

# STUDENT HANDBOOK

2020-2021



FORWARD

MERCY  
COLLEGE

FOR THOSE WITH A PASSION TO GET AHEAD

## TABLE OF CONTENTS

### MERCY COLLEGE

A Message from the President .....	2
History .....	3
Objectives .....	3
Accreditations .....	4
Disclaimer .....	4
General Standards of Conduct .....	5
Notice of Non-Discrimination .....	5

### ACADEMIC SUPPORT AND OTHER COLLEGE SERVICES

Academic Advising .....	6
Division of Student Affairs .....	6
PACT Program .....	6
Student Life .....	7
Residential Life .....	7
Career and Professional Development .....	8
International Student Advising .....	10
Learning and Assessment Services .....	10
The Vitale Center for Academic Excellence and Innovation .....	10
Testing Office .....	11
Campus Safety and Security .....	11
Campus Safety Tips .....	11
Campus Safety and Fire Report and Campus Crime Statistics .....	12

### ACCESS SERVICES

Office of Accessibility .....	13
Health Office .....	13
Immunization Requirements MMR Requirements .....	14
Counseling Services .....	14
Mercy College C.A.R.E. Team .....	15
Intercollegiate Athletics .....	16
Recreation .....	17
Federal Work Study Program .....	17
Faculty Office Hours .....	17

### GENERAL CAMPUS INFORMATION

New Student Orientation .....	17
Student Identification Cards .....	18
Cancellation of On-Campus Classes .....	18
Automobiles .....	18
Follett Bookstores .....	19
Campus E-Mail and Intranet .....	19
Elevators .....	21
Fire Alarms .....	21
Smoking Policy .....	21
Visitors on Campus .....	21
Recording Devices in Classes .....	22
Materials Distribution and Postings .....	22

Soliciting or Commercial Activity .....	22
Mercy College Policies .....	22
Code of Student Conduct .....	23
Code of Conduct for Residential Life Students .....	25
Residential Area Guest Policy .....	27
Quiet Hours Policy .....	28
Inspections .....	28
Fire Safety .....	28
Sanctions for Code of Conduct Violations .....	29
Student Judicial Process .....	31

### APPENDIX

#### POLICIES

##### I. ACADEMIC

Academic Integrity Policy .....	34
Cheating and Plagiarism .....	34
Exception to Registration and Refund Policies .....	36
Academic Appeals Policy .....	37

##### II. NON-ACADEMIC POLICIES

Policy on the Acceptable Use of College Information Technology Resources .....	39
Amnesty Policy for Drug/Alcohol Use .....	40
Policy Statement Regarding Bias-Related Crimes .....	41
Notice of Non-Discrimination .....	47
Policy on Access to Student Records Under The Federal Family Educational Rights And Privacy Act of 1974, as Amended M("Ferpa") .....	47
Policy on Hazing and Reckless Endangerment .....	53
Policy on Illegal Drugs/Drug Paraphernalia and Alcohol .....	55
Policy Prohibiting the Marketing of Credit Cards to Students .....	59
Policy on Peer-To-Peer File Sharing .....	60
Policy on Emotional Support Animals .....	60
Policy and Procedures for Implementing Reasonable Accommodations for Students .....	63
Policy and Procedures for Handling Student Complaints .....	70
Student Complaint Form .....	75
Policy and Procedures Relating to Sexual Misconduct ..	77
Appendix A - Mercy College - Students' Bill of Rights ..	104
Appendix B - Mercy College Resource List - Emergencies .....	105
I. Policy on Student Demonstrations .....	109
J. Statement on Socializing Safely on the Internet .....	110
Mercy College Whistleblower Policy .....	111



## A MESSAGE FROM THE PRESIDENT

Dear Mercy College Student,

Welcome to the 2020-2021 academic year at Mercy College.

This Student Handbook is an excellent resource for quick access to academic support services, housing, dining and policies and procedures for the College Community, and is designed to help you navigate your way at Mercy College.

