and other places people can hide.
- Do not take shortcuts through dark and isolated places.
- Have your keys in your hand so that you do not spend time looking for them.

RAPE

Rape is “[t]he penetration, no matter how slight, of the vagina or anus with anybody part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”¹⁹ Previously, the law defined “forcible rape,” “forcible sodomy,” “sexual assault with an object,” and “forcible fondling” separately. The new definition of rape encompasses forcible rape, forcible sodomy, and sexual assault with an object, and forcible fondling has been changed to fondling. In general, sexual assault is an umbrella term encompassing rape and fondling. Mandl’s policies have been updated to reflect this change.

¹⁹ <https://www.justice.gov/archives/opa/blog/updated-definition-rape>

Statutory Rape

Non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 16 years old.

Examples of nonconsensual sexual intercourse include but are not limited to:

- vaginal penetration by a penis, object, tongue, or finger;
- anal penetration by a penis, object, tongue, or finger;
- oral copulation (mouth to genital contact or genital to mouth contact).

DATE/ACQUAINTANCE RAPE AND GANG/GROUP RAPE

Date/acquaintance rape occurs when you are forced or manipulated into having sex against your will by someone you know, whether that person is your date, a boyfriend, a girlfriend, a significant other, an acquaintance, a friend, a neighbor, a classmate, a co-worker, or a teammate. This is the most common form of sexual assault.

Gang/group rape is defined as a sexual offense by more than one perpetrator. Peer pressure to participate in the sexual offense is a key factor in gang/group rape. Be aware that use of alcohol and/or drugs contributes to instances of such rape.

Protection Strategies: Date/Acquaintance Rape and Gang/Group Rape

- Communicate your expectations and limits, and demand that they be respected.
- When a person says “no,” they are communicating their limits, not rejecting you as a person.
- Do not assume that a person’s past behavior applies to the present. People have the right to make different choices about their sexual activity and level of desired intimacy at any time.
- An absence of “no” does not equal “yes.” Silence could mean many things other than “yes.” It could mean fear of saying “no.” If someone is afraid to resist or fight back, they are unable to give consent.
- You are responsible for your actions. Your attraction to someone does not give you the right to ignore that person’s expectations and limits.
- Listen carefully. Take the time to hear what a person is saying. If you feel they are not being direct or if you are receiving mixed messages, ask the individual to be clearer.
- Remember that date rape is a crime. It is never acceptable to use force in sexual situations, no matter what the circumstance. This applies whether the person is a date, a partner, an acquaintance, a spouse, or a significant other.
- Having sex with a person who is mentally or physically incapable of consenting is rape.

If you have sex with a person who is drugged, intoxicated, passed out, incapable of saying “no,” or otherwise unaware of what is happening around them, you may be guilty of rape.

Avoid the use of drugs and alcohol. Drugs and alcohol can impair your ability to understand and respond appropriately to feelings and situations and can increase your vulnerability by lowering your alertness and ability to react quickly.

If you feel that you are being pressured into an unwanted situation, communicate your limits. If your partner does not listen to you, leave immediately.

Say “no” to any unwanted sexual contact.

Even if you are in a long-term relationship, you have the right to refuse sexual activity with your partner. Prior consent to sexual contact does not compel consent.

Trust your instincts. Leave a situation immediately and go to a safe place if you think you are in danger.

Always have money for transportation in case you must leave a situation abruptly and have your cell phone on and charged.

Sexual Exploitation occurs when, without **Affirmative Consent**, an individual takes sexual advantage of another. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy and voyeurism (e.g. observing or recording others engaged in sexual activity, whether in-person or through audio or video recording or streaming, without the consent of all involved);
- taking intimate pictures of another, but then distributing the pictures to others without the photographed person’s consent;
- engaging in sexual activity with another while knowingly infected with a sexually transmitted disease (STD) without informing the other person of such infection;
- exposing of a person’s genitals in non-consensual circumstances;
- prostitution or soliciting another community member;
- incest.

Domestic Violence refers to physical violence, threats of violence or acts of physical intimidation or coercion, isolation, stalking or other forms of verbal, emotional, sexual, or economic abuse directed towards

- a current or former spouse or intimate partner;
- a person with whom one shares a child; or
- anyone who is protected from the Respondent’s acts under the domestic or family violence laws of New York. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.²⁰

**Domestic Violence Hotline
is Available 24-Hours a Day Seven Days a Week
1-800-621-HOPE (4673)**

²⁰ <https://opdv.ny.gov/learn-more-about-domestic-violence#behaviors--tactics>

Dating Violence refers to physical violence, threats of violence, or acts of physical intimidation or coercion 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 would 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 would include, but would not be limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts that meet the definition of “domestic violence.”

Do You Suspect Abuse or Maltreatment? Report it Now!

Call our Statewide Toll Free Telephone Number:

1-800-342-3720

If you are deaf or hard of hearing, call TDD/TTY at

1-800-638-5163

OR have your Video Relay System provider call

1-800-342-3720

If you believe that a child is in immediate danger,
call **911** or your local police department.

Stalking is a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person (a “reasonable person” is “a reasonable person under similar circumstances and with similar identities to the victim) to feel fear for her, his, or others’ safety, or to suffer substantial emotional distress (“significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling). Because stalking is repetitive in nature and may occur in multiple locations, both on and off campus, Mandl strongly encourages reporting individuals to communicate with College Security Authorities (CSAs) as soon as the reporting individual becomes aware of the stalking. Mandl uses the location where the reporting individual first became aware of the stalking, or the location where the incident was perpetrated (if known), or both if both locations are known and fall within Clery-reporting geography to report incidents in the Annual Security Report.²¹

Examples of stalking include, but are not limited to:

- constantly appearing at places where the reporting individual frequents or is scheduled to be;
- persistent unwanted communication or contact whether in person, by telephone, text, or e-mail;

²¹ Stalking offenses under New York State law are defined in NYS Penal Code Sections 120.45–120.60, which are available online at <http://codes.lp.findlaw.com/nycode/PEN/THREE/H/120>.

- persistent unwanted gifts;
- following or surveillance.

Stalking can also include a wide array of behaviors:

- Does someone always seem to be just around the corner when you are going to work, are out with friends, or in your neighborhood?
- Does someone keep making unwanted phone calls to your home or work
- Do you find signs that someone has been in or near your home, your car, or your workplace when you were not there?
- Are you receiving repeated letters, gifts, cards, social media posts and/or emails even though you told the sender to stop sending them?
- Has someone tried to get information about you from a third person like a family member, friend, or co-worker?
- Is someone posting information or spreading rumors about you on the internet, in a public place, or by word of mouth?

**Crime Victims Hotline is
Available 24-Hours a Day, Seven Days a Week.
1-866-689-HELP (4357)**

What Should I do If I’m Being Stalked?

- Trust your instincts. Victims of stalking often feel pressured by friends or family to downplay the stalker’s behavior, but stalking poses a real threat of harm. Your safety is paramount.
- Call the police if you feel you are in any immediate danger. Explain why even some actions that seem harmless—like leaving you a gift—are causing you fear.
- Keep a record or log of each contact with the stalker. Be sure also to document any police reports.
- Stalkers often use technology to contact their victims. Save all e-mails, text messages, photos, and postings on social networking sites as evidence of the stalking behavior.
- Get connected with a local victim advocate to talk through your options and discuss safety planning. **Call the National Domestic Violence Hotline at 1-800-799-SAFE²²**

Members of the Mandl community who are found to be engaging in any behaviors that can be classified as harassing will face disciplinary actions commensurate with the severity of their actions. Mandl will address harassment incidents about which it knows or reasonably should have

²² <https://www.justice.gov/sites/default/files/ovw/legacy/2013/01/31/tips-for-victims.pdf>

knowledge of (e.g. when the harassment is in plain sight, widespread, or well known to students and staff, such as harassment occurring in hallways, during scheduled class sessions, during extracurricular activities supervised by Mandl staff, or through graffiti on Mandl's premises). In cases where the obvious signs of the harassment are sufficient to take disciplinary action against an individual, the College will do so in accordance with its written policies. If through its investigation or conduct hearing process Mandl becomes aware of misconduct or discovers additional incidents that, taken together, may constitute a hostile environment, the individual(s) involved in creating such hostile conditions or environments will be subject to separate investigations or hearings. In all cases, without exception, Mandl staff, faculty, and students are expected to familiarize themselves with all of Mandl's policies prohibiting harassment and procedures for reporting and resolving complaints that will alert the College to incidents of harassment.

It is the explicit expectation of Mandl's administration that all staff, faculty, and students will become familiar with all policies and procedures published by Mandl on harassment, gender-based violence, sexual assault, dating violence, domestic violence and stalking. Students with questions regarding any of the published materials on these topics are strongly encouraged to speak to the Title IX Coordinator, or to seek clarification from the Vice President of Institutional Effectiveness. Employees should seek clarification from the Title IX Coordinator, the Vice President of Institutional Effectiveness or the President of the College.

“SEXUAL HARASSMENT is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Thus, sexual harassment prohibited by Title IX can include conduct such as touching of a sexual nature; making sexual comments, jokes, or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity or performance; or circulating, showing, or creating e-mails or websites of a sexual nature.”

“SEXUAL VIOLENCE refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.”

Students or employees who believe that they are, or have been, subject to any behaviors or conduct that can be classified as gender-based violence, harassment, stalking, or any of the broad range of behaviors directed at the victim such as actions that harass, frighten, seriously alarm, threaten, terrorize, torment, and/or force another into the life of the victim, should immediately contact one the Title IX Coordinator.

For definition of Key Terms please see the Definitions at the beginning of this report. For further information and instructions on how to report incidents under this policy, grievance procedures,

investigation process, hearing procedures, resolution, and appeal, please review the **CONDUCT THAT FALLS UNDER TITLE IX** section of this ASR.

Title IX also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. The Title IX obligations discussed in this letter also apply to gender-based harassment.

Gender-based harassment is discussed in more detail in the 2001 Guidance, and in the 2010 Dear Colleague letter on Harassment and Bullying, which is available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.²³

SEXUAL MISCONDUCT

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

Ana Tejada
Title IX Coordinator
atejada@mandlacademics.com
Phone:212-247-3434 EXT. 136

The Chair of the Campus Safety and Security Committee

Dr.Orsete Dias
Vice President, Academics
odias@mandlacademics.com
Phone:212-247-3434 EXT. 130

PROTECTING AGAINST SEXUAL ASSAULT AND OTHER VIOLENCE

Sexual assault, domestic violence, and stalking are not just women's issues and can happen anywhere and to anyone. On traditional College campuses, occurrences of sexual assault and other violence are frequently associated with alcohol, and many victims know their assailants. Mandl is a commuter College and does not have a traditional campus with dorms.

- Students who study at Mandl should be aware of personal safety and wary of potentially dangerous situations in their daily lives and while commuting to Mandl.
- Mandl is committed to making certain that its campus is a secure and safe environment for all members of the community including students, employees, and visitors.
- With this in mind, Mandl has established the following policies and practices:
- The possession, abuse, or distribution of illicit drugs and/or alcohol by students and employees on College property or as part of any Mandl activities is strictly prohibited.

²³ <http://www2.ed.gov/print/about/offices/list/ocr/letters/colleague-201104.html>

- Further, individuals under the age of 21 years are prohibited from possessing or consuming alcohol on College premises or at any event sponsored by Mandl or by any College organization, department, or office, whether the event is at the College or not.
- No individual under the age of 21 years shall misrepresent or tender any false evidence of their age in order to obtain or try to obtain any alcoholic beverage or to gain access to any event or activity at which any alcoholic beverage is being sold or served. Violations of Mandl's policies on alcohol or of any related laws are subject to Mandl's disciplinary codes and policies. Sanctions which may be assessed against violators include, for students, suspension and expulsion, and for employees, termination of employment. Visitors who violate Mandl's alcohol policies may be ejected from the event, from the campus, or banned from accessing any of Mandl's policies, or may be referred to local law enforcement.
- Faculty, staff and students as well as contractors and visitors also should be aware that, in addition to Mandl's sanctions, they may be subject to criminal penalties for unlawful manufacture, possession with intent to distribute, or sale of alcoholic beverages to a person under the age of 21 years. For more information about relevant federal, state, and local alcohol laws, see the *College's Drug Free Campus Policy*.

Mandl works with the community liaisons at the local police department to provide safety and security training for members of the college and to help Mandl students and employees better understand the types of crimes being committed in the area where the campus is located and how to keep alert and safe.

Mandl does not have any formal written agreements, such as written memoranda of understanding between the College and such agencies for the investigation of alleged criminal offenses, but the College maintains close relationships with the local police precinct. **None of Mandl's personnel or CSAs have the authority to make arrests.**

All members of the Mandl community are encouraged to report any crimes to the CSAs, who assist in compiling institutional data, to help ensure that all crimes are included in Mandl's annual crime statistics.

Mandl does not have any officially recognized off-campus organizations; however, if anything happens on any Mandl sponsored trips or events off-campus, the College should be notified promptly by e-mail at atejada@mandlacademics.com or by calling 212-247-3434 EXT. 136.

Reports of off-campus crimes involving students or College employees can also be made to the Title IX Coordinator:

Ana Tejada

Title IX Coordinator

atejada@mandlacademics.com

Phone:212-247-3434 EXT. 136

Offenses occurring off-campus that are classified as sexual assault should be reported to the Title IX Coordinator and local law enforcement.

Mandl does not have facilities for housing students. The College does not own, operate, or control any dorms or on-or-off-campus housing. Mandl does not maintain any off-campus buildings or property. The College does not have any recognized off-campus student organizations, buildings, or property.

SEXUAL ASSAULT

Sexual assault is any type of sexual contact or behavior that occurs **without the explicit consent of the recipient**. Falling under the definition of sexual assault are sexual activities such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

- <https://www.rainn.org/>
- <https://www.cdc.gov/Violenceprevention/sexualviolence/index.html>
- <http://www.evawintl.org/>
- <http://victimsofcrime.org/home>
- <https://sanctuaryforfamilies.org/>

How do I Know if What I'm Experiencing is Sexual Abuse?

New York criminalizes a wide range of conduct constituting “sexual abuse,” which is generally defined as subjecting another person to sexual contact without the latter’s consent. New York Penal Code Section 130(3) further defines “sexual contact” to include “any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party,” and touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing.

Other related crimes include forcible touching and persistent sexual abuse. New York also punishes four degrees of aggravated sexual abuse, each of which involve the insertion of a foreign object in the vagina, urethra, penis, rectum or anus of another person. “Foreign object” means any instrument or article whose insertion into the sexual parts of a person is capable of causing physical injury. All aggravated sexual abuse offenses are felonies.

DRUG-FACILITATED SEXUAL ASSAULT (DATE RAPE DRUGS) Drug-facilitated sexual assault occurs when alcohol or drugs are used to compromise an individual’s ability to consent to sexual activity. These substances make it easier for a perpetrator to commit sexual assault because they inhibit a person’s ability to resist and can prevent them from remembering the assault.

A perpetrator may intentionally drug a victim, resulting in a situation where it is easy to manipulate the circumstances and commit an assault. Perpetrators use a variety of substances to incapacitate a victim.

- Alcohol is the most commonly used substance in drug-facilitated sexual assault.
- Prescription drugs like sleep aids, anxiety medication, muscle relaxers, and tranquilizers also may be used by perpetrators.
- Street drugs, like GHB, rohypnol, ecstasy, and ketamine can be added to drinks without changing the color, flavor, or odor of the beverage.²⁴

How will I know if I've been drugged?

Depending on the substance, the initial effects of a drug can go unnoticed or become apparent very quickly. If you notice any of the following warning signs in yourself or someone you know, reach out to someone you trust immediately. If you notice these symptoms in another person, you can take steps to keep that person safe.

- Difficulty breathing;
- Feeling drunk when you have not consumed any alcohol or very limited amounts;
- Loss of bowel or bladder control;
- Nausea;
- Sudden body temperature change that could be signaled by sweating or chattering teeth;
- Sudden increase in dizziness, disorientation, or blurred vision;
- Waking up with no memory, or missing large portions of memories.

Preserving Evidence

If you suspect you were drugged, you can take steps to preserve the evidence for an investigation. Many of these drugs leave the body quickly, within 12 to 72 hours. If you cannot get to a hospital immediately, save your urine in a clean, sealable container as soon as possible, and place it in the refrigerator or freezer. Call the National Sexual Assault Hotline at **1-800-656-HOPE (4673)** to find a hospital or medical center that can provide you with a sexual assault forensic exam and test your blood and urine for substances.²⁵

How Do I Find Medical Care?

Once you are in a safe place, you can call the National Sexual Assault Hotline at **1-800-656-HOPE (4673)** to be connected with a local sexual assault service provider. They will direct you to the appropriate local health facility that can care for survivors of sexual assault. They also can send an advocate to help walk you through the process of receiving medical care during this tough time. **If you can, it is best to avoid showering or bathing before arrival.**

Bring a change of clothing with you if you are able.

In addition to receiving medical attention, **you may wish to have a sexual assault forensic exam, sometimes called a “rape kit.”** During this exam, someone specially trained to perform this exam, such as Sexual Assault Nurse Examiner (SANE), will collect DNA evidence that can help identify the perpetrator. **You do not have to agree to a forensic exam to receive treatment,** but doing so

²⁴ <https://rainn.org/articles/drug-facilitated-sexual-assault>

²⁵ <https://rainn.org/articles/steps-you-can-take-after-sexual-assault>

may give you a stronger case against the perpetrator if you decide to report the crime now or down the road.

There may be a risk of contracting a sexually transmitted infection (STI) during a sexual assault. The only way to know for sure if you have an STI is to get tested. Based on what happened, a healthcare professional will recommend which tests are important to have now and which may need to be repeated in the future.

If you are able, Document Details About the Incident.

It is advisable for the rape survivor to write down every detail about the incident that they can remember. Not only can this assist in filing student conduct or criminal charges (even at a later time), but it can also aid in recollection that may assist in the healing process. The survivor should note the following:

- **The “who, what, when, where, and how” of the incident.**
- **What the perpetrator looks like, any identifying marks or scars, and a description of any vehicle used.**
- **What kind of force or coercion was used.**
- **Any objects touched, taken, or left by the perpetrator.**
- **Anything the perpetrator said, including the words, the grammar, any accents, or speech defects.**
- **Any possible witnesses, including who and where they may be.**
- **The rape survivor is encouraged to bring this information to the attention of the police as soon as possible if the incident takes place off campus. Internally to the Title IX Coordinator can help ensure survivor and community safety, connect the rape survivor with care, and assist in the process of filing a student conduct or police report. If the New York City police department is to be involved and criminal charges filed, the above information is crucial.**

Mandl students have the right to make a report to the Title IX Coordinator, local law enforcement, and/or state police, or choose not to report; to report the incident to one of the CSAs; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College as outlined by regulations.

The Title IX Office can receive detailed reports of sexual and related misconduct during business hours. The Title IX Coordinator has been trained to assist individuals who have experienced sexual and related misconduct.

Ana Tejada
Title IX Coordinator
atejada@mandlacademics.com
Phone:212-247-3434 EXT. 136

How Do I Find Legal Help?

Mandl will assist reporting individuals by referring them to legal aid or community resources (a list and map of legal aid resources in New York State is available at <http://www.suny.edu/violence-response/>, click on “Off Campus Resources” and then sort for “Legal Resources”).

Mandl will serve as a resource to students in initiating proceedings. This includes making available information sheets, links to appropriate resources, and assistance from College personnel in contacting outside resources.

CONFIDENTIAL RESOURCES

Speaking with Confidential Resources – Community Members Who Do Not Have a Duty to Report:

Community members may want to talk about their experiences involving sexual and related misconduct in a supportive, confidential space that allows them to discuss and process their feelings without filing a report. For this reason, Mandl provides Confidential Resources, who are trained administrators and staff members available to those community members. Except in limited circumstances, communications with the Confidential Resources listed here will not be shared with the Title IX Office or any other member of the Community. Please note that Confidential Resources must report sexual and related misconduct when: (1) a community member is likely to engage in conduct that would result in serious harm to themselves or to others; or (2) there is reasonable cause to suspect that a minor has been sexually abused.

It is important to note that Confidential Resources may not be able to provide the full range of accommodations and supportive measures that the Title IX Coordinator or the designated CSAs can. Resources can arrange (e.g., changes to academic schedules, work arrangements in the case of employees, etc.).

Confidential Resource
Ms. Tina Papuli
epapuli@mandl.edu
212.247.3434 ext 104

Mandatory Reporting

When any faculty member, staff member, or administrator observes, learns, or reasonably suspects a student or College employee has experienced sexual or related misconduct, that faculty member, staff member, or administrator must report all relevant details of the incident to the Title IX Coordinator or to the designated CSA as listed in the beginning section of this report.

Reporting this information ensures that individuals who experience sexual or related misconduct are informed of their rights and options as well as the full range of resources available to them. Faculty members, staff members, and administrators are not required to report their own experience with sexual or related misconduct.

Faculty members, staff members, or administrators who do not know if they are obligated to report should contact the Title IX Coordinator or the deans to discuss the proper steps to take.

Good Faith Reporting

Even if a respondent is not ultimately found responsible, an individual who files a report or formal complaint in good faith will not be subject to discipline.

False or Malicious Reporting

Community members are prohibited from: (i) knowingly making false statements; (ii) knowingly submitting false information during the College investigation and adjudication process or the Title IX grievance process; (iii) knowingly bringing a false or malicious report or formal complaint against another community member; or (iv) knowingly using this policy for false or malicious purposes. Such conduct may be subject to disciplinary action and violates the Student and Employee Code of Conduct.

INSTITUTIONAL ANALYSIS OF REPORTS

Upon receipt of a report of prohibited conduct, the College will perform an initial assessment of the report. As part of this assessment, the College will: (1) determine whether the reported conduct falls within the scope of Title IX of the Education Amendments of 1972, another relevant law, or College; and (2) assign an Administrative Support Person to a student-complainant as appropriate. The College will also conduct an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any student or other community member. Upon completion of the initial assessment, Mandl will determine the next steps.

ASSIGNMENT OF AN ADMINISTRATIVE SUPPORT PERSON TO STUDENTS

Administrative Support Persons (ASPs) are employees who have been trained to assist and support student-complainants when a report of sexual assault, stalking, dating violence, domestic violence, or sexual exploitation is received.

At the discretion of the dean of students, an ASP may be assigned to student-complainants and student-respondents for reports of other types of sexual and related misconduct. An ASP will be assigned to a student-respondent once a formal complaint has been initiated or when supportive measures are being issued. An ASP will be available to a student-complainant even if the student-complainant decides not to proceed with an investigation and/or the Student Conduct Process.

ASPs are not a Confidential Resource, and information shared by a student with an ASP may be provided to College administrators involved in the investigative processes. Mandl administrators who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information provided to a non-Confidential Resource will be shared only as necessary for the College to investigate and/or seek a resolution.

The ASP will explain the various options and supportive measures available, including but not limited to:

- the right to have emergency access to a supervisor or investigator in the Title IX office
- assistance connecting with medical or counseling resources
- the College's prohibition against intimidation and retaliation
- the standard of proof during the Student Conduct Process
- how to report incidents to local law enforcement or a prosecutor, or to seek other

- types of relief through the legal system; and
- supportive measures (e.g., changing academic and externship commitments if such changes are warranted under the circumstances and reasonably available)

An ASP may only be provided to student-complainants and student-respondents. However, the Title IX Coordinator, or her designee, will assist employee-complainants and employee-respondents by explaining their rights and options and by providing supportive measures as appropriate.

