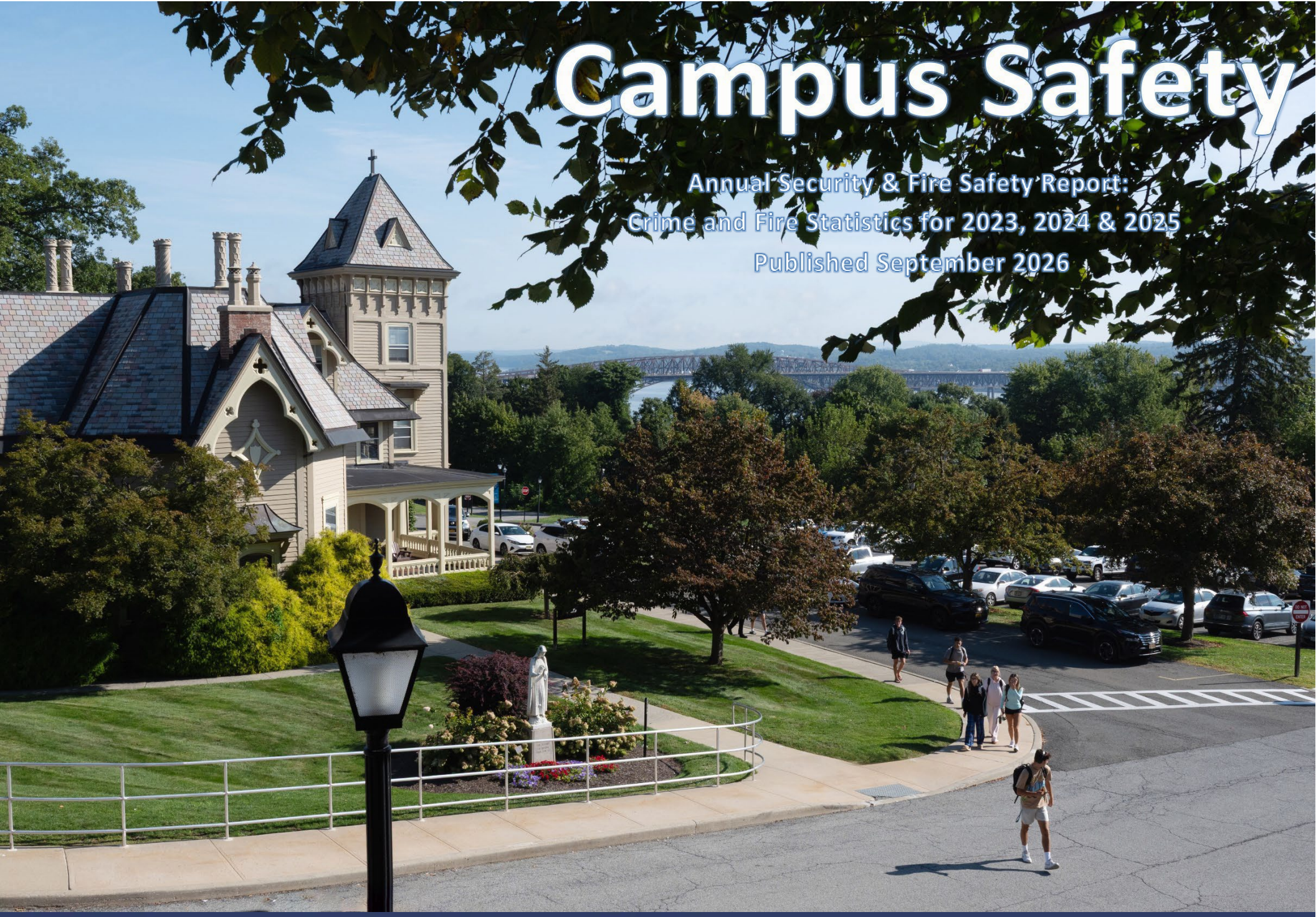
Campus Safety

Annual Security & Fire Safety Report:
Crime and Fire Statistics for 2023, 2024 & 2025
Published September 2026



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Contents

The Annual Security Report	**5**
Security at MSMC	**6**
Community Support in and around MSMC	**7**
Reporting Incidents or Emergencies	**7**
Procedures for Reporting Crimes Confidentially	**9**
Daily Crime Log	**10**
Transcript Notations: Crimes of Violence	**11**
Responsibility for a Code of Conduct Violation	**11**
Security Awareness and Crime Prevention Programs	**12**
Rules for Implementing Policies and Maintenance of Public Order on Campus and in College Property	**13**
Missing Student Notification	**14**
Orders of Protection	**14**
Hazing Prohibited	**15**
What is the Advisory Committee on Campus Security?	**15**
Credit Card Solicitation, Advertising, Marketing, and Merchandising	**16**
Student Safety Programming	**17**

Alcohol and Drugs 25

Personal Safety Tips 26

Emergency Response and Evacuation Procedures 29

Emergency Notification 32

MSMC Alert 34

Timely Warnings 34

Access to and Security of Campus Facilities 35

Maintenance of Campus Facilities 36

Other MSMC Security Services 36

Information Regarding MSMC's Sexual Misconduct Policy 37

Clery Training 39

Crime Location Definitions: 42

Mount Saint Mary College Clery Act Geographical Map 43

Annual Fire Safety Report 84

Annual Fire Safety Report on Student Housing 85

Fire Drills 89

Procedures Students and Employees Should Follow in the Event of a Fire 90

Student Housing Evacuation 90

Fire Safety Education Programs **90**

Daily Fire Log **91**

Important Telephone Numbers **92**

The Annual Security Report

The Annual Security Report (ASR) is prepared as part of MSMC's commitment to campus security and safety. This document includes information for the 2025 calendar year with crime statistics for 2023, 2024, and 2025. It complies with The Student Right to Know and Campus Security Act of 1990 (amended in November 1998 and re-named The Clery Act, and was further revised in October 2020), which requires colleges and universities to prepare, publish, and distribute to all students and employees an annual report about the College's security policies, procedures and programs, and crimes that occurred on campus and were reported to the City of Newburgh Police or designated campus security authorities including but not limited to directors, department heads, residential life staff, advisors to official student organizations, and athletic coaches. In addition, these statistics also include persons referred for campus disciplinary action for categories required under the Clery Act, including liquor and drug law violations and illegal weapons possession. Statistical information is for on-campus locations or property owned or controlled by Mount Saint Mary College. The report also includes reporting requirements resulting from the Higher Education Opportunity Act (HEOA) of 2008. Collectively, the laws require that an Annual Security Report and an Annual Fire Safety Report be prepared and published. MSMC incorporates both reports into one report titled “Campus Safety”. The ASR is designed to provide individuals with a better understanding of campus security and safety issues so that they may make informed decisions. MSMC has taken a proactive approach to campus security and safety and is in full compliance with the law. Any individual with questions about this report or any security or safety-related issue or concern is encouraged to contact the Director of Security and Safety at 845-569-3598. The U.S. Department of Education requires that colleges and universities submit their crime statistics to a website so that the information is available to all who are interested.

Security at MSMC

MSMC employs its own professional security team, and all officers are fully licensed security officers as required by the N.Y.S. Security Guard Act. Acting as agents of the College, security officers have the authority to enforce the policies and regulations of the College. Officers do not have sworn police powers and have no formal power of arrest other than those granted to private citizens, as stated in the New York State Criminal Procedure Law, sections 140-30 and 140-35.

The Security and Safety Department, which operates 24 hours a day, has its main office in GA 1, as well as a security sub-station in Sakac Hall.

The primary mission of the MSMC Security and Safety Department is to protect life and property by providing services that will establish and maintain a reasonably safe campus environment and will contribute to and assist in achieving the educational and organizational goals of the College. Services are designed to enhance the quality of life on campus for students, faculty, staff, visitors, and guests of the College by proactively engaging in activities that promote security awareness, crime prevention, and safety consciousness.

MSMC is committed to providing comprehensive measures to achieve a safe and secure environment. The College emphasizes that security and safety are shared responsibilities and offers programs designed to encourage security awareness. Services include staffed posts, a visitor management system, and other electronic security measures designed to detect and correct security violations and fire safety hazards. The security-safety mission is accomplished by 24-hour security

patrol (vehicle and foot), closed-circuit television coverage, residence hall security (24-hour coverage at GA 1 and Sakac Hall), electronic card access control, fire and intrusion detection systems, incident investigation, crime prevention activities, vehicle traffic/parking regulations and enforcement, security escort and medical transportation services, liaison services with federal, state and local law enforcement agencies, the operation and maintenance of a radio communications network, emergency "blue light" phones, and the implementation and activation of emergency preparedness operations.

All officers receive formal training in compliance with the guidelines provided by the N.Y.S. Department of Criminal Justice Services and the N.Y.S. Security Advisory Council. Additionally, officers receive training in campus security procedures and techniques, basic first aid, CPR, AED, fire safety, de-escalation techniques, active threat prevention/response, and other crime prevention measures.

Community Support in and around MSMC

The City of Newburgh, like all other urban communities, is subject to crime. The City of Newburgh is justifiably proud of its community-oriented professional police department. MSMC is likewise proud, in that it enjoys a positive working relationship with both the City of Newburgh Police Department and the City of Newburgh Fire Department. In addition to routine patrols of the campus, the police department periodically offers in-service programs on crime prevention. Off-duty police officers occasionally supplement security officers at student activities and sporting events. The City of Newburgh Fire Department also conducts routine fire safety inspections of campus facilities.

MSMC does not have any student organizations that have off-campus property. However, the Security and Safety Department does work closely with the City of Newburgh Police Department and other law enforcement agencies on issues concerning incidents that have occurred at off-campus locations that involve MSMC students or the safety of the students or employees of the College, if the College is informed of the incident.

Reporting Incidents or Emergencies

Students and employees are encouraged to promptly and accurately report all criminal incidents and emergencies by calling the Security and Safety Department at 845-569-3200 (extension 3200 from any campus phone). Incident reports may also be filed in person at the 24-hour security stations in GA 1 or Sakac Hall. Incidents may also be reported to any

security officer.

Emergency calls to Orange County 911 may be directly dialed from any college phone. A unique ringtone is received at the GA 1 Security Communications Desk and the MSMC Switchboard phone, which identifies the campus phone from which the 911 call is being placed. This feature is designed to help Security and Safety render timely and appropriate assistance in emergencies. The Orange County Emergency Communications Center (911 Center) accepts "911" messages via a Text-to-911 messaging service. This may be convenient during times of an emergency when you are unable to speak, such as an active shooter situation, domestic violence incident, crime-in-progress, or other situations where maintaining silence is critical. Individuals who are hearing or speech-impaired may also find this service useful.

Security Officers employed by the Security and Safety Department are N.Y.S. licensed security guards but are not campus police. All members of the Mount Saint Mary College community have the right to report crimes directly to local law enforcement, and members of the Security and Safety Department will assist with this process when the victim elects to or is physically and/or mentally unable to make such a report. Reports to the City of Newburgh Police Department can be made directly by calling 845-561-3131 or to the New York State Police by calling 845-344-5300. Crimes can also be reported directly to the Orange County Emergency Communications Center by calling and/or texting 911.
Additionally, Mount Saint Mary College holds the utmost concern for the health and well-being of our students. If you know of a student in crisis or in need of resources, you may refer them to the MSMC Assessment and Care Team (ACT) by clicking on the following link: https://my.msmc.edu/secure/MSiteWFormsX/studentconcern/add. The student referral form can be submitted by anyone and can be done anonymously.

Response to Reported Incidents

Persons reporting an incident will be interviewed and advised of their options. Depending on the severity of the incident, a subsequent investigation will be conducted, and police intervention may be required. Additionally, reports may be sent to the Student Affairs office for review and potential action. Security officers are available at 845-569-3200, 24 hours a day, to answer your call. In response to a call, Security and Safety will take the required action, either dispatching an officer or asking the victim to report to Security and Safety to file an incident report. All reported crimes will be investigated by the

College. All Security and Safety Department incident reports involving students are forwarded to the V.P. for Mission and Student Affairs. review and referral for potential judicial action, as appropriate. Security and Safety personnel will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the V.P. for Mission and Student Affairs. If assistance is required from the City of Newburgh Police Department or Fire Department, Security and Safety will contact the appropriate department. If a sexual assault or rape should occur, College staff on the scene, including Security and Safety, will offer the victim a wide variety of supportive services.

Students and employees should report criminal offenses to Security and Safety to assess making timely warning reports and for inclusion in the annual statistical disclosure.

Procedures for Reporting Crimes Confidentially

ON-CAMPUS CONFIDENTIAL RESOURCES

- Deirdre Pettus, Executive Director of Health Services 845-569-3153 deirdre.pettus@msmc.edu
- Dina Leduc, Assistant Director of Health Services 845-569-3353 dina.leduc@msmc.edu

Counseling Services may be contacted after hours by calling Campus Safety at 845-569-3200 and asking for the on-call counselor. There is no need to leave your name. Just leave your number, and the counselor will call you back.

*These employees will submit anonymous statistical information for Title IX and Clery Act purposes.

BIAS INCIDENT - HATE CRIME INFORMATION

Mount Saint Mary College is dedicated to creating a welcoming and supportive campus environment for everyone. We strive to foster a culture of respect, fairness, and belonging for all students, both inside and outside the classroom. Student Affairs serves as a central resource, offering guidance and assistance to all students regarding their education, safety, personal development, and overall well-being. Mount Saint Mary College is deeply committed to ensuring a safe and respectful learning environment for all members of our community. In adherence to New York Education Law Article 129-a, 2023 amendment,

which reinforces requirements for reporting and investigating hate crimes on college campuses, Mount Saint Mary College has established this dedicated resource for reporting such incidents. Students are encouraged to utilize the Bias Incident and Hate Crimes Reporting Form if they experience or witness a bias incident or hate crime. Upon the submission of a Bias Incident and Hate Crimes Reporting Form or notification to a trusted campus resource, the Bias Report Team (BRT) will proactively engage with the reporting party. The BRT aims to offer supportive services, explore resolution options, and potentially identify appropriate intervention actions for the affected individuals and/or the wider campus community. The team may also reach out to the MSMC community to address the incident as needed. Guided by the Dominican Pillars of study, spirituality, service, and community, Mount Saint Mary College is dedicated to cultivating a campus where every individual who works, studies at, or visits our campus receives respect and has the opportunity to be seen and heard. We are committed to upholding what is right, just, and in the best interest of all members of our community. The Bias Incident Reporting (BRT) system is available to report any concern about discrimination, discriminatory harassment, and bias. To access the Bias Incident Report, click here.

Confidential Non-Reporting Resources

Pastoral and professional counselors, when they deem appropriate, are asked to inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
Executive Director of Health and Wellness Center, Counseling & Health Services (845) 569-3153

Office of Campus Ministry (845) 569-3154

Information about crimes shared with a professional or pastoral counselor is confidential and is not required to be reported to Security and Safety for statistical purposes.

Daily Crime Log

The MSMC Security and Safety Department maintains a Daily Crime Log, which is available, free of charge, upon request to the public during normal business hours at the Office of Security and Safety. Any portions of the Daily Crime Log that are older than 60 days are available within two business days for public inspection. The purpose of the Daily Crime Log is to record all criminal incidents and alleged criminal incidents that are directly or indirectly reported to

Security and Safety. The log provides crime information on a timelier basis than the annual statistical disclosures. You may call the Security Operations Coordinator at (845) 569-3454 if you have any questions regarding the Daily Crime Log.

Transcript Notations: Crimes of Violence

Pursuant to Article 129-B §6444.6 of the New York State Education Law, if a student is found responsible through the College's code of conduct process for crime(s) of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. § 1092(f)(1)(F)(i)(I)-(VIII) ("Clery crimes of violence"), the V.P. for Students will direct that a permanent and/or temporary notation be placed on the student's transcript.

In accordance with the Mount Saint Mary College Student Handbook of 2024-2025:

*For all crimes of violence, including but not limited to forcible and non-forcible sex offenses, a notation will be placed on the transcript of the student found responsible after a conduct process. The transcript shall read: "**SUSPENDED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION" OR "EXPELLED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION**."*

Notations will not be removed prior to one year after the conclusion of the suspension, while notations for expulsion shall not be removed. To request that a transcript notation be removed after a suspension ends, a student must submit a written request to the Vice President for Academic Affairs; this request will be considered one year from the date of the suspension's end.

If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

Security Awareness and Crime Prevention Programs

MSMC begins making students aware of security programs at orientation to aid in the prevention of crimes. The College continues its efforts throughout the year in a range of security awareness and crime prevention sessions sponsored by the Residence Life staff, the Security and Safety Department, and various student groups. Freshmen are required to attend sessions on such topics as security, safety, sexual assault, and alcohol education, which are conducted by the Office of Student Affairs, Health Services, Residence Life, and Security and Safety. In addition to providing an overview of MSMC security programs and services, members of the Security and Safety Department also inform students of precautions they should take to help ensure their safety. The College also offers similar sessions to transfer students who do not attend freshman orientation. The student handbook outlines security programs and describes college policies regarding sexual misconduct, drug and alcohol use, campus altercations, residence hall regulations, and motor vehicle registration and parking regulations. Copies are available through the Office of Student Affairs or online at https://msmc.s3.amazonaws.com/files/resources/msmc-studenthandbook.pdf.

Residence Life staff also present security and safety programming on topics such as sexual assault prevention, substance abuse, and emergency preparedness. Fire drills are also held throughout the year. Security and safety are shared responsibilities between each person and the College. Students and employees are encouraged to participate in being proactive about safety by reporting suspicious activity, unsafe conditions, and anything relating to the overall quality of life in our campus environment.