Your decision to pursue a degree of higher education demonstrates your dedication to personal success and achievement. As you work to meet these goals, the faculty and staff of Mercy College are here to support you in every way possible.

During your time here, you will have the opportunity to immerse yourself in activities and events outside of the classroom to enrich your life. From guest speakers to athletics to clubs and internships, I encourage you to take full advantage of all that Mercy has to offer.

Whether you are entering your first semester or finishing your degree this year, your success is our top priority. Your Mercy College education will help you meet all of life's challenges and opportunities. Please take a moment to familiarize yourself with the information in this helpful guide.

I wish you all the best for a successful academic year.

A handwritten signature in black ink that reads "Tim Hall". The signature is written in a cursive, flowing style.

Tim Hall  
President

Founded in 1950 by the Sisters of Mercy for members of their order, Mercy College opened to the public as a women's college in 1961. The College was accredited by the Middle States Commission on Higher Education in 1968. In the next half-decade, Mercy College boldly set a course for its future by declaring itself coeducational, non-sectarian and independent. In addition, it doubled the size of its existing physical footprint and initiated the first of many community outreach efforts that together changed the course of education in the New York area and influenced the lives of now more than 53,000 Mercy College alumni.

Mercy College's innovative spirit soared in the 1970s when the College established multiple branch campuses and extension centers throughout New York City and Westchester County. This broadened the College's reach to include new and more students, and it also positioned Mercy as a leader in higher education for those who were the first generation in their families to seek college degrees and for the adult student market.

Always looking to enhance academic and career opportunities for its students, Mercy College introduced graduate study programs with its first graduate degree program (in nursing) in 1981. Since then, Mercy has introduced 30 graduate programs across the five Schools, and in 2006, the College began offering its first doctoral program (in physical therapy). Over the years, Mercy College has become one of the New York metropolitan area's leaders in preparing health care professionals, as well as a leader in teacher education preparation for the New York City school system and surrounding communities.

The College expanded with online programs in the late 1980s, and was soon granted the authority to offer entire degree programs online. Thousands of Mercy College students take one or all of their courses online through the more than 40 undergraduate and graduate programs offered.

Ever responsive to student expectations and growing workforce needs, the College has, in recent years, added new academic programs in areas including Corporate and Homeland Security, Cybersecurity, Computer Arts and Design, Exercise Science, International Relations and Diplomacy, and Sport Management.

In 2009, the College launched its innovative Personalized Achievement Contract (PACT) program, which pairs students with a highly trained professional mentor to provide them with personalized mentoring throughout their college experience. The PACT program has earned national recognition and is a model for fostering success and engagement across higher education.

Throughout its history, Mercy College has remained dedicated to its mission - to make available the transformational power of a college education. The College's commitment to quality, student support and affordability - as well as innovation - remains as strong as ever. Today, Mercy is home to a diverse and vibrant student body. Students come from 34 states and 21 countries. The College has been named to the "most exciting schools" list (Cool Colleges Guide) and a Smart Choice Honors Program (Peterson's).

## **OBJECTIVES**

A core value of a Mercy College education is to provide students with opportunities to transform their lives through quality education. This value defines Mercy College and guides the growth and development of the institution. Many Mercy College students are the first in their families to earn a college degree. Others attend to complete a degree or to change and advance careers. Success for many Mercy College students requires adaptation to a new learning environment or living away from home for the first time. For others, it requires balancing academic responsibilities while working or having family responsibilities. Therefore, the opportunities Mercy College strives to provide require multiple locations, online access, varied program options, affordable tuition, and seamless support services. The College encourages the formation and ongoing programming of student groups which enrich campus life and enable students to form new bonds

or friendships, and gain leadership experience. By addressing these issues, Mercy College enables students to meet their obligations, complete a challenging academic program, and be prepared for career success.