CONDUCT THAT DOES NOT FALL UNDER TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 – FORMAL INVESTIGATIONS IN WHICH A STUDENT IS THE RESPONDENT

The following is a description of the rights and options available in formal investigations in which the respondent is a student and the conduct does not fall under Title IX of the Education Amendments of 1972.

Advisor of Choice

In addition to the Administrative Support Person assigned to students when particular reports of sexual and related misconduct are received (See section above “Assignment of an Administrative Support Person to Students”), the complainant and respondent may each be accompanied by an Advisor of Choice during any meeting under this policy. The Advisor of Choice may assist, advise, and support the party throughout the Student Conduct Process and be present for related meetings or proceedings. For conduct falling under this portion of the Policy and Procedures, Advisors of Choice are not permitted to communicate with College officials participating in the Student Conduct Process. The decision on whether to select an Advisor of Choice is solely that of the complainant or respondent. **A person may not serve as an Advisor of Choice if they are involved in the underlying matter, including serving as a party or potential witness.**

The complainant and respondent are encouraged to provide the contact information of the Hearing Officer (in student conduct proceedings) to their Advisor of Choice in advance of the meeting or proceeding. **At least 48 hours before** the scheduled meeting or proceeding, the parties are required to provide written notice that an Advisor of Choice will be present. This notification must include:

- the full name and title of the advisor of choice; and
- contact information for the advisor of choice (phone, email, and address).

The availability of an Advisor of Choice to attend a meeting, interview, or hearing shall not unreasonably interfere with or delay the proceedings. If the Advisor of Choice’s conduct is not consistent with these guidelines, they may be excluded from the Student Conduct Process.

Requesting Mandl Not Investigate

If a person reports an incident of sexual or related misconduct to a non-Confidential Resource at the College but wishes not to participate as a party or witness, or does not want Mandl to proceed with a formal investigation, the College will attempt to honor that person’s wishes.

Please note that:

- For instances in which an Administrative Support Person (ASP) is customarily assigned to a student, Mandl may assign an ASP to the complainant even if a formal investigation is not conducted.
- Mandl will take all reasonable steps to respond to the report consistent with the complainant's request and will determine whether supportive measures are appropriate or necessary.
- The College will consider broader remedial action, such as increased monitoring, supervision of security at locations where the reported sexual and related misconduct occurred, increased training, education, and prevention efforts, and conducting climate surveys.
- By honoring the request, the College will not be able to meaningfully investigate and pursue misconduct or disciplinary proceedings to find anyone responsible for the violation.

In limited circumstances, the College may be unable to honor a request that it not investigate a report of sexual or related misconduct. Mandl may conduct its own investigation when it determines in good faith that it is in the best interest of the reporting party or the College community to do so. In these instances, Mandl will serve as the complainant in the matter. The reporting party will, though, receive all notices issued under this Policy and Procedures.

When deciding whether the request can be honored, Mandl will weigh that request against its obligation to provide a safe, non-discriminatory environment for the College community.

The factors considered when determining whether the College has an overriding responsibility to proceed despite a reporting party's wishes include:

- whether the accused has a history of violent behavior or is a repeat offender;
- whether the incident represents escalation in unlawful conduct by the accused from previously noted behavior;
- the increased risk that the accused will commit additional acts of violence;
- whether the accused used a weapon or force;
- whether the reporting individual is a minor;
- whether the institution possesses other means to obtain evidence, and
- whether available information reveals a pattern of perpetration at a given location or by a particular group.

If possible, the College will make attempts to inform the reporting party prior to proceeding with an investigation in which Mandl is the complainant. Mandl may proceed with an investigation and adjudication process in which a respondent could be found responsible for a policy violation even though a complainant does not participate in the process and does not want to proceed.

Under certain circumstances, Mandl may be required by law to report and/or file a complaint with external authorities. However, any complainant or witness can decide whether to cooperate with the external authority (e.g., law enforcement).

Formal Investigations

The following portion describes the rights and options available to parties once the formal investigation begins. The Title IX office will prepare a Formal Complaint letter for the complainant to sign. The signed Formal Complaint will initiate the formal investigation process.

Notification of Proceedings and Meetings

If a complainant selects the Formal Resolution Process, the complainant and respondent will be:

- informed that there is a formal investigation into the conduct in question;
- given notice describing the date, time, and location of the reported misconduct,
- if known, as well as relevant facts pertaining to the elements of the behavior that will be evaluated;
- informed of the portions of Mandl's policies the behavior may violate;
- informed of the possible sanctions; and
- notified that they will be provided the time and location for all meetings in relation to the Student Conduct Process.

Mandl will ensure that complainants and respondents are afforded the right to a fair process during the formal investigation and throughout the Student Conduct Process.

Investigation and Hearing Process

Trained, qualified investigators will serve as fact finders during the formal investigation phase. The results of the investigation will then be provided to the Dean of Student Affairs, or her designee for matters involving student-respondents.

The investigator will handle complaints impartially and objectively, perform fact finding, and follow all relevant procedures. The investigator evaluates information based upon the nature and context of the conduct after assessing the credibility of witnesses and weighing the relevant information obtained. If there is a significant conflict of interest in which the investigator cannot be impartial, another investigator will be assigned to the investigation.

Members of the Title IX office are responsible for the formal investigation process in matters in which both parties are students and/or where a student is subject to possible student conduct sanctions under this Sexual Misconduct policies.

Mandl may, at its discretion, designate another trained/ experienced person to act as the investigator, finder of fact, and/or adjudicator in a conduct process.

All interviewees will be asked to provide a written statement.

Advisors of choice are not permitted to communicate directly with College officials participating in the formal investigation process, including during interviews. If the conduct of the Advisor of Choice is not consistent with Mandl's policies and procedures, the party will be given verbal notice of the improper behavior by their Advisor of Choice. If the behavior continues, the Advisor of Choice may be excluded from current or future College investigation, as well as adjudication processes.

In matters in which a student is the respondent, the student services department staff or properly trained and qualified designee serves as the hearing officer, completes the Student Conduct Process, and, if necessary, imposes appropriate student conduct sanctions post hearing panel processes.

Fact Finder and/or Adjudicator in Student Conduct Proceedings

The College may, at its discretion, designate trained, experienced people to act as the fact finder and/or adjudicator in the Student Conduct Process. Administrators involved in the investigation and conduct process receive annual training on issues regarding sexual and related misconduct, including sexual assault, sexual harassment, dating violence, domestic violence, and stalking. These administrators are also trained in conducting an investigation that protects the safety of the participants, ensures fairness, and promotes accountability.

Adjudication Process

Trained student services staff conducts the Student Conduct Process in those matters in which a student is alleged to be in violation of the policy and procedures and, if necessary, imposes student conduct sanctions for students found in violation of the policy and procedures. In cases where hearing panels are involved, the trained student services staff or appropriately trained designee is responsible for record keeping in these matters.

Delay or Denial of Degree Award

During the period disciplinary charges are pending against a student, Mandl may deny and/or delay issuance of a degree. Furthermore, the College may refuse to issue a degree to a student who is serving a suspension or has been permanently dismissed from the College.

Student Conduct Process

The Student Conduct Process is designed to obtain information that will be used to determine: (1) the conduct that occurred; and (2) whether that conduct violates the terms of the Policy and Procedures.

1. **Presumption of “Not Responsible” for Violating the Policy:**The respondent is presumed not to have violated policies until an outcome is issued. However, depending upon the circumstances of the initial allegation, the respondent can be suspended on an emergency basis pending the outcome of the conduct process. Depending upon the allegations and need for the College to keep the community and complainant safe, other supportive measures may be imposed upon the respondent pending the outcome of the conduct process.
2. **The “Preponderance of Evidence” Standard of Review:**The evidentiary standard in determining the facts will be based upon the preponderance of the evidence standard (i.e., that it is more likely than not that the alleged misconduct occurred).
3. **Opportunity to Review Evidence and Offer Information:**The parties are provided an opportunity to review and present relevant evidence and information that will be used during the conduct meetings and proceedings, consistent with the College’s policies

and procedures. The opportunity to review evidence is also subject to federal, state, and local laws, including the Family Educational Rights and Privacy Act (FERPA). Evidence must be relevant to the allegation, and the parties will be provided a meaningful opportunity to respond to the evidence, including providing reasonable opportunity to provide responsive evidence and information.

4. Past Findings: Past findings of misconduct may only be considered in the portion of the Student Conduct Process in which the sanction is determined.
5. Prior Sexual History/Mental Health Diagnosis: Generally, a party or witness' prior sexual history or mental health diagnosis and/ or treatment may not be introduced during the investigation or adjudication phase. Determinations on exclusions and redactions of such information during the investigative phase are made by the investigator.
6. Impact Statement: Student-respondents and student-complainants are entitled to provide an impact statement if and when the hearing officer is deliberating on any appropriate sanctions and, in any case, at least 48 hours in advance of the scheduled meeting to provide notification to complainants and respondents as to the outcome of the conduct process.

Possible Sanctions

Students who have been found to have violated Mandl's policies may be subject to sanctions, which may include, but are not limited to: disciplinary reprimand, disciplinary probation, suspension from the College, or expulsion without recourse. Additional sanctions may include actions such as No-Contact Restriction, meeting with administrators on a regular basis, writing a reflective or research paper, providing an apology letter, restitution, completing community service hours, engaging in a special project, attending mandated anger management workshops or other workshops intended to educate on the topic related to the transgression. This is not an exhaustive list and is intended to provide some examples of remedies and sanctions that are possible based on the severity of the transgression.

In instances when the person in question holds a status of employee and student, the decision of how to handle that particular situation will be made in the context of the surrounding facts. When an individual represents both roles in a matter, employee and student sanctions may be issued.

Remedies

In addition to possible disciplinary or conduct sanctions, Mandl reserves the right to impose supplemental remedies in accordance with other policies in places.

Notification of Outcomes

Both the complainant and the respondent will be simultaneously advised in writing of the outcome, including:

- written notice of the findings of fact;
- decision and any sanctions;

- rationale for the decision and any sanctions; and
- information on how to file an appeal.

Disclosure of Outcomes

Mandl considers Title IX matters to be sensitive and private. Unless required by law, the College does not publicly release underlying information regarding investigations. Disclosures of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Mandl does not provide witnesses with the resolution of the proceeding. Participants in an investigation shall be advised that maintaining confidentiality is essential to protecting the integrity of the investigation and will be advised that it is usually best to refrain from discussing the matter during the pending investigation.

Time Frame

While the time to resolve a reported incident will vary from matter to matter depending on the specific facts and circumstances, it is expected that in most instances formal complaints will be resolved within ninety (90) business days of the day the complainant requests that the College's investigation and Student Conduct Processes commence. If these processes will take longer than ninety (90) business days, both the complainant and the respondent will be notified in writing as to the delay and the reason for the delay. Delay can sometimes, but not always, be imposed by complexity of the formal complaint, holiday closures of the College, semester breaks, midterm and final examinations, as well as the need to coordinate multiple parties for interview meetings and hearings.

CONDUCT THAT FALLS UNDER TITLE IX – Entire College Community

The following is a description of the rights and options available in all formal investigations falling under Title IX of the Education Amendments of 1972.

Advisor of Choice

In addition to the Administrative Support Person (see **ASSIGNMENT OF AN ADMINISTRATIVE SUPPORT PERSON TO STUDENTS** section above) assigned to students when particular reports of sexual and related misconduct are received the College will provide the parties equal access to advisors and support persons. Any restrictions on advisor participation will be applied equally.

Mandl has always required students to participate in any conduct process directly and not through an advocate or support person. Students participating as a complainant or respondent may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or eligible to attend. Except where explicitly stated in Mandl's policies, Advisors of Choice shall not participate directly in the process.

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

Mandl's obligations to investigate and adjudicate in a prompt time frame under Title IX and other College policies apply to matters governed under this policy, and Mandl cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable will be made by the Title IX coordinator or their designee. Mandl will not be obligated to reschedule a meeting or hearing under this process more than five (5) business days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the College.

Time Frame for the Title IX Grievance Process

The time frame for the Title IX grievance process begins with the filing of a formal complaint. The Title IX grievance process will take no longer than ninety (90) business days, but the time frame may be extended for good reason. Good reason includes but is not limited to: the absence of a party, absence of a party's advisor, or a witness; the complexity of the matter; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for requesting extensions follows.

Filing a Formal Complaint

To file a formal complaint, a complainant must provide the Title IX coordinator, or her designee a written, signed complaint describing the facts alleged. Complainants are only able to file a formal complaint under Mandl's policies if they are currently participating in, or are attempting to participate in, an education program or activity at Mandl. This includes employees. For complainants who do not meet this criteria, the College will apply those portions of the policy that are applicable.

Requesting the College Not Investigate

If a community member does not wish to file a formal complaint, the Title IX Coordinator, or her designee may determine that a formal complaint is necessary. In these instances, Mandl will serve as the complainant in the matter. Mandl will inform the community member of this decision in writing, and that person need not participate in the process further. They will, however, receive all notices issued under this policy.

Community members have the right to make a report to the CSAs, 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 Mandl. A complainant who files a formal complaint may elect, at any time, to address the matter through Mandl's Informal Resolution Process.

Notice of Allegations

The Title IX Coordinator, or her designee, will draft and provide the Notice of Allegations to the parties. After Mandl receives the formal complaint, the Notice of Allegations will be provided to the respondent as soon as is practicable.

If in the course of an investigation the College decides to investigate additional allegations involving the respondent, Mandl will promptly notify the parties of the additional allegations. The parties will be provided sufficient time to review the additional allegations to prepare a response to those allegations.

Mandl will provide a party written notice of the date, time, location, participants, and purpose of any meeting, and will provide sufficient time for a party to prepare for their meeting.

Delays

Each party may request a delay in this Formal Resolution Process of *up to five (5) business days for good cause*. The requestor must provide reasonable notice and the delay must not overly inconvenience other parties. The request will be granted or denied in the sole judgment of the Title IX Coordinator, or appropriately ranking and trained designee.

Investigation

After issuing the formal complaint and Notice of Allegations, the Title IX Coordinator, or her designee will conduct a formal investigation into the reported conduct.

Mandl, and not the parties, is responsible for gathering information (i.e., the College has the responsibility to show a violation of policies has occurred). Either party may decide not to share their experience and may decide not to participate in an investigation or hearing.

The College cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Mandl will provide an equal opportunity for the parties to present witnesses and other information.

Multi-Party Matters

The College may consolidate formal complaints alleging prohibited conduct under Title IX of the Education Amendments of 1972 when those formal complaints arise out of the same facts or circumstances.

Inspection and Review of Investigative Record

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the information obtained during the investigation. The purpose of this inspection and review process is to give each party an equal opportunity to meaningfully respond to the information gathered prior to the conclusion of the investigation. Any information that is directly related to the allegations raised in the formal complaint and Notice of Allegations will be available for inspection and review by the parties. Mandl will send this information to each party and each party's Advisor of Choice, if any, through an electronic format.

The parties will have ten (10) business days to inspect and review the Investigative Record and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension if needed. If the parties wish to address whether information in the record is directly related to the allegations raised, that response should be submitted in a separate document.

Mandl will provide copies of the other party's written response addressing whether information in the Investigative Record is directly related to the allegations raised in the formal complaint. The College will also provide copies of the other party's written response addressing additional

information directly related to the allegations in the formal complaint. Each party will have the option to submit a response to any written response submitted by the other party as a part of a review of the Investigative Record. The parties will have five (5) business days to submit to submit response.

Information obtained during the course of the investigation that is determined, in the best judgment of the investigator, not to be directly related to the allegations in the formal complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information. Any information obtained in the investigation that is kept from disclosure or appropriately redacted will be retained in the file. Any information deemed properly subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the information subject to inspection and review or use such information for any purpose unrelated to the Title IX grievance process. Once signed, this Agreement may not be withdrawn.

Investigative Report

The investigator will create an Investigative Report summarizing relevant information. The Investigative Report is not intended to catalog all information obtained by the investigator, but only to provide a fair summary of the information directly related to the allegations. The investigator may redact irrelevant information from the Investigative Record when that information is contained in materials that are otherwise relevant.

Hearings

Mandl will not issue a disciplinary sanction arising from an allegation of prohibited sexual and related misconduct under this section without holding a live hearing unless the matter is otherwise resolved through the Informal Resolution Process.

The live hearing may be conducted with all parties physically present in the same geographic location. At the request of either party, the College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the other party or the witness answering questions. In addition, at Mandl's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through an appropriate video conferencing platform. This technology will enable participants to see and hear each other simultaneously.

At its discretion, Mandl may reschedule a hearing based on technological issues.

All proceedings will be recorded by transcript or through an audio or audiovisual recording. That transcript or recording will be made available to the parties for inspection and review.

Prior to obtaining access to any information, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or information obtained in the hearing or use such testimony or information for any purpose unrelated to the Title IX grievance process without prior, written approval from Mandl. Once signed, this Agreement may not be withdrawn.

Multiple Hearing Sessions

The College may determine that multiple sessions are needed to complete a hearing. If so, Mandl will notify all participants and endeavor to reasonably accommodate all participants' schedules and complete the hearing as promptly as practicable.

Participants in the Live Hearing

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

- Complainants and Respondents (the Parties)
- The parties cannot waive the right to a live hearing.
- Mandl may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence.
- Mandl will not threaten, coerce, intimidate, or discriminate against the party in an attempt to secure the party's participation.
- Unless prohibited by applicable law, the decision-maker can rely on prior statements made by a party when reaching a determination regarding responsibility even if a party does not submit to cross-examination.
- The decision-maker cannot draw an inference about responsibility based solely on a party's absence from the live hearing or refusal to answer cross-examination or other questions.
- The parties will be subject to the Mandl's policies on professionalism.

Advisors of Choice

The parties have the right to select an advisor of their choice. The Advisor of Choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party or otherwise communicate on behalf of the party except for the purpose of cross-examination.

In addition to selecting an Advisor of Choice to conduct cross-examination, the parties may assign an advisor who may accompany the parties to any meeting or hearing they are permitted to attend but may not speak for the party. This may include an Administrative Support Person (see section on **ASSIGNMENT OF AN ADMINISTRATIVE SUPPORT PERSON TO STUDENTS**). The parties are not permitted to conduct cross-examination; it must be conducted by the Advisor of Choice. For this reason, if a party does not select an Advisor of Choice, the College will select an Advisor of Choice to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party. *"The Title IX regulations do not preclude a postsecondary institution from providing an advisor who is an employee of the institution to serve as a party's advisor for purposes of cross-examination, if the party does not have an advisor"*²⁶. Further to these regulations, "the postsecondary institution is not required to pay for a party's attorney. The Title IX regulations state: *"If a party does not have an advisor present at the live hearing, the recipient must provide without fee or charge to that party, an advisor of the recipient's choice, who may be,*

²⁶ Answer #19 -- <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-part2-20210115.pdf>

but is not required to be, an attorney, to conduct cross-examination on behalf of that party.” 34C.F.R. § 106.45(b)(6)(i) (emphasis added).²⁷ **Mandl will not provide an attorney to any student who does not have an Advisor of Choice, rather Mandl will provide an employee to serve as a party’s advisor for the purposes of cross-examination.**

If a party does not attend the live hearing, the party’s Advisor of Choice may appear and conduct cross- examination on their behalf. If neither a party nor their Advisor of Choice appear at the hearing, Mandl will provide an Advisor of Choice to appear on behalf of the non-appearing party. Advisors of Choice are subject to the Mandl’s policies on professionalism, and may be removed upon violation of those Rules.

Witnesses

Witnesses cannot be compelled to participate in the live hearing, and they have the right not to be subjected to retaliation for non-participation.

Unless prohibited by applicable law, if a witness does not submit to cross-examination, the decision-maker can rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a party or witness who testifies at the live hearing. Witnesses shall be subject to Mandl’s policies on professionalism.

Decision-Makers

The Title IX regulations state in 34 C.F.R. § 106.45(b)(7)(i) that the **decision-maker** “cannot be the same person(s) as the Title IX Coordinator or the investigator(s).” Similarly, the regulations state in 34 C.F.R. § 106.45(b)(8)(iii)(B) that a **decision-maker for an appeal** is “not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.”²⁸

The Title IX regulations do not preclude a Title IX Coordinator from serving as a hearing officer whose function is to control the order and decorum of the hearing, so long as that role as a hearing officer is distinct from the “decision-maker”. **Mandl’s Title IX Coordinator serves as a hearing officer in proceedings, but not the decision-maker.**

The decision-maker’s role is to, among other obligations, objectively evaluate all relevant evidence, apply the standard of evidence to reach a determination regarding responsibility, issue the written determination, and (during any live hearing with cross- examination) determine whether a question is relevant (and explain any decision to exclude a question as not relevant) before a party or witness answers a question.

It must be noted that it is Mandl’s responsibility to ensure that the Title IX Coordinator (like the decision-maker and other personnel participating in the hearing) must not have a conflict of

²⁷ Answer #20 -- <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-part2-20210115.pdf>

²⁸ <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-part2-20210115.pdf>

interest or bias for or against complainants or respondents generally or against an individual complainant or respondent. 34 C.F.R. §106.45(b)(1)(iii).

Mandl's hearing process is comprised of three employees who make up the hearing panel. This panel will designate a lead person who will serve as spokesperson, and this individual will communicate in writing the outcome of the hearing. Decision-Makers monitor the questioning and cross-examination process and identify irrelevant questions. The parties will have an opportunity to raise any objections regarding hearing panel's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

The hearing panel comprised of three (3) individuals related to Mandl by status of employment is permitted to have hearing facilitators present, including the Title IX Coordinator who will not serve in the capacity of a decision-maker. Hearing facilitators may be other Mandl employees who are present during the hearing to assist with the orderly management of the hearing process. The number of hearing facilitators will be dependent on the number of individuals involved in the hearing process and its complexity.

Hearing Procedures

For all live hearings conducted under this section, the procedure will be as follows:

- The designated decision-maker, or an appropriately trained designee, will open and establish rules and expectations for the hearing;
- The parties will each be given the opportunity to provide opening statements read or submitted by the party themselves;
- The decision-makers will be given the opportunity to ask initial questions of the parties and witnesses;
- The Complainant's Advisor of Choice will be given an opportunity to ask questions of the complainant after the decision-maker has conducted their initial questioning of the complainant;
- The Respondent's Advisor of Choice will be given an opportunity to conduct live cross-examination of the complainant after the complainant has had an opportunity to be questioned by their own Advisor of Choice;
- The Respondent's Advisor of Choice will be given an opportunity to ask questions of the respondent after the decision-maker has conducted their initial questioning of the respondent;
- The Complainant's Advisor of Choice will be given an opportunity to conduct live cross-examination of the respondent after the respondent has had an opportunity to be questioned by their own Advisor of Choice;
- The parties will be given the opportunity for live cross-examination of a witness after the decision-maker conducts its initial questioning of the witness;
- During any cross-examination, the decision-maker will have the authority to pause the cross-examination at any time for the purposes of asking the decision-maker's own follow-up questions or taking any time necessary in order to enforce the established rules of the proceeding;
- Should a party or their Advisor of Choice choose not to cross-examine a party or witness, the party will affirmatively waive cross-examination through a written or oral

statement to the decision-maker. A party's waiver of cross-examination does not eliminate the ability of the decision-maker to use statements made by the party;

- At the conclusion of cross-examination, the decision-makers will have an opportunity to ask additional questions of that party or witness;
- The decision-makers reserves the right to prohibit further questioning of a party or witness after the parties have been given an opportunity to cross-examine that party or witness, or after the decision-maker has asked their additional questions following the conclusion of cross-examination.

Live Cross-Examination Procedure

Consistent with Mandl's policies on professionalism and code of conduct, each party's Advisor of Choice will conduct live cross-examination of the other party, or parties, and any witnesses. During this live cross-examination, the Advisor of Choice will ask the other party, or parties, and any witnesses relevant questions and follow-up questions directly, orally, and in real time, including those challenging credibility.