Rules for Implementing Policies and Maintenance of Public Order on Campus and on College Property

In accordance with the New York State Penal Law, New York Education Law 129-A, and associated local municipal regulations, and in the interests of campus health and safety, Mount Mary College maintains written rules for the maintenance of public order on campus and within other college property. Any violations of federal, New York State, or local municipal laws that threaten the safety and well-being of students, faculty, and staff may be investigated as appropriate and in accordance with the Student Handbook by the appropriate authorities. Mount Saint Mary College, in compliance with the Clery Act, maintains a Memorandum of Understanding with the City of Newburgh Police Department. In this manner, the college can quickly address safety issues, such as those involving the investigation of felony offenses occurring on campus.

Safety on Campus and College Property

Visitors, including invitees and licensees, shall always conduct themselves in a manner that is consistent with the maintenance of order on college premises, and their privilege to remain on college property shall automatically terminate upon breach of this regulation. The college, in addition, reserves the right in its discretion to withdraw at any time the privilege of an invitee or licensee to be on college premises. A trespasser has no privilege to be on college property, but is still subject to these regulations governing order maintenance. Any authorized member of Security & Safety may, while performing their duties, request identification from members, as well as non-members, of the college community. Refusal to identify oneself shall be considered prima facie evidence of non-college status.

Persona Non-Grata Letter: the MSMC Security & Safety Director or designee may issue a directive to an individual involved in an allegation of Prohibited Conduct or other unlawful conduct that prevents that person (non-student) from entering campus or a designated building on campus. Prohibited conduct includes any unlawful and unwelcome conduct that causes a student or employee to reasonably fear for their safety. Anyone who enters campus property while subject to an active Persona Non-Grata letter will be reported to the City of Newburgh Police for investigation of New York Penal Law trespass.

Missing Student Notification

Any student, faculty, administrator, or staff member who believes that a resident student has been missing for 24 hours must immediately notify the MSMC Office of Security and Safety. If, after a preliminary investigation by the Office of Security and Safety and Resident Life staff, the missing person has not been located and his/her personal safety cannot be verified, the Office of Security and Safety will notify the City of Newburgh Police Department within twenty-four (24) hours of the determination that the student is missing, unless the local law enforcement agency was the entity that determined that the student is missing. All students residing on campus have the option of providing a confidential contact person to be notified in the event the student is reported missing. This information will be collected each year and may be updated via the MSMC portal at https://my.msmc.edu/secure/MSiteForms/Default.aspx?f=ConfidentialContact. Only authorized college officials and law enforcement officers in the furtherance of a missing person investigation may have access to this information. The college will notify the confidential contact person within twenty-four (24) hours of the determination that the student is missing and reserves the right to contact that person while investigating the initial report in order to obtain information on the possible whereabouts of the missing student. If a case involves a student who is under 18 years of age and not emancipated, Mount Saint Mary College must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

Orders of Protection

Orders of Protection are issued by New York courts to help prevent future harm by ordering offenders not to hurt, harass, intimidate, contact, or go near: victims of domestic violence or members of their family or household, victims or witnesses of crimes other than domestic violence, or members of the victim's family or household. It is a crime to violate a protection order, and the person who disobeys the court may go to jail. Local police officers, along with the NYS police, enforce protective orders (including orders issued by a judge in another state). Students, faculty, staff, contractors, licensees, or invitees who have an Order of Protection may file a copy with Security & Safety, should they wish to provide awareness in advance. Security & Safety staff are available 24/7 to explain the Order of Protection process and answer any questions that students, faculty, staff, or others may have. The Director of Security and his or her designee are available upon request to meet with a protected individual to review an in-depth safety plan.

Hazing Prohibited

The New York State Penal Law sets forth conduct that constitutes hazing in sections 120.16 and 120.17. New York State Law and Mount Saint Mary College policy prohibit hazing. The College considers hazing as any action or situation created by an individual, group, organization, or athletic team intentionally or unintentionally, whether on or off college premises, to produce mental or physical discomfort, embarrassment, harassment, ridicule, or in any way demean the dignity of another human being. Additionally, any action or situation on campus, off campus, or at a college-sponsored event that recklessly or intentionally endangers mental or physical health or involves the forced consumption of alcohol or drugs for the purpose of initiation to or affiliation with MSMC, or any organization sponsored by or using the campus of MSMC, is prohibited. Penal Law, 120.16, states “A person is guilty of hazing in the first degree when, in the course of another person’s initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.” (amd. 1988, ch. 86, section 1, eff. Nov. 1, 1988). These guidelines shall govern the conduct of organizations sponsored by MSMC, students, faculty, and staff of MSMC, as well as visitors, licensees, and invitees present on the campus or at a college-sponsored event or institutional property. Students or employees who violate these guidelines shall be subject to suspension, dismissal, or other appropriate disciplinary action. Visitors or other licensees who violate these guidelines shall be ejected from the campus or from the college-sponsored event wherein the violation occurred. Those non-campus community members ejected from campus may be subject to a non-grata letter restriction and banned from college property and events. Organizations sponsored by MSMC that violate these guidelines shall suffer rescission of permission to operate on campus or at events sponsored by MSMC. The above sanctions are in addition to any penalty pursuant to the Penal Law or any other chapter to which a violator or organization may be subject: Penal Law, 120.16.

Hazing in the first degree is a class A misdemeanor. Penal Law, 120.17: Hazing in the second degree is a violation.

What is the Advisory Committee on Campus Security?

Mount Saint Mary College maintains an Advisory Committee on Campus Security (SAC – Security Advisory Committee) in compliance with New York State Education Law 129a Section 6431. The committee is composed of students and employees in accordance with Section 6431.

The committee is charged by law with reviewing current campus security policies and procedures, and with

making regular recommendations for improvements to the college president. The committee shall review current campus security policies and procedures and make recommendations for their improvement. It shall specifically review current policies and procedures for:

Educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault, domestic violence, and stalking offenses pursuant to section sixty-four hundred thirty-two of this article;

Educating the campus community about personal safety and crime prevention; reporting sexual assaults, domestic violence, and stalking incidents and assisting victims during investigations; referring complaints to appropriate authorities; counseling victims; and responding to inquiries from concerned persons.

The committee reports, in writing, to the college president or chief administrative officer on its findings and recommendations at least once each academic year, and such report is made available upon request. If you have any questions or comments regarding the committee, please contact the Director of Security & Safety via email at richard.algarin@msmc.edu.

Credit Card Solicitation, Advertising, Marketing, and Merchandising

Mount Saint Mary College prohibits the solicitation, advertising, marketing, or merchandising of credit cards on campus to students, except in cases where the College officially sanctions such action. In compliance with New York State Education Law 129-A, Section 6437, should the college choose to allow credit card marketing, a policy will be put in place that will include:

Registration of on-campus credit card marketers; limiting marketers to specific dates and areas of campus; Prohibiting gifts to students in exchange for completing an application; and informing students about credit card management practices.

Student Safety Programming

Each September, the College recognizes National Campus Safety Awareness Month. As students, faculty, and staff return to campus, safety initiatives are conducted to increase security awareness and help encourage campus members to be more safety-minded. Safety programs include residence hall checks by Resident Life staff to ensure residents lock their dorm room doors when they leave their rooms, educational and enforcement programs for those driving cars on campus, and other programs designed to increase security and safety awareness. Programming such as active shooter response, fire safety and prevention, alcohol and substance abuse awareness, and sexual assault awareness are also conducted throughout the year.

Key: **AOD** = Alcohol and Other Drugs
DaV = Dating Violence
DoV = Domestic Violence
S = Stalking
DEI = Diversity, Equity & Inclusion
SFS = Security and Fire Safety

Program	Type	Description
New Student Orientation	AOD, DaV, DoV, S, DEI	Programming and round robin tabling with new students covering campus resources and policies.
Loves Me, Loves Me Not	AOD, DaV, DoV, S, DEI	Loves Me, Loves Me Not was an interactive bulletin board designed to help residents identify healthy and unhealthy relationship behaviors.
Stop the Hate!	AOD, DaV, DoV	Stop the Hate! was a community-building program focused on promoting inclusivity and respect while discouraging negativity amongst the campus community.
Being Safe at a Party.	DEI	Being Safe at a Party was an educational program aimed at equipping students with practical strategies to maintain safety in social settings.
Who's On the Lookout?	AOD, DaV, DoV, S	Students discuss the importance of bystander intervention.
It's Okay to Ask for Help	AOD, DaV, DoV, S, DEI	Student peer mentorship programming.
Knight Life Jeopardy	AOD, DaV, DoV, S	Student-sponsored, Jeopardy-type quiz show covering Knight student safety topics.

Program	Type	Description
Less Drinking More Thinking	AOD, DaV, DoV	Students discuss responsible drinking habits.
Sweet Hearts and Sweet Treats	AOD, DaV, DoV, S	Students discuss the aspects of healthy relationships.
Let's Talk Safety	AOD, DaV, DoV, S	Students discuss safety concerns with security staff.
Lots of Love for Women in Stem	AOD, DaV, DoV	Lots of Love for Women in STEM celebrated and raised awareness about the contributions of women in science, technology, engineering, and math fields.
The Future is Women	DEI	The Future is Women was a program encouraging gender equity.
PharmAware	AOD	Students discuss substance abuse and resources for help.
Luck Charm Trivia	AOD	Students discuss substance abuse and resources for help.
Title IX and Bystander Intervention Training	AOD, DaV, DoV, S	Overview of Title IX rules and resources. Tips on how students can intervene to keep other students safe.

Program	Type	Description
Tiny Bottles, Big Problems	AOD, DaV, DoV	Tiny Bottles Big Problems was an eye-opening program focused on raising awareness about the hidden risks of consuming small amounts of alcohol, such as mini liquor bottles.
Booze Clues	AOD, DaV, DoV	Booze Clues was an informative program designed to educate students about the risks and signs of alcohol misuse.
No Extra Lives in the Game of Life	AOD, DaV, DoV, S	Students discuss ways to keep themselves safe, physically, and emotionally
Think Before You Drink	AOD, DaV, DoV	Students discuss responsible drinking habits.
Is This Love?	DaV, DoV, S	Students discussthe aspects of healthy relationships.
Cookies and Consent	DaV, DoV	Students discuss the topic of informed consent over cookies and snacks.
Drunk Goggle Relay	AOD	Students discuss the impairing effects of alcohol consuming too much alcohol.

Program	Type	Description
Finding Red Flags	AOD, DaV, DoV, S	Healthy relationship tips and advice.
Watch Your Drink	AOD, DaV, DoV, S	Students discuss the importance of not leaving their drinks unattended.
Turn on Nicotine	AOD	Health and safety aspects of not smoking cigarettes and tips on how to quit smoking.
Toxic Relationships… We Remember Them All Too Well	AOD, DaV, DoV, S	Healthy relationship tips and advice.
Watch Out for Flags/Finding Red Flags	AOD, DaV, DoV, S	Healthy relationship tips and advice.
A Toast to the New Year	AOD	A student-led discussion about alcohol and substance abuse.
Would You Survive a Fire?	SFS	Fire Prevention and Safety Tips
Active Threat Response	SFS	How to respond and survive an active threat on campus.

Program	Type	Description
Toxic Relationships… We Remember Them All Too Well	AOD, DaV, DoV, S	Healthy relationship tips and advice
A Toast to the New Year	AOD	Responsible drinking tips and advice
Got Narcan?	AOD	Narcan training for students
Wake and Bake	AOD	Substance abuse awareness
Spooktacular Nights and Responsible Fun	AOD	Halloween-themed substance abuse awareness
It's Okay Not to be Okay	AOD, DaV, DoV, S	On and Off-Campus Student Resources for sexual violence
Trivia Night	AOD	Alcohol and drug awareness trivia game
Always Play it Safe	AOD	Personal safety tips when going out to parties
Don't Text and Drive	SFS	Safe driving tips

Program	Type	Description
Think Before You Drink	AOD	Tips and advice for responsible drinking
Knight Cards	AOD, DaV, DoV, S	Bystander intervention discussion
To Borg or Not to Borg That is The Question...	AOD	Substance abuse awareness
Don't Get Super Smashed	AOD	Tips and advice for responsible drinking
See the Signs!	AOD, DaV, DoV, S	Healthy relationship tips and advice
Brownie Points	AOD	Substance abuse awareness
Bake and baked brownies	AOD	Substance abuse awareness
Stay Safe on Campus	SFS	Safety tips for walking and driving on campus
Signs of Being Roofied	AOD	Drug awareness/Bystander intervention

Program	Type	Description
Do you know your resources?	AOD, DaV, DoV, S	Guide to campus resources for students
Fire Safety Competition	SFS	Game show to see how much students know about fire safety
How to stay safe at a party	AOD, DaV, DoV, S	Drug/alcohol awareness/Bystander intervention techniques
No Knight Left Behind Bingo	AOD, DaV, DoV, S	Bystanderintervention techniques
Girl Code	AOD, DaV, DoV, S	Bystander intervention techniques for women
Finding IX	AOD, DaV, DoV, S	Guide to Title IX resources on and off campus
Walk the Plank	AOD	Substance abuse awareness
Watch Your "Boos"	AOD	Tips and advice for responsible drinking
Danger Hour	AOD	Tips and advice for responsible drinking
Yes means Yes and No means No	AOD, DaV, DoV, S	Affirmative consent and bystander intervention techniques

Alcohol and Drugs

The Office of Student Affairs provides programs to promote awareness of alcohol and drugs as potential threats. All students are made aware of the College's code of conduct and their obligations. The code spells out policies that prohibit the illegal use of alcohol or other drugs, disorderly conduct, harassment of others, hazing, and other behavior by which a student may injure himself/herself or others. Possession, use, sale, and consumption of alcoholic beverages by persons under 21 years of age is not permitted on college properties and will be enforced in accordance with college regulations. Laws regarding the possession, sale, use, and furnishing of alcohol are governed by the State of New York and enforced by the City of Newburgh Police Department. The possession, use, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal law. Enforcement of state and federal illegal drug laws is carried out by the City of Newburgh Police Department. The Orange County Social Host Law (Local Law 2 of 2016) prohibits any person eighteen (18) years of age or older who owns, rents, or otherwise controls premises from knowingly allowing the consumption of alcohol or alcoholic beverages by any minor on such premises or from failing to take reasonable corrective action upon learning of the consumption of alcohol or alcoholic beverages by any minor on such premises. The Orange County Social Host Law provisions apply to student conduct *on and off-campus*. It is expected that students residing in Mount Saint Mary College housing and/or in off-campus housing be cognizant of their potential criminal liability under this statute. All students are given notice that the student handbook is located on the college web portal and are encouraged to become familiar with its content. The student handbook includes drug and alcohol information, applicable legal sanctions, and other pertinent information.

The Drug-Free Schools and Communities Act Amendments of 1989 require that MSMC, as a recipient of federal funds, including federally provided student financial aid, notify its students and employees annually that the unlawful possession, use, or distribution of alcohol and illicit drugs on college property is prohibited and that campus and community drug counseling programs are available. This Act and the provisions MSMC have taken to conform to the Act can be found in the MSMC Student Handbook and the MSMC Employee Handbook.

Personal Safety Tips

1. Take an active role in your safety. Personal safety starts with you.
2. Remember that a college campus is part of the real world. A crime can occur anywhere, involve anyone, and take place at any time.
3. Keep emergency numbers near or on your phone. Report all suspicious activity, thefts, and other criminal activity immediately.
4. Consider your instinct and intuition-trust them.
5. Be aware of your surroundings. At night, walk in well-lit areas, and try to avoid walking alone.
6. Never hitchhike and never pick up hitchhikers. Do not accept rides from strangers.
7. If approached while in your vehicle, close windows and drive away when safe to do so. Keep your vehicle in good running condition. Always lock your car and remove all packages and valuables.
8. Never give out personal information about yourself or others to strangers or over the phone, or on the internet. When using a phone, face outward to be aware of what is happening around you.
9. Do not attach your college ID or your home address to your key ring.
10. Do not leave books and personal property unattended in lounges, the dining hall, or the library.
11. Report obscene or harassing phone calls to the Security and Safety Department.
12. If you observe a crime, take note of any information that may be of assistance to security or the police. When possible, try to obtain a description of the individual who committed a crime or the plate number of the vehicle used in the commission of a crime.
13. "Think Safety." Plan your daily schedule with your personal safety in mind.

Some Do's and Don'ts in residence halls or at home:

DO

✓ Leave jewelry and valuable items at home.

✓ Keep items brought to residence halls in a safe location.

✓ Keep doors and windows locked.

✓ Report suspicious activity immediately.

"If you see something, say something."

✓ Have a safety plan when you go out and return to campus.

DON'T

X Open doors to strangers.

X Prop open doors or alter in any manner.

X Leave extra keys lying around.

X Assume other people will report suspicious activity; call Security at (845) 569-3200.

X Carry large amounts of cash.

Active Shooter Response:
Remember that there is more than one way to stay safe during violent critical incidents. Evaluate your circumstances and determine the best course of action from your location and that of the active shooter.

Evacuate, if possible.
Put as much distance between you and any active threat. Call 911 only when you know it is safe to do so. Provide the dispatcher with a physical and clothing description of the perpetrator, the number of known victims, the last location you saw the perpetrator, and any description of weapons that you can provide.
Leave your belongings behind. There is nothing that can't be replaced!

Hideout
- Lock and barricade the door, if possible, and use whatever is available to secure your door and location.
- Turn off the lights.
- Close windows and blinds and take cover behind large, heavy objects that offer the most protection. Turn your cell phone to vibrate. This allows you to receive communication through MSMC Alert without divulging your location to an active shooter.
- When the police arrive, keep your hands visible and do not make any sudden movements. Follow instructions without pointing, yelling, or screaming. Remember that the police are still sorting out who the suspect(s) may be and may not have time to explain their actions or assist wounded victims.

Take action/fight
As a last resort, you may be forced to engage an active shooter. You must formulate a plan of action and be prepared to carry the plan out without hesitation. Use any improvised weapons that are available to you, including fire extinguishers, chairs, coffee pots, textbooks, etc.
Incapacitate the active shooter. Be aware that he or she may be armed with multiple weapons, and that the confrontation is not over until the police have arrived and eliminated the threat.