Mercy College's undergraduate and graduate programs are relevant and rigorous. New programs are developed in response to strategic opportunities, student demand, and workforce needs.

The quality of academics at Mercy College is reflective of a highly credentialed faculty who have a passion for teaching, and who are committed to student success. Mercy College faculty members are experts in their fields and, while many engage in research or professional practice, their primary activity is teaching.

## ACCREDITATIONS

- Accreditation Council for Occupational Therapy Education (ACOTE) of the American Occupational Therapy Association, Inc. (AOTA)
- Accreditation Review Commission on Education for the Physician Assistant (ARC-PA)
- Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association (APTA)
- Commission on Accreditation (COA) of the Council on Social Work Education (CSWE)
- Commission on Collegiate Nursing Education (CCNE) of the American Association of Colleges of Nursing (AACN)
- Committee on Veterinary Technician Education and Activities (CVTEA) of the American Veterinary Medical Association (AVMA)
- Council for the Accreditation of Educator Preparation (CAEP)
- Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA, ASHA)
- Middle States Commission on Higher Education (MSCHE)
- National Association of School Psychologists (NASP)
- National Council for Accreditation of Teacher Education (NCATE)

## DISCLAIMER

The Student Handbook of Mercy College is prepared by the Division of Student Affairs in consultation with other College departments. It is a compilation of the services, policies, practices, and procedures that are available at the College. Please read it and become familiar with its content. Together with other major College publications, such as the Catalogs, it provides answers to many questions, informs students of their rights and responsibilities, and establishes the College's expectations of its student community.

The College reserves the right to modify, change, or eliminate any policy, practice or procedure described in this guide and to promulgate new policies and procedures as needed or in response to changes in applicable laws and regulations. Such changes may be of any nature, including but not limited to, the modification or elimination of policies, procedures, activities, services or programs. Students will be advised of changes as practicable. By the act of enrolling at Mercy College, including registering for courses, attending classes, payment of tuition or fees, or participating in College activities, students consent to comply with the policies, procedures, and practices described in this publication and the College's related rights. If you have any questions or need further clarification, please contact the Division of Student Affairs.

Mercy College is committed to ensuring equal treatment and opportunity in every aspect of its relations with its students, faculty, staff, applicants, and members of the larger community. This includes the admissions process, access to programs, privileges, activities and services, without regard to age, race, color, creed, religion, national origin, citizenship status, gender, sexual orientation, marital status, disability, or status as a

military veteran, or for any other category recognized by local, state or federal law.

The College has designated the Title IX Coordinator and Equity Compliance Specialist, or a designee, as the officials who can provide information on, or handle complaints regarding discrimination, including but not limited to Title IX (prohibiting discrimination on the basis of sex), Title VI (prohibiting discrimination on the basis of all protected classes other than sex, including race and religion), and Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (prohibiting discrimination on the basis of disability).

## **GENERAL STANDARDS OF CONDUCT**

Enforcement of the General Standards of Conduct for the Mercy College Community is part of the total educational process. It not only protects the academic community, but also assists the student in personal development. The function of the student conduct process is to promote student learning. Each student is obligated to become familiar with the College's rules, regulations and policies, and will be held accountable for conduct in conformity to them.

This Handbook cannot include an exhaustive list of every type of conduct that could violate Mercy College standards, and therefore students are expected to understand that similar, comparable, analogous or related conduct is also incorporated into and addressed by the College's policies. All of Mercy College's policies governing conduct apply to conduct on campus, at Mercy facilities and at Mercy-related events or activities, whether on- or off-campus, including in online communities and via electronic communication. Behavior that violates these general standards of conduct, which is brought to the attention of a College official, will be referred through the judicial and grievance processes outlined in this Handbook.

Further, while the College and its faculty and staff do not monitor online communities and electronic communication — and the College does not forbid faculty, staff or students from joining and participating in online communities as individuals who are not acting as agents of the College—any behavior that violates these general standards of conduct, which is brought to the attention of a College official, will be treated as any other violation and will be referred through the disciplinary and grievance processes outlined in this Handbook.