Relevant Information and Questions

Before any cross-examination question is answered, the decision-makers will determine if the question is relevant. Relevant information and questions refer to any questions and information that tend to make an allegation more or less likely to be true.

Relevant information and questions do not include the following types of information and questions, which are deemed "irrelevant" at all stages of the process outlined in this portion of the Policy and Procedures:

The Title IX regulations, at 34 C.F.R. § 106.45(b)(6)(i)-(ii), state that a complainant's sexual predisposition is "not relevant," and that a complainant's prior sexual behavior is "not relevant," unless the questions or evidence meet one of two limited exceptions. The investigative report required under 34 C.F.R. § 106.45(b)(5)(vii) requires a summary of "relevant" evidence. In the Preamble at 30304, the Department explains: ". . . all evidence summarized in the investigative report under § 106.45(b)(5)(vii) must be 'relevant' such that evidence about a complainant's sexual predisposition would never be included in the investigative report and evidence about a complainant's prior sexual behavior would only be included if it meets one of the two narrow exceptions stated in § 106.45(b)(6)(i)-(ii) (**deeming all questions and evidence about a complainant's sexual predisposition 'not relevant,' and all questions and evidence about a complainant's prior sexual behavior 'not relevant' with two limited exceptions**).

Therefore, information and questions about the complainant's sexual predisposition or prior sexual behavior **cannot be used unless**:

- they are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
- they concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- information and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege

Additionally,

- any party’s medical, psychological, and similar records unless the party has given
- voluntary, written consent
- cross-examination questions that are duplicative of questions already asked may be
- deemed irrelevant

Review of Recording

The recording of the hearing will be available for review by the parties within ten (10), unless there are any extenuating circumstances. The audio or visual recording of the hearing will not be distributed to parties or their Advisor of Choice.

Determination Regarding Responsibility

Standard of Proof

Mandl uses the preponderance of the evidence standard for investigations and determinations regarding responsibility. **This means that the investigation and hearing determines whether it is more likely than not that a violation of policies occurred.**

General Considerations for Evaluating Information Mandl allows parties to call relevant “expert witnesses” for direct and cross-examination. When appropriate, the College will allow parties to call relevant character witnesses to testify.

Outcome Letters

Determinations Regarding Responsibility

The outcome letter will be issued simultaneously to all parties through their College issued email account or through other reasonable means. The determination will include:

- identification of the allegations potentially constituting prohibited conduct under
- Title IX of the Education Amendments of 1972;
- a description of the procedural steps taken from the receipt of the formal
- complaint through the determination, including any notifications to the parties,
- interviews with parties and witnesses, site visits, methods used to gather other
- information, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding which section of Mandl’s policies, if any, the
- respondent has or has not violated;

for each allegation:

- a statement of, and rationale for, a determination regarding responsibility;
- a statement of, and rationale for, any disciplinary sanctions the recipient
- imposes on the respondent; and
- a statement of, and rationale for, whether remedies designed to restore or
- preserve equal access to the recipient’s education program or activity will be

- provided by the recipient to the complainant; and
- Mandl's procedures and the permitted reasons for the complainant
- and respondent to appeal.

It should be noted that, The Title IX regulations grant complainants and respondents equal rights to appeal, and to participate in any filed appeal, pursuant to 34 C.F.R. § 106.45(b)(8). The regulations do not condition those rights on whether a complainant or respondent is enrolled or employed by the recipient, participating in the recipient's education programs or activities, or otherwise has an affiliation or relationship to the recipient.

Timeline of Determination

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the College in a reasonably prompt time frame after the completion of the hearing.

Finality

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

APPEAL OF DISMISSALS OR DETERMINATIONS

This section addresses the appeal process for: (1) the dismissal of a formal complaint; (2) the dismissal of any allegations in a formal complaint or Notice of Allegations; and (3) determinations regarding responsibility.

Appeal When a Student Is the Respondent

Conduct That Does Not Fall Under Title IX

Notice of intent to appeal must be submitted to the Dean of Academics and Student Affairs within two (2) business days of: (1) the dismissal of a formal complaint or any allegations; or (2) a determination regarding responsibility. All appeals will be conducted in a fair, impartial, and equitable manner by decision-makers who are free of any conflict of interest.

A complainant or respondent may file a written appeal of a matter eligible for formal investigation based upon: (1) a material procedural error that could significantly impact the outcome of a case; (2) a claim that the sanction is substantially disproportionate to the finding(s); or (3) discovery of material, relevant evidence that was previously unavailable and could significantly impact the outcome of a case.

Appeal of the Dismissal of a Formal Complaint or Any Allegation

The appeal of the dismissal of a formal complaint or any allegations is heard by the Vice President of Academics or the Vice President of Institutional Effectiveness. Within twenty (20) business days of receipt of the notice of intent to appeal, the senior administrators or their designee will inform all parties in writing of the final outcome of the appeal. An extension of the time frame to issue the final decision may be granted for good cause as determined by one of the named Vice

Presidents or their designee. The complainant and respondent will be notified in writing of both the appeal and the final outcome of the appeal.

Appeal of a Determination Regarding Responsibility

The appeal of a determination regarding responsibility is heard by the Review Council, which is comprised of five members: two faculty members appointed by the Vice President of Academics; one administrator appointed by the College President; and two staff members appointed by the President of the College.

Should the chair of the Review Council determine that there is a conflict of interest with any panel member, that panel member will be excused and replaced by another panel member to ensure a fair and impartial proceeding.

The Review Council shall have the power to: (1) uphold the decision made at the hearing; (2) uphold the decision but change the sanction; or (3) remand the matter back to the hearing officer for further hearing. **The decisions and sanctions of the Review Council are determined by majority vote, and are final and not appealable.**

Appeal Review Process

The spokesperson for the hearing panel and the person filing the appeal will present their respective versions of the matter to the Review Council. In addition to the Administrative Support Person assigned to students, the appealing student—who represents themselves in the hearing—can have one (1) Advisor of Choice present. *The Advisor of Choice may not actively participate during the hearing.*

The Review Council may pose questions to the spokesperson for the hearing panel and to the appealing student.

Both the complainant and respondent will be given an opportunity to be heard, if they so choose.

The Review Council may choose to ask the hearing officer to return to the meeting to answer specific questions about the matter. The Review Council hearing is conducted in closed session.

If the Review Council decides by majority vote that it needs more information in order to reach its decision, it may call relevant witnesses or request information to the extent required.

Within fifteen (15) business days of the conclusion of the Review Council hearing, the chairperson of the Review Council will inform all parties, including the senior managers in the student affairs office, of the final decision.

A timely final outcome letter will be simultaneously provided to both the complainant and respondent.

Appeal When a Student Is the Respondent

Conduct That Falls Under Title IX of the Education Amendments of 1972

Notice of intent to appeal must be submitted to the Dean of Academic and Student Affairs five (5) business days of: (1) the dismissal of a formal complaint or any allegations; or (2) a determination regarding responsibility. All appeals will be conducted in an impartial, fair, and equitable manner by decision-makers who are free of any conflict of interest.

A complainant or respondent may file a written appeal of a matter eligible for formal investigation based upon:

1. a procedural irregularity that affected the outcome of the matter;
2. a claim that the sanction is substantially disproportionate to the finding(s);
3. new evidence that was not reasonably available at the time the determination
4. regarding responsibility or dismissal was made but that could affect the outcome
5. of the matter; or
6. the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeal When an Employee Is the Respondent

Notice of intent to appeal must be submitted to the Vice President for Institutional Effectiveness within five (5) business days of: (1) the dismissal of a formal complaint or any allegations; or (2) a determination regarding responsibility. All appeals will be conducted in a fair, impartial, and equitable manner by decision-makers who are free of any conflict of interest.

A complainant or respondent may file a written appeal of a matter eligible for formal investigation based upon:

1. a procedural irregularity that affected the outcome of the matter;
2. claim that the sanction is substantially disproportionate to the finding(s);
3. new evidence that was not reasonably available at the time the determination
4. regarding responsibility or dismissal was made but that could affect the outcome
5. of the matter; or
6. the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeal of the Dismissal of a Formal Complaint or Any Allegation

The appeal of the dismissal of a formal complaint or any allegations is heard by the Vice President of Academics and the Vice President for Institutional Effectiveness or their designee. Within twenty (20) business days of receipt of the notice of intent to appeal, the Vice Presidents or their designee will inform all parties in writing of the final outcome of the appeal. An extension of the time frame to issue the final decision may be granted for good cause as determined by the Vice Presidents or their designee.

The complainant and respondent will be notified in writing of both the appeal and the final outcome of the appeal.

Appeal of a Determination Regarding Responsibility

The appeal of a determination regarding responsibility when it involves an employee is heard by the Appeal Panel.

The panel's makeup will be determined by selecting members who are deemed impartial, fair, and unbiased. The Vice President of Institutional Effectiveness will work with the President of the College to ensure that the panel's composition allows for the most unbiased and equitable appeal. If the appeal involves faculty, the Vice President of Institutional Effectiveness will rely on the Vice President of Academics to assist with selecting a panel of faculty and administrators. The Vice President of Institutional Effectiveness will appoint a chair of the Appeal Panel.

If the chair of the Appeal Panel determines that there is a conflict of interest with any panel member, that panel member will be excused and replaced by another panel member to ensure a fair and impartial proceeding.

Title IX Review Committee Procedures

The hearing is conducted in a closed session.

The Appeal Panel will review the full case record, including the Title IX Coordinator's investigative report; the sanctions, or lack thereof, imposed by the issuing vice president, or their designee; the related rationale; and any and all evidence in the case file.

The issuing vice president, or their designee, will serve as a party during the hearing. If the complainant and/or respondent submits a notice of intent to appeal, they will also serve as a party during the appeal ("appealing party"). A non-appealing complainant or respondent will be considered a witness for the purposes of the appeal.

The vice president, or their designee, issuing the findings and the appealing party will present their respective versions of the matter to the Appeal Panel. The Appeal Panel may ask questions to the parties or relevant witnesses. The complainant and respondent will be given an opportunity to be heard even if they have not submitted a notice of intent to appeal.

Each party may be given an opportunity to submit questions to the other party and to relevant witnesses. To do so, the party must submit questions to the Appeal Panel Chair, who may then ask the questions.

The parties may have one (1) Advisor of Choice present. However, the Advisor of Choice may not actively participate during the hearing and must adhere to all rules set forth in Mandl's policies.

The Appeal Panel may affirm the decision of the decision-maker or sustain any of the specified grounds for appeal, in which case the Appeal Panel may:

- reverse a finding;
- change a sanction or remedy;
- remand a case to the original decision-maker for clarification or reconsideration
- consistent with the Appeal Panel's decision;
- remand a case to Title IX Coordinator to identify a new decision-maker due to a conflict of interest substantiated by the appeal process; or

- remand a case for a new or additional investigation, to be followed by a finding
- by a decision-maker.

Within ninety (90) business days of receipt of the notice of intent to appeal, the Vice President for Institutional Effectiveness or her designee will inform all parties in writing of the final outcome of the appeal. The final outcome will be determined by majority decision. An extension of the timeframe for the Appeal Panel to issue the final decision may be granted for good cause as determined by the Vice President Institutional Effectiveness or her designee.

The Vice President for Institutional Effectiveness will simultaneously provide the complainant, the respondent, and the Vice President issuing the sanctions, if applicable, with a copy of the Appeal Panel’s findings.

A record of the Hearing will be preserved for the case file by the Title IX Coordinator.

DIFFERENCE BETWEEN MANDL’S DISCIPLINARY PROCESS AND THE CRIMINAL JUSTICE SYSTEM

Below is a chart showing the difference between the College disciplinary process and the New York State Penal Code law:

	Mandl’s Disciplinary Process	Criminal Justice System
Goal	To promote and ensure a safe campus environment that enables faculty to teach and students to learn	To apprehend, punish and sometimes reform people who have broken the law
Laws Governing Action	Title IX, the Clery Act, VAWA NYS Education Law Articles 129-A and 129-B, Enough is Enough	State constitutions and laws define the criminal justice system within each State. • NYS Penal Law • NYS Rules of Criminal Procedure • Federal criminal Law • Federal Rules of Evidence
Reporting	Victims may disclose sexual violence to: <ul style="list-style-type: none"> • Dean of Academic & Student Affairs (non-confidential) • Title IX Coordinator (non-confidential) • to a Confidential Resource • Campus Safety Authorities (non-confidential) 	Crimes involving sexual violence may be reported to: <ul style="list-style-type: none"> • Mandl’s Campus Safety Authorities • New York City Police Department • Local police • New York State Police • Federal law enforcement agents
	In most instances, an investigation will not take place if the complainant does not want an investigation to	Determination is made by law enforcement agency. An investigation may be conducted without the consent or

Who Decides to Investigate	occur. The College may conduct its own investigation when it determines, in good faith, that it is in the best interest of the complainant or College community to do so.	participation of a reporting individual. The ultimate decision whether to have a criminal prosecution is made by a prosecutor.
Who Conducts the Investigation	Trained, qualified individuals employed or retained by Mandl	Police or law enforcement officials
Standard of Evidence	A violation of disciplinary rules must be found by a “preponderance of evidence” or more likely than not standard	“Beyond a reasonable doubt” is the legal burden of proof required to affirm a conviction in a criminal case. https://manhattanda.org/criminal-justice-system/
Participation	Parties cannot be required to participate in the College process. Mandl will be limited in its ability to respond if the reporting individual does not participate. All non-party students, faculty, staff, and administrators are required to participate in all investigations under Mandl’s Policies.	A criminal prosecution can proceed without the participation or cooperation of the reporting individual but the burden of proof is harder to achieve.
Testimony	The testimony of the reporting individual is private. Cross-examination is only permitted in hearings under Title IX of the Education Amendments of 1972.	Testimony is oral or written evidence given by the witness under oath, affidavit, or deposition during a trial or other legal procedures. Generally public Witnesses/reporters can be cross examined.
Possible Outcomes	The respondent may be found “responsible” or “not responsible” for violations of College policy, agree to an Informal Resolution, or the matter may be dismissed.	Defendant may: <ul style="list-style-type: none"> • plead guilty • have matter dismissed • be charged guilty or not guilty by a judge or jury
Sanctions	Sanctions range from a warning to suspension or expulsion from the College	A case may proceed to conviction and sentencing. A person can be sentenced only if convicted. A person can be convicted only on his/her plea of guilty, or by a finding of guilt after a trial to a judge or jury. Sanctions include being fined, imprisoned, or both

BYSTANDER INTERVENTION

WHAT IF I AM A BYSTANDER AND SEE SOMETHING IS WRONG?

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Additional areas considered for bystander intervention include the witnessing or having knowledge about discrimination, medical emergency, alcohol-related incident, and acts of discrimination.

Intervening can be difficult, however. Even when a bystander encounters an abuser or a victim of abuse, they may not believe they can do anything to help. Many bystanders ignore the situation because they do not want to get involved, or fail to report the situation because they are afraid of retaliation from the perpetrator.

Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, and overcoming barriers to intervening. It is important to be aware of what is going on around you and behavior that seems out-of-place or concerning.

There is no single “right” way to intervene, and what is appropriate depends on the situation and the individuals involved. Bystanders should notice the emergency, interpret it as such.

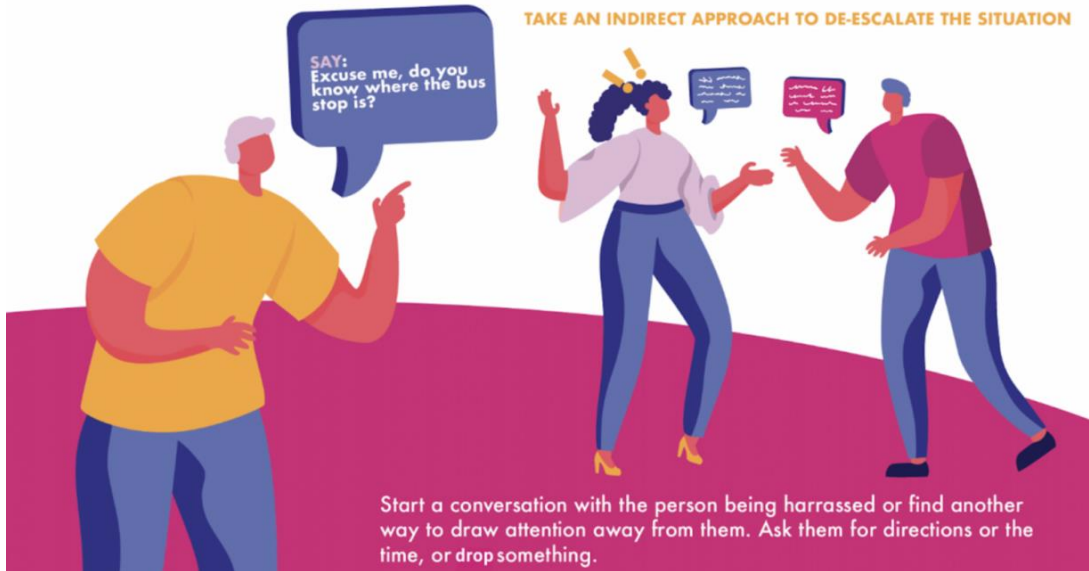
If anyone suspects a friend, acquaintance, or stranger may be in a high-risk situation for becoming a victim, is being victimized, or has been a victim of any form of sexual and related misconduct, it is important to decide as a bystander whether there is **a safe and reasonable way to intervene effectively**, and to act in a way to assist a person whether it is before, during, or after an incident takes place. Bystanders are also encouraged to contact the Title IX Coordinator. **There is no legal obligation for a bystander to act or intervene.**

RIGHT
TO
BE _____

THE 5Ds OF BYSTANDER INTERVENTION

DISTRACT

TAKE AN INDIRECT APPROACH TO DE-ESCALATE THE SITUATION



SOURCE: <https://righttobe.org/guides/bystander-intervention-training/>

RIGHT
TO
BE _____

THE 5Ds OF BYSTANDER INTERVENTION

DELAY

After the incident is over, check in with the person who was harassed



SOURCE: <https://righttobe.org/guides/bystander-intervention-training/>

RIGHT TO BE _____

THE 5Ds OF BYSTANDER INTERVENTION

DOCUMENT

It can be helpful for the person being harassed to have a video or other evidence of the incident. Laws about recording in public vary, so check local laws first.

Illustration showing a person being harassed (left) and bystanders documenting the incident (right). A speech bubble from the harasser says "Let me come in". A speech bubble from a bystander says "Only document the situation if it's safe." Another speech bubble asks "Is anyone helping the person being harassed? If no, use one of the other 4Ds to help them." Below the illustration are two columns of text.

TIPS FOR DOCUMENTING PUBLIC HARASSMENT

- Keep a safe distance
- Film street signs or other landmarks that help identify the location
- Say the day and time.

ALWAYS ask the person who was harassed what they want to do with the footage. **NEVER** post it online or use it without their permission.

Keep your attention on the person being harassed - **make sure anything you do is focused on supporting them.**

SOURCE: <https://righttobe.org/guides/bystander-intervention-training/>

RIGHT TO BE _____

THE 5Ds OF BYSTANDER INTERVENTION

DIRECT

Assess your safety first. Speak up about the harassment. Be firm and clear.

Illustration showing three bystanders speaking up to a harasser. A speech bubble from a bystander says "SAY: That's inappropriate. Leave them alone." Another speech bubble says "Let me come in". A third speech bubble says "Let me come in". Below the illustration is a paragraph of text.

You can also talk to person being harassed about what's going on. Ask: "Are you okay? Should I get help? Should we get out of here?"

SOURCE: <https://righttobe.org/guides/bystander-intervention-training/>



SOURCE: <https://righttobe.org/guides/bystander-intervention-training/>

The following are suggestions for safe and positive bystander actions:

Do's

- Take steps to stop a friend who chooses to use violence.
- Ask a friend, acquaintance, or stranger who is attempting to take sexual advantage of another to stop and leave the location.
- Take the initiative to help friends who aren't thinking clearly avoid becoming targets of violence.
- Prevent an intoxicated person from going to a private location with an acquaintance or friend.
- Recognize dating or domestic partners who cause fear or physical pain to their partner, and voice your concerns when appropriate (e.g., by referring the person to the Title IX Coordinator).
- Avoid situations where intoxicated people (complainants, respondents, or both) may be unable to conHere are four basic steps you can take to be an engaged bystander when a harmful event is occurring. We all **C.A.R.E.!**

C: Create a Distraction

Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place. If you are in a group and a situation is escalating, cut off the conversation with a diversion like, "Let's go grab something to eat, I'm starving". Start an activity that draws other people in, like a game or sharing fun posts on social media.

A: Ask Questions

Talk directly to the person who might be in trouble.

Ask questions like, “Who did you come here with?” or “Would you like me to stay with you?”

R: Refer to an Authority

Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like a College employee or a member of the building staff or building security.

Talk to the person about your concerns. It is in their best interest to ensure that students are safe, and they usually will be willing to step in.

Don't hesitate to call 911 if you are concerned for someone else's safety.

E: Enlist Others

It can be intimidating to approach a situation alone. Enlist another person to support you. Ask someone to come with you to approach the person at risk. When it comes to expressing concern, sometimes there is power in numbers. Ask someone to intervene in your place.

Bystander training begins at Orientation for incoming students and new employees and continues throughout the year during faculty trainings and student workshops.

Am I Required to Intervene and Act as a Bystander?

No, there is no legal obligation in New York state for a bystander of a potentially violent situation or crime to intervene or act.

OVERVIEW

Mandl's primary focus and priority is to ensure the safety and well-being of our students and employees.

An important component of this commitment is the prevention of substance abuse by members of the Mandl community. Substance abuse obstructs learning, teaching, and personal development. However, there are also serious criminal and disciplinary implications for students and employees who use, manufacture, or sell controlled or illicit substances on Mandl's property, at Mandl-sponsored events, or while representing the College. This notification recognizes Mandl's responsibility to implement and to enforce alcohol and drug regulations that are consistent with New York State laws.

POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY (SECTION 6442) AND ARTICLE 129-B - (6439 – 6449)

Through this policy Mandl acknowledges that use of drugs or alcohol may create life-threatening situations and aims to reduce institutional obstacles to seeking and receiving medical help in those instances. This policy enables students under the influence of drugs and/or alcohol who may be the victims of, witnesses to, or otherwise become aware of sexual misconduct or violence, including but not limited to, domestic violence, dating violence, stalking, or sexual assault, to seek medical assistance either for themselves or others, and/or to report the incident without the fear of being subject to discipline for the use of drugs or alcohol.

The health and safety of every student at Mandl is of utmost importance. Mandl 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. Mandl strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Mandl's officials or law enforcement will not be subject to Mandl'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. Amnesty from internal institutional violations for drug or alcohol use is provided to students reporting incidents under this provision. **Drug dealers or those who use drugs or alcohol as a weapon or to facilitate assault will not receive amnesty under this provision.**

This policy covers only personal drug use and possession whether intentional or accidental.

The point of this policy is to remove the fear of those who have, legally or illegally, been using or in the presence of drugs or alcohol at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault, that the College would take conduct action related to the use of drugs or alcohol. For the complete policy on Drug and Alcohol Amnesty, please see the College Catalog.

** Note that these provisions only cover the student disciplinary process. This policy is intended both to implement Article 129-B of the Education Law (which mandates drug and alcohol amnesty for those who report violence) and to incorporate New York State's Good Samaritan Law, which is designed to encourage individuals to call 911 in the event of an alcohol or drug-related emergency.*

Generally, the Good Samaritan Law protects persons who witness or suffer from a medical emergency involving drugs or alcohol from being arrested or prosecuted for drug or underage alcohol possession after they call 911. It does not protect against arrest or prosecution for other offenses, such as the sale of drugs.