Emergency Response and Evacuation Procedures

College campuses are generally safe communities and enjoy an environment that fosters learning. However, all college campuses are part of the larger world, and crime, significant emergencies, or dangerous situations can happen anywhere. MSMC recognizes these facts and has taken measures to minimize these risks to our community. The College conducts an annual exercise of its emergency management plan, documents the exercise, and uses the results to further enhance campus safety. As part of the College's Clery Act compliance efforts, general information about the emergency response and evacuation procedures is publicized each year. The exercise may be a full-scale drill involving local emergency service personnel and other external resources, a tabletop exercise, or any similar scenario that adequately tests the emergency management plan and enables college administrators to evaluate its effectiveness. In addition, all campus buildings undergo at least one building evacuation per year. These evacuations are normally not announced, although they could be, and are designed to prepare the building occupants for an organized evacuation in the event of an emergency.

The MSMC Emergency Action Plan includes information regarding shelter-in-place, bomb threats, active shooter response, accidents, and evacuation guidelines. Copies are available on the Security and Safety portal page and at the Hudson Hall Security office. Copies of both the MSMC Security and Safety Information Guide and the Emergency Action Plan are distributed to students, faculty, and staff by email in September as part of National Campus Safety Awareness Month.

Shelter in Place: What It Means to Shelter in Place

Sheltering in place protects from external hazards, minimizes the chance of injury, and/or provides the time necessary to allow for a safe evacuation. This should be done by selecting a small, interior room, if possible, with as few windows as possible. When authorities issue directives to shelter in place, do not walk outdoors; take refuge indoors immediately.

A shelter-in-place order may be issued for several reasons:

- Severe weather
- Hazardous materials
- Civil unrest
- Any situation where you should stay where you are to avoid any outside threat.

When this occurs:

1. Remain calm.
2. Faculty should recommend that students and others not leave and stay inside.
3. If you are in a residence hall room, remain there.
4. Select a small interior room with no or as few windows as possible.
5. Close and lock all windows, exterior doors, and any other openings that lead to the outside.
6. Stay away from all windows and doors.
7. Facilities personnel or trained personnel may shut down all building ventilation fans and air conditioners when appropriate.
8. If you are told there is a danger of an explosion, close the window shades, blinds, or curtains.
9. Select interior room(s) above the ground floor, with the fewest windows or air vents.
10. Room(s) should have adequate space for everyone to be able to sit down comfortably.
11. Avoid overcrowding by selecting several rooms when necessary.

For severe weather and civil unrest:

1. Stay inside and move away from windows.
2. Close and lock all exterior doors and offices.
3. For extreme weather, relocate to lower levels in the building.

For external chemical, biological, or radiological incidents:

1. Stay inside and move to an inner corridor or office.
2. Facilities personnel or trained personnel may shut down all building ventilation fans and air conditioners when necessary.
3. Since many chemical agents are heavier than air and tend to hold close to the ground, move to higher levels of the building, if possible, to reduce the transfer of contaminated air from outside to inside.
4. Remain alert for instructions and updates as they become available from emergency personnel and college administrators.

Lockdown: What it means to "Lockdown"

A "lockdown" is a temporary sheltering technique utilized to limit human exposure to an apparent life-threatening, hostile, or hazardous situation or threat. When a lockdown is declared by Mount Saint Mary College officials or Security and Safety, occupants of any building within the impacted area are to remain in their respective spaces, locking or, if unable to lock, barricading doors, closing and locking windows, drawing shades, covering classroom or office door windows, silencing cell phones, remaining quiet, and not allowing entry or exit to a secured area until the "all clear" confirmation has been given. Emergencies such as an armed intruder on campus or an active shooter on campus (an individual actively engaged in killing or attempting to kill people with a firearm or other deadly/dangerous weapon in a confined populated area) will trigger a lockdown command.

General Evacuation Procedures

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately, proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify the Security and Safety Department at ext. 3200 or dial 845-569-3200.

1. Remain Calm
2. Do NOT use elevators; use the stairs.
3. Assist the physically impaired. If they are unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform Security and Safety or the responding Fire Department personnel of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Do not re-enter the building.

Muster and Head Count

Individuals in leadership positions should attempt to account for students, faculty, staff, and visitors who are under their supervision at the time of the evacuation. Those positions may include:

- Faculty or instructors in the classroom
- Department heads
- Supervisors

Once you have assembled at your designated meeting place, conduct a reasonable accounting of personnel. Inform Security and Safety or emergency personnel if someone is unaccounted for or if you suspect someone did not exit the building, and inform them of the missing person's last known whereabouts.

Emergency Notification

Under the Clery Act, Mount Saint Mary College is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees, occurring on campus. In the event of such an immediate threat, the College will immediately notify the campus community. The College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Confirmation of an emergency will be

accomplished by consultation with college departments and law enforcement agencies if warranted. The manner in which the college community will be notified will depend on the nature of the emergency and may include one or more of the following: posted notices, verbal direction from college personnel, or activation of a building Fire alarm system, email, or the MSMC Alert system. See the section below on how to enroll in MSMC Alert. In addition, information may be posted to the college website or portal. The College may choose to notify only a segment of the college community if the emergency is localized and does not pose a threat to the entire campus.

The decision to segment the message will be made through the conferral process described above. In cases where it would be appropriate to disseminate emergency information to the larger community around MSMC, the College's public information officer will work with local media outlets.

System to Use	Primary Message Creator	Backup Message Creator	Authorityfor approving and sending	Primary MessageSender	Backup Message Sender
PRIMARY					
MSMC Alert System	D - S/S	C-S/S	D - S/S	D - S/S	C-S/S
EMAIL	D - S/S	C-S/S	D - S/S	D - S/S	C-S/S
SECONDARY					
Campus Media	D - S/S	C-S/S	D - S/S	D - S/S	C-S/S
Posted Notices	D - S/S	C-S/S	D - S/S	Sec./R.L.	Sec./R.L.
Face-to-Face Communication	D - S/S	C-S/S	D - S/S	Sec./R.L.	Sec./R.L.
MSMC Website	D - S/S	C-S/S	D - S/S	PIO	M.C.
Fire Alarm	System	N/A	N/A	N/A	N/A

KEY: D-S/S = Director of Security and Safety

C-S/S = Coordinator (Security and Safety or Security Operations) Security Personnel

R.L. = Residence Life Staff
M.C. = Marketing and Communications Staff

Follow-up messages may be sent to the campus community using some or all of the communication methods described above.

MSMC Alert

The College has developed MSMC Alert, an emergency notification system that all students, faculty, and staff are registered for via their MSMC email account. MSMC Alert enables college officials to contact students, faculty, and staff with time-sensitive information during campus emergencies using voice calls, email, and text messaging. Please visit https://my.msmc.edu/secure/MSiteAlerts/ for more information and to make changes to your MSMC Alert account, such as including text and voice call options.

Timely Warnings

The College is committed to making timely reports to the college community of crimes that occur on campus or on property owned/controlled by MSMC and used for institutional purposes that are reported to campus security authorities or local law enforcement and are determined by the VP for Students, the VP for Finance and Administration, the Executive Director of Risk Management, the Director of Security and Safety, the Assistant Director of Security and Safety or designee to present a serious or ongoing safety or security threat to students or employees. Timely Warning Notices will be made available to students and employees. Usually, Timely Warning Notices are issued for the following Uniform Crime Reporting Program (UCR)/National Incident-Based Reporting System (NIBRS) classifications: major incidents of arson, criminal homicide, and robbery. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the Security and Safety Department. For example, if an assault occurs between two students who disagree, there may be no ongoing threat to other MSMC community members, and a Timely Warning Notice would not be distributed. In cases involving sexual assault in which the perpetrator was reported or apprehended, or when the offense was reported long after it was reported to have occurred, a decision may be made that there may not be a continuing risk, and a Timely Warning Notice is not warranted. Incidents, including sex offenses, other Clery crimes, and non-Clery Act crimes, will be considered on a case-by-case basis depending on the facts surrounding a crime, including such factors as the nature of the crime, the continuing danger to the MSMC campus community, and the possible risk of compromising law enforcement efforts. In most instances, Timely Warning Notices are written and distributed by the Director of Security and Safety. The warning may be

issued via e-mail, the college website, posting of notices, or face-to-face communication. The warning may also be posted on the college website and/or shared with the media via a press release. The decision to issue a timely warning will be made on a case-by-case basis after due consideration of the facts known at that time. The timely warning applies only to crimes reported in the statistics section of the Annual Security Report, while the emergency notification procedure applies to a much wider set of circumstances.

System to use	Primary Message Creator	Backup Message Creator	Authority for approving and sending	Primary Message Sender	Backup Message Sender
PRIMARY					
Blast Email	D - S/S	PIO/M.C.	D - S/S	D and AD-S/S	M.C.
Posting Notices	D - S/S	C-S/S	D - S/S	Sec./R.L.	Sec./R.L.
MSMC Website	D - S/S	C-S/S	D - S/S	PIO	M.C.
SECONDARY					
Press Release	PIO	C-S/S	D - S/S	PIO	D - S/S
Face-to-Face Communication	D - S/S	C-S/S	D - S/S	Sec./R.L.	Sec./R.L.

KEY:

D - S/S	Director of Security and Safety
C - S/S	Coordinator (Security and Safety or Security Operations) Security Personnel
R.L.	Residence Life Staff
PIO	Public Information Officer
M.C.	Marketing and Communications Staff

Access to and Security of Campus Facilities

MSMC has taken a proactive approach to prevent unauthorized access to campus facilities, such as the use of electronic access control devices and a computer-based visitor management system. However, during normal business hours, academic and administrative buildings are open and accessible to guests and visitors.

The Elaine and William Kaplan Recreation Center requires a valid MSMC identification card to gain entry into the building.

The Security and Safety Department maintains staffed 24-hour stations in the freshmen residential facilities, including GA 1 and Sakac Hall, where proper identification is required for entry to both buildings. Additionally, the College utilizes closed-circuit video cameras at select locations. These cameras are integrated with the Security and Safety Department's 24-hour video and alarm monitoring system. All student rooms on the ground level are equipped with tamper-resistant security screens. As part of their routine patrol assignments, security officers regularly check entrance doors to residential facilities to ensure that they are in proper working order and not propped open. Access to residential facilities is restricted to building residents and their authorized guests.

Guests and visitors must report to the Security and Safety Office located in G.A. 1 to obtain a temporary parking permit and register as a guest.

Maintenance of Campus Facilities

The Security and Safety Department also conducts regular campus safety inspections to identify and correct safety hazards in and around campus facilities. Security officers, in addition to performing routine patrol assignments and responding to requests for service, are also required to report security-related problems such as broken windows, malfunctioning lights, and locks to ensure the proper operation of campus alarm systems and to make sure shrubbery and trees are trimmed regularly. Members of the community are helpful if they report these types of issues so they can be promptly addressed.

Other MSMC Security Services

An on-campus security escort service is available by contacting 845-569-3200 or extension 3200 from an on-campus phone. The Security and Safety Department also has a centralized lost and found center located at GA 1. Security Officers can also assist with residential dorm lockouts, office lockouts, locked vehicles, and vehicle jumpstarts.

Information Regarding MSMC's Sexual Misconduct Policy

The College does its utmost to prevent sexual violence through education and safety precautions and to provide support and appropriate services to any student involved in an incident of sexual assault. All new students are given a comprehensive orientation session on rape and sexual violence prevention. Follow-up programs are offered throughout the academic year and are open to all members of the MSMC community. The College prohibits sexually aggressive behavior (see general college policies in the student handbook). Students who violate these standards will be subject to disciplinary action, including possible dismissal from the College. In addition, violators may be subject to criminal charges.

If a sexual assault occurs, the College strongly encourages the victim to:

- Report it to the Security and Safety Office at 845-569-3200 as soon as possible.
- Get medical attention. Contact Health Services or St. Luke's Cornwall Hospital. Not all injuries or exposure to disease are immediately apparent, and evidence needs to be collected in the event criminal charges are pursued. Any physical evidence that may be available should be preserved as may be necessary to prove criminal action.
- Get emotional support. Assistance and counseling are available on campus through the Counseling Center and Student Affairs, and off-campus through the Mental Health Association in Orange County at 845-342- 2400, 845-346- HELP when outside Orange County, or 800-832- 1200 for 24 hr. crisis intervention information and referrals.
- Consider your options to press charges. Among your choices are the campus disciplinary system, criminal (by notifying the appropriate local police agency or the New York State Police), and/or civil action. Assistance is available from the Counseling Center, the Office of Student Affairs, the Director of Residence Life, Health Services personnel, or the Director of Security and Safety. The Director of Security and Safety and the Vice President for Mission and Student Life will assist the student in notifying these authorities upon request. Additionally, non-college mental health counseling agencies are also available for victims of sexual assault.

On-campus disciplinary action in cases of an alleged sexual offense allows that:

1. The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding.

Both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding alleging a sexual offense.

2. Changes in academic and living situations (after an alleged assault) may be possible if requested by the victim or the accused, if these changes are reasonably available.
3. Sanctions may be imposed, up to and including dismissal from the College for the alleged offender.

MSMC is a Safe Community

Mount Saint Mary College has been successful in establishing a safe environment for students, faculty, staff members, and guests of the college, and has established programs to provide in-house counseling, referrals, and campus disciplinary measures to deal with violations of college policies and applicable laws. The following figures represent the number of incidents, as reported to the Security and Safety Department, campus security authorities, and law enforcement agencies in accordance with the Clery Act. Any questions regarding these figures should be addressed to the Director of Security and Safety.

Clery Act Crime Statistics

The Clery Act requires Mount Saint Mary College to include four general categories of crime statistics:
Reported crime statistics citation: 34 CFR 668.46(c)
Criminal Offenses: Criminal Homicide, including Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, 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; • 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) and • Arrests and Referrals for Disciplinary Action for Weapons—Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations.

Clery Training

The Violence Against Women Act amendments to the Clery Act require that certain college officials charged with responding to sexual assault, domestic violence, dating violence, and stalking be trained annually in several areas. This college/university is a member of the SUNY Student Conduct Institute. As part of that membership, covered officials who investigate or conduct proceedings to address allegations of dating violence, domestic violence, sexual assault, and stalking receive at least eight hours of training annually through attendance at the SUNY Student Conduct Institute's Basic Compliance Training and/or live Advanced Trainings and/or digital Basic or Advanced Trainings. These in-person and digital courses address topics including how to determine the relevancy of evidence and use it during the proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. These trainings also address how to conduct an investigation and hearing process that protects the safety of victims, properly employs trauma-informed practice, and promotes accountability, while protecting the due process rights of the respondent. Finally, these trainings provide comprehensive reviews of federal and state laws and regulations on point, as well as relevant court and administrative opinions.

Crime Definitions:

The Mount Saint Mary College Security and Safety Department is required to provide definitions of each of the offenses that appear in the annual statistical report. The following definitions are excerpted from the FBI's Uniform Crime Reporting Handbook, which colleges and universities are required to use for the purpose of classifying crimes.

Murder/Non-negligent Homicide: the willful (non-negligent) killing of one human being by another.

Negligent Manslaughter: the killing of another person through gross negligence.

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

Aggravated Assault: an attack by one person upon another, in which the offender uses or displays a weapon in a threatening manner or the victim suffers severe injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Burglary: the unlawful entry into a building or other structure with the intent to commit a felony or theft.

Motor Vehicle Theft: the theft of a motor vehicle, including automobiles, trucks, motorcycles, and mopeds.

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

Drug Law Violations: violations of federal, state, and local laws relating to the unlawful possession, sale, use, growing, manufacture, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives; marijuana; synthetic narcotics; and dangerous non-narcotic drugs.

Liquor Law Violations: the violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor, maintaining unlawful drinking places, bootlegging, operating a still, furnishing liquor to a minor or intemperate person, using a vehicle for the illegal transportation of liquor, drinking on a train or public conveyance, and all attempts to commit any of the aforementioned (drunkenness and driving under the influence are not included in this definition).

Illegal Weapons Possession Violations: 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.

Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent.

Rape: 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.

Forcible Fondling: The touching of the private body parts of another person for 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.

Incest: Non-forcible sexual intercourse between persons related to each other within the degrees wherein marriage is prohibited.

Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence: 1) Felony or misdemeanor crimes of violence committed— (i) By a current or former spouse or intimate partner of the victim; (ii) By a person with whom the victim shares a child in common; (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) 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 (v) 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. 2) For the purposes of complying with the requirements of this section and 34 CFR section 668.41, any incident meeting this definition is considered a crime for Clery Act reporting.

Dating Violence: violence committed by a person 1) who is or has been in a social relationship of a romantic or intimate nature with the victim and 2) the existence of such a relationship shall be 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 this definition, (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (ii) Dating violence does not include acts covered under the definition of domestic violence. For the purposes of complying with the requirements of this section and 34 CFR section 668.41, any incident meeting this definition is

considered a crime for Clery Act reporting.

Stalking: 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress. 2) For this definition, (i) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens or communicates to or about, a person or interferes with a person's property. (ii) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
(iii) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim. 3) For the purposes of complying with the requirements of this section and 34 CFR section 668.41, any incident meeting this definition is considered a crime for Clery Act reporting.

Hazing: Beginning in 2026, the Clery Act will require that statistics on hazing incidents be included in the Annual Security Report (statistics gathered from 2025). The Clery Act defines hazing as: Any activity expected of someone joining or participating in a group that humiliates, degrades, abuses, or endangers them, regardless of a person's willingness to participate. The Clery Act further identifies three components in its definition of hazing:

- It occurs in a group context.
- Humiliating, degrading, or endangering behavior
- Happens regardless of an individual's willingness to participate

Crime Location Definitions:

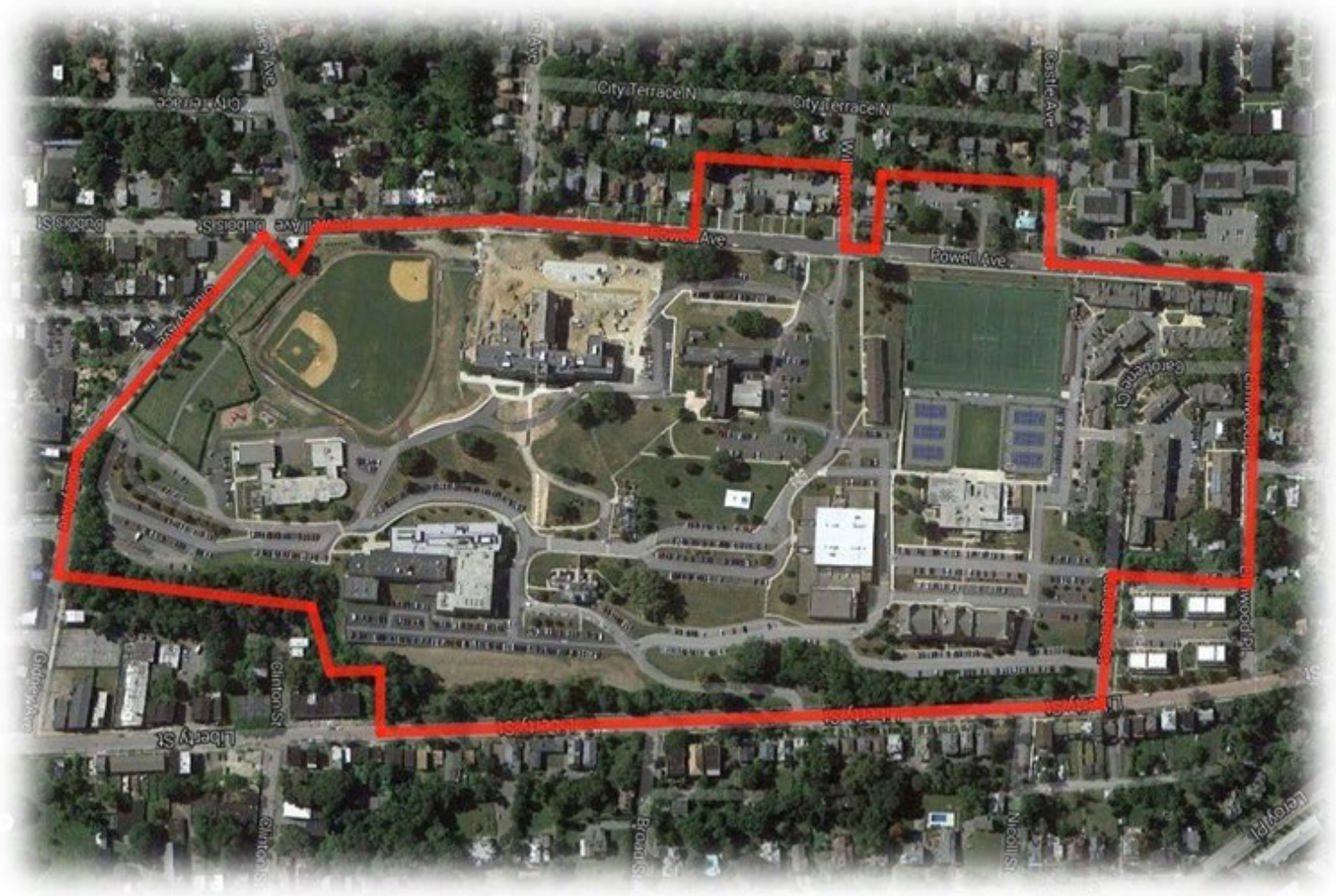
On campus includes any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support or for a manner related to the institution's educational purposes, including residence halls, and property that is frequently used by students.

Residential facilities include residence halls and on-campus apartment housing.

Public property includes thoroughfares, streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus.

Non-campus sites mean any property owned or controlled by a student organization officially recognized by the institution and is used in direct support of or for in relation to the institution's educational purposes, and is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Mount Saint Mary College Clery Act Geographical Map



Category	Venue	2023	2024	2025
CRIMINAL HOMICIDE: • Murder and Non-Negligent Manslaughter	Total on campus *	0	0	0
	• In student housing facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
• Negligent Manslaughter	Total on campus *	0	0	0
	• In student housing facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
SEX OFFENSES (FORCIBLE) • Rape	Total on campus *	0	0	0
	• In student housing facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
• Fondling	Total on campus *	0	0	0
	• In student housing facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
SEX OFFENSES (NON-forcible) • Incest	Total on campus *	0	0	0
	• In student housing facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
• Statutory Rape	Total on campus *	0	0	2
	• In student housing facilities	0	0	2
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0

Category	Venue	2023	2024	2025
ROBBERY	Total on campus *	0	0	0
	• In student housing facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
AGGRAVATED ASSAULT	Total on campus *	0	0	1
	• In student housing facilities	0	0	1
	In or on a non-campus building or property	0	0	1
	On public property	0	0	1
BURGLARY	Total on campus *	3	1	0
	• In student housing facilities	1	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
ARSON	Total on campus *	0	0	0
	• In student housing facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
MOTOR VEHICLE THEFT	Total on campus *	0	0	0
	• In student housing facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
ARRESTS: • Liquor Law	Total on campus *	0	0	0
	• In student housing facilities	0	0	0

Category	Venue	2023	2024	2025
Arrests: Liquor Law (continued)	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Drug Abuse Violations	Total on campus *	0	0	0
	• In student housing facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Weapons Possession	Total on campus *	0	0	0
	• In student housing facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Category	**Venue**	**2023**	**2024**	**2025**
Domestic Violence	In or on a non-campus building or property	0	0	0
	• In student housing facilities	0	0	0
	On public property	0	0	0
Dating Violence	Total on campus *	2	1	2
	• In student housing facilities	2	1	2
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Stalking	Total on campus *	1	1	0
	• In student housing facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0

DISCIPLINARY REFERRALS:	Total on-campus *	19	3	8
Liquor Law Violations	• In student housing facilities	19	3	8
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Drug Abuse Violations	Total on-campus *	5	5	0
	• In student housing facilities	5	5	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Weapons Possession	Total on campus *	0	0	0
	• In student housing facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
UNFOUNDED CRIMES***		0	0	0

HATE CRIMES/ CLERY ACT CRIMES	Venue	2023	2024	2025
(HC) CRIMINAL HOMICIDE:	On Campus ***	0	0	0
Murder/non-negligent manslaughter	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Manslaughter by Negligence	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0

(HC) SEX OFFENSES:	Venue	2023	2024	2025
(HC) Rape	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
(HC) Fondling	On public property	0	0	0
	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
(HC) Incest	On public property	0	0	0
	On Campus ***	0	0	0

HATE CRIMES/ CLERY ACT CRIMES	Venue	2023	2024	2025
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
(HC) Statutory Rape	On public property	0	0	0
	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0

(HC) Robbery	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
(HC) Burglary	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
(HC) Motor Vehicle Theft	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
(HC) Aggravated Assault	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	On public property	0	0	0

	In or on a non-campus building or property	0	0	0
(HC) Bodily Injury	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
HATE CRIMES/ ADDITIONAL				
Larceny - Theft	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Simple Assault	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
Intimidation	In or on a non-campus building or property	0	0	0
	On public property	0	0	0

Destruction, Damage, or Vandalism of Property	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
HATE CRIMES				
Race	On Campus	0	0	0
	In dormitories or other residential facilities	0	0	0
Gender	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	On Campus ***	0	0	0

	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
Gender Identity	On public property	0	0	0
	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
Religion	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
Sexual Orientation	On public property	0	0	0
Ethnicity	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
National Origin	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0

Disability	On public property	0	0	0
	On Campus ***	0	0	0
	In dormitories or other residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0

Notes:

Data regarding domestic violence, dating violence, and stalking were collected and reported for 2022, 2023, and 2024 to comply with the amendments to the Violence Against Women Act (VAWA).

* This category includes all on-campus incidents, including those listed in the category “In student housing facilities.” Therefore, the two categories are not cumulative. MSMC does not have any off-campus student organizations.

***Final Clery Act Regulations for 2015 Campus Safety and Security Surveys require institutions to report the number of crimes determined to be unfounded. The total number of unfounded crimes includes all criminal offenses, hate crimes, arrests, or disciplinary action referrals for weapons, drug, or liquor law violations, and domestic violence, dating violence, or stalking incidents that have been unfounded. If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is "unfounded." Only sworn or commissioned law enforcement personnel may unfound a crime.

TITLE IX SEXUAL MISCONDUCT POLICY

The Title IX Sexual Harassment policy is based on definitions set forth in regulations promulgated by the U.S. Department of Education under Title IX of the Education Amendments Act of 1972; that policy limits the scope of Title IX Sexual Harassment to conduct that occurs within the United States and conduct that occurs within the College's education program or activity. In order to address incidents of sexual misconduct that do not fall within the definition of Title IX Sexual Harassment, the College has two policies that address sexual misconduct: (1) the Title IX Sexual Harassment policy and (2) the College Sexual Misconduct policy (see Student Judicial Code of Conduct). These policies are inter-related.

The College Sexual Misconduct policy applies only to certain conduct, as defined under that policy. Specifically, the College Sexual Misconduct policy applies to forms of sexual misconduct that do not fall under the scope of the Title IX Sexual Harassment policy, including Sexual Exploitation, Improper Conduct related to Sex, and College Sexual Harassment. The College Sexual Misconduct Policy also applies to complaints alleging certain conduct that would otherwise be prohibited under the Title IX Sexual Harassment policy (e.g., Sexual Assault, Domestic Violence, Dating Violence, and Stalking under the Title IX Sexual Harassment policy), but which must be dismissed under the Title IX Sexual Harassment policy because they do not meet the jurisdictional requirements or the Complainant chooses not to proceed with the Title IX process.

SECTION & TITLE

1. Purpose
2. Policy
3. Definitions of Prohibited Conduct Under This Policy
4. Definitions and Terms Related to This Policy
5. Grievance Process for Reporting Prohibited Conduct Under This Policy
6. Confidential Resources
7. Interim Supportive Measures
8. Formal Complaint Filing
9. Informal Resolution
10. Investigation Process
11. Hearing Procedures
12. Sanctions
13. Transcript Notations
14. Withdrawal, Graduation, or Resignation While Charges Pending
15. Appeals
16. Application to College Employees, Including Faculty and Staff
17. False Claims
18. Retaliation

Addendum A. Notification of Rights (NYS Ed 129-b)

Addendum B. Code of Decorum for Advisors

1. PURPOSE

Mount Saint Mary College is committed to providing an educational environment free from any form of discrimination and harassment. In accordance with applicable federal and state laws, the College strives to eliminate any form of discrimination, harassment, or sexual misconduct. The policies and procedures that follow specifically address sexual misconduct.

The purpose of this policy is to help Mount Saint Mary College protect the safety, rights, and dignity of all students, faculty, administrators, staff, and visitors without regard to person or position. The purpose of this policy is to establish a clear, fair, and predictable grievance policy for addressing both formal complaints of sexual harassment under Title IX regulations and those grievances involving violations of campus policy that involve sex-based offenses falling outside Title IX jurisdiction.

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

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

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

The Title IX Grievance process is included in this policy.

This Sexual Misconduct and Title IX Grievance Policy defines certain behavior as a violation of campus policy, including, but not limited to, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and related sex-based offenses. To the extent that alleged misconduct falls outside the formal Title IX Grievance procedure, or misconduct falling outside the Title IX Grievance procedure is discovered in the course of investigating covered Title IX misconduct, the College retains authority to investigate and adjudicate the allegations as non- Title IX sexual misconduct via the steps outlined in this policy

2. POLICY

This policy applies to all conduct occurring on campus or at College-sponsored events or other College education programs or activities. Behaviors cited in this policy that occur off campus, on private property, or online, including calls, texts, emails and social media or business travel, even if they occur on private devices or during non-work hours, may still be addressed by the College when the off-campus behavior/conduct affects a substantial College interest. This is defined by:

- Any action that constitutes a criminal offense as defined by Federal or NYS law.
- Any situation when it appears the accused individual may present a danger or threat to the health or safety of self or others.
- Any situation that significantly infringes upon the rights or property of self or others or creates a significant disruption and/or
- Any situation that is detrimental to the educational interests of the College.
- This policy applies to all students, employees, paid or unpaid interns, vendors, and non-employees, and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

For the purposes of a Title IX grievance, the College's "education program or activity" includes:

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

The policies set out here reflect the College's commitment to a safe and nondiscriminatory educational environment consistent with Title IX, the Violence Against Women Act ("VAWA"), and New York State Education Law 129-B. In accordance with NYS Education Law Section 6443 of Article 129-B, students have a "Bill of Rights" that are provided to them in conjunction with the rights and privileges afforded to them in this policy.
Addendum "A" is located at the end of this policy and provides a complete list of these rights.

NONDISCRIMINATION STATEMENT

In accordance with its obligations pursuant to Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973 and other federal, state and local laws, Mount Saint Mary College does not discriminate on the basis of race, color, sex, disability, age, religion, creed, national or ethnic origin, sexual orientation, gender identity or any other characteristic or classification protected by federal, state, or local law, in the administration of any of the College's educational programs or activities, admissions policies, athletics or other school administered programs, scholarship or loan programs.

Pursuant to, and consistent with its obligations under Title IX and New York State law, the College prohibits sexual harassment, sexual misconduct, and sexual violence, in connection with any of its educational programs, activities, or employment practices.

Mount Saint Mary College has designated a Title IX Coordinator, who is primarily responsible for coordinating the College's compliance with Title IX and other federal, state, and local laws relating to sex-based discrimination, as well as handling inquiries and questions regarding the College's non-discrimination policies. The College's Title IX Coordinator is also responsible for overseeing the school's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. Mount Saint Mary College Title IX Coordinator(s) and Section 504 Compliance Officer, who is responsible for handling disability-related issues, are:

Title IX Coordinator and Section 504 Compliance Officer: Margaret Kemp, Hudson Hall, Room 119, 845-569-3641/3638, Margaret.Kemp@msmc.edu, titleixcoordinator@msmc.edu

Deputy Title IX Coordinators: Emily Lundy, Hudson Hall, Room 109, 845-569-3112, and Debora Caci, The Villa, Room 205B, debora.caci@msmc.edu, 845-569-3294

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness.

A student may also file a complaint with the following agencies: United States Department of Education, Office for Civil Rights at 32 Old Slip, 26th Floor, New York, New York 10005, ocrcas.ed.gov; and the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210.

An employee may also file a complaint with the following agencies: Equal Employment Opportunity Commission (EEOC) at the New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004; the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210; or the United States Department of Education, Office for Civil Rights at 32 Old Slip, 26th Floor, New York, New York 10005.

DISABILITY ACCOMMODATIONS

This Policy does not alter any institutional obligations under federal disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.

Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance procedures that do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, and approved by the Section 504 Compliance Officer/Director of Disability Services, even where the Parties may be receiving accommodations in other College programs and activities.

MULTI-PARTY SITUATIONS

The College may consolidate Formal Complaints alleging Title IX covered sexual harassment or other sexual misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Title IX covered sexual harassment or other sexual misconduct arise out of the same facts or circumstances.

3. DEFINITIONS OF PROHIBITED CONDUCT UNDER THIS POLICY

The conduct defined below constitutes prohibited conduct under this policy:

DATING VIOLENCE (INTIMATE PARTNER VIOLENCE) is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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. The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or physically injure someone. Dating violence can be a single act or a pattern of behavior in relationships.

DOMESTIC VIOLENCE (INTIMATE PARTNER VIOLENCE) ''includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction and includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who— ''(A) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; ''(B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; ''(C) shares a child in common with the victim; or ''(D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.''; Domestic violence can be a single act or a pattern of behavior in relationships. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or physically injure someone.

FONDLING is the touching of the private 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.

FORCIBLE TOUCHING is defined as non-consensual touching of the sexual or intimate parts of another person for the purpose of degrading or abusing such persons or for gratifying the actor's sexual desire.

RAPE is 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.

RETALIATION is defined in this context as punishing or sanctioning a person for being a complainant, respondent, or acting as a witness regarding a complaint of prohibited conduct as defined by this policy. Examples of retaliation include intimidation, threats, coercion, or discrimination.

SEXUAL ASSAULT involves *sexual intercourse* or *sexual contact* with another person, whether by physical force, threat, or coercion, including when a person is incapacitated, without Affirmative Consent. Sexual intercourse is any vaginal or anal penetration, however slight, with any object or by a penis, tongue, finger, or other body part performed by an individual upon another individual. Sexual intercourse also includes any contact, however slight, between the mouth of one individual and the genitalia of another individual. Sexual contact is any intentional sexual touching, however slight, of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, with any object or body part performed by an individual upon another individual. *Sexual contact* includes making an individual touch another individual with or on the breasts, buttocks, groin, or genitals. The term Sexual Assault includes, but is not limited to, rape, fondling, incest, and statutory rape.

SEXUAL COERCION is the act of using pressure, alcohol or drugs, or force to have sexual contact with someone against his or her will and includes persistent attempts to have sexual contact with someone who has already refused. This includes the threat to expose a person's sexual orientation, consensual sexual experiences, sexually explicit photographs or videotapes, or other images to family, friends, or the public. Sexual coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm, and that is used to compel someone to engage in sexual contact. Coercion may involve the actual infliction of physical pain/injury or psychological harm in order to enhance the credibility of a threat.

SEXUAL EXPLOITATION occurs when someone takes advantage of another person without the person's consent and exploits or attempts to sexually exploit that person. Taking pictures or video, or audio recordings of another in a sexual act, or in any other private activity without the consent of all involved in the activity or exceeding the boundaries of consent. Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with a sexually transmitted infection (STI) and without informing the other person of the infection. It further includes causing incapacitation of another individual through alcohol, drugs, or any other means, for the purpose of compromising that individual's ability to consent to sexual activity. The following are activities prohibited under this provision:

VOYEURISM OR PEEPING, which is purposefully watching, videotaping, or recording another person without that person's consent, while that person is naked, dressing or undressing, or engaging in sexual activity. This also includes allowing others to observe private sexual activity from hidden locations, by electronic means, or disseminating sexual pictures without the photographed person's consent.