This policy does not limit the College from seeking assistance for a student who is struggling with drug or alcohol addiction or is otherwise in danger provided that the assistance is not disciplinary in nature. If repeated incidents of alcohol or drug use are involved, there may be issues of medical concern, which may result in parental notification (if student is a minor), medical withdrawal, and/or other non-disciplinary responses.

The Amnesty policy does not apply to those who use alcohol or drugs as a weapon or to facilitate assault.

IF YOU'RE READY TO SEEK HELP

Signs and symptoms of Drug Dependence:

Drug dependence involves all the symptoms of drug abuse, but also involves another element: physical dependence.

- **Tolerance:** Tolerance means that, over time, you need more drugs to feel the same effects. Do they use more drugs now than they used before? Do they use more drugs than other people without showing obvious signs of intoxication?
- **Withdrawal:** As the effect of the drugs wear off, the person may experience withdrawal symptoms: anxiety or jumpiness; shakiness or trembling; sweating, nausea and vomiting; insomnia; depression; irritability; fatigue or loss of appetite and headaches. Do they use drugs to steady the nerves, stop the shakes in the morning? Drug use to relieve or avoid withdrawal symptoms is a sign of addiction.
- **Loss of Control:** Using more drugs than they wanted to, for longer than they intended, or despite telling themselves that they wouldn't do it this time.
- **Desire to Stop, But Can't:** They have a persistent desire to cut down or stop their drug use, but all efforts to stop and stay stopped, have been unsuccessful.
- **Neglecting Other Activities:** They are spending less time on activities that used to be important to them (hanging out with family and friends, exercising or going to the gym, pursuing hobbies or other interests) because of the use of drugs.
- **Drugs Take Up Greater Time, Energy and Focus:** They spend a lot of time using drugs, thinking about it, or recovering from its effects. They have few, if any, interests, social or community involvements that don't revolve around the use of drugs.
- **Continued Use Despite Negative Consequences:** They continue to use drugs even though they know it's causing problems. As an example, person may realize that their drug use is interfering with ability to do their job, is damaging their marriage, making problems worse, or causing health problems, but they continue to use.

New York City has many free and low-cost services for people with drug and/or alcohol problems.

TIMELY WARNINGS TO MEMBERS OF THE COMMUNITY

Mandl takes its duty seriously to inform students and other campus community members of threatening situations and how they can best protect themselves from harm. Information pertaining to crime-related and other potentially threatening situations is provided in an accurate and timely fashion for use by students and other College community members to reduce their chances of becoming victims. The method or methods used to notify the community will depend on the severity, location, and type of incident and the ongoing nature of the threat. The sections below outline the processes and methods of dissemination, who is responsible, and the circumstances under which a timely warning would be issued. Please read these sections carefully.

DECISION TO ISSUE CLERY TIMELY WARNING NOTICE - RESPONSIBILITY OF THE DECISION TEAM

The decision to issue a **Clery Timely Warning** notice or an **Emergency Notification** is made in coordination and consultation between the College President, the Executive Vice President of Operations, and the Title IX Coordinator, the VP of Academics, and the VP of Institutional Effectiveness. In an extreme emergency, the notification process will be implemented at the sole direction of the President, or the Executive Vice President of Operations, or a properly qualified designee.

NOTIFICATION & RESPONSE: TIMELY WARNINGS & EMERGENCY NOTIFICATIONS

	EMERGENCY NOTIFICATION	TIMELY WARNING
Scope	Significant emergency or dangerous situation.	Clery crimes, reported to CSAs.
Triggered by?	Event that is currently occurring on or imminently threatening campus.	Crimes that occurred and represent an ongoing threat.
Where event occurs?	Only on campus.	Anywhere on Clery Geography.
How soon to issue?	Immediately upon confirmation of situation.	As soon as information is available.

	EMERGENCY NOTIFICATION	TIMELY WARNING
What to expect?	What will be sent out: information about the nature of the emergency and what changes one needs to make immediately as a result; evacuation procedures of necessary; assurance that an all-clear will be sent when emergency is over.	The message will contain: date, nature, location of incident, prevention tips, how to report a similar occurrence.
	A determination will be made that a significant emergency exists using procedures in place. Once confirmed that a significant emergency exists, a multi-modal communication will be initiated to ensure delivery; segmentation of messaging is permitted and may be necessary, if appropriate.	Warning will be sent out based on a case-by-case analysis if the factors above are present. Message will be disseminated by using multi-modal system intended to reach the entire campus community; most commonly e-mails, website updates, and social media posts.

TIMELY WARNINGS VERSUS EMERGENCY NOTIFICATION

- **TIMELY WARNINGS** are **NOT** used to simply inform, but rather to draw awareness to a potential threat.
- **EMERGENCY NOTIFICATION** is used to inform the members of the campus community **to do something differently immediately** (such as evacuate the area or segment of the campus you are in).

- **TIMELY WARNINGS** are designated to inform you of something that has already
- happened, but may have potential serious or ongoing impact on you or the College community.
- Warnings are issued for all Clery Act Crimes which represent a serious or continuing threat to the person and well-being of students and employees. Examples include, but are not limited to:
 - Criminal Homicide;
 - Sex Offenses;
 - Domestic or Relationship Violence;
 - Robbery;
 - Aggravated Assault;
 - Burglaries (occupied rooms/offices/structures);
 - Hate Crimes;
 - Persons with weapons with intent to use;
 - Threat of violent crime;
 - Consistent pattern of violent behavior;
 - Situations where suspect is not known;
 - Assault (physical or sexual);
 - Serious acts or threats to campus-owned or personal property.

Mandl's Emergency Response Plan is comprised of several elements. The plan outlines sample procedures for responding to various campus emergencies. It also outlines the different communication systems utilized to notify the campus community that a threat to safety, significant emergency, or dangerous situation exists. The most important element of Mandl's emergency response plan is communication. Timely information is crucial to helping ensure everyone has the opportunity to take proper safety precautions and can protect themselves.

Students and employees are encouraged to join Mandl's notification system to receive text or voice notifications of campus emergencies. Students can sign-up with the Registrar.

All members of the Mandl community who register to receive Mandl's Emergency Notifications will receive an alert on the cell phone number they provided to the College at the time of the sign-up. Members of the College who **affirmatively selected to opt out** of receiving Emergency Notifications **will not receive any warning messages**; however, Mandl has multi-modal alert procedures and those who opt out still will receive notification either by mass E-mail, public announcement, or Mandl's website, among other methods. All students, as well as faculty and staff are strongly encouraged to participate in Mandl's Emergency Notification system. Mandl's Emergency Notification system is intended to provide immediate and up-to-date information regarding unfolding emergency situations and imminent threats to the safety and security of the community. The system contacts individuals who have elected to receive these notifications whenever Mandl issues such warning messages. Receiving messages to cell phones allows members of the community an easy way to stay abreast of any dangerous situation and to receive updates if an emergency is occurring on campus or on one of the contiguous geographic areas of the campus. Updates will be sent as appropriate or necessary; an "all-clear" will be sent when the College believes that the immediate emergency is over and it is safe to return to regular activities.

Students and employees are urged to update their cell phone numbers with the College whenever their main contact number changes.

If no updates are submitted, the College will use the phone number on file from when the individual signed-up originally to send emergency notifications. When that changes, **the College should be notified immediately** so that there is no disruption in communication.

As mentioned, timely warnings are issued by the College President, the Executive Vice President of Operations, and the Title IX Coordinator, in consultation with one another or as necessary and appropriate to respond to imminent threat. The College will immediately notify the campus community upon confirmation of an immediate threat, emergency, or impending dangerous situation. This means that the individuals named above will work quickly to verify that a legitimate emergency or dangerous situation exists. In certain circumstances the College may release the warning even if not all of the pertinent details are known or even available.

Once the determination is made that there is an imminent threat to the safety of the community, and if it is appropriate or feasible, Mandl will issue an immediate notification of the security issue via email.

Notification boards with the announcement will be placed in the common areas of the campus, when appropriate.

The crimes that would trigger a Timely Warning include all Clery Act reportable crimes (*as listed in various sections of this document*) that are reported to College authorities or local police agencies and are considered by the College to represent a serious or ongoing threat to the College community.

At all times, Timely Warnings will be issued withholding the names and other identifying information of victims and will be issued in an expeditious manner to aid in the prevention of similar crimes.

Other examples of when Mandl uses the Emergency Notification system to alert the campus community by community-wide e-mail are: when the operations of the College are impacted either because of a natural disaster (any extreme/severe weather conditions), environmental disasters, nearby chemical or hazardous waste spills, gas leaks, explosions, fires, significant transport accidents, outbreak of meningitis, norovirus, or other serious illness, ongoing criminal incidents, terrorist incident, bomb threat, civil unrest or rioting, and other man-made disasters. In all cases, when the emergency message goes out, the expectation is that community members will act to secure their safety.

WHEN & HOW ARE NOTIFICATIONS ISSUED?

Activation Procedures for the Emergency Notification System

The Emergency Notification System is activated by the decision of the President of the College, the Executive Vice President of Operations, the Title IX Coordinator, or a properly qualified designee, based on the best available information at the time of the emergency. The College will do its best to confirm the immediate or imminent threat. As a matter of practice, when evaluating a potential threat or considering an emergency notification, Mandl will err on the side of caution and issue a warning as soon as possible. The warning will be accurate and specific enough to help its recipients.

Mandl relies on outside sources, such as communication with the local law enforcement units, public announcements from the NYC major's office and Notify NYC updates (<https://a858-nycnotify.nyc.gov/notifynyc/Home.aspx>). News channels and radio announcements provide external information regarding threats that can potentially affect the well-being of the campus community.

Mandl follows the following NYC Emergency Management Social Media Channels:

- **Facebook:** <http://www.facebook.com/nycemergencymanagement>
- **LinkedIn:** <https://www.linkedin.com/company/nyc-emergency-management>
- **YouTube:** www.youtube.com/nycuem
- **X:** <https://twitter.com/nycgov> and <https://twitter.com/NYCMayorsOffice>

All members of the College community (employees, students, and vendors) are responsible for notifying the college administration of suspicious persons and/or behavior to initiate immediate response procedures.

Mandl has a streamlined process through the use of a decision matrix that reflects the factors the College has determined constitute a serious or on-going threat by which timely warnings are approved for issuance so that information gets sent more quickly and efficiently to the campus community.

If the threat is found to be general in nature, the college will issue an appropriate timely warning, as quickly as possible.

Where it is determined that the threat is specific to an area of the campus a timely warning will be initiated only in that area or location.

If the threat is person-specific, the President, the Executive Vice President of Operations, or appropriately ranking designee, will ensure every precaution is taken to protect that individual. In consultation with the threatened individual, the President, the Executive Vice President of Operations, or appropriately ranking designee, a trespass notice may be issued.

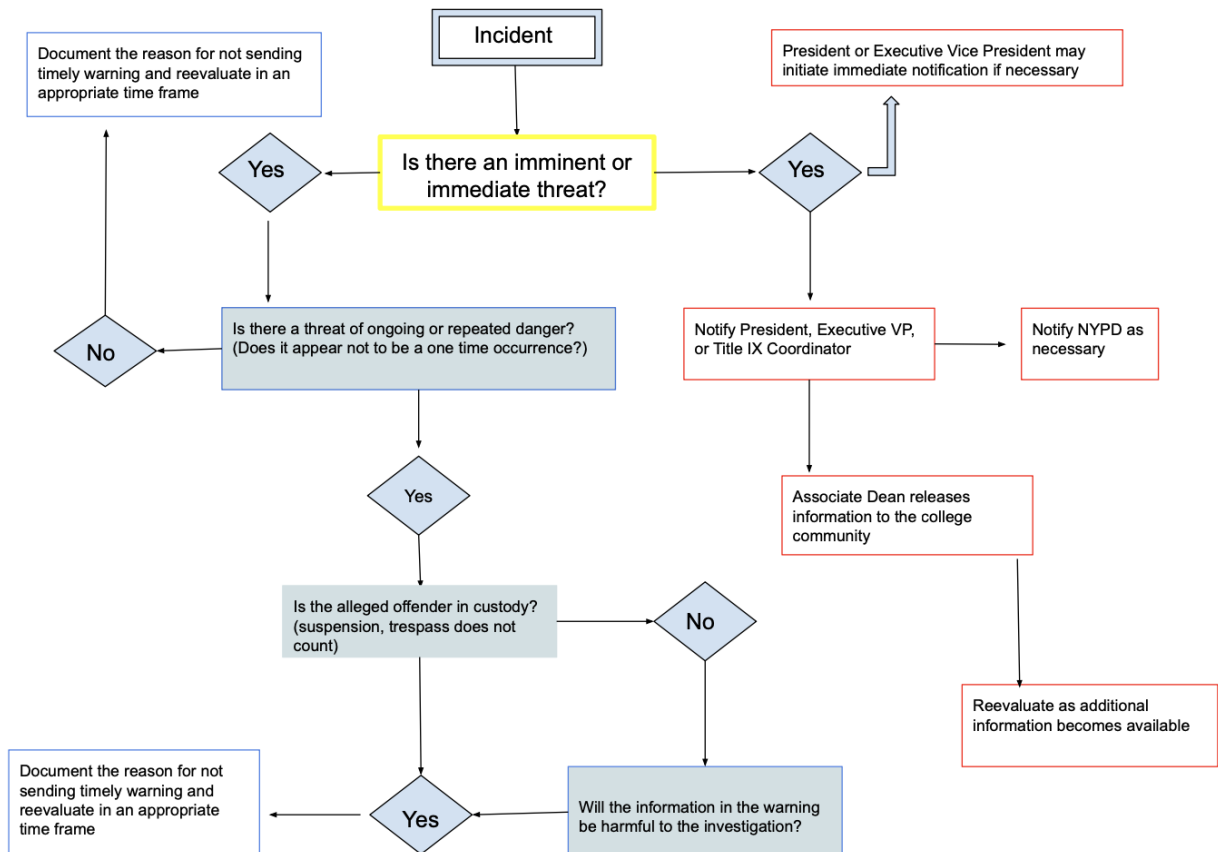
In the event of a general safety/security threat, the Executive Vice President of Operations, or designee, in consultation with either the President, or if time permits, members of the Safety and Security Committee (Title IX Coordinators, CSA's) will utilize Mandl's decision matrix and implement the following procedures:

A timely warning message describing the threat, and an outline of precautionary measures to be taken to diminish possible occurrences of the threat, will be prepared and communicated by the President, Executive Vice President of Operations, or designee, to the College community.

- Timely warning messages are disseminated using multi-modal methods, including:
- texts messages;
- community-wide e-mails are sent to all registered Mandl users;
- updates on the website are placed in the banner of the main page;
- messages are recorded on College phone lines;–
- megaphones;
- other methods deemed necessary that may be used in the information dissemination process.

Additionally, bulletin and message boards in highly trafficked areas are utilized to post announcements and alerts.

Timely Warning and Emergency Notification Decision Chart



WHAT IS AN IMMINENT THREAT?

A threat is imminent **when the need for action is instant, overwhelming, and leaves no time for deliberation.** Such situations may include, but are not limited to, a hazardous materials incident requiring sheltering in place or evacuation, a hostage/barricade situation, a riot, suspicious package with confirmation of a device, a fire/explosion, suspicious death, structural damage to College owned or controlled facility, biological threat, a gas leak, an active shooter on or near campus, or a shooting incident on or near the campus. When an emergency notification (timely warning) is activated, College officials will notify campus community members of the emergency situation, its exact location, and most likely will request community members to protect themselves by either evacuating the affected area if it is safe to do so and/or by employing the “shelter-in-place” alternative. “Shelter-in-place” means to take immediate shelter wherever you happen to be at the time the notification is issued– in the classrooms, administrative offices, library, etc. In those instances, community members should **remain in a “shelter-in-place” status until the “all clear” is communicated by emergency response personnel.** College authorities may instruct campus community members to shelter-in-place if a condition exists that is potentially life threatening and has an immediate threat to the health and personal safety of those on premises of the campus.

SUMMARY AT A GLANCE

On activation by the College, the notification system sends messages during emergency events via e-mail and text message.

Generally, the steps are:

- The College confirms that a significant on-campus, or in contiguous campus geography, emergency exists.
- The President, the Executive Vice President of Operations, or a properly qualified designee is notified of this emergency and determines what methods of notification will be activated. When time or situation permits, this may be in expedient consultation with other College officials, including, but not limited to the Campus Safety and Security Committee members. The determination also will be made about the appropriate campus locations and members of the College community who should receive the notification, and what the content of the notification should be.
- The Assistant Dean will send the mass notification via E-mail.
- A message will be recorded on Mandl’s campus specific emergency lines.
- Mandl’s website will be updated to reflect the emergency notification.
- Periodic updates will be sent as information becomes available.
- When the emergency has been fully resolved, an “all-clear” alert will be issued to the campus community.

When the Emergency Notification system is activated, members of the community are asked to follow the directions provided in the message. These notification messages will follow the procedures outlined in Mandl’s Safety and Security Plan. All members of the community are, therefore, urged to familiarize themselves with Mandl’s emergency response and evacuation procedures.

Throughout the year Mandl routinely tests its emergency response and evacuation procedures and asks that all members of the College community cooperate and participate in these tests in good faith. Some tests are announced while others are not. No one is to remain in the buildings during evacuation drills regardless of the activity they are involved in.

Mandl also regularly conducts fire evacuation drills and active shooter drills, among other emergency response training.

EMERGENCY RESPONSE AND EVACUATION FIRE DRILL TESTS

***DON'T** assume that a fire alarm is a test or that someone is burning popcorn in one of the microwaves around the campus.*

Any alarm could be the result of a dangerous fire.

***DON'T** waste time collecting personal items.*

The key is to get yourself to safety as soon as possible.

***DON'T** use the elevators during a fire emergency; always use the stairs.*

During an emergency, employees and students must follow verbal evacuation instructions provided by an authorized Mandl employee or designated building representative. The CSA's are authorized to make such announcements. Designated authorized personnel will assist in directing building occupants to a safe location. The building will remain unoccupied until deemed safe to re-enter by emergency personnel. Mandl conducts fire drills throughout the year. The College documents, for each test, a description of the exercise, the date, time, and whether the drill was announced or unannounced. **Mandl complies with NY Educ L § 807-B (2015) law (and all related fire inspection requirements).**

On occasions drills may be unannounced.

Drills are conducted to ensure that Mandl's students, faculty, and staff are familiarized with campus evacuation procedures so that they may in a sudden emergency be able to leave the campus building in the shortest possible time and without confusion or panic. The College publishes response and evacuation procedures in conjunction with the annual drills. Procedures are also published in the Employee and Student Handbooks. Each building has assigned fire/evacuation floor Wardens who provide direction to the members of the College community during drills and actual emergency events. Fire Emergency Floor Wardens and searchers are designated to serve specific areas of the building. In an emergency when evacuation is warranted, the Wardens will assist with the process of clearing the campus quickly and ensuring that no one has been left behind. The Wardens are responsible for facilitating evacuations, for helping to gather members of the College community in designated safe assembly places, and for passing information to the fire safety command. All students, faculty, and staff are required promptly to comply with their directions. When the fire alarm goes off, members of the community should not talk or make noise.

Announcements will generally follow the fire alarm. If a false alarm occurs, an “all clear” announcement will follow via the public announcement system.

ALL members of the Mandl community should treat all fire alarms as real unless otherwise directed by the floor Wardens or members of the safety staff.

Any members of the College community who do not have the ability to access stairwells without assistance should meet with the Dean and the Accessibility Coordinator as soon as feasible upon enrollment or at the commencement of employment at the College to establish a written safety plan. Individuals who are able to assist during an emergency evacuation will help persons with disabilities to move to a safe area preferably on/or adjacent to the landing of the closest safe stairwell and notify College personnel of their location for evacuation by emergency personnel.

Go directly to the nearest safe stairwell – DO NOT USE THE ELEVATORS. Emergency response personnel will assist you down the stairs to safety.

WHEN IN DOUBT – CALL 911

An emergency is any situation that requires immediate assistance from the police, fire department, or ambulance. Examples include:

- A fire;
- A crime, especially if in progress;
- A car crash, especially if someone is injured;
- A medical emergency, especially for symptoms that require immediate medical attention.

If you’re not sure whether the situation is a true emergency, Mandl recommends calling 911 and letting the call-taker determine whether you need emergency help.

YOU SHOULD CALL 911 WHEN:

(understand this is not an all-inclusive list)

- You witness a crime in progress on campus.
- You see a fire.
- You have a medical emergency, such as someone who is unconscious, gasping for air or not breathing, experiencing an allergic reaction, having chest pain, having uncontrollable bleeding, or any other symptoms that require immediate medical attention.
- You feel that you are being physically threatened by someone or something.
- You hear discussion of or see a weapon on campus.

EMERGENCY RECAP

- Familiarize yourself with the location of stairways, fire extinguishers, fire exits, and pull boxes in the buildings.
- If a minor fire appears controllable, immediately contact College administration and

- locate a portable fire extinguisher. **If you don't know how to use an extinguisher do not do so, seek assistance.** If you know how to use an extinguisher, promptly direct the discharge of the fire extinguisher toward the base of the flame by squeezing the trigger and moving the hose in a side-to-side motion. **Do not use water extinguishers on electrical fires. If you are not sure how the fire got started, pull the fire alarm and call 911 (first) alert College officials (second).**
- Do not attempt to extinguish any fire if such action is a direct threat to your safety— such as leaving you no avenue of escape. Your personal safety is the number one priority.
- In the case of large fires that do not appear controllable, immediately activate a fire
- alarm and, if time permits, notify the front desk to report the exact location of the fire.
- If time permits, close the door of the room where the fire exists.
- When the building evacuation alarm is sounded, always assume that an emergency
- exists.
- Do not use the elevators during a fire.
- Smoke is the greatest danger in a fire, so stay near the floor where the air will be less toxic.
- Once outside, move to a clear area at least 100 feet away from the affected building.
- Keep streets, fire lanes, hydrants, and walkways clear for emergency vehicles and crews. These essential personnel must be allowed to do their jobs.
- Do not return to an evacuated building unless you are told to do so by the designated College official.
- If you become trapped in a building during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews.
- If possible, place a wet cloth at the base of doors to keep smoke from entering. Shout at regular intervals to alert emergency crews of your location. Dampen a cloth with water, place it over your nose, and breathe lightly through it. These items may not be available to you which is why it is important for you to know the escape routes and to move quickly.
- Should your clothing catch on fire, stop, drop, and roll. Rolling on the ground will help smother the fire. When clothing, hair, or other body part catches on fire, follow the rules of STOP, DROP, AND ROLL.

STOP – do not run;

DROP – to the ground or floor and cover your face;

ROLL – rolling may not extinguish the flames but this action will start to smother them and slow down the burning process.

There are no guarantees that STOP, DROP, AND ROLL will prevent burns. This tactic, however, will help a person survive a clothing fire with less damage and allow for a better chance of survival.

If you or another person's clothing, hair, or any part of your person becomes engaged by fire, **DO NOT RUN** or allow another to run. Running actually will fan' the fire and cause the clothes, etc., to burn at an accelerated rate, creating a greater risk for the victim.

RESOURCES

<https://www.youtube.com/watch?v=KPfT2O358pE>

Gently touch closed doors; **do not open them if they are hot**. If the door is cool, brace yourself behind the door and open it slowly. Bracing yourself behind the door prevents the door from being blown open due to the pressure created by the fire. Walk quickly to the nearest exit and alert others to do the same.