SEXUAL EXHIBITIONISM is when a person engages in sexually explicit activity in public spaces on campus or to be viewed by the public while on campus using computer hardware or software.

PROSTITUTION OR PROMOTING PROSTITUTION which involves promoting or soliciting a prostitute to campus or a campus event to engage in prostitution.

UNLAWFUL DISSEMINATION OF PUBLICATION OF AN INTIMATE IMAGE (REVENGE PORN) occurs when a person, (a) with intent to cause harm to the emotional, financial or physical welfare of another person, intentionally disseminates or publishes a still or video image of such other person, who is identifiable from the still or video image itself or from information displayed in connection with the still or video image, without such other person's consent, which depicts: (i) an unclothed or exposed intimate part of such other person; or (ii) such other person engaging in sexual behavior with another person; and (b) such still or video image was taken under circumstances when the person depicted had a reasonable expectation that the image would remain private and the accused knew or reasonably should have known the person depicted intended for the still or video image to remain private, regardless of whether the accused was present when the still or video image was taken. For purposes of this section, "intimate part" means the naked genitals, pubic area, anus, or female nipple of the person.

SEXUAL HARASSMENT is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self- identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive academic or work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of grading or employment; or
- Submission to or rejection of such conduct is used as the basis for grade, education or employment decisions affecting an individual's education or employment.

A sexually harassing hostile academic or work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, and/or which interfere with the recipient's academic or job performance.

Sexual harassment also occurs when a person in authority tries to trade job, academic, athletic, or other benefits for sexual favors. This can include grades, academic standing, hiring, promotion, continued employment or any other terms, conditions or privileges of academics or employment.
This is also called "quid pro quo" harassment.

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

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
- Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;
- Sex-based Dating violence
- Sex-based Domestic violence
- Sex-based Stalking

Note that all sexual misconduct, including sexual harassment and other misconduct defined in this policy, is prohibited under this Sexual Misconduct and Title IX Grievance Policy and the Student Code of Conduct, even if it does not meet one or more of these criteria for "Title IX covered sexual harassment."

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
    - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another student or employee's body, or poking another employee's body;
    - Rape, sexual battery, molestation, or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
    - Requests for sexual favors accompanied by implied or overt threats concerning the target's education or job performance evaluation, a promotion or other job benefits or detriments;
    - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile academic or work environment.
- Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the educational environment or workplace, such as:
    - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in an educational environment or in the workplace.
    - Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:

o Interfering with, destroying, or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to learn or perform their job;
o Sabotaging an individual's work;
o Bullying, yelling, name-calling.

SEXUAL MISCONDUCT is an umbrella term used in this policy to more conveniently refer to any form of conduct prohibited by this policy.

STALKING is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their 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 other professional treatment or counseling. Stalking may occur in person or through communications such as telephone calls, text messages, social media, unwanted gifts, letters, emails, surveillance, or other types of observation.

STATUTORY RAPE is sexual intercourse with a person who is under the statutory age of consent.

The College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination of employment, for harassment, discrimination, or an act of sexual misconduct or other gender-based offenses, including those described above, based on the facts and circumstances of the particular grievance. Informal resolution and mediation will never be options to remedy any acts of sexual violence and/or non-consensual forcible touching. See Section X, Article II of the Student Handbook for a Full List of Sanctions.

4. DEFINITIONS AND TERMS RELATED TO THIS POLICY

ACCUSED is a person accused of a violation who has not yet entered the College's judicial or conduct process; for this policy, the accused is referred to as the Responding Party once formally charged.

AFFIRMATIVE CONSENT is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. As used in this policy, the term "consent" always refers to "affirmative consent."

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.

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

Past consent does not imply future consent, and consent to one form of sexual activity does not imply consent to any other forms of sexual activity. The initiator has the sole responsibility to confirm consent. Coercion, force, intimidation, incapacitation, or threat of harm invalidates consent. An individual of minority age cannot give consent.

The definition of consent does not vary based on a participant's sex, sexual orientation, gender identity, gender expression or relationship status.

A BYSTANDER is a person who observes a crime, an impending crime, conflict, potentially violent or violent behavior, or conduct that violates College policy.

CLERY REPORTING refers to the data collected by the Office of Security & Safety on violent crimes (including sexual assault/rape, domestic violence, dating violence, and stalking) occurring on or near College property and compiled in the College's Annual Security Report. Only aggregate data is reported, and no personally identifiable information is collected. For more information on Clery Reporting, please review the Annual Security Report or contact the Office of Safety and Security.

COERCION is verbal and/or physical conduct, including intimidation and explicit or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is used to compel someone to engage in sexual conduct against their will.

COMPLAINANT is the individual who reports or is reported as having experienced prohibited conduct.

CONFIDENTIALITY may be offered by an individual who is not required by law or College policy to report known incidents of sexual assault or other crimes to institution officials. Counseling Services, Health Services, and Director of Campus Ministry and Chaplain are examples of College employees that are confidential resources.

FORCE refers to the use or threat of physical violence to compel someone to engage in sexual activity. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, strangulation, and/or brandishing or using any weapon.

HOSTILE ENVIRONMENT is one in which, when viewed from the perspective of a reasonable person in the complainant's position, one's behavior unreasonably interferes with another person's ability to access education or execute his or her work-related responsibilities.

INCAPACITATED PERSON is incapable of giving consent. A person is incapacitated if that person is in a physical or mental state such that they lack the ability to make a knowing and deliberate choice to engage in the sexual interaction. For the purposes of this policy, a person who is asleep, unconscious, or involuntarily restrained is incapacitated, without exception. A person may also become incapacitated due to other factors, which may include the use of alcohol and/or drugs to such a degree that the person no longer has the ability to make a knowing or deliberate choice to engage in the sexual interaction. When the question of whether the complainant was incapacitated is at issue, the perspective of a sober, reasonable person in the position of the respondent will be the basis for determining whether the respondent should have known that the complainant was incapacitated and thus incapable of giving consent.

INTIMIDATION is any threat of violence or other threatening behavior directed toward another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection. A person's size alone does not constitute intimidation; however, a person can use their size or physical power in a manner that constitutes intimidation (for example, by blocking access to an exit).

REPORTING INDIVIDUAL will encompass the terms victim, survivor, complainant, claimant, or witness with victim status.

RESPONDING PARTY or RESPONDENT will mean a person accused of a violation who has entered the College's judicial or conduct process.

5. GRIEVANCE PROCESS FOR REPORTING PROHIBITED CONDUCT UNDER THIS POLICY

The College encourages individuals who believe that they have experienced prohibited conduct under this policy to bring their concerns to the College's attention immediately. Early reporting and intervention tend to be the most effective in the ability to investigate and respond. The College will take allegations of prohibited conduct seriously.

OFFICIALS WITH AUTHORITY

The College has designated the following employees as "Officials with Authority" to take corrective action to redress the sexual harassment or sexual misconduct:

Title IX Coordinator: Margaret Kemp, Hudson Hall, Room 119, 845-569-3641/3638, Margaret.Kemp@msmc.edu titleixcoordinator@msmc.edu

Deputy Title IX Coordinator: Emily Lundy, Hudson Hall, Room 109, 845-569-3112; emily.lundy@msmc.edu, and Debora Caci, The Villa, Room 205B, debora.caci@msmc.edu, 845-569-3294

RESPONSIBLE EMPLOYEES

While individuals are encouraged to promptly report sexual misconduct to the Title IX Coordinator, they may also choose, or feel more comfortable, reporting incidents to other administrators, staff, or faculty who can assist in obtaining direction, suggestions, or referrals to services that may be helpful.

A "Responsible Employee" is a non-confidential resource who, at a minimum, shares all information with the Title IX Coordinator or the Deputy Title IX Coordinator.

Responsible employees have the duty to report incidents of sexual/gender discrimination or sexual violence. All faculty, and most professional staff and employees, unless otherwise authorized and designated to receive "confidential reports," are expected to report acts of sex and/or gender discrimination, including sexual violence, involving any members of the campus community, guests, or visitors to the Title IX Coordinator or Deputy Coordinator without delay.

Responsible employees include:

- All Full and Part-Time Faculty
- Administration (excluding professional, pastoral counselors and health care providers)
- Resident Directors and Resident Advisors
- Athletic Coaches, Trainers, and Administrators
- Academic Coaches
- Advisors to Student Organizations
- Security Officers, Coordinators, and Supervisors Responsible employees do not include:

- Clerical Staff
- Custodial Staff
- Facilities and Maintenance Staff
- Non-employee contractors such as those working in food service, the bookstore, etc.

A complainant who wishes to report an incident to a Responsible Employee should consider such communications non-confidential. The College will consider a request for confidentiality when a report is made to such responsible employees but may be required to report it. Even College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to the Title IX Coordinator.

A reporting party has the right and can expect to have reports taken seriously by the College when reported and to have those incidents investigated and properly resolved through these procedures. In cases where a reporting individual requests confidentiality and circumstances allow the College that request, the College will offer interim supports and remedies to the individual and the community, but will not otherwise pursue formal action.

STUDENT ALCOHOL AND DRUG USE AMNESTY POLICY WHEN REPORTING SEXUAL MISCONDUCT

At Mount Saint Mary College, the health and safety of every student is of great importance to us. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College officials. **A bystander acting in good faith or a reporting individual acting in good faith who discloses any incident of domestic violence, dating violence, stalking, or sexual assault to College officials or law enforcement will not be subject to the College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.**

EVALUATION OF INITIAL REPORT/REQUEST FOR CONFIDENTIALITY

The College has designated the following individuals to evaluate requests for confidentiality once a responsible employee and/or victim discloses an alleged act of sexual misconduct has occurred:

Title IX Coordinator and Section 504 Compliance Officer: Margaret Kemp, Hudson Hall, Room 119, 845-569-3641/3638, Margaret.Kemp@msmc.edu, titleixcoordinator@msmc.edu

Deputy Title IX Coordinator: Emily Lundy, Hudson Hall, Room 109, 845-569-3112, emily.lundy@msmc.edu, and Debora Caci, The Villa, Room 205B, debora.caci@msmc.edu, 845-569-3294

The College will seek consent from reporting individuals and receive a Formal Complaint from them prior to conducting an investigation, and will generally honor a reporting individual's request not to investigate unless the College determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the College community. Honoring a request not to investigate and maintain confidentiality may limit the College's ability to meaningfully investigate and pursue conduct charges against an accused individual. Factors used to determine whether to honor such a request include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of 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; and
- Whether the College possesses other means to obtain evidence, and whether the available information reveals a pattern of perpetration at a given location or by a particular group.

Requests for confidentiality and/or not to initiate an investigation will be weighed against the College's obligation to provide a safe, non-discriminatory environment for all members of its community. In the event the College determines it must proceed forward with an investigation, the Title IX Coordinator will complete and sign the Formal Complaint, provided the complainant declines to do so.

CASE OF CONTINUAL THREAT, TIMELY WARNING OBLIGATIONS AND DUTY TO REPORT CRIMES

Victims of sexual misconduct should be aware that the College is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees, subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the complainant. The College will make every effort to ensure a victim/survivor or reporting individual is not disclosed.

All Responsible Employees and Campus Security Authorities are expected to report sex and or gender-based crimes involving any member of the campus community without delay, unless a sex crime victim does not wish the report to be made. A report of any sex crime must be made to the Title IX Coordinator. Incidents involving sex-based crimes against minors must be reported by all employees, including confidential resources, without delay to the Title IX Coordinator.

6. CONFIDENTIAL RESOURCES

There are certain College employees who can offer confidentiality. Any other College employee to whom a report is made will disclose to as few individuals as possible but, as a non-confidential resource, they do not have the ability to promise that they will not tell others within the College about the information that has been shared with them.

Individuals may report or disclose an incident of sexual misconduct to the following resources confidentially. These resources can assist in obtaining support, counseling, pastoral care, and protective services. These resources will not report the incident to the Title IX Coordinator. Reports made to medical professionals, pastoral counselors, and licensed mental health counselors shall not be shared with any third parties except in cases of imminent danger to the parent, a third party, or in situations of state-regulated mandatory reporting. The reporting party must make a report to the Title IX Coordinator or another responsible College official in order for the College to take action with respect to the conduct at issue.

Kelly Podolsky, LCSW Clinical Social Worker	845-569-3547	kelly.podolsky@msmc.edu
Fr. Gregoire Fluet, Director of Campus Ministry	845-569-3154	gregoire.fluet@msmc.edu
Deirdre Pettus, Director of Health Services	845-569-3153	deirdre.pettus@msmc.edu
Dina Leduc, Assistant Director of Health Services	845-569-3353	dina.leduc@msmc.edu

Counseling Services may be contacted after hours by calling Campus Safety at 845-569-3200 and asking for the on-call counselor. There is no need to leave your name. Just leave your number and the counselor will call you back.

*These employees will submit anonymous statistical information for Title IX and Clery Act purposes. OFF-CAMPUS CONFIDENTIAL RESOURCES

Off-campus resources will maintain confidentiality except in extreme cases of immediate threat, danger, and/or abuse of a minor. Fearless! (Formerly known as Safe Homes of

Orange County) 845-562-5340

Orange County Sexual Assault Prevention and Advocacy Program 1-800-832-1200

These resources provide support services and answer questions, 24 hours a day, about the Sexual Assault Nurse Examination process and your options regarding medical treatment, evidence collection, reporting to law enforcement, and assisting you with College resources.

MEDICAL TREATMENT

Anyone who is physically injured or sexually assaulted has the right to seek a medical examination to determine the extent of injuries. It is also important to understand that physical evidence collected in a rape examination (i.e., a rape kit) is a way to preserve evidence should anyone want to pursue criminal charges with the police or a local prosecutor at a later time. [5]

Note: A decision to avail yourself of any of the Rape Crisis services, including the collection of evidence at the hospital, does not result in notification to law enforcement. You have the ability to decide if and when to report to law enforcement authorities; the evidence will be preserved without cost to you.

Anyone who is physically injured or sexually assaulted may contact:

Montefiore St. Luke's Cornwall Hospital 845-561-4400 70 Dubois Street, Newburgh, NY 12550

You may disclose *the incident confidentially* and obtain services from the New York State or county hotlines: http://www.opdv.ny.gov/help/dvhotlines.html. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: http://www.opdv.ny.gov/help/index.html (or by calling 1-800- 942-6906);

REPORTS TO POLICE/LAW ENFORCEMENT AND OTHER SUPPORTIVE AGENCIES

A person may report an incident to either the police or the College, or to both simultaneously. A complainant has the right to have the institution's process run concurrently with a criminal justice investigation. Making a report or filing a complaint of sexual misconduct under this Policy is independent of any criminal investigation or proceeding. The College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or to take any necessary interim measures to protect the complainant and the College community.

However, the College may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation of sexual misconduct matters that may also violate the state criminal code.

There may be times when the Security & Safety Department or another administrator may contact the police regarding the nature of an alleged incident. Further, the Security & Safety Department and other administrators stand ready to assist in reporting incidents to the police or local prosecutors and help with initiating legal proceedings in Family Court or civil court.

To file a criminal complaint with Campus Security, local law enforcement, and/or state police, a reporting party may call 911 or contact:

Campus Security: 845-569-3200

City of Newburgh Police Department: 845-561-3131

New York State Police: 845-344-5300

(Campus Sexual Assault Victims Unit) (Troop F-Middletown, NY);	844-845-7269
Family & Civil Court:	845-476-3520
District Attorney of Orange County:	845-291-2050
NY State Sexual Violence Hotline:	844-845-7269

7. SUPPORTIVE MEASURES

When notice of a violation of this policy has been received by the Title IX Coordinator, Director of Student Conduct, Deputy Title IX Coordinator, or other College employee who is obligated to report, the College will take supportive measures deemed necessary to appropriately respond to protect the reporting party, its students, faculty, staff, and third parties. Not all forms of harassment and discrimination will be deemed equally serious offenses, and the College reserves the right to impose different, yet appropriate measures, depending on the severity of the offense. As required by federal regulation, these interim measures must be non-disciplinary and non-punitive to the parties.

The College will take appropriate supportive measures promptly if it receives notice of a sexual misconduct allegation. Interim protections or responsive measures are available without a Formal Complaint and are available to both the complainant and accused/respondent in the areas of safety, counseling, housing, and educational accommodations (academic support).

Supportive measures are administrative actions and may include, but are not limited to: mutual no-contact orders (as further discussed below); change of housing or place of employment; change of class schedule or location; change of transportation; leaves of absence, campus escort services, increased security and monitoring of certain areas of the campus, counseling, extensions of deadlines or other course-related adjustments, or change of supervision. These supportive measures are not sanctions when made prior to the final determination.

Supportive measures are available from the time of the incident until a final decision is rendered by the College. Both the accused or respondent and the reporting individual shall, upon request, and consistent with the College's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects them, and shall be allowed to submit evidence in support of his or her request.

Factors determining which interim measures the College will take may include: the specific needs expressed by the reporting party; the age of the students involved; the severity or pervasiveness of the allegations; whether the reporting party and responding party share the same residence hall, class, or job location; whether there is a continuing threat to the health and safety of the College community; and whether other court-ordered judicial measures have been taken to protect the reporting party.

When the accused is not a student but is a member of the College community, an assessment of any continuing threat to the health and safety of the community will be conducted, and interim measures will be put into place in accordance with applicable employee handbooks, rules, and policies of the College.

When a case involves a foreign student, the College will work with a SEVIS Designated School Official if the student's course load is likely to drop below full-time status as a result of the alleged incident. (Threatening a student with deportation or invoking a student's immigration status in an attempt to deter testimony in such cases is a violation of the investigative process and applicable Federal law.)