EVACUATION OF INDIVIDUALS WITH PHYSICAL DISABILITIES

Members of the Safety and Security team and authorized College personnel will assist individuals with physical disabilities in an emergency, and will make every attempt to lead them to safety. Students with physical disabilities who anticipate having difficulties with Mandl's general evacuation procedures should inform the Registrar and Accessibility Coordinator of their individual circumstances upon arrival to campus. The Accessibility Coordinator will discuss any special emergency response accommodations needed and will draft a safety plan with the student. The student's faculty will be notified that assistance will be needed if an evacuation is necessary. The Accessibility Coordinator maintains a master list of all students requiring assistance during a building evacuation. In an emergency 911 should be called without delay. When calling 911 the person reporting the emergency should disclose to the dispatcher the location and specific assistance required.

Any members of the College community who do not have the ability to access stairwells without assistance should follow these directions: Go directly to the nearest stairwell – **DO NOT USE ELEVATORS**. Emergency personnel will assist you down the stairs to safety.

ADDITIONAL RESOURCES

https://www.youtube.com/watch?time_continue=14&v=MrB0OSxj0os

<https://www.usfa.fema.gov/prevention/home-fires/prepare-for-fire/fire-extinguishers/>

<https://www.youtube.com/watch?v=epGGwjjoISM>

https://www.osha.gov/SLTC/etools/evacuation/portable_use.html

<https://www.youtube.com/watch?v=UOFbYhj3jrk>

HOW TO RESPOND TO AN ACTIVE SHOOTER

Quickly determine the most reasonable way to protect your own life.

If an intruder is on campus and is actively causing physical harm or presents the threat of imminent harm to those on premises, immediately seek cover and contact 911, if possible.

Only call 911 when it is safe to do so.

When calling try to provide as much detail as possible regarding the location of the intruder, number of attackers, the weapons being utilized, the location of any victims, and other pertinent information.

The US Department of Homeland Security lists the following recommendations²⁹, or good practices, when dealing with an active shooter who is causing deadly harm or the threat of imminent physical harm to the members of the College community on campus grounds:

- Be aware of your environment and any possible dangers.
- Take note of the two nearest exits in any facility you visit.
- If you are in an office, stay there and secure the door.
- If you are in a hallway, get into a room and secure the door.
- As a last resort, attempt to take the active shooter down. When the shooter is at close range and you cannot flee, your chance of survival is much greater if you try to incapacitate him or her.

CALL 911 WHEN IT IS SAFE TO DO SO!

REPRINTED FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY “ACTIVE SHOOTER HOW TO RESPOND”

1. Evacuate

If there is an accessible escape path, attempt to evacuate the premises. Be sure to:

- Have an escape route and plan in mind before you go.
- Leave your belongings behind.
- Keep your hands visible.
- Follow the instructions of any police officers.
- Do not attempt to move wounded people.
- Call 911 when you are safe to summon help for others.

2. Hide out

If evacuation is not possible, find a place to hide where the active shooter is less likely to find you. Stay as calm and quiet as possible. Turn your phone and any other electronic devices to silence mode.

Your hiding place should:

²⁹ https://www.dhs.gov/xlibrary/assets/active_shooter_booklet.pdf

- Be out of the active shooter’s view.
- Provide protection if shots are fired in your direction (i.e., an office with a closed and locked door, a classroom with locked doors).
- Block entry to your hiding place and lock the doors (if possible).
- Avoid retreating into a place that can trap you or restrict your options for movement.

To prevent an active shooter from entering your hiding place:

- Lock the door.
- Blockade the door with heavy furniture.

3. How to Respond When an Active Shooter is in Your Vicinity *If an active shooter is nearby:*

- Lock the door.
- Silence your cell phone and/other electronic devices.
- Turn off any source of noise.
- Hide behind large items (i.e., cabinets, desks).

Remain quiet if evacuation and hiding out are not possible:

- Remain calm.
- Dial 911, if possible, to alert police to the active shooter’s location.
- If you cannot speak, leave the line open and allow the dispatcher to listen (make sure your phone volume is low, so the shooter can’t hear your phone).

4. Taking action against the active shooter:

Do not take action against the active shooter if your life is in imminent danger. As a last resort, and **only when your life is in imminent danger**, you may decide to confront the active shooter. If you select to do so, use all items available to you to attempt to disrupt and/or incapacitate the active shooter. If you are in a classroom you may have to use chairs, desks, books, and anything else that you may have available. If you decide to confront the shooter you will need to act as aggressively as possible against him or her by throwing items and improvising weapons.

You also may decide to play dead if others around you are. DO NOT give yourself away or stand-up until authorities call an “all-clear” signal.

Please take a moment to watch this video:

- RUN. HIDE. FIGHT. ® Surviving an Active Shooter Event - English
https://www.youtube.com/watch?time_continue=3&v=5VcSwejU2D0
- Spanish Language Version
<https://www.youtube.com/watch?v=fUcq1M5a44>

BOMB THREAT

<https://www.youtube.com/watch?v=pg7yVTBciWg>

Note: Any media requests should be referred to the Office of the President for appropriate handling. It is the policy of the College to take bomb threats or suspicious items seriously. How quickly and safely the College reacts to a bomb threat could save lives.

It is important to note that most bomb threats are ultimately unfounded; it is the policy of Mandl to follow safety protocols and to take each report seriously. Mandl thoroughly investigates any report and will consider the matter suspect until all investigative protocols have been followed and explored.

The guidance and resources listed below were obtained from the U.S. Department of Homeland Security and outline procedures for either bomb threats or suspicious items and will help you prepare and react appropriately during these events.

Each bomb threat is unique and should be handled in the context of the environment in which it occurs. Most bomb threats are made over the phone; however, some are made in person, by e-mail or written note. Law enforcement will be in the best position to determine the credibility of the threat.

Members of the community who receive a bomb threat should follow these procedures:

- Remain calm!
- Notify appropriate authorities immediately: Employees should notify their supervisor immediately, and if that individual is not available, notify the highest-ranking administrator available and then call 911.

PROCEDURES TO FOLLOW IF THE BOMB THREAT IS CALLED IN

Remember: take all bomb threats seriously; all bomb threats are real until they are proven not to be by qualified and trained law enforcement personnel.

If a bomb threat is received by phone:

Since most bomb threats are received by phone, Mandl produces a quick reference checklist and asks that all administrative personnel keep it beside their phones at all times. The check-list is intended to help employees respond to a bomb threat in an orderly and controlled manner and to help provide critical information to first responders.

Act quickly, but remain calm and obtain information with the checklist provided to you by Mandl or by the Homeland Security Department available [here](#):

<https://www.cisa.gov/sites/default/files/publications/Bomb-Threat-Procedure-Checklist.pdf>

- Remain calm. Keep the caller on the line for as long as possible.

- DO NOT HANG UP, even if the caller does.
- Listen carefully. Be polite and show interest.
- Try to keep the caller talking to learn more information *
- If possible, write a note to a colleague to call the authorities or, as soon as the caller hangs up, immediately notify them yourself.
- Look at the display on your phone, copy the number and/or letters on the window display.
- Complete the Bomb Threat Checklist immediately. Write down as much detail as you can remember. Try to get exact words.

Immediately upon termination of call, DO NOT HANG UP, but from a different phone, contact authorities immediately with information and await instructions.

*** Information to Obtain from the Caller**

- The location of the device/where is the bomb located (building, floor, room, etc.)?
- The time, if any, the device is scheduled to detonate/when will it go off?
- What does it look like? – The appearance or type of container used for the device.
- The reason for placing the device. – Why was it done?
- The size of the bomb.
- The type of explosive used in the device. – What kind of bomb is it?
- The name of the caller or organization taking responsibility. - What is your name?
- Any additional information that might be available.

The person receiving the call also should note the following:

- Male or female voice.
- Time of call.
- Mood of caller (excited, nervous, calm, angry).
- Background noises that may be present at the location of the caller (background sounds, animal noises, household noises, kitchen noises, street noises, PA system, background conversation, music, was the call clear or static?).
- Approximate age of the caller.
- Any other peculiarities that may be helpful in identifying the source of the call or its purpose – did the caller have an accent? Was the caller clearing his or her throat? Coughing? Cracking voice? Crying? Deep breathing? Did the caller sound like he or she was trying to disguise their voice? Was there anything distinct about the caller? Excited Laughter? Lisp? Loud? Nasal? Normal? Rapid Speech? Raspy Voice? Slow or slurred speech? Stutter?

Additional things to note:

- Date.
- Time.
- Time Caller Hung Up.
- Phone Number Where Call Was Received.
- Is voice familiar?

Video on What You Can Do When There Is a Bomb Threat can be viewed by going to the link below:

- **Bomb Hotline: 888-ATF-BOMB (283-2662)**
- <https://www.youtube.com/watch?v=pg7yVTBciWg>
- <http://www.wikihow.com/Handle-a-Bomb-Threat-over-the-Telephone>

Procedures After Alerting Law Enforcement

Once the police department is alerted, the building may be subject to full or partial evacuation. When evacuating the building, use only the stairs. Do not use elevators.

Move away from the building and follow the instructions of the emergency personnel on-scene.

One thousand feet minimum is the recommended safe distance.

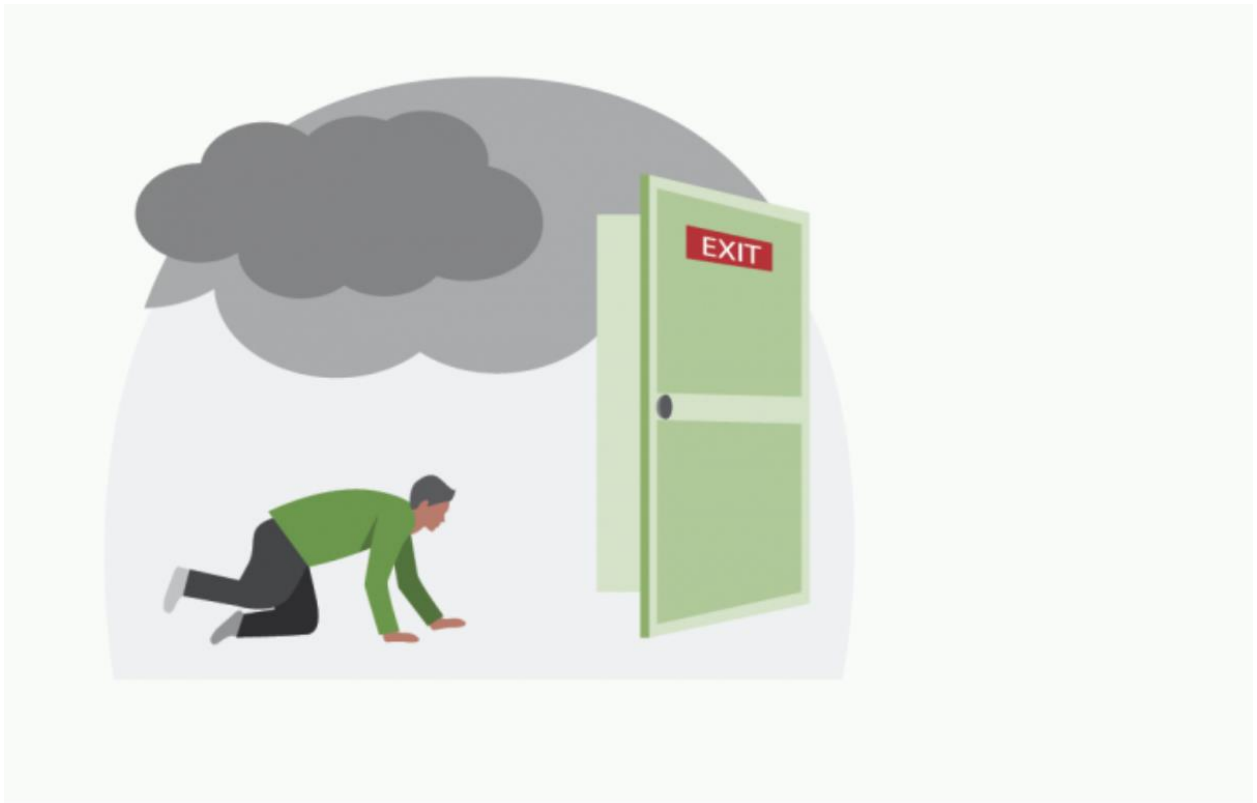
Information will be transmitted to the College community by the Emergency Notification system. Community-wide e-mails notifying students and employees will also be sent through Mandl's internal e-mail system. "All Clear" announcements will be made when the situation is stabilized.

No one except the President shall call the media to ensure quick and accurate reporting.

If there is an explosion:

- Get under a sturdy table or desk if things are falling around you. When they stop falling, leave quickly, watching for obviously weakened floors and stairways.
- Do not use elevators.
- Stay low if there is smoke. Do not stop to retrieve personal possessions or make phone calls.
- Check for fire and other hazards.
- Once you are out, do not stand in front of windows, glass doors or other potentially hazardous areas.
- If you are trapped in debris, use a flashlight, whistle, or tap on pipes to signal your location to rescuers.
- Shout only as a last resort to avoid inhaling dangerous dust.
- Cover your nose and mouth with anything you have on hand.³⁰

³⁰ <https://www.ready.gov/explosions>



If you are inside, and able to evacuate:

- ✓ Check for fire and other hazards. Stay low if there is smoke.
- ✓ Do not use elevators. Avoid floors and stairways that are obviously weakened.

If you are trapped under debris:

- ✓ Use a flashlight, whistle or tap on pipes to signal your location to rescuers. Shout only as a last resort to avoid inhaling dust.
- ✓ Cover your nose and mouth with anything you have on hand.

SOURCE: <https://www.ready.gov/explosions>

Resources

•

https://www.dhs.gov/xlibrary/assets/prep_ied_fact_sheet.pdf

If a bomb threat is received by handwritten note:

- Call the Executive Vice President of Operations.
- Handle note as minimally as possible.

If a bomb threat is received by e-mail:

- Call the Executive Vice President of Operations.
- Do not delete the message.

Suspicious Object/Package

DO NOT use two-way radios or cellular phones. Radio signals have the potential to detonate a bomb.

“If you see something that is suspicious, out of place, or doesn’t look right, say something. (Find out more about the “*If You See Something, Say Something*™” campaign.) A suspicious item is any item (e.g. bag, package, vehicle, etc.) that is reasonably believed to contain explosives, an improvised explosive device (IED), or other hazardous material that requires a bomb technician and/or specialized equipment to further evaluate it.”³¹

- Do not use two-way radios or cellular phones because radio signals have the potential to detonate a bomb. If at all possible, use a landline telephone.
- Do not evacuate the building until police arrive and evaluate the threat.
- **Do not activate the fire alarm.** This may cause unnecessary panic.

Examples that could indicate a bomb include:

- unexplainable wires or electronics;
- other visible bomb-like components;
- unusual sounds, vapors, mists, or odors.

Another potential indicator for a bomb threat is the objects placement, and proximity of the item to people and valuable assets.

Signs of a suspicious package:

- No return address;
- Incorrect titles of individual(s) the package is addressed to
- Excessive postage;
- Foreign postage;
- Unexpected delivery;
- Stains;
- Strange odor;
- Strange sounds;
- Illegible or difficult to decipher handwriting;
- Misspelled words.

Policy on handling suspicious package or letter?

- Remain calm.
- Do not open the package or letter.
- Do not shake or empty the contents of a suspicious package or envelope.
- Do not carry the package or envelope, show it to others, or allow others to examine it.
- Put the package or envelope on a stable surface; do not sniff, touch, taste, or look

³¹ <https://www.cisa.gov/resources-tools/resources/what-do-bomb-threat-video>

- closely at it or any contents that may have spilled.
- Do not touch your eyes, nose, or other body parts.
- Shut off window air conditioning units and fans.
- Isolate the package and secure the room by shutting all doors and windows.
- Thoroughly wash hands with soap and water.
- Report to supervisor and call 911.
- Advise fellow co-workers to avoid the area.
- Do not leave the area until told to by responding officers.
- Ensure that all persons who have touched the letter wash their hands with soap and water.
- Make a list of all persons who touched the letter or package and who were in the area when the letter was opened.
- After examination of package, shower with soap and water.³²

DO NOT touch or move a suspicious package.

A suspicious looking box, package, or container in or near your work area, in the classroom, or in common areas of the campus may be a bomb or explosive material. **Do not handle or touch the object.** Do not operate any electronic devices, radios, or light (power) switches.

MEDICAL EMERGENCIES

All medical emergencies occurring on campus should be immediately reported to College administration; however, if the situation is life threatening, 911 should be called without the delay of looking for an administrator. Mandl's administrators are not trained first responders and will not be able to render medical aid. In the event of an injury or the onset of sudden illness, an ambulance will be summoned. No College employee is expected to provide first aid; however, should anyone be qualified to do so and they decide to utilize first aid training, they do so only as "good Samaritans."

If the medical emergency is **life threatening, members of the Mandl community present should call 911** without delay. Mandl administrators responding to medical emergencies will call 911. The affected individual may knowingly and willingly refuse medical care once EMT arrives; however, the policy of the College is to call for medical assistance whenever a medical emergency occurs on campus. In addition to EMT protocols, if the victim refuses medical aid, the College administrator responding to the emergency will document the victim's refusal of care and have the victim sign the written record. Any refusal to sign will be documented. Any healthcare costs incurred are the responsibility of the student or employee affected.

REMEMBER:

- Call 911. Do not hang up until instructed to do so by the dispatcher.
- Do not move the victim unless he or she is in imminent danger.
- If in a classroom, assign someone to meet the emergency personnel at the main entrance and escort the emergency personnel to the victim's location.
- Do not give the victim anything to eat or drink.

³² <https://www.dhs.gov/ensuring-building-security#2>

- Try to keep the victim calm and assure him or her that help is on the way.
- Comply with all instructions given by emergency response personnel.

Members of the Mandl community have a responsibility to look out for the health and safety of one another. Accordingly, students are expected to seek medical assistance for themselves or for others in the event of a medical emergency, including emergencies related to the use of alcohol. Students who in good faith call for medical assistance for themselves or others and/or who receive medical assistance as a result of a call will not be disciplined for the consumption of alcohol (either if underage or if consumed in a Mandl-owned facility where alcohol consumption is prohibited) or drugs as long as there are no other violations that ordinarily would subject the student to disciplinary action. Similarly, students who may be the victims of, witnesses to, or otherwise become aware of violence or sexual harassment or gender-based harassment and who report such violence or harassment will not be disciplined for the consumption of alcohol or drugs in the absence of other violations that ordinarily would subject the student to disciplinary action. For example, disorderly behavior, violence, sexual misconduct, causing or threatening physical harm, property damage, or unlawful distribution or intent to distribute alcohol or drugs, will be treated as conduct violations and will be responded to accordingly.

Please note: The students involved will be encouraged to complete alcohol and/or drug education activities, assessment, and/or treatment, to be determined by the individual campuses.

Seeking Help

- **Abuse of Alcohol and Drugs (24 hours, English & Spanish)**
1-800-222-0469
- **SAMHSA's National Helpline**
1-800-662-HELP (4357)
TTY: 1-800-487-4889
Website: www.samhsa.gov/find-help/national-helpline

Also known as, the Treatment Referral Routing Service, this Helpline provides 24-hour free and confidential treatment referral and information about mental and/or sub-stance use disorders, prevention, and recovery in English and Spanish.

- **Drug-Free Workplace**
1-800-WORKPLACE (967-5752)
Website: www.samhsa.gov/workplace/resources/drug-free-helpline
- Find treatment programs that treat addiction and dependence on opioids, such as heroin or prescription pain relievers, at dpt2.samhsa.gov/treatment/.

MENTAL HEALTH MEDICAL EMERGENCIES

Adjusting to the demands of College, family, and work responsibilities can be frequently challenging and stressful for students. Although Mandl does not provide professional counseling services, students are assigned Academic Advisors who are able to work with students through many academic and time management challenges they may be facing. If students are facing greater challenges and require professional counseling, Mandl's Academic Advisors are able to connect students to outside resources.

Students and staff who feel that they are in imminent danger are strongly encouraged to seek the assistance of their advisor or call **National Suicide Prevention Lifeline 1-800-273-8255**. The Lifeline provides 24/7, free and confidential support for people in distress, prevention, and crisis resources.

The National Suicide Prevention Lifeline is now: 988 Suicide and Crisis Lifeline



Additional Assistance and Resources

- <http://www.suicide.org/hotlines/new-york-suicide-hotlines.html>
- **The Samaritans of New York 24 hours / 7 days**
- **Suicide Prevention Hotline**
(212) 673-3000
- **Help-Line Telephone Services 24 hours / 7 days**
(212) 532-2400
- **Long Island Crisis Center**
- **Middle Earth Suicide & Crisis Hotline 24 hours / 7 days**
(516) 679-1111
- **Spanish Language Help**
- **Nacional de Prevención del Suicidio**
1-888-628-9454
- **Veterans Crisis Line**
1-800-273-8255
Text 838255
- **Options For Deaf + Hard of Hearing**
1-800-799-4889

Policy on when Mandl will intervene to initiate medical assistance for mental health cases:
Situations where there is substantial likelihood of danger require an immediate response.

Whenever an individual demonstrates or reports a risk of self-destructive or suicidal behavior, immediate assistance is needed. Mental health emergencies where Mandl feels immediate intervention is warranted include the following situations:

- A student has inflicted harm to self that a reasonable person would regard as serious.
- A student is believed to have ingested substance(s) the amount and effect of which is uncertain.
- A student has threatened harm to him or herself and has been using any alcohol/drugs.
- The extent of self-injury is unknown and the student is unresponsive.

The Dean or one of the CSAs will be notified and will take necessary measures to ensure the student's safety and refer him or her to appropriate resources.

STREET HARASSMENT PREVENTION

“Street harassment can have significant short- and long-term consequences for people who are victimized. Fear, anxiety, and distrust prevent people from engaging in community activities and enjoying safe, public spaces,” said New York City Mayor Eric Adams.³³

*“In New York City, we define street harassment as unwanted or unwelcome disrespectful, offensive, or threatening statements, gestures or other behavior directed at a person in public based on the person's actual or perceived age, race, national origin, gender identity, gender expression, disability, sexual orientation, or any other trait, status, or condition.”*³⁴

“Though you are in no way responsible for the actions of those harassing you, it may be useful to learn about strategies that can help you feel more safe.

Go somewhere safe. If you are being followed on the street or feel that your physical safety is in danger, going into a local business, store, coffee shop, or apartment building lobby where the harasser may be discouraged from following you, or where you can get help from a security guard.

Report. If the street harassment occurs outside of a business or on public transportation, you can report the behavior. If you can guess the employer of the person harassing you, for instance if they are working on a construction site, you can report the harassment to the company. Some forms of street harassment, such as groping, flashing, and following, are legally recognized and you can report them to law enforcement.

Do what is best for you. The best thing to do if you are being harassed is whatever will make you feel most safe and comfortable. You are in no way obligated to respond to a harasser or to report them. Though responding to or reporting a harasser can be empowering, it can also be exhausting and potentially unsafe. Trust your judgement to do what feels right for you.”³⁵

³³ <https://www.nyc.gov/site/equity/news/SHPAB-announces-survey-to-help-end-street-harassment.page>
https://www.nyc.gov/assets/genderequity/downloads/pdf/NYC_End_Street_Harassment_Guide.pdf

³⁴ https://www.nyc.gov/assets/ocdv/downloads/pdf/Stop_street_harassment_guide_TAGGED_Final.pdf

³⁵ <https://www.rainn.org/articles/street-harassment>

Where can I learn more or get help?

- To speak with someone who is trained to help, call the National Sexual Assault Hotline at 800.656.HOPE (4673) or chat online at online.rainn.org y en español a rainn.org/es.
- If you or someone you know has been affected by gender-based street harassment, support is available in English and Spanish at 855.897.5910 or through [online chat](#).
- To learn more about street harassment and for details about the sources for this page, visit [Stop Street Harassment](#).

It is important that all members of the Mandl community take a moment to review the following document compiled by NYC:

https://www.nyc.gov/assets/genderequity/downloads/pdf/NYC_End_Street_Harassment_Guide.pdf

EARTHQUAKES

Please carefully review the following information on how to stay safe during earthquakes:

<https://www.usgs.gov/faqs/what-should-i-do-during-earthquake>



SOURCE: <https://www.cdc.gov/disasters/earthquakes/during.html>

The CDC ENCOURAGES THE FOLLOWING:

Drop. Cover. Hold on. In most situations, you can protect yourself if you immediately:

- **DROP down onto your hands and knees** before the earthquake knocks you down. This position protects you from falling but allows you to still move if necessary.
- **COVER your head and neck** (and your entire body if possible) underneath a sturdy table or desk. If there is no shelter nearby, get down near an interior wall or next to low-lying furniture that won't fall on you, and cover your head and neck with your arms and hands.
- **HOLD ON to your shelter** (or to your head and neck) until the shaking stops. Be prepared to move with your shelter if the shaking shifts it around.

SOURCE: <https://www.cdc.gov/disasters/earthquakes/during.html>

THE CDC FURTHER ADVISES:

DO NOT run outside or to other rooms during an earthquake. You are less likely to be injured if you stay where you are.

To reduce your chances of being hurt, take the following actions:

- If possible, within the few seconds before shaking intensifies, quickly move away from glass, hanging objects, bookcases, china cabinets, or other large furniture that could fall. Watch for falling objects, such as bricks from fireplaces and chimneys, light fixtures, wall hangings, high shelves, and cabinets with doors that could swing open.
- If available nearby, grab something to shield your head and face from falling debris and broken glass.
- If you are in the kitchen, quickly turn off the stove and take cover at the first sign of shaking.
- If you are in bed, hold on and stay there, protecting your head with a pillow. You are less likely to be injured staying where you are. Broken glass on the floor can cause injuries if you walk or roll onto the floor.

DO NOT stand in a doorway. You are safer under a table. In modern houses, doorways are no stronger than any other part of the house. Doorways do not protect you from the most likely source of injury – falling or flying objects. Most earthquake-related injuries and deaths are caused by falling or flying objects (such as TVs, lamps, glass, or bookcases), or by being knocked to the ground.

Please familiarize yourself with the resources below:

<https://www.cdc.gov/disasters/earthquakes/during.html>

<https://www.ready.gov/earthquakes>

<https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/earthquake.html>

POWER FAILURE

The following addresses the steps to be taken by members of the community in case of power failure.

All power failures should be immediately reported to College administration. In the event of a building wide power failure, phones may not function. If no other emergency situation exists, members of the community can report the power failure to academic administration on the 5th floor or to the administrative offices located on the 9th floor.

A small flashlight or flashing mechanism may be helpful if there is a complete loss of power. Members of the community are encouraged to purchase and carry small flashlights on their keychains. Those may be helpful even outside of campus emergencies.

- Candles should never be used in the event of a complete power outage. Candles can cause fires.
- If power is lost during the day, roll-up any blinds and let as much natural light in as possible.
- Faculty and students should remain in their classrooms until notified otherwise.
- Turn off or disconnect equipment in case of a momentary power “surge” that can damage computers and other devices.
- Elevators should never be used during a power failure or possible fire. Anyone trapped in an elevator at the time of a power outage should use the emergency “Call for Help” button in the elevator to contact the main security desk of the building and provide the number of people trapped in the elevator and report any injuries or medical conditions.

Individuals who are trapped in the elevator will have to be patient and wait for assistance. Remain calm. Panicking makes the situation worse. If you have a cell phone and you are able to use it, call 911 if any medical emergencies occur while you are trapped.

- **Power failures do not always necessitate an evacuation.**

Because every emergency is different, it is important for everyone’s safety that all members of the community follow the directives of New York State and local emergency management authorities and local utilities.

Resources

- https://www.youtube.com/watch?time_continue=1&v=MzaGbHkndts

Trapped in an Elevator “Stay Safe. Stay Put.”

Never jump inside an elevator.

Jumping inside elevators can trip a security mechanism, which causes the elevator to turn off immediately, requiring a mechanic to reset it. Because elevators are supposed to maintain a constant speed, any change in speed will trigger this safety feature.

- If elevator gets stuck, remain calm and wait for help.
- Use the emergency call button to call for help.
- Report the number of people in the elevator and whether there are any medical emergencies.
- Never attempt to pry the elevator doors open.
- Follow the instructions from the building management.
- Never attempt to exit a stalled elevator without the help of the building management or emergency responder (e.g. Police, Fire Rescue).
- Move to the rear center of the elevator and face the doors while waiting for help.

Resources

Additional Tips for Elevator Safety:

- Look down and make sure the elevator is level with the floor while entering and exiting.
- Do not exit the elevator if it stops more than 9 inches from the landing.
- Press the “door open” button to hold elevator doors open instead of using any part of your body.
- Never lean on elevator doors.
- Keep clothing items like ties and scarves clear of closing elevator doors.
- Be patient and don’t crowd the elevator. Too many people crowded into elevators can cause it to get stuck.
- Don’t jump in elevators – jumping can make an elevator uneven with the floor. You also can get stuck.

FLOODING AND PLUMBING ISSUES

It is the policy of Mandl to manage emergency situations related to flooding or plumbing issues in a responsive proactive way to minimize damage and to provide a safe environment for students, staff, and visitors.

If the National Weather Service Issues Flood Watches and Warnings for the areas where Mandl’s campus is located, the College will issue appropriate Emergency Notifications community-wide e-mail. Watch warnings are issued when flooding is possible or expected within 12 - 24 hours. Warnings are issued when flooding is imminent or occurring.

Additional Resources

- <https://www.ready.gov/floods>
- <https://www.floodsmart.gov/community>
- Spanish Language Resources
- <https://www.ready.gov/es/inundaciones>
- <https://www.floodsmart.gov/es/inicio>

PLUMBING

If a toilet overflows or water pipe bursts and water is accumulating in one isolated area, **cease using all electrical equipment** and immediately notify College administration by going to the 9th floor of the campus.

If a water pipe bursts, vacate the area immediately and prevent anyone else from entering.

In the event of plumbing or water flooding proper care will be taken to clean-up as water may be contaminated with sewer. Proper personal protective clothing is worn by the maintenance department responding to a flooding or plumbing report. Any area that has been flooded, especially over the weekend when no one was available to respond, will be cleaned and treated with a microbiological cleaner (Fast Attack) to prevent mold growth. Mold can be recognized often by sight or smell. It may appear as colored woolly mats, or it may produce a foul, musty, earthy smell. Mold exposure can cause sneezing, runny nose, eye irritation, cough and congestion, aggravation of asthma, and dermatitis (skin rash). Individuals with allergies, asthma, sinusitis, or other lung diseases and individuals with weakened immune systems are at the greatest risk of health effects from exposure to mold. The College responds quickly to ensure that mold conditions do not occur. In the event that it does, the decision will be made by the administration in conjunction with the Dean to properly relocate classes and administrative offices so that students and employees do not come in contact with the mold until the health hazard is properly removed and resolved.

What precautions should be taken when cleaning up mold?

Administrative staff should report any suspected mold to the Facilities Manager immediately upon suspecting that mold is present so that the trouble areas can be identified properly and swiftly and the moisture problems corrected. Offices where mold is present will be relocated temporarily. Employees should make sure that work areas are well ventilated and anyone working to clean-up the area should use hand, eye, and respiratory protection. A N-95 respirator is recommended. Discard mold damaged materials in plastic bags. Clean wet items and surfaces with detergent and water. Disinfect cleaned surfaces with 1/4 to 1 1/2cup household bleach in 1 gallon of water. CAUTION: Do not mix bleach with other cleaning products that contain ammonia.

GAS LEAKS

If you smell natural gas:

- Cease all operations immediately.
- Do not switch lights on or off.
- Evacuate as soon as possible.
- Do not use a cell phone near a gas leak. Gas vapors can be ignited by static electricity.

- Once you are outside, call 911 and be specific regarding building name and location of suspected leak.

Alert College administration immediately. Do NOT use your cell phone until you are safely out of the building. It is always safest to go to the academic administration on the fifth floor in the Main building in Flushing as the personnel is able to locate and/or to get in touch with all administrators.

Why is it important to act quickly?

Predominately methane, natural gas is colorless, tasteless and, in its natural state, odorless. Transmission pipeline and utility companies add a distinctive odorant, butyl mercaptan, to natural gas so leaks can be quickly and easily identified. Natural gas is lighter than air and tends to rise, while most other flammable gases have higher vapor densities and tend to move downward. Exposure to extremely high levels of natural gas can cause loss of consciousness or even death. If a natural gas leak has occurred and is severe, oxygen can be reduced, causing dizziness, fatigue, nausea, headache, and irregular breathing. Exposure to low levels of natural gas is not harmful to your health.

BIOLOGICAL, CHEMICAL SPILL, NUCLEAR ATTACK PROCEDURES

Hazardous materials spills including biological, chemical, and radiological materials pose a serious risk if not promptly and properly responded to by the individuals who initially identify the spill and the appropriate emergency response staff.

In the event of a biological chemical spill, Mandl's administrators on the 9th floor should be contacted immediately. When reporting, be specific about the nature of the material involved and the exact location of the spill. The administration will contact the Building Manager and maintenance and the necessary specialized authorities and medical personnel.

If you are near the spill, move away from it and help keep others away. Do not walk into or touch any of the spilled substance. Try not to inhale gases, fumes, and smoke. Those who may be contaminated by the spill should avoid direct contact with others and remain in the vicinity so that they can receive necessary assistance, including first aid care, when specialized authorities arrive.

Upon receiving confirmation of an imminent or ongoing biological or chemical spill that poses health risk to members of the College community, the President or his designee will declare a campus-wide emergency. The declaration of a campus-wide emergency will, based on the advice of the appropriate authorities investigating the spill, either initiate a lockdown of the campus or its total evacuation. Notification of the emergency and instructions for action will be made via college-wide e-mail and emergency line.

Members of the College community will be kept informed of changes as they develop by College officials.

The following actions will be taken if necessary:

- air handling unit (AHU), used to regulate and circulate air as part of a heating, ventilating, and air-conditioning will be turned off and intakes sealed if possible;
- campus personnel and students will be directed to enclosed areas of the building unless otherwise directed by civil authorities to provide most insulation;

- updates on emergency will be given, if practicable, by the same methodologies as described above.

Emergency response and evacuation procedures are published annually in the Annual Security Report. Mandl strongly urges members of the College community to use this report as a guide for safe practices both on and off campus. Paper copies are available by calling 212.247.3434 ext.136 or by requesting them from Title IX Coordinator by emailing atejada@mandlacademics.com

Special Note

Should, in the best opinion of the College or civil authorities, dissemination of information on a given emergency hinder or cause additional harm, such notification may be delayed until such time that it is safe to release it to the community.

Additional Resources

- Poison Control: (212) POISONS

SUMMARY: Evacuation and Assembly Point

A fire alarm can be activated because the campus building becomes uninhabitable due to an event such as a fire, flood, gas leak, contamination, extreme weather conditions, or the loss of critical services.

The response depends on the extent of the emergency. Fire Wardens and designated College personnel will move students and employees to an Evacuation Assembly Point where designated Mandl personnel will conduct a census to establish that the evacuation is complete.

- Evacuation assembly points are published and transmitted to the College community during new student and new employee orientations. Students and faculty are urged to familiarize themselves with the evacuation routes posted in the buildings where their classes are located. Staff should be familiar with the evacuation routes from their offices.
- If an evacuation order is issued for a building, it is expected that community members will cooperate fully with designated Mandl personnel or any authorized emergency personnel aiding with the evacuation.
- All members of the community are urged to remain calm.
- If possible, keys, wallets and essential belongings that do not hamper the evacuation should be taken when leaving the building.
- If the evacuation takes place in the winter, wear weather-appropriate clothing when leaving the building.
- Close, but DO NOT lock, the doors of the classroom once everyone has vacated.
- Evacuate in a safe and orderly fashion to the nearest Evacuation Assembly Point (as determined by College personnel) and await additional instructions.
- Move away from the building and do not return to the building until instructed to do so by authorized emergency personnel.

WINTER STORM SAFETY

Resources:

<https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/winter-storm.html#About>

Mandl will notify the College community using community-wide e-mail messages and by placing messages in the banner of the main page of the College's website, and by recording a message on the emergency line Mandl will notify the community that there is a winter storm watch and that severe winter weather is possible. The College will give instructions in this message as to how further communications will be handled should the storm progress as anticipated. If the National Weather Service upgrades the storm warning, Mandl will notify the College community by releasing community-wide communications containing instructions regarding early closing or campus closures using email messages and recording messages on the emergency phone line.

As a non-residential College, occasions may occur when weather-related conditions necessitate a delayed arrival time, an early dismissal time, or closure. In all cases, employees and students must use their best judgment in determining their personal safety when traveling between home and the campus. When weather affects Mandl's operating schedule, the College normally follows directions issued by the Mayor's office. If New York City Public Schools are closed, Mandl's day classes will be cancelled. Evening classes will be cancelled if Guttman Community College cancels classes for the evening. However, because faculty, staff, and students travel to campus from a wide range of locations, the College may decide, independent of any state or city decision, that a delayed opening or closing is necessary. In some instances, Mandl may opt to cancel classes although the College's administrative offices remain open. Mandl's weather policy does not preclude the necessary, immediate evacuation of the campus by the Executive Vice President of Operations in the interest of safety to members of the College community. When a Declaration of Emergency or a decision about a delayed opening or early closing occurs during regular working hours, students and employees will be notified by e-mail regarding time of opening or closing. Decisions are made based on the best available information with the intention of not endangering any lives.

Regardless of the decision of the College to remain open, each employee and student ultimately must decide if conditions make travel unwise. An employee who is unable to get to work because of weather-related conditions, even though Mandl is open, may use paid leave time or take the day without pay.

Additional Resources

- <https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/winter-storm.html#About>
- https://www.weather.gov/owlie/publication_brochures
- <https://www.ready.gov/winter-weather>
- https://www.wpc.ncep.noaa.gov/wwd/winter_wx.shtml

Spanish Language Resources

- <https://www.redcross.org/cruz-roja/obtener-ayuda/tipos-de-emergencias/tormentas-de-nieve.html>
- <https://www.ready.gov/es/invierno>

CYBERSECURITY

Protect Yourself Against Cyberattacks

Four Easy Ways to Stay Safe Online:

After a Cyberattack

Let the proper federal, state and local authorities know if you believe you have been a victim of a cyberattack.

- Contact banks, credit card companies and other financial services companies where you hold accounts. You may need to place holds on accounts that have been attacked. Close any unauthorized credit or charge accounts. Report that someone may be using your identity.
- File a report with the [Office of the Inspector General \(OIG\)](#) if you think someone is using your Social Security number illegally.
- File a complaint with the [FBI Internet Crime Complaint Center \(IC3\)](#). They will review the complaint and refer it to the appropriate agency.
- File a report with the local police so there is an official record of the incident.
- Report identity theft to the [Federal Trade Commission](#).
- Contact the Federal Trade Commission (FTC) at [ftc.gov/complaint](https://www.ftc.gov/complaint) if you receive messages from anyone claiming to be a government agent.
- Contact additional agencies depending on what information was stolen. Examples include contacting:
 - The [Social Security Administration](#) (800-269- 0271) if your Social Security number was compromised, or
 - The Department of Motor Vehicles if your driver's license or car registration has been stolen.
- Report online crime or fraud to your local United States Secret Service (USSS) [Electronic Crimes Task Force](#) or the [Internet Crime Complaint Center](#).

SOURCE: <https://www.ready.gov/cybersecurity>

SAFETY AWARENESS AND CRIME PREVENTION PROGRAMS

Mandl issues safety alerts using community-wide e-mails when deemed necessary because serious crimes have occurred, or are occurring, on campus or in Mandl's contiguous geographic locations. The College maintains a relationship with the New York City police precinct that is responsible for the surrounding areas of the campus and for providing additional response assistance. All members of the College community who report crimes to College personnel are encouraged to report the incident promptly to the appropriate local police precinct. A record of each report made to the local precinct is maintained and included in Mandl's annual statistical report.

Mandl's goal is to help prevent criminal activity through education and awareness building. Mandl's education programs focus on helping members of the community become more aware of their surroundings, both on and off campus, and to take responsibility for their own safety and security and that of others. Various educational and awareness-building seminars are scheduled each semester and members of the College community are encouraged to participate actively. This information is in the form of posters and other displays and community-wide e-mail notifications. Special emphasis is placed on:

- advising students and employees of the importance of reporting criminal activity;
- to whom crimes should be reported;
- being responsible for their own safety and the safety of others;
- practices regarding timely warnings and emergency notifications.

The Title IX Coordinator provides faculty and staff with crime prevention information, along with other safety related materials, during scheduled new employee orientations.

Students receive crime prevention information from designated members of the Safety and Security Committee members, along with other safety related materials, during scheduled events on campus as well as through physical bulletins posted around high foot-traffic areas at the campuses.

The Title IX Coordinator and the Vice President of Institutional Effectiveness share the responsibility of providing the following:

- Community-wide emails with relevant personal safety information.
- Information on personal safety, which includes having brochures available and featuring bulletin postings throughout the campuses.
- Topics of workshops include: personal safety and crime prevention tips, sexual assault and intimate partner violence awareness presentations offered by the Justice Center, and drug and alcohol abuse awareness and prevention.
- During the initial orientation, new students receive handouts on Mandl's policies and procedures regarding sexual assault, domestic violence, and stalking, including the victim's bill of rights. More detailed information, including options for reporting, the student's bill of rights for reporting individuals, individual student rights upon entering Mandl's judicial system, and the drug and alcohol amnesty policy, are all accessible to the entire community.

- The Title IX Coordinator attends new student orientation to provide students with an overview of the safety programs and services offered by the College.
- Annual Faculty trainings include emergency preparedness presentations where topics include active shooter incidents, medical emergencies, emergency evacuations, and similar type of presentations that contribute to creating a better prepared and aware campus community.
- Domestic Violence Workshops.
- Every Mandl employee participates in mandatory sexual harassment training once a year.
- Fire Safety Prevention Training: Fire safety training is provided to designated fire wardens on campus.
- The Safety and Security Committee conducts vulnerability assessments to identify areas of the campus that present vulnerabilities to the safety of the College community.
- Other Educational Programs: The Title IX Coordinator and the Vice President of Institutional Effectiveness work with faculty to provide educational programs to their classes free of charge on other safety topics not listed above, including bystander intervention, and many others. To request a presentation or special topic speakers for their classes, faculty should contact the Title IX Coordinator at atejada@mandlacademics.com, or by calling her 212.247.3434 ext. 136.
- All new incoming students receive information about campus crime prevention programs at New Student Orientation and are asked to complete a virtual onboarding program where students learn about sexual harassment and Procedures Concerning Sexual Assault, Stalking, and Domestic and Intimate Partner Violence Against Students.

Resources

- https://www.nyc.gov/html/nypd/downloads/pdf/crime_prevention/Personal_Safety_Tips.pdf
- <https://www.nyc.gov/content/nychope/pages/safety>
- <https://www.rainn.org/articles/9-tips-stay-safe-campus>
- <https://www.youtube.com/watch?v=KkH0Jc248TU>

WHAT CAN THE COMMUNITY DO TO PROMOTE SAFETY?

Students and employees are asked to be alert and not to circumvent practices and procedures that are meant to preserve their safety and that of others.

Things to keep in mind:

- Do not prop doors open or allow strangers into campus buildings that have been secured;

- Do not bring non-students on campus and do not leave them unattended;

Keys to the offices or any other areas on campus will be issued to employees only as needed and after receiving the proper authorization. Each department supervisor is responsible for assuring his or her area is secured and locked.

Employees must adhere to policies regarding unauthorized access to school facilities, theft of, or damage to, school property, or other criminal activity. In particular, abusing any fire prevention or detection equipment is prohibited. Violation of these policies may lead to disciplinary action, up to and including termination and the filing of charges with law enforcement authorities.

All visitors and guests are expected to carry themselves in a manner consistent with an academic environment. **Guests must identify themselves to the front desk at the ground floor.**

GENERAL PHYSICAL SAFETY

Front desk personnel will request a valid identification and the guests will be signed in and given a visitor's badge. Guests and visitors will be allowed in only if they have official business. All individuals visiting Mandl are subject to the instructions of College administrative staff. A guest or a visitor attending an event will be asked to leave if they appear to be intoxicated or refuse to follow directives given by administrative staff.

Safety is everyone's responsibility. If you observe any unusual activity or someone acting suspiciously, please report it immediately to administration on the 9th floor. It is always better to over investigate than to put members of the College at risk.

WHAT CAN STUDENTS DO TO PROMOTE SAFETY?

- Familiarize yourself with the campus and adjacent areas. Avoid short-cuts and walking alone at night.
- Find and use the safest routes between the campus and your home or work. Avoid routes that take you through desolate areas – even if those routes are the quickest way to get you to your destination. Make sure the walkways you are on are frequently traveled and not isolated. Are there places nearby along your route where people congregate so you can seek help quickly, if you need it? If your cell phone has a speed dialer, program it with emergency numbers that include family and close friends.
- Create a “buddy” system. Whenever possible, travel in groups after daylight hours.
- Share your schedule with your parents, a roommate, and close friends you trust. Advise your close contacts or leave a timed and dated note if you intend to change your normal schedule, particularly if you will not be returning in the evening. Give your advisor numbers to your emergency contacts. Make sure a trusted friend or relative has your advisor's contact information so that he or she can contact your advisor in case you have an emergency that needs to be communicated to the College.
- **Be sure to review Mandl's photo agreement and release. The College does not want to publish any pictures of you if you are uncomfortable having your pictures disseminated in campus publications.**
- Never leave your valuable possessions (e.g. identification cards, driver's license, wallet, checks, or credit cards) in open view.

- Know who you are interacting with or “befriending”. Do not disclose personal information or place yourself in a vulnerable situation until you know people well.
- Promptly report suspicious activities or unlawful conduct. Doing so can make a difference!

OBTAINING AN ORDER OF PROTECTION

If you are being stalked or in a relationship that is violent, you have options.

Seek help – PROTECT yourself.

[Obtaining an Order of Protection](https://www.nycourts.gov/faq/orderOfProtection.shtml) OR <https://www.nycourts.gov/faq/orderOfProtection.shtml>

The following information comes from NYCourts.gov:

An order of protection is issued by the court to limit the behavior of someone who harms or threatens to harm another person. It is used to address various types of safety issues, including, but not limited to situations involving domestic violence. Family Courts, criminal courts, and Supreme Courts can all issue orders of protection. For information and hotline numbers for addressing situations involving domestic violence, [see below](#).

An order of protection may direct the offending person not to injure, threaten or harass you, your family, or any other person(s) listed in the order. It may include, but is not limited to, directing him/her to:

- stay away from you and your children
- move out of your home
- follow custody orders
- pay child support
- not have a gun

SOURCE: <https://www.nycourts.gov/faq/orderOfProtection.shtml>

Where can I get more help?

A person in a dangerous emergency situation requiring immediate intervention should call 911 for assistance.

For additional court information, consult [Court/HelpCenters](#) -- <https://nycourts.gov/courthelp/>

You can call any of these numbers – day or night. The hotline operators can answer your specific questions and direct you to further resources.