The College determines if there is a continuing threat to the health and safety of the community by evaluating each instance on an individual basis and applying current threat assessment guidelines. The Title IX Coordinator, Deputy Title IX Coordinator or the Vice President for Student Affairs will consult with the Director of Student Conduct and the Director of Security & Safety, and may convene the Assessment and Care Team (ACT), whose mission is to identify members of the MSMC community who may pose a threat to the safety and well-being of themselves or others, if further review is warranted.

NO CONTACT ORDERS

After a reporting party makes a complaint of sexual misconduct, the College may institute a no contact order between the reporting and responding party. A no contact order is a directive prohibiting contact between or among designated individuals, direct or indirect, including personal contact, correspondence, email, instant message, text messages, social media, telephone, or through a third party. In general, the Director of Student Conduct, the Vice President for Student Affairs, Title IX Coordinator or the Deputy Title IX Coordinator or designee may impose a limited or campus-wide No Contact Order between parties or witnesses to a Complaint when the fear of retaliation and/or harassment may be present and/or for reasons relating to the safety and well-being of students, faculty, and staff.

An individual who believes that a violation of the No Contact Order has occurred needs to report the violation to the Title IX Coordinator, Vice President for Student Affairs, the Director of Student Conduct, the Deputy Title IX Coordinator, or designee. Individuals who violate a no contact order are subject to disciplinary action, such as a charge of retaliation and violation of the no contact order.

Specific instructions will accompany the No Contact Order, outlining to all parties the expected behavior, including any prohibitions on face-to-face contact. Friends and relatives may also be prohibited from contact on behalf of either party.

EMERGENCY REMOVAL

In some cases, the College may undertake an emergency removal of an accused or respondent student in order to protect the safety of the College community, which may include contacting local law enforcement to address imminent safety concerns.

Emergency removal is not a substitute for reaching a determination as to an accused's responsibility for the sexual misconduct allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which may arise out of the sexual misconduct allegations.

Prior to removing an accused or respondent student through the emergency removal process, the College will undertake an individualized safety and risk analysis. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student, including the accused student, or other individual justifies removal, then the accused or respondent student will be removed. This is the case regardless of the severity of the allegations and regardless of whether a Formal Complaint was filed.

After determining an accused or respondent student is an immediate threat to the physical health or safety of an individual, the Title IX Coordinator, Deputy Title IX Coordinator, and/or Director of Student Conduct, or designee will provide written notice of the emergency removal to both the complainant and the accused or respondent student. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision.

If the accused or respondent student disagrees with the decision to be removed from campus, the accused or respondent student may appeal the decision. The accused or respondent student must provide written notice of the intent to appeal, which shall include the substance of the appeal, to the Vice President for Student Affairs or designee, within (10) days of receiving the notice of removal. The burden of proof is on the accused or respondent student to show that the removal decision was incorrect.

This section applies only to accused or respondent students. Employees are not subject to this section and may be placed on administrative leave pursuant to the College's policies during the pendency of a Title IX grievance process.

ORDERS OF PROTECTION ISSUED BY CRIMINAL OR CIVIL COURTS

Separate from a no-contact order issued by the College, a reporting party can seek an order of protection from both the criminal and civil (family) court systems. The Title IX Office will place the student in touch with an advocate from Fearless! (formerly known as Safe Homes of Orange County) or Legal Services of the Hudson Valley, who will be available to assist in obtaining a government court-issued order of protection (or equivalent restraining order if outside New York State) and explain to all involved parties the consequences of violating such an order, including but not limited to arrest, additional conduct charges, and interim suspension. Both the reporting party and responding party have the right to receive a copy of the order of protection when received by the College. Either the Title IX Coordinator, Deputy Title IX Coordinator, or designee, or an advocate from Fearless! or Legal Services of the Hudson Valley will be available to explain the order and answer any questions about it. If such an order is violated, an individual may contact the Title IX Coordinator, Deputy Title IX Coordinator, Director of Security & Safety, or designee to receive assistance from the police department with appropriate jurisdiction in effecting an arrest, if and when appropriate.

8. FORMAL COMPLAINT FILING

FORMAL COMPLAINT

A Formal Complaint is necessary to initiate the College's grievance process, meaning an investigation and adjudication process. A Formal Complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the College investigate the allegation.

A Formal Complaint may be filed with the Title IX Coordinator in person, electronically or other College approved format located on the College's Portal and/or Title IX website, by mail, or by email. In order to qualify as a Formal Complaint, the document must contain the complainant's physical or electronic signature, or otherwise indicate that the complainant is the person filing the Formal Complaint.

If a complainant declines to sign a Formal Complaint or does not wish to participate in the complaint and adjudication process, or the complainant's identity is unknown, and the Title IX Coordinator determines there is sufficient cause to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint. In such cases, the Title IX Coordinator is not considered to be a complainant or other party under this policy.

EVALUATION OF FORMAL COMPLAINT

The Title IX Coordinator will review the Formal Complaint filed by a complainant to determine whether the alleged conduct:

- would not constitute Title IX-covered sexual harassment as defined in Section 106.30 of the U.S. Department of Education's Title IX regulations, even if proved,
- did not occur in the College's education program or activity (as defined in federal regulations), or
- did not occur against a person in the United States.

In order to comply with Title IX regulations, the Title IX Coordinator must dismiss and discontinue the processing of any allegations that meet the above criteria for purposes of Title IX and related federal regulations. However, even if certain allegations are subject to dismissal for purposes of Title IX, the College may continue to process the allegations as potential violations of this policy, assuming that the allegations, if true, would constitute prohibited sexual misconduct.

Notice of any dismissal under this section will be in writing and issued to both the Complainant and the Accused or Respondent student, with information concerning the parties' rights to appeal.

NOTICE OF DISMISSAL

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

9. INFORMAL RESOLUTION

Initiation of an informal procedure to resolve a complaint is appropriate for allegations of non- violent acts, provided all parties voluntarily agree to the informal procedure. The informal resolution process is not available unless a Formal Complaint has been filed. If the parties are unable to reach a resolution through the informal procedure or if any party requests that the informal process be discontinued, then the complaint will be moved to a formal investigation and further proceedings, as described below.

The informal procedure is a voluntary process in which a trained facilitator assists the parties in resolving the allegations made by a complainant. An informal resolution prioritizes educational and conciliatory approaches over more adversarial contestation of the facts. One objective of informal resolution is to provide to the parties an opportunity to hear each other's concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator.

The Informal Resolution Process is not available if the accused or respondent in a sexual misconduct complaint is a faculty or staff member of the College and the complainant is a student.

Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator or designee will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Informal resolution will not be a mechanism used to address reports of **sexual violence or coerced/forced behavior** of any kind or if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members. It is not necessary to pursue the informal resolution process first in order to make a formal report and, as noted above, anyone participating in the informal resolution process can stop that process at any time and request formal resolution. Further, interim measures are available to both parties in the same manner as they would be if the Formal Complaint were proceeding under the formal grievance and hearing process.

The Title IX Coordinator, Deputy Title IX Coordinator, or Director of Student Conduct will offer the informal resolution process to the parties after a Formal Complaint is filed by a complainant. A written notice will be given to both parties before entering an informal resolution process, and both parties must consent to the process in writing. No party should feel intimidated, coerced/forced or threatened to participate in an informal resolution process, or to withdraw from an informal resolution process.

If both parties consent to participate in the informal resolution process, the College will assign a facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be trained on how to perform the role and screened to ensure that such a person is free from conflicts of interest and bias.

10. INVESTIGATION PROCESS

All involved parties have the right to an investigation that is fair, impartial and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest. Any conflict of interest should be brought to the attention to the Vice President for Student Affairs as soon as possible. The investigation will be completed in a reasonably prompt timeframe, taking into account the complexity of the allegations and availability of parties and witnesses.

APPOINTMENT OF INVESTIGATOR

Where a formal complaint has been filed, and in the absence of an informal resolution, the College will appoint an investigator to conduct an investigation into the allegations in the Formal Complaint.

The College may appoint one or more internal or external qualified investigators at its sole discretion. The investigation is an impartial fact-finding process.

NOTICE OF REMOVAL

Upon dismissal of a Formal Complaint, in whole or in part, for the purposes of Title IX, the College retains discretion to determine if any violation(s) of the Code of Conduct and/or this Sexual Misconduct and Grievance Policy has occurred. If the Formal Complaint does not allege a violation of this policy, but does allege a violation of the Code of Conduct, then the College will promptly send written notice of the removal of the complaint and allegations contained therein to the Code of Conduct or other applicable process.

NOTICE OF ALLEGATIONS

The Title IX Coordinator, Deputy Title IX Coordinator, or Director of Student Conduct will draft and provide a notice to all known parties ("Notice of Allegations") regarding the allegations of sexual misconduct contained in the Formal Complaint. Such notice will occur as soon as practicable, but no more than ten (10) days, after the institution receives a Formal Complaint, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator, Deputy Title IX Coordinator, or Director of Student Conduct may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above and will issue notice of the dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the notice of dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

CONTENTS OF NOTICE

The Notice of Allegations will include the following:

- Notice of the institution's Sexual Misconduct Policy and Title IX Grievance Process, including any informal resolution, investigation and adjudication process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting Title IX covered sexual harassment and/or other sexual misconduct, and sufficient details known at the time the Notice is issued, such as:
  - the identities of the involved parties;
  - the date, time, location, and factual allegations concerning the alleged violation;
  - the policy provisions allegedly violated;
  - a description of, or reference to, the applicable investigation and adjudication process;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.

- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation and consistent with this policy that is directly related to the allegations raised in the Formal Complaint,
- A statement that College Policy/Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

ONGOING NOTICE

If, in the course of an investigation, the College decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise sexual misconduct prohibited by this policy, the College will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

ADVISORS

The Reporting Individual, Complainant, and Accused/Respondent have the right to a person of their choice accompany them as an advisor throughout the investigation and disciplinary hearing. The Title IX Coordinator, the Deputy Title IX Coordinator or the Director of Student Conduct will notify both the reporting and accused/responding party of their right to use one advisor of their choice, including an attorney, parent or advocate who can advise them during the grievance process. Advisors may be present at investigatory interviews and the Hearing, but they may not answer for students, make objections, or pose questions, with the exception of a party's advisor conducting cross examination at a Title IX grievance hearing, as further discussed below. The availability of an advisor to attend an interview, conduct meeting, or hearing will not unreasonably interfere with or delay the proceedings. The choice whether or not to invite an advisor is solely that of the reporting party and responding party. However, if a party does not have an advisor for a Title IX grievance hearing, then one will be provided to that party by the College.

MEETINGS AND INTERVIEWS TO GATHER INFORMATION

The Complainant and Accused/Respondent will be provided with advance written notice of the date, time, location, participants, and purpose of any meeting or interview in which they are invited to or expected to participate.

The Complainant and the Accused/Respondent will be given an equal opportunity to present information during the investigation. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. However, at all times, the burden of gathering evidence remains with the College. The investigator may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the complainant with a person other than the accused/respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The investigator will determine the order and method of investigation.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or interviews. If the investigator elects to audio and/or video record interviews, all parties involved in the meeting or interview will be made aware that audio and/or video recording is occurring.

OPPORTUNITY FOR INSPECTION AND REVIEW OF EVIDENCE/TITLE IX GRIEVANCE

In cases involving Title IX covered sexual harassment, the Complainant and Accused will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation and regardless of whether the information will be relied on in reaching a determination. Prior to the conclusion of the investigative report, the Complainant and Accused, and their advisors, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/or required by law. The Complainant and Accused will be provided with at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. The investigator will determine if additional investigation is necessary and, if so, will complete any additional investigative steps.

OPPORTUNITY FOR INSPECTION AND REVIEW OF EVIDENCE/NON-TITLE IX GRIEVANCE

In cases involving sexual misconduct that does not constitute Title IX covered sexual harassment, once it is determined by the College that charges will be filed against the Accused and the matter will proceed to a live hearing, the Complainant and Respondent, and each party's advisor of choice, will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation and regardless of whether the information will be relied on in reaching a determination. All parties will be notified in writing by the Director of Student Conduct, or designee that they may schedule an appointment with the Office of Student Affairs up to three (3) business days

prior to the scheduled hearing date to review the investigative file, subject to redaction permitted and/or required by law. Parties in non-Title IX Grievances are not provided a copy (hard copy or electronic format) of the evidence.

INVESTIGATIVE REPORT/TITLE IX GRIEVANCE

At the conclusion of the investigation, in cases involving Title IX covered sexual harassment, the investigator will complete a written investigative report that fairly summarizes the relevant evidence. The investigator need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The investigator will submit the investigative report to the Title IX Coordinator and, if the accused is a student, the Director of Student Conduct, or designee.

At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Accused/Respondent, and each party's advisor if any, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law.

INVESTIGATIVE REPORT/NON-TITLE IX GRIEVANCE

At the conclusion of the investigation, in cases involving sexual misconduct that does not constitute Title IX covered sexual harassment, the investigator will complete a written investigative report that fairly summarizes the relevant evidence. The investigator need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The investigator will submit the investigative report to the Title IX Coordinator and, if the accused is a student, the Director of Student Conduct, or designee. If it is determined by the College that charges will be filed against the Accused and the matter will proceed to a live hearing, the Complainant and Respondent, and each party's advisor of choice, will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation and regardless of whether the information will be relied on in reaching a determination. All parties will be notified in writing by the Director of Student Conduct, or designee that they may schedule an appointment with the Office of Student Affairs up to three (3) business days prior to the scheduled hearing date to review the investigative file, subject to redaction permitted and/or required by law. Parties in cases involving sexual misconduct that does not constitute Title IX covered sexual harassment are not provided a copy (hard copy or electronic format) of the evidence.

11. HEARING PROCEDURES

In cases involving Title IX covered sexual harassment, a live hearing will be convened not less than ten (10) days after the parties have been provided access to the final investigative report, for the purpose of determining whether the Respondent is responsible or not responsible for the alleged sexual misconduct. In cases involving sexual misconduct that does not constitute Title IX covered sexual harassment, a live hearing will be convened no less than three (3) days after formal charges have been filed against the accused.

A hearing panel made up of trained faculty, staff, and/or administrators charged with hearing cases brought before them involving alleged violations of the College's discrimination, harassment, and sexual misconduct policies, including Title IX violations, will be assembled (the "Hearing Panel"). Hearings for violations of this policy are conducted by a three (3) person panel made up of trained faculty and staff from the College that are designated by the Office of Student Affairs. Hearings under this policy are closed to all members of the campus and outside community except those directly involved with the Formal Complaint or investigation.

Participants in the hearing will include the members of the Hearing Panel, the Complainant and the Respondent, their respective advisors, the investigator(s) who conducted the investigation, and witnesses (solely during their own testimony). During any hearing, Advisors are required to follow the Code of Decorum for Advisors, Addendum "B" of this policy.

With the exception of conducting cross-examination of another party or witness in cases involving Title IX covered sexual harassment, advisors may be present to advise only; they may not participate directly in the hearing. Advisors who interfere with the proceedings can be excused by the Hearing Panel. An audio recording or a transcript of the hearing will be made and kept by the Office of Student Affairs.

Only persons involved in the hearing process will be permitted in the vicinity of the hearing. It is expected that participants and advisors will respect the dignity and privacy of College community members and keep private that which transpires during the hearing, in accordance with federal and state law.

All members of the College community, including students, faculty, and staff, are expected to participate in the hearing process, when called as a witness on behalf of the Complainant, the Respondent, or the College. The evidence in the investigation report will always be admissible if relevant, regardless of who does or does not attend the hearing. How much weight that evidence is given can be impacted by testimony at the hearing, or the lack thereof. No one has to participate in a hearing, and parties and witnesses can choose not to attend, or not to answer

(some or all) questions. In hearings where the parties or witnesses let their statements to the investigators stand on their own, and they give no testimony at the hearing, the decision- makers will weigh whatever evidence is provided and may draw reasonable inferences as permitted by law from the failure of parties or witnesses to participate or answer.

NOTICE OF HEARING

At least one-week prior (5) business days to a hearing involving allegations of Title IX covered sexual harassment, or at least three (3) business days prior to all other hearings under this policy, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Title IX Coordinator, the Director of Student Conduct, or designee will send a letter to the parties with the following information. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The letter will contain:

- A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result.
- The time, date and location of the hearing and a reminder that attendance is mandatory. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Title IX Coordinator or designee may reschedule the hearing.
- The names of the Hearing Panel members, and how to challenge participation by any Hearing Panel member for bias or conflict of interest. Bias or conflict of interest will be judged by an objective standard (i.e., whether a reasonable person would conclude the decision maker is biased).

- A notice regarding the parties' right to have an advisor at the hearing, as described in, and subject to the limitations of, this policy.

Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within a reasonable time for resolution.

ADDITIONAL PROCEDURAL MATTERS

Generally, the hearing process will be conducted in the following manner:

1. The Hearing Chair will open and establish rules and expectations for the hearing; all participants and advisors will be introduced to the Hearing Panel.
2. The Hearing Chair will ask the Director of Security, the Title IX Coordinator, or other College designee who has participated in compiling the investigative file to give an overview. The Hearing Panel will be given an opportunity to ask any questions of the investigator before excusing this person from the hearing room. The investigator may be called by the Chair at any point throughout the hearing to help answer questions concerning the investigative report.
3. Once the investigator is dismissed, the Hearing Chair will recite the Complaint against the Respondent and all policy sections alleged to have been violated.
4. The Respondent will state whether they are responsible, not responsible, or responsible with an explanation for the alleged misconduct. Responsible with an explanation means the student admits to the actions, but believes there were circumstances that should be taken into consideration by the Hearing Panel in the determination of the Complaint.
5. Statements regarding their respective positions may be given by the Complainant and the Respondent. The Hearing Panel, through its Chair, may place reasonable time limitations on the statements. In a case involving Title IX covered sexual harassment, the Complainant and Respondent will be subject to cross-examination by the Advisor for the other party. The Chair of the Hearing Panel will rule on the relevancy of all questions asked by an Advisor during cross-examination.
6. The College reserves the right to assign a representative of the Office of Student Affairs and/or a representative from the Office of Security and Safety to present the Complaint against the Respondent.
7. The Complainant, the Respondent and the representative from the Office of Student Affairs or the Office of Security and Safety will be able to present witnesses. The Hearing Panel will ask questions of the Parties and Witnesses. In a case involving Title IX covered sexual harassment, Parties will be given the opportunity for live cross- examination after the Hearing Panel conducts its initial round of questioning. During the Parties' cross-examination, which shall be conducted through the Parties' Advisors, the Hearing Panel will have the authority to pause cross-examination at any time for the purposes of asking their own follow up questions and take any time necessary in order to enforce the established rules of decorum.