- NYC Gay and Lesbian Anti-Violence Project
212-714-1141 (24-hour English and Spanish Hotline)
- NYS Domestic and Sexual Violence Hotline Numbers:
English: 1-800-942-6906
TTY: 1-800-818-0656
Spanish: 1-800-942-6908
TTY: 1-800-780-7660
In NYC: 1-800-621-HOPE (4673) or dial 311
TTY: 1-866-604-5350

For further help and information regarding what to do in a situation of domestic violence:

- Go to the Help page of the NYS Office for the Prevention of Domestic Violence -- <https://opdv.ny.gov/domestic-violence-service-providers>
- NYS Coalition Against Domestic Violence (CADV) (maintains list of available resources by county) -- <https://www.nyscadv.org>
- National Office on Violence Against Women -- <https://www.justice.gov/ovw>



PROTECTING AGAINST SEXUAL ASSAULT AND OTHER VIOLENCE

Sexual assault, domestic violence, and stalking are not just women's issues and can happen anywhere and to anyone. On traditional College campuses, occurrences of sexual assault and other violence are frequently associated with alcohol, and many victims know their assailants. Mandl is a commuter College and does not have a traditional campus with dorms.

Students who study at Mandl should be aware of personal safety and wary of potentially dangerous situations in their daily lives and while commuting to Mandl.

Mandl is committed to making certain that its campus is secure and safe environments for all members of the community including students, employees, and visitors. With this in mind, Mandl has established the following policies and practices:

- The possession, abuse, or distribution of illicit drugs and/or alcohol by students and employees on College property or as part of any Mandl activities is strictly prohibited.

- Further, individuals under the age of 21 years are prohibited from possessing or consuming alcohol on College premises or at any event sponsored by Mandl or by any College organization, department, or office, whether the event is at the College or not.
- No individual under the age of 21 years shall misrepresent or tender any false evidence of their age in order to obtain or try to obtain any alcoholic beverage or to gain access to any event or activity at which any alcoholic beverage is being sold or served. Violations of Mandl's policies on alcohol or of any related laws are subject to Mandl's disciplinary codes and policies. Sanctions which may be assessed against violators include, for students, suspension and expulsion, and for employees, termination of employment.
- Visitors who violate Mandl's alcohol policies may be ejected from the event, from the campus, or banned from accessing any of Mandl's policies, or may be referred to local law enforcement.
- Faculty, staff and students as well as contractors and visitors also should be aware that, in addition to Mandl's sanctions, they may be subject to criminal penalties for unlawful manufacture, possession with intent to distribute, or sale of alcoholic beverages to a person under the age of 21 years. For more information about relevant federal, state, and local alcohol laws, see the *College's Drug Free Campus Policy*.

Mandl'S DRUG AND ALCOHOL POLICY

Mandl adheres to and complies with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), which require an Institution of Higher Education (IHE) to certify with the United States Department of Education that it has adopted and implemented programs to prevent the illicit use of drugs and the abus of alcohol by students and its employees. The Drug-Free Schools Act, which has been ad-opted by Mandl, is published and disseminated to students and employees in writing annually and enforced under this section.

Mandl's policies reflect the College's educational mission, the values it holds as important, and a sense of what kind of place administrators, faculty, and students want their College to be. Mandl's campus prevention policies are based on a comprehensive approach to student substance use that takes into account the interplay of individual, gender, socioeconomic, and community factors that affect the scope and consequences of the problem. The goal of Mandl's prevention policies is to establish and to maintain an environment that will discourage student substance use. Effectively implemented and enforced, these measures contribute to an overall safer environment and enhance Mandl's ability to accomplish its educational mission.

On or by October 1st of each year Mandl distributes an Alcohol and Other Drugs (AOD) notification to all students, faculty, and staff. This notification serves as a reminder of the standards of conduct relating to drugs and alcohol, the health risks associated with drug and alcohol abuse, and the availability of support for those members of the Mandl community experiencing drug or alcohol problems. In addition to the information herein and for ease of access, the notification is

published separately. All members of the Mandl community are expected to read and familiarize themselves with the contents of the AOD report upon receipt.

The standards of conduct under this policy apply to all students who are registered at Mandl *for at least one course for any type of credit*. Students who are employed by Mandl must adhere to both student and employee policies Mandl strongly supports comprehensive substance abuse prevention initiatives, including education, early intervention, and treatment programs as the most effective means to help reduce and deter alcohol and drug abuse. Mandl expressly prohibits the unlawful possession, use, or distribution of drugs and alcohol by students, faculty, or staff members while on Mandl property, while participating in Mandl-sponsored activities, or while representing Mandl at events outside of the College. All members of the Mandl community are responsible for complying with federal, state, and local laws on the possession, use, and sale of alcohol and illicit drugs. Any student of the Mandl community found to be in violation of this policy will be subject to strict disciplinary actions, up to and including dismissal from the College.

Students who arrive on campus intoxicated will not be permitted to remain in school and will face disciplinary sanctions commensurate with the level of transgression. Students, who are found to be consuming alcohol on campus, or engaging in illegal drug use, will face immediate suspension and sanctions described in the section below.

Depending on the severity of the infraction under this policy, student sanctions may include, but are not limited to: written warning to be retained in the student's file, parental notification (if student is a minor), educational sanctions (workshop attendance, research/reflection papers), disciplinary probation, referral for appropriate rehabilitation, substance abuse assessment*, loss of privileges, suspension, dismissal, and prosecution to the fullest extent of the law.

**Students whose alcohol or drug use results in harm or the threat of harm to themselves, others in the College community, or to Mandl's property, regardless of the location of the incident, may face disciplinary action by the College up to and including expulsion and/or arrest.*

If deemed necessary by the President, the Vice President of Academics, or the Student Disciplinary Hearing Committee, a student accused of violating Mandl's drug-related policies may be required to submit to testing for the presence of illegal substances. In these cases, students will be required to get drug-tested by a medical professional at the student's expense as often as deemed necessary by the College. The student will be required to submit results of the tests to the appropriate administrator. Any student whose test results indicate continued drug use will face additional disciplinary action by the College up to and including expulsion without recourse.

All other persons who violate New York State or Federal laws including those that govern gambling activities, the use of alcohol, and the possession, distribution, or consumption of any controlled substance will be subject to arrest.

Alcohol Overdose and College Students

Thousands of college students are transported to the emergency room each year for alcohol overdose, which occurs when there is so much alcohol in the bloodstream that areas of the brain controlling basic life-support functions—such as breathing, heart rate, and temperature control—begin to shut down. Signs of this dangerous condition can include the following:

- » Mental confusion, stupor
- » Difficulty remaining conscious or inability to wake up
- » Vomiting
- » Seizures
- » Slow breathing (fewer than eight breaths per minute)
- » Irregular breathing (10 seconds or more between breaths)
- » Slow heart rate
- » Clammy skin
- » Dulled responses, such as no gag reflex (which prevents choking)
- » Extremely low body temperature, bluish skin color, or paleness

Alcohol overdose can lead to permanent brain damage or death, so a person showing any of these signs requires immediate medical attention. Do not wait for the person to have all the symptoms, and be aware that a person who has passed out can die. Call 911 if you suspect alcohol overdose.

Source: <https://www.collegedrinkingprevention.gov/sitemap>

DRUG ABUSE

Drug abuse is defined by the National Institute of Health (NIH) as “the use of illegal drugs or the inappropriate use of prescription drugs, i.e. the repeated use of drugs to produce pleasure, alleviate stress, and/or alter or avoid reality. In research and clinical practice, the term “drug abuse” is often used diagnostically to indicate that a patient continues to use a drug despite adverse social, legal, or occupational consequences, but is not subject to drug tolerance or withdrawal.” For more information see: <http://easyread.drugabuse.gov/>

Because Mandl strongly supports comprehensive substance abuse prevention initiatives, including education, all students are highly encouraged to view the link below to better understand:

“Why Are Drugs So Hard to Quit?”

<http://easyread.drugabuse.gov/quit-drugs-video.php>

Treatment Resources

<https://nida.nih.gov/nidamed-medical-health-professionals/treatment-resources>

DRUG ADDICTION/DRUG DEPENDENCE

Drug addiction is a complicated disease. Overcoming a drug addiction takes more than good intentions or a strong will. Addiction is widely considered a brain disease because drug use changes the structure of the brain and how it works. A key characteristic of drug addiction is the compulsive desire to seek and to use the drug despite its harmful consequences. Although many people experiment with drugs voluntarily, overtime a person’s ability to exert self-control becomes seriously compromised. Brain-imaging studies of drug-addicted individuals show actual physical changes in areas of the brain that are critical to judgment, decision-making, memory, and behavior control.³⁶

Drugs introduced into the body through smoking or injections have an increased addictive potential. This is because both smoked and injected drugs enter the brain within seconds and produce a powerful “high”. Researchers studying addiction to smoked and injectable drugs believe that because the intense “high” from these drugs generally fades within a few minutes and produces an intense and harshly felt contrast, individuals are driven to repeated drug abuse in an attempt to recapture the euphoric feeling of pleasure. Under the Controlled Substances Act the FDA defines addict as any individual who habitually uses any narcotic drug in a manner that endangers the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his or her addiction. Costs of substance abuse in the United States (including productivity and health- and crime-related costs) exceed \$600 billion annually. Approximately \$181 billion is spent nationally because of illicit drug use, \$193 billion for drugs and \$235 billion for alcohol³⁷.

The information below was taken from, and is available in greater detail at:

<https://www.hhs.gov/surgeongeneral/reports-and-publications/addiction-and-substance-misuse/index.html>

Commonly Abused Substances

- Opiates and narcotics are powerful painkillers that cause drowsiness (sedation) and feelings of euphoria. These include heroin, opium, codeine, meperidine (Demerol), hydromorphone (Dilaudid), and Oxycontin.

³⁶ Fowler JS, Volkow ND, Kassed CA, Chang L. *Imaging the addicted human brain*. *Sci Pract Perspect* 3(2):4-16, 2007

³⁷ <https://csam-asam.org/resources/general-public/>

- Central nervous system stimulants include amphetamines, cocaine, dextroamphetamine, methamphetamine, and methylphenidate (Ritalin). Caffeine and nicotine are the most commonly used stimulants. These drugs have a stimulating effect, and people can start needing higher amounts of these drugs to feel the same effect (tolerance).
- Central nervous system depressants include barbiturates (amobarbital, pentobarbital, secobarbital), benzodiazepine (Valium, Ativan, Xanax), chloral hydrate, and paraldehyde. The most commonly used, by far, is alcohol. These substances produce a soothing sedative and anxiety-reducing effect and can lead to dependence.
- Hallucinogens include LSD, mescaline, psilocybin (“mushrooms”), and phencyclidine (PCP or “Angel Dust”). They can cause people to see things that are not there (hallucinations) and can lead to psychological dependence.
- Tetrahydrocannabinol (THC) is the active ingredient found in marijuana (cannabis) and hashish. Although used for their relaxing properties, THC-derived drugs can also lead to paranoia and anxiety.

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MORE ABOUT COMMONLY ABUSED DRUGS

- **LSD (Acid)** is one of the strongest mood-changing drugs and has unpredictable psychological effects. With large enough doses, users experience delusions and visual hallucinations. Physical effects include increased body temperature, heart rate, and blood pressure; sleeplessness; and loss of appetite.
- **Cocaine** is a powerfully addictive drug. Common health effects include heart attacks, respiratory failure, strokes, and seizures. Large amounts can cause bizarre and behavior. In rare cases, sudden death can occur on the first use of cocaine or unexpectedly thereafter.
- **MDMA (Ecstasy)** is a drug that has both stimulant and psychedelic properties. Adverse health effects can include nausea, chills, sweating, teeth clenching, muscle cramping, and blurred vision.
- **Heroin** is an addictive drug. An overdose of heroin can be fatal, and use is associated particularly for users who inject the drug – with infectious diseases such as HIV/AIDS and hepatitis.
- Effects of **Marijuana** use include memory and learning problems, distorted perception, and difficulty thinking and solving problems.

- **Methamphetamine** is an addictive stimulant that is closely related to amphetamine but has long lasting and more toxic effects on the central nervous system. It has a high potential for abuse and addiction. Methamphetamine increases wakefulness and physical activity and decreases appetite. Chronic, long-term use can lead to psychotic behavior, hallucinations, and stroke.
- **PCP/Phencyclidine** causes intensely negative psychological effects in the user. People high on PCP often become violent or suicidal.
- **Prescription Medications drugs** that are abused or used for non-medical reasons can alter brain activity and lead to dependence. Commonly abused classes of prescription drugs include opioids (often prescribed to treat pain), central nervous system depressants (often prescribed to treat anxiety and sleep disorders), and stimulants (prescribed to treat narcolepsy, ADHD, and obesity). Long term use of opioids or central service system depressants can lead to physical dependence and addiction. Taken in high doses, stimulants can lead to compulsive use, paranoia, dangerously high body temperatures and irregular heartbeat.
- **Tobacco/Nicotine** contains nicotine, which is highly addictive. The tar in cigarettes increases a smoker's risk of lung cancer, emphysema, and bronchial disorders. The carbon monoxide in smoke increases the chance of cardiovascular diseases. Secondhand smoke causes lung cancer in adults and greatly increases the risk of respiratory illnesses in children.
- **Steroids** Adverse effects of steroid use in males may include shrinking of the testicles and breast development. In females, adverse effects may include growth of facial hair, menstrual changes, and deepened voice. Other adverse effects can include severe acne, high blood pressure, and jaundice. In some rare cases liver and kidney tumors or even cancer may develop.

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SUBSTANCE ABUSE ASSISTANCE

Mandl strongly encourages students who may be struggling with drug or alcohol dependence to seek help before the problem escalates or begins to jeopardize the student's academic performance.

For a detailed list of potential health problems caused by prolonged use of illicit drugs or dependence on alcohol, please carefully review Mandl's Campus Safety and Security Report.

This policy contains a short list of the types of help that are available through various organizations (largely free of charge).

- **Alcoholic Anonymous**
<http://www.aa.org>
- **New York Intergroup**
Main: (212) 647-1680 / **TDD:** (212) 647-1649
Fax: (212) 647-1648
Site: www.nyintergroup.org
- **Oficina Central Hispana De A.A. Nueva York**
Main: (212) 348-2644
Fax: (212) 348-2689
- **Adult Children of Alcoholics**
<http://www.adultchildren.org/>

Adult Children of Alcoholics is an anonymous Twelve Step program of women and men who grew up in an alcoholic or otherwise dysfunctional home.

- **Al-Anon Family Intergroup of Greater New York**
<http://www.nycalanon.org>
- **The Al-Anon Organization**
Main: (212) 941-0094
Fax: (212) 941-6119
Helps families and friends of alcoholics.
- **New York Nar-Anon**
1-800-984-0066
The Nar-Anon organization helps families and friends of drug addicted persons.
- **Suicide Prevention**
1-800-273-TALK
<http://www.suicidepreventionlifeline.org/>

Detoxification and Outpatient/Inpatient Rehabilitation Facilities

- **Bellevue Hospital Center**
462 First Avenue
New York, NY 10016
(212) 562-4141
- **St. Luke's-Roosevelt Hospital**
1000 Tenth Avenue
New York, NY 10019
(212) 523-6491
- **Flushing Hospital Medical Center**
4500 Parsons Boulevard
Flushing, NY 11355
(718) 670-5078
- **Samaritan Village, Inc.**
144-10 Jamaica Avenue
Jamaica, NY 11435
(718) 206-1990
- **Information for Veterans**
- **Benefits:** 800-827-1000
- **Call Center for Homeless Vets:** 1-877-424-3838
- **Medical Centers:** 1-800-827-1000
- **Persian Gulf War Helpline:** 1-800-749-8387
- **Locate the closest VAMC or VA Regional Office:** 1-877-222-8387
- **National Coalition for Homeless Veterans:** 1-800-VET-HELP (838-4357)
- **Focus on Recovery Helpline (alcohol/drugs):** 1-800-374-2800 or 1-800-234-1253
- **National AIDS Hotline:** 1-800-CDC-INFO (232-4636)
- **National Suicide Prevention Lifeline:** 1-800-SUICIDE (784-2433)
- **Travelers Aid International:** (202) 546-1127
- **Department of Health and Human Services Drug and Alcohol Treatment Referral**
- **Routing Service:** 1-800-662-4357
- **National Alliance for the Mentally Ill:** 1-800-950-6264
- **Mental Health America:** 1-800-969-NMHA
- Any member of the Mandl community, who wishes to discuss this policy or to seek further clarification, should contact the office of the Vice President of Institutional Effectiveness.

Additional References

• **Mandl's Student Handbook**

CODE OF CONDUCT

- The Student Code of Conduct can be found in the Student Handbook.
- Employees should consult the Employee Handbook for a complete listing of all policies.

All students are urged to review the Code of Conduct carefully and to ask questions about any portion of the conduct requirements that are unclear to them. Questions can be directed to the Academic Advising staff or to the Academic Deans. The College handles matters of student discipline through the Office of the Vice President of Academics and the faculty-staff disciplinary hearing boards. All members of the College community are required by Mandl's policies to meet promptly all College requirements; to use the property of the institution with care and economy; to obey all applicable city, state, and federal laws; and to conform to requests and orders of duly established College authorities fulfilling their job responsibilities.

Employees are expected to follow the Code of Conduct published in the Employee Handbook. Questions regarding policies and expectations should be directed to the employee's direct supervisor or the President of the College.

Mandl does not own or lease any off-campus housing nor does the College supervise the use of such by student groups. Incidents that occur off-campus involving allegations of sexual assault, dating, domestic violence, or stalking should be reported to the College promptly.

The College takes the security and protection of our students and employees very seriously. Members of the College community must understand that their membership is based upon certain core values, including responsible citizenship, integrity, accountability, and mutual respect. It is the responsibility of each individual to protect and support the College, its community members, and its mission as a learning community by following the Student Code of Conduct and the Employee Code of Conduct, as applicable.

Members of the College community are expected to exercise responsibility appropriate to their position and delegated authority. They are responsible to the College community for their actions and their decision not to act. Employees are responsible for prompt reporting of any suspected violations of Mandl's Employee Code of Conduct, or any other instances of reasonably suspected legal violations, inappropriate, demeaning behavior, or malfeasance through the individual's chain of command at the College or through the incident reports available electronically (Incident Report). Students should report violations to the Academic Deans, the Vice President of Academics, or submit an electronic incident report located on the College website. Violations of the Code of Conduct may result in termination of employment for employees or student disciplinary action, including dismissal without recourse for students. No employee or student shall retaliate, in any manner, against an individual who in good faith reports a perceived violation, wrongdoing, or conflict of interest matter pursuant to this policy.

DROPPING COURSES PRIOR TO A STUDENT CONDUCT HEARING

A student charged with academic misconduct may not change registration in the course (e.g. drop the course) in which a charge is pending or in which a finding of academic misconduct has been made. The privilege of being a student at Mandl carries with it the responsibility of following

standards of conduct appropriate to our institutional vision and shared values of intellectual honesty and personal integrity.

The sections below provide guidelines for standard behavior expected of all students attending Mandl.

These sections articulate behaviors that are prohibited or unacceptable at Mandl and which carry disciplinary sanctions up to, and including, permanent separation of the student from the College. Because all students are obligated to follow the standards set forth by Mandl, all violations will be taken seriously and handled in a manner deemed appropriate through the Student Conduct hearing process directly overseen by the Academic Deans and Vice President of Academics.

CONDUCT VIOLATIONS AND SANCTIONS

The policies on violations and sanctions involving transgressions under Title IX and Clery Act, are discussed in previous sections of this document (See: **Possible Sanctions under Sexual Assault, Domestic Violence, Dating Violence, & Stalking: Procedures for Disciplinary Action** section).

Non-Clery and Title IX violations:

Mandl aims to make the conduct process educative first and punitive second; therefore, sanctions under the Student Code of Conduct are imposed for their educative, not punitive, effect. Students who enter Mandl's conduct process are asked to examine the motives for and consequences of their actions. At the conclusion of the process, it is the hope of the College that the student will understand the effect of his or her behavior on other members of the community.

It is also the hope of the College that by participating in the disciplinary process, the student will:

- demonstrate ethical development;
- commit to complying with institutional policies;
- understand that committing further violations of policy will result in further sanctions, including potentially dismissal;
- demonstrate a fuller understanding of Mandl's values as evidenced in College policies;
- demonstrate a fuller understanding of the purpose of institutional policies;
- achieve a better understanding of the importance of personal integrity;
- gain a better understanding of the consequences and potential consequences of personal actions;
- demonstrate that he/she will employ more effective critical thinking and problem-solving skills if confronted with future potential conduct situations;
- ultimately obtain a degree. With this in mind, sanctions are given with the intent to help the student accept accountability and to learn from the process. When the student is found responsible for violating the Student Code of Conduct, a formal sanction will be assigned. All the sanctions listed below may be imposed on groups and organizations as well as individuals.

Possible sanctions include, but are not limited to:

- **Reprimand** – A formal admonition on behalf of the Mandl community.
Transgressions

- warranting a Reprimand do not rise to the level of a formal warning but are nevertheless unacceptable and cannot be overlooked. It is intended to document clearly in a student's file that his or her behavior has been deemed unacceptable. No other specific action is taken unless further misconduct occurs.
- **Revocation of Privileges** – Privileges normally afforded to students may be revoked as an appropriate response to a student's behavior. This can include denial of the use of certain College facilities or the right to participate in certain activities, events, programs, or to exercise certain privileges for a designated period of time. A violation of the restriction will result in further sanctions.
- **Restitution** – A student may be required to make payment to an individual or to the College related to the misconduct for damage, destruction, defacement, theft, or unauthorized use of property.
- **Fines** – Mandl reserves the right to impose fines, as appropriate, in addition to requiring payment for costs resulting from or associated with the offenses.
- **Contact Restrictions** – Directives to students issued by the College that restrict the contact and/or communication between or among designated parties. Contact Restrictions may be the result of a student conduct process, remedies-based resolution, or put in place temporarily. Contact Restrictions prohibit all forms of communication between designated parties, direct or indirect, including in person, social media, text messaging, e-mail, mail, and through the use of friends, family, or acquaintances making requests on the individual's behalf. These restrictions are not legal protective orders as those are issued by a court of law.
- **Interim Suspension** – Temporary suspension of certain rights or privileges while a conduct case is pending. Interim suspension may be broad and all-inclusive, involving the student's removal from campus until the hearing, or may be restricted to a specific location and/or function and is based on the determination that the safety and well-being of the College community or specific persons are at risk.
- **Warning** – A conduct warning is the result of a Standards violation that calls into question the student's full understanding of the conduct expected of a student at the College. Students who receive a warning will be asked to examine the source of their behavior and ways to refocus themselves to return to good standing. Students who violate the Code of Conduct while on warning will face more serious sanctions. No other specific action is taken unless further misconduct occurs. A Conduct Warning will be maintained as part of a student's educational record until graduation.
- **Disciplinary Probation** – This action constitutes a change in status between good standing and suspension or expulsion from the College. The student is permitted to remain enrolled and to continue attending classes at the College under certain stated conditions depending upon the nature of the violation. If a student violates the Student Code of Conduct further while on conduct probation, the student may be subject to suspension or expulsion. Probation may extend beyond one semester and may be imposed for the duration of the student's studies at Mandl.
- **Disciplinary Conduct Suspension** – Conduct suspension is a separation of the student from the College (including its premises and activities) for a specified period of time. This sanction is instituted when a period away from the College may be necessary and sufficient in reconciling the student to the College community's values and goals. Depending on the timing of the suspension, all fees and academic credits

for the semester during which the suspension occurs may be forfeited. A student who wishes to return to Mandl after his or her suspension period has concluded must make that request to the Vice President of Academics and will be asked to demonstrate willingness to abide by Mandl's Student Code of Conduct. Conduct Suspension is maintained as a part of a student's educational record indefinitely.

- **Educational Referrals** – Mandl reserves the right to impose counseling or substance assessments or other required educational sanctions.
- **Disciplinary Conduct Expulsion** – Conduct expulsion is a permanent separation of the student from the College (including all College premises and activities). This sanction is given to students who have proven themselves incapable of following the Student Code of Conduct and are unable to demonstrate an understanding of the ethical values held by the institution. This sanction is usually given because of continued pattern of violations that directly threaten the safety or well-being of the members of the College community. Record of the expulsion will appear in the student's file maintained by the Registrar and will be kept indefinitely. Students who are dismissed may request a refund for tuition for the semester in which the dismissal is imposed only in accordance with the refund policy and schedule published in the College Catalog. All fees and academic credits for the semester during which the expulsion occurs are forfeited.
- **Revocation of a Degree or Certificate** – This sanction would be the result of the College discovering that the credential was awarded based, in whole or in part, upon the student's satisfying the academic requirements for the award of the credential by or through actions which constitute academic dishonesty; The credential was awarded based, in whole or in part, upon the student's satisfying the academic requirements for the award of the degree, diploma, and/or certificate by or through actions which involve falsification, misrepresentation, fabrication, or other mischaracterization of the nature of or number of credit hours or degrees earned at other institutions of higher education for which Mandl had awarded transfer credit; The credential was awarded based, in whole or in part, upon the student's obtaining a waiver of the academic requirements for the award of the credential by or through actions which involve falsification, misrepresentation, fabrication or other mischaracterization of the reasons for such waiver of the academic requirements for the award of the credential or the forgery, falsification, fabrication, or mischaracterization of the necessary approval of such waiver of the academic requirements for the award of the credential; The credential was awarded despite the student's failure to satisfy the academic requirements for the award of the degree, diploma, and/or certificate in existence at the time the credential was awarded and without regard to whether or not the student's conduct contributed, in whole or in part, to the erroneous award of the degree, diploma, and/or certificate.
- **Transcription Notation** – Any time a student is found responsible for committing a violent act, including but not limited to sexual misconduct, Education Law Article 129-B requires a notation be made on the student's transcript. **The notation may read, "suspended after finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation."** If a student withdraws from the institution while conduct charges are pending, and declines to complete the disciplinary process, as outlined above, a notation will be

made on the transcript indicating the student “**withdrew with conduct charges pending.**” Students suspended from the College for acts of violence, including but not limited to, sexual misconduct, have the right to request that disciplinary notation be removed from the transcript, one year from the date of their return to the College from suspension. This request needs to be made, in writing, to the Vice President of Academics, and is not a guarantee the notation will be removed. If a finding of responsibility is vacated, for any reason, any such transcript notation shall be removed.

- **Other Sanctions** – Educational Tasks: Examples of educational tasks include, but are not limited to, essays, assignments, community development initiatives, educational workshops provided by the College or outside entities, etc. The student will be required to submit proof of completion of the educational task from a source deemed appropriate by the College. Other sanctions may include programs related to the nature of the violation, including, but not limited to, alcohol/substance education, including alcohol/substance assessment and treatment. Withholding or deferral of issuance of degree or revocation of alumni privileges (if the respondent graduates prior to the conclusion of the disciplinary process).
- **Non-Compliance with Sanctions** – Sanctions imposed through the Student Conduct process are official actions of Mandl. Failure to comply with sanctions that are imposed by hearing panels, or to comply with specific conditions related to the safety and security of any parties while a case is pending, will likely result in additional charges through the Student Conduct process. Students who are going through a conduct process are placed “on hold” by the Office of the Registrar (i.e. affecting the student’s ability to register for classes, etc.). Non-compliance with sanctions may result in immediate suspension or dismissal from the College.

FACTORS CONSIDERED WHEN DETERMINING SANCTIONS

The following information pertains only to non-sexual assault cases, domestic violence, dating violence, or stalking. For information specific to those categories, please see the Enough is Enough Sexual Assault Special Section.

Sanctions are commensurate with the nature and scope of the violation. Subsequent violations generally result in more serious disciplinary sanctions. The College considers previous violations, and other factors such as the ones listed below when determining appropriate sanctions:

- The nature of the violation;
- The student’s scope of involvement;
- The severity of violation(s) and the actual harm caused by the respondent’s conduct/behavior;
- The respondent’s intentions;
- The impact on the individual(s) involved;
- The impact on the College community;
- The pervasiveness of the behavior;
- The respondent’s demonstrated understanding of the transgression and how the behavior violates College policies and values;
- The respondent’s acknowledgement of responsibility for improper conduct and sincere remorse;

- The respondent's disciplinary history;
- The respondent's level of cooperation and compliance with directives during the hearing process.

This list is not intended to be exhaustive and is only a partial enumeration of the factors considered when determining appropriate sanctions. Mandl evaluates each student's situation individually when considering other mitigating and aggravating factors.

TEMPORARY REMOVAL OF STUDENT FROM COLLEGE PREMISES

Disruptive behavior includes conduct that distracts or intimidates others in a manner that interferes with instructional activities, fails to adhere to a faculty member's appropriate classroom rules or instructions, or interferes with the normal operations of the College. Students who engage in serious disruptive behavior or threatening behavior may be directed by the faculty member to leave the classroom or by an authorized College official to leave the College premises. Students who refuse to leave the campus after being requested to do so will face additional disciplinary sanctions. When effecting an emergency suspension, the College official responsible for campus safety will direct the student to leave the College premises immediately and will further direct the student not to return until contacted by the Conduct Officer. In emergency or extraordinary circumstances, immediate suspension will be effectuated pending a hearing within seven (7) business/school days. Full compliance with this policy is expected from every Mandl student.

REMOVAL FROM CLASS

A faculty member may remove a student from class meetings for disciplinary reasons. If an instructor removes a student for more than one class period, the faculty member will notify the Dean and the Vice President of Academics in writing of the problem, action taken by the faculty member, and the faculty member's recommendation. If an acceptable resolution of the problem cannot be reached by the faculty member and the student, the faculty member will refer the case to the Vice President of Academics, who may in turn refer the case to the Student Conduct Hearing panel. In instances where the faculty member recommends permanent removal of the student from the course, the student will be required to meet with the Student Conduct Hearing panel (usually comprised of faculty members who are selected on a rotational basis with the aim of choosing faculty who have not had the student in their courses). In cases where it is difficult to secure a full panel of faculty due to scheduling conflicts or there are conflicts of interest, administrators may be added to the panel. For more details see the Student Handbook and College catalog.

DISCIPLINARY SANCTIONS: EMPLOYEES

Any full-time or part-time employee (including all classifications of members of the faculty) engaging in conduct prohibited by Mandl's employment procedures and policies, including policies on sexual misconduct, dating violence, domestic violence, and stalking, may be subject to a range of penalties. The severity of the penalties varies based on the type of transgression. The following includes the range of penalties employees may face:

warning, written warning, restitution, fine (not exceeding those permitted by law), enrollment in educational or rehabilitation programs, investigatory leave (suspension with/without pay pending a hearing), termination of employment after the hearing, termination of employment without a hearing, and/or arrest by the civil authorities, among others. Employees engaging in conduct prohibited under Mandl's Drug and Alcohol Policies may be required to participate and complete satisfactorily an appropriately licensed drug treatment or rehabilitation program.

Definitions

- **Warning** – An oral (or written) statement to the offender that he or she has violated College rules. Warning will include a notice that continuation or repetition of the wrongful conduct, within the stated time frame of the warning, will constitute a more severe disciplinary action.
- **Written Warning** – Written reprimand for violation of specified policies. Written warning includes the possibility of more severe disciplinary sanctions in the event of any further violation of any College regulation within a period stated in the letter of reprimand.
- **Restitution** – Reimbursement for damage to, or misappropriation of, property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
- **Investigatory Leave** – Suspension with/without pay pending a hearing. An employee may be placed on an investigatory leave, with or without notice, to permit to review or investigate actions, including dishonesty, theft or misappropriation of company funds or property, workplace violence, acts endangering others, insubordination, or any other conduct that warrants removing the employee from the campus. The leave will be confirmed in writing, stating the reason and the expected duration of the leave. Upon conclusion of the investigation, the employee will be informed in writing of the actual dates and pay status of the leave.
- **Termination: Employment at Mandl is classified as “at will”; employees may be terminated without warning for actions deemed appropriately severe.**

IMPORTANT INFORMATION

This Annual Security Report constitutes a significant publication, and Mandl unequivocally expects that every member of the College community will engage in a thorough review of its contents, adhere strictly to the policies delineated within, and actively utilize the information presented herein to advance Mandl’s overarching commitment to maintaining a secure environment. Additionally, the College holds the expectation that community members will faithfully comply with mandated training directives and submit requisite evidence of completion as requested.

Appendix

Students' Bill of Rights

All students and employees 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 by all campus officers, administrators and employees of Mandl;
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 College;
4. Participate in a process that is fair, impartial, equitable, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the College courteous, fair, and
6. respectful health care and counseling services, where available;
7. 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;
8. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
9. Be protected from retaliation by the College, any student, the accused and/or the respondent, and/or their friends, family, and acquaintances within the jurisdiction of the College;
10. Access at least one level of appeal of a determination;
11. Be accompanied by an advisor of choice who may assist and advise the reporting individual, accused, or respondent throughout the judicial or conduct process, including during all meetings and hearings related to such process; and
12. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation
- Make a report to:
 - An employee with the authority to address complaints, including the Title IX Coordinator, or any Campus Security Authority;
 - Local law enforcement; and/or
 - Family Court or Civil Court.

Copies of this Bill of Rights are distributed annually to students. The Bill of Rights is also posted on Mandl's intranet and in public areas frequented by students.

Resources

Rape and Violence Crisis Centers
National Sexual Assault Hotline
800-656-4673

- 24 hours a day
- Confidential
- Free and immediate support and assistance

Safe Horizon's Rape/Sexual Assault and Incest Hotline
212-227-3000

- 24 hours a day
- Confidential
- Free
- Safety planning, crisis counseling, advocacy with the police

NYC Domestic Violence Hotline
800-621-HOPE (4673)

Gay and Lesbian Anti-Violence Project
212-714-1141

New York State Domestic Violence Hotline
800-942-6906

New York State Office of Victim Services
800-247-8035 or www.ovs.ny.gov

DECISION CHART FOR TIMELY WARNING AND EMERGENCY NOTIFICATION

To be utilized by administrators designated as decision makers for campus safety and security.

Timely Warning Emergency Notification Decision Chart

- What is an Emergency Notification?

“Any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.” (Department of Education Handbook, 2016)

- What is a Timely Warning?

“A timely notification for a Clery crime category that is considered by the institution to represent a serious or continuing threat to student and employees.” (Department of Education Handbook, 2016)

- What is “Timely”

“The Clery Act doesn’t define timely, the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves. This means that a warning should be issued as soon as pertinent information is available. This is critical; even if you don’t have all of the facts surrounding a criminal incident that represents a serious and continuing threat to your students and employees you must issue a warning.” (Department of Education Handbook, 2016)

If you can’t say with certainty that no further threat exists, put out the warning or notice and do it quickly. You can always update it when and if there is no longer a potential threat.

Timely Warning and Emergency Notification Decision Chart – Is the incident a **Clery Crime**?

The Clery Act requires colleges and universities to issue a Timely Warning Notice to notify students and employees whenever there is a threat that a serious crime is ongoing or may be repeated. This notification is required for certain specific crimes that are reported to campus security authorities or local law enforcement / are reported or believe to have occurred on campus, on campus residence hall, non-campus building or property, or public property contiguous to campus. Notices are not limited to violent crimes or crimes against persons, and can be issued for threats to persons or to property.

Timely Warning and Emergency Notification Decision Chart – Is the

Clery Act Crime Examples include, but are not limited to:

- Criminal Homicide
- Sex Offenses (Stranger or Acquaintance)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Hate Crimes
- Emergency Situations that are life threatening (person(s) with weapon(s), threat of violence, etc.)
- Any act or immediate threat of interpersonal violence (consistent pattern of violent behavior, hate crimes, domestic situations)

Is there a threat of ongoing or repeated danger?

This decision should be made on a case-by-case basis in light of all the facts surrounding the crime, including factors such as:

After a Clery crime is reported, determine whether the students and employees are at risk of becoming victims of a similar crime.

1. Has the perpetrator been caught?

Example: a rape is reported on campus and the alleged perpetrator has not been caught, the risk is there. (Clery Handbook, 2011)

- Recent decision by DOE: suspension does not achieve the requirement and the potential of a serious threat continues. (Lasalle University Case)
- ## 2. Does the incident appear to be a one-time occurrence or fall into a pattern of reported crimes?
- Example: a student sets some posters on fire after the homecoming football game, the arsons are probably a one-night event. However if an unknown person is randomly setting fires on campus, there is a continuing threat (Clery Handbook, 2011)

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Timing, content, and decision for issuing a Timely Warning

The Clery Act does not define Timely, however it should be decided on a case-by-case basis and issued as soon as the pertinent information is available – the intent is to alert the campus community of continuing threats allowing the community to protect themselves. You do not have time to review video footage, interview involved parties, complete an investigation, etc.

The Clery Act does not specify what information should be included in the Timely Warning, but should include all necessary information for the campus community to protect themselves.

The decision to issue a Timely Warning includes, but not limited to:

- The nature of the crime
- The continuing danger to the campus community
- The possible risk of compromise law enforcement efforts

A general Timely Warning will included:

- Type of reported crime
- Time and location of reported crime
- Specific advice for the campus regarding steps to take to avoid becoming a victim

Unless the below information will make an immediate, material difference for public safety, avoid:

- Descriptions of alleged suspects based on perceptions of ethnicity or race
- Wording that could lead members of the community to feel stereotyped, marginalized, or profiled

Timely Warning and Emergency Notification Decision Chart

What constitutes an “immediate or imminent threat” for issuance of an Emergency Notification?

Emergency Notifications have a wide focus on any significant emergency or dangerous situation , which may include Clery crimes.

An Emergency Notification is triggered by an event that is currently occurring on or imminently threatening campus.

An Emergency Notification should be initiated for any significant emergency or dangerous situation involving an immediate threat to the health and safety of student or employees occurring on campus.

Examples of significant emergencies or dangerous situations include, **but are not limited to:**

- Armed person(s)
- Terrorist incident
- Civil unrest or rioting
- Explosion
- Gas leak
- Chemical or hazardous waste spill
- Approaching severe weather
- Medical outbreak (meningitis, norovirus or other serious illness)
- Earthquake
- Bomb Threat

FERPA and Timely Warning Requirement

The Clery Act does not require confidential reporting of crime. Although personally identifiable information is generally precluded from disclosure, such information may be released in an emergency situation.

A May 1996 Dear Colleague Letter on Campus Security Issues reads in part:

FERPA does not preclude an institution s compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA.

Timely Warning Determination Form

Date/Time of Incident	Date Reported to NYPD	Incident Case Number
Clery Crime Classification		
Short Description of the Incident		
Clery Crime Geography:		
On Campus _____	Public Property _____	
College Sponsored Trip _____	Externship _____	
Other		

Is there a threat of ongoing or repeated danger? _____ Yes _____ No

If no, why not?

Is the alleged offender known to authorities? _____ Yes _____ No
Is the alleged Offender in custody? _____ Yes _____ No
(Suspension/trespass does NOT count)

Timely Warning Issued? Date: _____ Yes _____ No

If Timely Warning was not issued, indicate reason(s):

Name and signature of **Designated Safety and Security Decision Maker:**

Print: _____

Signature: _____

Date: _____

TRAINING REQUIREMENTS

As this Annual Security Report shows, Title IX and the Clery Act are two significant pieces of legislation in the United States that mandate specific training requirements and prevention programming to ensure campus safety and address issues of sexual assault, harassment, and violence in educational institutions. Here's a breakdown of what each requires and what Mandl must comply with:

PRIMARY PREVENTION PROGRAMS

Mandl must offer programs to prevent dating violence, domestic violence, domestic violence, sexual assault and stalking that are directed at all incoming students and new employees.

Primary Prevention Programs are defined as programming, initiatives and strategies intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. These programs aim to define said crimes and ensure that incoming students and new employees understand the definition of *consent (affirmative consent)* in reference to sexual activity as defined by New York State. Although the emphasis is on providing information on risk reduction, these programs cover the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred. Written information is provided about: importance of preserving evidence; how and to whom the alleged offense should be reported, as well as options about the involvement of law enforcement and campus authorities.

Title IX Training Requirements

Title IX, a federal civil rights law passed as part of the Education Amendments of 1972, prohibits sex-based discrimination in any school or any other education program that receives funding from the federal government. In terms of training and prevention programming, Title IX mandates:

1. **Training for Title IX Coordinators and Staff:** This includes anyone who is involved in the processing, investigation, and resolution of Title IX complaints. Training topics cover the understanding of what constitutes sexual harassment and violence, the application of the grievance procedures, and how to conduct an investigation.
2. **Awareness Programs for Students and Employees:** Colleges are required to provide primary prevention and awareness programs for all incoming students and new employees. This often includes education on consent, reporting procedures, and resources available for victims of sexual harassment and assault.
3. **Ongoing Prevention and Awareness Campaigns:** Institutions must continue these efforts with ongoing campaigns aimed at preventing sexual violence and promoting safety and respect on campus.

Clery Act Training Requirements

The Clery Act, officially known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, is a federal statute aimed at providing transparency around campus crime policy and statistics. For training and prevention, the Clery Act mandates:

1. **Annual Security Reports (ASR):** Institutions must compile and publish an annual report detailing campus crime statistics and efforts to improve campus safety. This includes outlining the institution’s policies regarding safety and security measures, reporting crimes, and emergency response.
2. **Timely Warnings and Emergency Notifications:** Schools must inform the campus community about crimes that pose a serious or ongoing threat to students and employees.
3. **Educational Programs:** The Clery Act requires institutions to offer educational programs and campaigns designed to promote the awareness of crimes such as sexual assault, domestic violence, dating violence, and stalking. This includes primary prevention programs, bystander intervention strategies, and risk reduction information.
4. **Training for Campus Security Authorities (CSAs):** The Act requires that individuals identified as Campus Security Authorities receive training on crime reporting responsibilities and procedures.

In an effort for Mandl to comply with these training and programming mandates in a way that is useful, the College tailors its efforts to the specific needs and characteristics of our campus community. Your compliance with the items published in this Annual Security Report ensures not only adherence to the law but also contributes significantly to the creation of a safe and inclusive educational environment.

Members of the Campus Safety and Security Committee

Committee Chair

Dr.Orsete Dias, Vice President, Academics

Members

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2021-2023 Mandl Crimes Statistics

Criminal Offenses - On Campus	Total criminal offenses on campus		
Criminal offense	2021	2022	2023
a. <u>Murder/Non-negligent manslaughter</u>	0	0	0
b. <u>Manslaughter by Negligence</u>	0	0	0
c. <u>Rape</u>	0	0	0
d. <u>Fondling</u>	0	0	0
e. <u>Incest</u>	0	0	0
f. <u>Statutory Rape</u>	0	0	0
g. <u>Robbery</u>	0	0	0
h. <u>Aggravated assault</u>	0	0	0
i. <u>Burglary</u>	0	0	0
j. <u>Motor vehicle theft</u>	0	0	0
k. <u>Arson</u>	0	0	0
Criminal Offenses - Public Property	Total criminal offenses on public property		
Criminal offense	2021	2022	2023
a. <u>Murder/Non-negligent manslaughter</u>	0	0	0
b. <u>Manslaughter by Negligence</u>	0	0	0
c. <u>Rape</u>	0	0	0
d. <u>Fondling</u>	0	0	0

e. <u>Incest</u>	0	0	0
f. <u>Statutory Rape</u>	0	0	0
g. <u>Robbery</u>	0	0	0
h. <u>Aggravated assault</u>	0	0	0
i. <u>Burglary</u>	0	0	0
j. <u>Motor vehicle theft</u>	0	0	0
k. <u>Arson</u>	0	0	0

The following hate offenses manifest evidence of prejudice based on race, religion, sexual orientation, gender, gender identity, disability, ethnicity, and/or national origin.

Hate Crimes - On campus	Total hate crimes on campus			
	Criminal offense	2021	2022	2023
a. <u>Murder/Non-negligent manslaughter</u>		0	0	0
b. <u>Negligent manslaughter</u>		N/A	N/A	N/A
c. <u>Rape</u>		0	0	0
d. <u>Fondling</u>		0	0	0
e. <u>Incest</u>				
f. <u>Statutory Rape</u>		0	0	0
j. <u>Robbery</u>				
h. <u>Aggravated assault</u>		0	0	0
i. <u>Burglary</u>		0	0	0
j. <u>Motor vehicle theft</u>		0	0	0
k. <u>Arson</u>		0	0	0
l. <u>Simple Assault</u>		0	0	0
m. <u>Larceny Theft</u>		0	0	0
n. <u>Intimidation</u>		0	0	0
o. <u>Destruction/Damage/Vandalism of Property</u>		0	0	0
Hate Crimes - Public Property	Total hate crimes on public property			
Criminal offense	2021	2022	2023	
a. <u>Murder/Non-negligent manslaughter</u>		0	0	0
b. <u>Negligent manslaughter</u>		N/A	N/A	N/A
c. <u>Rape</u>		0	0	0

d. <u>Fondling</u>	0	0	0
e. <u>Incest</u>			
f. <u>Statutory Rape</u>	0	0	0
j. <u>Robbery</u>	0	0	0
h. <u>Aggravated assault</u>	0	0	0
i. <u>Burglary</u>	0	0	0
j. <u>Motor vehicle theft</u>	0	0	0
k. <u>Arson</u>	0	0	0
l. <u>Simple Assault</u>	0	0	0
m. <u>Larceny Theft</u>	0	0	0
n. <u>Intimidation</u>	0	0	0
o. <u>Destruction/Damage/Vandalism of Property</u>	0	0	0

VAWA Offenses - On campus	Total arrests on campus		
	2021	2022	2023
Crime			
a. <u>Domestic Violence</u>	0	0	0
b. <u>Dating Violence</u>	0	0	0
c. <u>Stalking</u>	0	0	0

VAWA Offenses – Public Property	Total arrests on public property		
	2021	2022	2023
Crime			
a. <u>Domestic Violence</u>	0	0	0
b. <u>Dating Violence</u>	0	0	0
c. <u>Stalking</u>	0	0	0

Arrests - On campus	Total arrests on campus		
	2021	2022	2023
Crime			
a. <u>Weapons: carrying, possessing, etc.....</u>	0	0	0
b. <u>Drug abuse violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0

Disciplinary Actions - On campus* *Do NOT include drunkenness or driving under the influence in Liquor law violations.	Number of persons referred for Disciplinary Action on campus		
Law Violation	2021	2022	2023
a. <u>Weapons: carrying, possessing, etc.....</u>	0	0	0
b. <u>Drug abuse violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0

Disciplinary Actions - Public Property* *Do NOT include drunkenness or driving under the influence in Liquor law violations.	Number of persons referred for Disciplinary Action on public property		
Law Violation	2021	2022	2023
a. <u>Weapons: carrying, possessing, etc.....</u>	0	0	0
b. <u>Drug abuse violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0

Unfounded Crimes – On campus and Public Property	Total number of unfounded crimes		
	2021	2022	2023
a. <u>Total unfounded crimes</u>	0	0	0

Arrests - Public Property* *Do NOT include drunkenness or driving under the influence in Liquor law violations.	Total arrests on public property		
Crime	2021	2022	2023
a. <u>Illegal weapons: carrying, possessing, etc.....</u>	0	0	0
b. <u>Drug abuse violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0