In a case involving Title IX covered sexual harassment, should a Party choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the hearing panel. A Party's waiver of cross- examination does not eliminate the ability of the hearing to use statements made by a Party or Witness.

As stated above, each Party's advisor will conduct the live cross-examination of the other Party or Parties and Witnesses. During this live-cross examination, the Advisor may ask the other Party or Parties and Witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the Hearing Chair will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Hearing Panel may be deemed irrelevant if they have been asked and answered.

In cases involving allegations of sexual misconduct that do not constitute Title IX covered sexual harassment, witnesses are not subject to live cross-examination. Rather, the Parties are given the opportunity to submit written questions to the Hearing Chair to be asked of any other Party or Witness, provided the questions are relevant as determined by the Hearing Chair.

8. Relevant records, documents, and written statements may be accepted and considered by the Hearing Panel; in cases of sexual misconduct, all parties have the right to exclude their own prior sexual history with persons other than the party in the judicial process or their own mental health diagnosis and/or treatment from admittance in the College disciplinary stage that determines responsibility.
9. The Complainant and the Respondent may be present throughout the entirety of the proceeding, except for the deliberation phase.
10. Witnesses will be asked to remain until the end of the hearing in the event they must be called back for clarification of their testimony.
11. Witnesses will appear separately and will leave the hearing room after their testimony is completed. Witnesses are not permitted to leave the vicinity of the hearing room until permission has been granted by the Hearing Panel and are instructed not to communicate with other witnesses outside the hearing during the proceedings.
12. The Complainant and the Respondent may present concluding remarks. The Hearing Panel may place reasonable time limitations on the statements.
13. At the conclusion of the hearing the Hearing Panel will advise the Complainant and the Respondent that their determination will be given, in writing, to the Director of Student Conduct when the respondent is a student, the VP of Academic Affairs when the respondent is a faculty member and the VP of Finance when the respondent is an administrator or staff.
14. The Accused prior conduct record will be a factor in determining the appropriate sanction(s) if a violation of this policy is found to have occurred.

In cases of sexual misconduct, past findings of domestic violence, dating violence, stalking, or sexual assault, are admissible in the sanctioning stage. This includes past responsible findings which occurred at previous colleges, universities, or schools attended by the respondent, criminal convictions, guilty, or no-contest pleas for acts of interpersonal violence, sexual violence, or other acts of violence. All parties will have the opportunity to make an impact statement to the Hearing Panel when they are deliberating an appropriate sanction(s).

The rules of evidence applicable to Federal, State and Local courts do not apply to proceedings at the College. Fair process is as defined in these procedures.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to College consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose and should discuss doing so with their Advisors.

Hearings are recorded for purposes of review in the event of an appeal. Hearing panel members, the parties and/or the persons who initiated the action and appropriate administrative officers of the College will be allowed to listen to the recording in a location determined by the Title IX Coordinator, the Director of Student Conduct, or designee. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator or designee. The parties and/or the persons who initiated the action confirm that they will protect the privacy of the information contained in the recording.

Upon completion of the hearing process, the hearing panel will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the violation(s) in question.

The Title IX Coordinator, Deputy Title IX Coordinator, Director of Student Conduct, or designee will simultaneously inform the respondent and the reporting party of the hearing panel's determination within ten (10) business days of the hearing, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

STANDARD OF PROOF

The College uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of Formal Complaints covered under this Policy. This means that the investigator(s) and Hearing Panel are tasked with determining whether it is more likely than not that the Respondent committed each alleged violation of the Policy.

12. SANCTIONS

STUDENT SANCTIONS

If a Respondent student is found responsible by a majority of the Hearing Panel, then the panel will determine appropriate sanctions in consultation with the Director of Student Conduct to ensure consistency. Respondent student sanctions may include:

DISCIPLINARY REPRIMAND: A written or verbal notice that the student has been found in violation of a specific regulation, and that repetition or continuation of this violation may result in further disciplinary action.

RESTITUTION: Reimbursement by the student to the College or a member of the College community to cover the cost of damage to or misappropriation of property.

RESTRICTION: Withdrawal or restriction of certain privileges for a specific period of time, such as participation in student activities, use of computing services representing the College.

FORCED RELOCATION: Relocation of the student to another area of the residence community for the common good. When a student is relocated, they will not be permitted to return to the residence area in which they were removed for a period of at least one calendar year. Return to the original area will be at the discretion of the VP for Mission and Student Affairs and/or the Senior Director of Residence Life.

CAMPUS COMMUNITY SERVICE ASSIGNMENT: The assignment of tasks or work appropriate to the violation, which will benefit all or part of the College community.

FINES: A monetary assessment that may vary because of the nature and/or the frequency or nature of the violation.

MANDATORY ALCOHOL/DRUG EVALUATION AND/OR EDUCATION: Mandate students to obtain an Alcohol/Drug Evaluation and/or attend a mandatory Alcohol/Drug Education Workshop. The Counseling Services Office will facilitate this process.

NO TRESPASS AND NO CONTACT ORDERS: In addition to No Trespass and No Contact Orders that may be imposed pending an investigation and/or the resolution of an alleged violation of this policy, the College may also impose No Trespass and No Contact Orders as discipline upon the outcome of a hearing.

INTERIM SUSPENSION: In any non-Title IX Grievance process, an interim suspension may be imposed pending an investigation and/or the resolution of an alleged violation of this policy. An interim suspension is not disciplinary in nature.

SUSPENSION OF PARTICIPATION IN CAMPUS ACTIVITIES: A student's ability to participate in a campus leadership position or other campus activities may also be impacted or suspended if a student is found responsible for sexual misconduct under this policy.

PARENTAL NOTIFICATION: Parents/guardians of a traditional student will receive written notification, as allowable under FERPA, from Mount Saint Mary College if a traditional student receives any of the following sanctions listed below as part of a disciplinary conference. This notification will include a copy of the student's sanction letter and will be mailed to the permanent address listed on the student's MSMC account. The College also reserves the right to notify parents/guardians in situations where a student's health or safety may be in jeopardy. Parental Notification applies to traditional college students, defined as an undergraduate student, age 23 and younger.

STUDENT LIFE PROBATION: A defined period of time during which any further violations of the Student Code of Conduct or this Policy may result in additional disciplinary sanctions. Additional sanctions include (but are not limited to) Disciplinary Probation, Residence Suspension, and loss of on campus recreational privileges. Future violations could jeopardize a resident student's housing or a commuter student's campus privileges.

DISCIPLINARY PROBATION: An official and final warning directing the student to comply with the terms of the probation and to exhibit good conduct in general by obeying College rules and

regulations during a specified probation period. Further violations and/or failure to comply with sanctions will require that the student meet with the VP for Student Affairs. The VP for Student Affairs will meet with the student to determine if additional Judicial Action is necessary.

If additional judicial action is required, the VP for Student Affairs or his/her designee, will conduct a special hearing pursuant to the terms of the Disciplinary Probation. Sanctions may then be imposed pursuant to the terms of probation and may include dismissal from the residence hall and/or the College, and parent/guardian notification to the extent permitted under FERPA. The VP for Student Affairs decision is subject to appeal consistent with the appeal procedures outlined in section 15 of this policy. Students will lose seniority and/or priority in the room selection process and be restricted from living in the same room the following year.

WEEKEND SUSPENSION: Suspension from on-campus residence and/or from the entire campus grounds for one or more weekends. Generally, a student is suspended for weekends up to a semester or more. In such circumstances, students must be off campus and/or out of the

residence halls by a designated time on Fridays and cannot return to campus and/or the residence halls until a certain hour on Monday. Times would be determined by the hearing officer and the student's schedule. Future violations jeopardize the student's housing. Students may lose seniority and/or priority in the room selection process and be restricted from living in the same room the following year.

RESIDENCE SUSPENSION: The student will be asked to terminate occupancy of on-campus residence for a specified period of time. The student must remove all belongings from the residence hall within 24 hours of receiving notice, returning all keys to residence life. The student will be obligated to pay the full room and board charge for the semester in which they are dismissed. During the suspension, the student will be denied access to all residence hall facilities. After the residence hall suspension period ends, the student is required to return to campus housing and will be billed room and board upon re-registration for classes accordingly. Upon return, the student will not be guaranteed his/her original place of occupancy and the student's seniority and/or priority in the room selection process will be reviewed. Students may lose seniority and/or priority in the room selection process and be restricted from living in the same room the following year.

DISCIPLINARY SUSPENSION**:** Temporary separation from the College, including the residence halls, with the right to apply for readmission. The terms of the suspension may be set for an indefinite period of time, and special conditions upon readmission may be designated.

The Office of Student Affairs is authorized to place a "Student Affairs" hold on the suspended student's registration account to prohibit re-enrollment during the suspension period. Once the suspension period ends, a written request for re-enrollment must be submitted to Student Affairs. The Vice President, or designee, in consultation with other College officials, will review the documentation and notify the student, in writing, of the outcome. If the request is granted, the "Student Affairs" hold will be removed within ten (10) business days.

Factors considered in review of requests include:

- The conduct of the student subsequent to the disciplinary suspension;
- The nature of the disciplinary suspension; and
- The information provided by the student in the written request.

DISMISSAL/EXPULSION: Permanent separation from the College and/or residence halls. The Office of Student Affairs is authorized to place a Student Affairs hold on the dismissed student's registration account to prohibit re-enrollment.

EMPLOYEE SANCTIONS

In consultation with the Director of Human Resources, responsive actions for an employee who has engaged in sexual misconduct, harassment, discrimination and/or retaliation include disciplinary action, up to and including termination from employment.

13. TRANSCRIPT NOTATIONS

For all crimes of violence, including, but not limited to forcible and non-forcible sex offenses, a notation will be placed on the transcript of the student found responsible after a conduct process. The transcript shall read: "SUSPENDED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION" or "EXPELLED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION."

Notations will not be removed prior to one year after the conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

To request that a transcript notation be removed after a suspension ends, a student must submit a written request to the Vice President for Student Affairs; this request will be considered one year from the date of the suspension's end. The Vice President for Student Affairs, in consultation with other College officials, will review the documentation provided. The student will be notified of the outcome, in writing, and, if the appeal is granted, the transcript notation will be removed within ten (10) business days.

- Factors considered in review of requests include:
- The conduct of the student subsequent to the disciplinary violation;
- The nature of the disciplinary violation; and
- The information provided by the student in the appeal.

All reviews are subject to the approval of the College president or his/her designee and will be final within the College Student Judicial Code Structure.

14. WITHDRAWAL, GRADUATION, OR RESIGNATION WHILE CHARGES PENDING

STUDENTS

For respondents who withdraw from the College while such conduct charges are pending, and decline to complete the disciplinary process, the College will make a notation on the transcript of such students that they "Withdrew with Conduct Charges Pending." Students will not be permitted to return to the College unless all sanctions have been satisfied and/or a hearing takes place. The College reserves the right to withhold a degree from an accused or respondent student who graduates subsequent to the filing of a formal Title IX and/or Sexual Misconduct Complaint but prior to completion of a formal adjudication as provided for in this policy.

EMPLOYEES

Should an employee resign while charges are pending, the records of the Title IX Coordinator or designee will reflect that status. The Title IX Coordinator or designee will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

15. APPEALS

A three-member panel designated by the Title IX Coordinator, the Deputy Title IX Coordinator, the Director of Student Conduct, or designee, consisting of individuals who were not involved in the grievance previously, will consider all appeal requests. Any party may appeal by submitting a written appeal within (14) days of the Hearing Panel's issuance of its determination regarding responsibility and sanctions. Appeals are limited to the following grounds:

- A procedural error, omission, or irregularity occurred that significantly impacted the outcome of the hearing (e.g., material deviation from established procedures, etc.).
- To consider new evidence, unknown or not reasonably available during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included with the appeal request.
- The sanctions imposed are substantially disproportionate to the severity of the violation.
- The Title IX Coordinator, investigator(s), decision-maker(s), or Hearing Panel members had a conflict of interest or bias for or against complainants or respondents generally of the individual complainant or respondent that affected the outcome of the matter.

The appeals panel will review the written appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests an appeal, the other party (parties) will be notified in writing and given the opportunity to submit a written statement in response to the appeal. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

Where the appeals panel finds that at least one of the grounds is met, and proceeds, additional principles governing the hearing of appeals include the following:

- Appeals decisions by the appeal panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the underlying complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original hearing panel unless otherwise directed by the Title IX Coordinator, the Director of Student Conduct, or designee.
- Sanctions imposed by the Hearing Panel are implemented once a determination regarding responsibility becomes final, which is occurs on either:
    - the date that the Appeal Panel provides the parties with the written determination of the result of the appeal, if an appeal is filed, or
    - if an appeal is not filed, the date on which an appeal would no longer be considered timely.

- Pending appeal, the College will treat complainants and respondents equitably by offering supportive measures to both the complainant and the respondent. Supportive measures will continue prior to the imposition of any disciplinary sanctions against a respondent.
- The Chair of the Appeal Panel will normally, after conferring with the full appeals panel, render a written decision on the appeal to all parties within (10) business days from the hearing of the appeal.
- All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final: further appeals are not permitted.

16. APPLICATION TO COLLEGE EMPLOYEES, INCLUDING FACULTY AND STAFF

One or more of the College's personnel, faculty and employee handbook policies may overlap with this policy in a particular situation. This Sexual Misconduct and Grievance policy applies to any situation where a student is the complainant or respondent. In all other situations, the College reserves the right to apply this or other applicable College policies. The College will apply this policy to any situation mandated by Title IX.

17. FALSE CLAIMS

Filing a false claim or grievance against another person or one that is not made in good faith is a serious breach of the College code, and can incur College, civil, and legal penalties. Filing a false police report can be either a misdemeanor or felony under the New York State criminal code, depending on the circumstances.

18. RETALIATION

No person may intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, discriminate or retaliate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Sexual Misconduct and Grievance Policy. This includes investigations, proceedings, and hearings related to charges filed against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

ADDENDUM 'A'

STUDENTS' BILL OF RIGHTS

1. All students have the right to:
2. Make a report to local law enforcement and/or state police;
3. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
4. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
5. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
6. Be treated with dignity and receive from the institution courteous, fair, and respectful health care, pastoral care and counseling services, where available;
7. Be free from any unfair suggestion that the reporting individual is at fault when these crimes and violations are committed, or that they should have acted in a different manner to avoid such crimes or violations;
8. Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident;
9. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
10. Have access to at least one level of appeal of a determination;
11. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process, and who may also be

present during all meetings and hearings related to such process if the student wishes; and

12. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.
13. The above rights are provided to students in accordance with NYS Education Law Section 6443 of Article 129-B, in addition to any other rights afforded under federal, state or local law.

ADDENDUM 'B'

CODE OF DECORUM FOR ADVISORS

The Reporting Individual, Complainant, and Accused/Respondent have the right to a person of their choice accompany them as an advisor throughout the investigation and disciplinary hearing. The Title IX Coordinator, the Deputy Title IX Coordinator or the Director of Student Conduct will notify both the reporting and accused/responding party of their right to use one advisor of their choice, including an attorney, parent or advocate who can advise them during the grievance process.

Advisors may be present at investigatory interviews and the Hearing, but they may not answer for students, make objections, or pose questions, with the exception of a party's advisor conducting cross examination at a Title IX grievance hearing, as further discussed below. The availability of an advisor to attend an interview, conduct meeting, or hearing will not unreasonably interfere with or delay the proceedings. The choice whether or not to invite an advisor is solely that of the reporting party and responding party. However, if a party does not have an advisor for a Title IX grievance hearing, then one will be provided to that party by the College.

Student Conduct Hearing Procedures:

Student Conduct Hearings for violations of the Code are conducted by a three (3) person panel made up of trained faculty and staff from the College that are designated by the Office of Student Affairs. Student Conduct hearings are closed to all members of the campus and outside community except those directly involved with the complaint.

In cases of sexual misconduct, all students (the accused, the complainant(s), and the witnesses) have the right to be accompanied by an advisor of choice throughout the entire judicial process.

All advisors who enter a hearing may be present to advise only; they may not participate directly in the hearing. Advisors who interfere with the proceedings can be excused by the hearing panel. An audio recording or a transcript of the hearing may be made and kept by the Office of Student Affairs.

In a case involving Title IX covered sexual harassment, Parties will be given the opportunity for live cross- examination after the Hearing Panel conducts its initial round of questioning. During the Parties' cross- examination, which shall be conducted through the Parties' Advisors, the Hearing Panel will have the authority to pause cross-examination at any time for the purposes of asking their own follow up questions and take any time necessary in order to enforce the established rules of decorum.

Each Party's advisor will conduct the live cross-examination of the other Party or Parties and Witnesses. During this live-cross examination, the Advisor may ask the other Party or Parties and Witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time. Before any cross-examination question is answered, the Hearing Chair will determine if the question is relevant. Crosse-examination questions that are duplicative of those already asked, including by the Hearing Panel may be deemed irrelevant if they have been asked and answered. In cases involving allegations of sexual misconduct that do not constitute Title IX covered sexual harassment, witnesses are not subject to live cross-examination. Rather, the Parties are given the opportunity to submit written questions to the Hearing Chair to be asked of any other Party or Witness, provided the questions are relevant as determined by the Hearing Chair.

In a case involving Title IX covered sexual harassment, should a Party choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the hearing panel. A Party's waiver of cross-examination does not eliminate the ability of the hearing to use statements made by a Party or Witness.

Only persons involved in the hearing process will be permitted in the vicinity of the hearing. It is expected that participants and advisors will respect the dignity and privacy of College community members and keep private that which transpires during the hearing, in accordance with federal and state law. Student witnesses, when called by the College on behalf of the Complainant, the accused student, or the College, are required to participate in the hearing process.

Generally, the hearing process will be conducted in the following manner:

1. All participants and advisors will be introduced to the Hearing Panel;
2. The Hearing Panel will recite the Complaint against the student and all code sections alleged to have been violated;
3. The Accused student will state whether he or she is responsible, not responsible, or responsible with an explanation for the alleged misconduct. Responsible with an explanation means the student admits to the actions, but believes there were circumstances that should be taken into consideration by the Hearing Panel in the determination of the Complaint;
4. Statements regarding their respective positions may be given by the Complainant and the Accused student. The Hearing Panel, through its Chair, may place reasonable time limitations on the statements.
5. The College reserves the right to assign a representative of the Office of Student Affairs and/or a representative from the office of Security and Safety to present the Complaint against the accused student;
6. Relevant records, documents, and written statements may be accepted and considered by the Hearing Panel; in cases of sexual misconduct, all parties have the right to exclude their own prior sexual history with persons other than the party in the judicial process or their own mental health diagnosis and/or treatment from admittance in the College disciplinary stage that determines responsibility.
7. The Complainant and the Accused student may be present throughout the entirety of the proceeding, except for the deliberation phase;
8. The Complainant, the Accused student and the representative from the Office of Student Affairs or the Office of Security and Safety will be able to present witnesses, who will be subject to cross examination;
9. Witnesses will be asked to remain in the vicinity until the end of the hearing in the event they must be called back for clarification of their testimony;
10. In the event that a witness is not available, a signed statement from the witness may be admitted. Any such statements will be shared with the parties prior to the hearing, and the accused student will be given full opportunity to respond to the written statement at the hearing;
11. Witnesses will appear separately and will leave the hearing room after their testimony is completed. Witnesses are not permitted to leave the vicinity of the hearing room until permission has been granted by the Hearing Panel, and are instructed not to communicate with other witnesses outside the hearing during the proceedings.
12. All parties may question each other and the witnesses, through the Chair, and the Hearing Panel may direct questions as appropriate to any participant; in a case involving Title IX covered sexual harassment, Parties will be given the opportunity for live cross-examination which shall be conducted through the Parties' Advisors. Further information on cross-examination is set forth in the College's Sexual Misconduct and Grievance Policy, located in Section XI: General College Policies.
13. The Complainant and the Accused student may present concluding remarks. The Hearing Panel may place reasonable time limitations on the statements.
14. At the conclusion of the hearing the Hearing Panel will advise the Complainant and the Accused student that their determination will be given, in writing, to the Director of Student Conduct. 15. The Accused student's prior student conduct record will be a factor in determining the appropriate sanction(s) if a violation of the Code is found to have occurred.
15. In cases of sexual misconduct, past findings of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, are admissible in the sanctioning stage. All parties will have the opportunity to make an impact statement to the board when they are deliberating an appropriate sanction (s).

TITLE VI

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin, including shared ancestry or ethnic characteristics, in programs and activities that receive federal financial assistance. 42 U.S.C. § 2000d et seq.

Mount Saint Mary College receives federal financial assistance in many forms, including research grants from federal agencies. Failing to comply with Title VI or other federal civil rights requirements may result in the termination of all or part of the University's federal funding, including awards for faculty research.

The institution has a responsibility to follow established procedures to address discrimination or harassment of a student or employee when the discrimination involves:

- Racial, ethnic, or ancestral slurs or stereotypes;
- An individual's skin color, physical features, or style of dress that reflects both ethnic and religious traditions; and
- Where an individual came from or is perceived to have come from, including discrimination based on a foreign accent, a foreign name, including names commonly associated with particular shared ancestry or ethnic characteristics, or speaking a foreign language.

Mount Saint Mary College Nondiscrimination Notice

In accordance with its obligations pursuant to Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973 and other federal, state and local laws, Mount Saint Mary College does not discriminate on the basis of race, color, sex, disability, age, religion, creed, national or ethnic origin, sexual orientation, gender identity or any other characteristic or classification protected by federal, state, or local law, in the administration of any of the College's educational programs or activities, admissions policies, athletics or other school administered programs, scholarship or loan programs.

MSMC Title VI Coordinators

In accordance with Title VI regulations, the college has designated the following individuals as Title VI Coordinators. Coordinators are responsible for monitoring compliance with these regulations. Questions regarding Title VI, as well as concerns and complaints of noncompliance, may be directed to the following.

Maggie Kemp
Director of Disability Services, Access and Compliance; Title VI and Title XI Coordinator;
margaret.kemp@msmc.edu

Emily Lundy
Director of Student Engagement, Deputy Title VI and Title IX Coordinator;
emily.lundy@msmc.edu

Inquiries may also be directed to the United States Department of Education's Office for Civil Rights, 32 Old Slip, 26 Floor, New York, NY 10005-2500; Tel. 646-428-3800; E-mail OCR.NewYork@ed.gov

Annual Training

In accordance with New York State law, the College will conduct annual training for students and employees regarding their rights and responsibilities under this policy. Information regarding scheduled training will be communicated to students and employees annually.

Reporting and Investigative Procedures for Students

Upon receiving a report, the Title VI Coordinator will reach out to the reporting individual to offer immediate supportive measures regardless of whether a formal investigation is initiated.

1. When receiving a formal report, the coordinator will evaluate whether the alleged conduct creates a hostile environment that limits students' equal access to campus programs or activities.
2. The Title VI Coordinator will then assign a Title VI-trained investigator to conduct an impartial investigation, applying the preponderance of the evidence standard. (i.e., whether it is more likely than not that discrimination occurred)
3. The Title VI Investigator will compose an investigative report and submit it to the Title VI Coordinator. The Title VI Coordinator will evaluate the investigative report and will consult with members of the Bias Response Team for evaluation.
4. If a violation is found, the Title VI Coordinator will forward the case to the Director of the Student Code of Conduct to issue formal charges and proceed under the Student Code of Conduct.

Reports involving an employee may be made to the Title VI Coordinator, who will coordinate with the Office of Human Resources as appropriate. The college will conduct a prompt, thorough, and impartial investigation in accordance with applicable college policies and procedures. If a violation by an employee is found, the college will take appropriate corrective or disciplinary action in accordance with applicable college policies. If a violation by a student is found, the matter will be referred for resolution under the Student Code of Conduct.

All reports, supportive measures, investigations, and outcomes will be documented with the Title VI Coordinator to support annual reviews and to identify any systemic bias patterns.

ANNUAL FIRE SAFETY REPORT

Annual Fire Safety Report on Student Housing

Mount Saint Mary College receives fire response protection from the City of Newburgh Fire Department, which is a paid professional fire department providing coverage to the residents and visitors of the city. All of our residence hall facilities are connected directly to the Newburgh Fire Department Dispatch Center through a municipal box alarm system. This system is in addition to our own internal campus alarm monitoring system, which reports to our campus security dispatch center. Any instance of fire on college property must be reported to the Security and Safety Office and a member of the Residence Life staff if it occurred in a residence hall.

Fire Safety Statistical Information for 2023, 2024 & 2025

2023

Residence Hall	Fires	Cause	Deaths	Injuries	Property damage
GA 1	0	N/A	0	0	0
Sakac Hall	0	N/A	0	0	0
35 Elmwood	0	N/A	0	0	0
CC3	0	N/A	0	0	0
CC4	0	N/A	0	0	0
CC9	0	N/A	0	0	0
CC12	0	N/A	0	0	0
CC16	0	N/A	0	0	0
CC20	0	N/A	0	0	0
CC21	0	N/A	0	0	0
CC392	0	N/A	0	0	0
CC408	0	N/A	0	0	0
Garden Apartments	0	N/A	0	0	0
Dominican Center	0	N/A	0	0	0

2024

Residence Hall	Fires	Cause	Deaths	Injuries	Property damage
GA 1	0	N/A	0	0	0
Sakac Hall	0	N/A	0	0	0
35 Elmwood	0	N/A	0	0	0
CC3	0	N/A	0	0	0
CC4	0	N/A	0	0	0
CC9	0	N/A	0	0	0
CC12	0	N/A	0	0	0
CC16	0	N/A	0	0	0
CC20	0	N/A	0	0	0
CC21	0	N/A	0	0	0
CC392	0	N/A	0	0	0
CC408	0	N/A	0	0	0
Garden Apartments	0	N/A	0	0	0
Dominican Center	0	N/A	0	0	0

2025

Residence Hall	Fires	Cause	Deaths	Injuries	Property damage
GA 1	0	N/A	0	0	0
Sakac Hall	0	N/A	0	0	0
35 Elmwood	0	N/A	0	0	0
CC3	0	N/A	0	0	0
CC4	0	N/A	0	0	0
CC9	0	N/A	0	0	0
CC12	0	N/A	0	0	0
CC16	0	N/A	0	0	0
CC20	0	N/A	0	0	0
CC21	0	N/A	0	0	0
CC392	0	N/A	0	0	0
CC408	0	N/A	0	0	0
Garden Apartments	0	N/A	0	0	0
Dominican Center	0	N/A	0	0	0

Description of Each On-Campus Housing Facility Fire Safety System

There are four separate residence hall areas located throughout the campus with detailed fire protection descriptions provided below:

- College Courts
- 35 Elmwood
- Sakac Hall
- Dominican Center

College Courts

The College Courts is a group of nine residence hall buildings located on the north end of campus. Each building is a separate structure ranging in occupant load from approximately 25 to 134 beds. The buildings are identified as College Courts # 3, 4, 9,12, 16, 20, 21, 392, and 408.

Each building has its own fire alarm system, which is connected to a main alarm system for the College Courts complex. When an alarm signal is received from one of the individual building panels, an alarm signal is sent over the municipal box alarm system to the City of Newburgh Fire Department. An alarm signal is simultaneously sent to our campus alarm monitoring station in the Security and Safety Office.

Each building, including all sleeping rooms, common areas, and utility areas, is protected by a fire alarm system compliant with the National Fire Protection Association (NFPA) and the Fire Code of New York State. The buildings are also protected by a residential sprinkler system compliant with NFPA 13R and the Fire Code of New York State, and they are equipped with portable fire extinguishers compliant with NFPA 10 and the Fire Code of New York State.

35 Elmwood

35 Elmwood is a two-story townhouse-style building located on the northern end of campus, consisting of 6 separate units. Four of the units have an occupancy load of nine persons with a stairway located within the unit. The other two units have an external stairwell with two separate apartment units. Each apartment unit has an occupancy load of three persons. All sleeping areas and common areas are protected by a fire alarm system compliant with NFPA 72 and the Fire Code of New York State. The buildings are also protected by a residential sprinkler system compliant with NFPA 13R and the Fire Code of New York State, and they are equipped with portable fire extinguishers compliant with NFPA 10 and the Fire Code of New York State. This building is monitored by the City of Newburgh Fire Department on its own separate municipal alarm box and is also monitored by our campus alarm monitoring system.

Sakac Hall

Sakac Hall is a five-story multi-use residence hall facility providing housing and support facilities for approximately 280 resident students. In addition, there are offices utilized by Residence Life and the athletic coaching staff located on the first and ground floor levels. Building support facilities are defined as a group kitchen facility, computer room, exercise room, theater room, floor lounges, and laundry facilities. Fire protection or the building consists of an NFPA 72 and Fire Code of New York State compliant fire alarm and smoke detection system covering all building areas. The building is also equipped with a dry sprinkler system protecting the unheated attic areas in addition to a wet system protecting the heated building areas; both systems are compliant with NFPA 13. All fire protection systems are monitored by the City of Newburgh Fire Department as part of the municipal alarm monitoring system, in addition to reporting to our internal campus alarm monitoring system. When the building is occupied by resident students, a Security and Safety officer is assigned to the main lobby area. Fire safety equipment also includes portable fire extinguishers placed throughout the building in compliance with NFPA 10 and standpipe hose stations located in the stairwells in compliance with NFPA 14.

Dominican Center

The Dominican Center is a five-story multi-use facility comprised of the campus library on the first and second floors, a kitchen and dining area on the first floor, a chapel on the second floor, and residence hall space on floors three to five, with a resident occupancy load of 155. Fire protection for the building consists of the following: an NFPA 72 and Fire Code of New York State compliant fire alarm system which, upon activation, sounds an alarm in the building while also sending a signal directly to the City of Newburgh Fire Department and the campus security dispatch center; an NFPA 13 and Fire Code of New York State compliant sprinkler system with an electric fire pump to provide supplemental water pressure to the sprinkler system and

standpipes located in the building stairwells; an NFPA 96 and Fire Code of New York State compliant hood suppression system designed to control any fires that may occur in the commercial cooking equipment located in the kitchen. In addition, the building is protected by portable fire extinguishers placed in compliance with NFPA 10 and the Fire Code of New York State. In the event of a loss of electrical power, the building is supported by two emergency generators.

Fire Drills

The college conducts four supervised fire drills in each residence hall annually in accordance with the Fire Code of New York State. In 2025, there were 56 fire drills conducted in residence halls and 45 in administrative buildings.

Campus Fire Prevention Policies

The following policies are part of the Student Handbook relative to fire safety:

- No open flames in any of the residence hall areas, including open burning candles, decorative candles, and incense burning devices.
- No smoking in any campus building.
- Hallways, stairways, and common areas are to be kept clear of any storage materials, flammables, or other materials.
- Extension cords are prohibited.
- Halogen light fixtures are prohibited.
- All fire doors must be kept closed.
- Portable electrical appliances, including hotplates and other cooking appliances, are prohibited.
- Tampering with fire safety equipment (smoke detectors, fire extinguishers, sprinklers, exit signs…) is prohibited and may result in a college fine of up to $500, disciplinary action, and/or criminal prosecution.

Procedures Students and Employees Should Follow in the Event of a Fire

If you discover or suspect a fire, immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so**. Sound the building fire alarm by activating the nearest pull station and/or verbally sounding the alarm and knocking on doors as you evacuate the building by the nearest exit. Dial 911 immediately and then notify the Security and Safety Department by dialing 3200 from any campus phone or if using a cell phone (845) 569-3200, and inform authorities of your situation and location. DO NOT re-enter the building for any reason until given clearance by the Security and Safety Department or other emergency responders on the scene. If a member of the MSMC community finds evidence of a fire that has been extinguished, and the person is not sure whether the Security and Safety Department has already responded, the community member should immediately notify the Security and Safety Department to investigate and document the incident.

Student Housing Evacuation

When a fire alarm sounds, all persons inside a student residence hall must evacuate the building. Do NOT use elevators, and move to the nearest available exit. Assembly areas for evacuated persons in the College Courts are the area in front of the adjacent College Court building (or other area as specified). Dominican Center evacuees should proceed to the grassy area by the large tree in front of (east side of) the building across from the main entrance. 35 Elmwood evacuees should assemble in front of 45 Elmwood. Sakac Hall evacuees should assemble at the rear of Hudson Hall.

Fire Safety Education Programs

The following programs are conducted annually to ensure awareness by the college community of appropriate proactive and reactive fire safety practices:

- Fire safety information is provided to incoming students during fall and spring semester orientation programs as part of our campus safety program.
- At the beginning of the Fall Semester, the Residence Life staff receives a fire safety lecture in addition to a practical “smoke drill” exercise conducted by the City of Newburgh Fire Department and the New York State Office of Fire Prevention and Control.
- Members of the Security and Safety Department attend residence hall and other campus group meetings relative to fire safety programs.

• The Fall and Spring Security and Safety newsletter has a section devoted exclusively to fire safety information and education.

Future Improvements to Fire Safety Systems

All on-campus residence halls are fully compliant with the NFPA and New York State Fire Code and provide a very safe living environment for our resident students and their guests. We do, however, realize that student housing poses certain risks that cannot be eliminated. We will continue to educate our students about the dangers of fire and encourage activities and habits that promote fire safety. MSMC has plans for future improvements to fire safety equipment.
These plans are in place barring any unforeseen circumstances, such as budget restrictions.

Daily Fire Log

MSMC maintains a daily fire log, which is available to the public during normal business hours. The log is maintained at the GA 1 Security Office.

IMPORTANT TELEPHONE NUMBERS

Campus Security and Safety Office	(845) 569-3200
Office of the Vice President for Students	(845) 569-3190
Director of Security-Safety	(845) 569-3598
Director of Residence Life	(845) 569-3346
Executive Director of Health and Wellness	(845) 569-3153
Director of Student Activities	(845) 569-3112
Director of Athletics	(845) 569-3592
Director of Human Resources	(845) 569-3229
Title IX Director	(845) 569-3638
Title IX Deputy Coordinator	(845) 569-3112

Sakac Hall Security Station	(845) 926-9000
Fire Safety/ Code Compliance Coordinator	(845) 569-3388
City of Newburgh Police Department	(845) 561-3131
City of Newburgh Fire Department	(845) 562-1212
Montefiore St. Luke's Cornwall Hospital	(845) 561-4400
SAPA Rape Crisis Services	(800) 832-1200
Mental Health Association in Orange County	(800) 832-1200
Fearless!	(888) 503-4673
NYS Police Campus Sexual Assault Victims Unit	(844) 845-7269
Poison Control Center	(800) 222-1222

Orange County Emergency Services, call or text: 911

Mount Saint Mary College - 330 Powell Avenue - Newburgh, NY 12550 - (845) 561-0800