## **NOTICE OF NON-DISCRIMINATION**

Mercy College is committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal educational opportunity, employment, and access to services, programs, and activities, without regard to an individual's race, color, national origin, religion, creed, age, disability, sex, gender identity, gender expression, transgendered status, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Employees, students, applicants or other members of the College community (including but not limited to contractors, vendors or visitors) may not be subjected to harassment that is prohibited by law, or treated adversely based upon a protected characteristic, or retaliated against for making a complaint regarding such adverse treatment.

The College is also committed to providing reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, and employees who have pregnancy or childbirth-related medical conditions. Retaliation for reporting or opposing discrimination, cooperating with an investigation of a discrimination complaint, or requesting an accommodation is also prohibited.

The College's policy addressing discrimination and harassment is set forth more fully in the **Mercy College**

**Policy on Equal Opportunity and Nondiscrimination.** The College’s policy addressing sexual harassment, gender-based harassment and sexual violence is set forth more fully in the **Mercy College Policies and Procedures Relating to Sexual Misconduct**. The College’s policy addressing reasonable accommodations for students with disabilities is set forth more fully in the **Mercy College Policy and Procedures for Implementing Reasonable Accommodations for Students**.

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may be directed to Thomas McDonald, Esq., Title IX Coordinator and Equity Compliance Specialist, [tmcdonald7@mercy.edu](mailto:tmcdonald7@mercy.edu), 914-674-7679.

### **DIVISION OF STUDENT AFFAIRS**

Student Affairs at Mercy College promotes student learning and holistic development by providing intentional opportunities for engagement outside the classroom. Through these programs and services, Mercy College supports students’ academic development, inspires personal growth, and fosters interpersonal connections and collaboration to prepare students for success in our diverse community and beyond.

The Division of Student Affairs main office is located at the Dobbs Ferry Campus in Main Hall, Rm. 235 and is open from 9 a.m. to 7 p.m. Monday through Thursday and 9 a.m. to 5 p.m. on Friday, except during official break periods and College holidays.

### **ACADEMIC ADVISING**

To assist students with planning a program of study that meets their individual needs and interests, academic advising is available to all students at Mercy College through the College Opportunity Program, and the PACT program. Ultimately, students are responsible for determining schedules and meeting degree requirements as outlined in the College Catalogs, but since Mercy College believes that student counselors and mentors can assist students making well-informed choices, students are strongly encouraged to meet with their counselor or mentor prior to registering each semester. Students are also encouraged to review their degree audit through Mercy Connect each semester to ensure they are meeting the degree requirements and are on track for timely graduation.

### **PACT PROGRAM**

Mercy College believes in a student-first philosophy, which means individualized attention, uniquely tailored opportunities and innovative educational programs. The Mercy College Personalized Achievement Contract (PACT) exemplifies our commitment to both our Undergraduate and Graduate students and is dedicated to supporting them academically, personally and professionally. The PACT program maximizes personal success through a comprehensive collaboration between the student and Mercy College. PACT students are provided professional mentors who facilitate integrated support for academic, career and personal growth. Each mentor is trained in the areas of academic advising, student life, financial literacy and major to career exploration. Together, student and mentor create a customized plan designed to enhance the student's overall long-term success.

From the start, PACT mentors work with accepted students and their families to assist with the enrollment process, including financial aid, course registration and housing to foster a seamless transition to college. The mentor continues to build a close relationship with the student, serving as the student's point person for all aspects of campus life from enrollment to graduation. The customized plan and personalized guidance provided to PACT students assists in keeping them focused on academic progression, campus engagement and major to career exploration, preparing each PACT student to be the best candidate for graduate school or the career of his or her choice.

### Highlights of the Mercy College PACT Program include:

- An exceptional level of one-on-one engagement with Mercy PACT mentors who are cross-trained to guide students toward academic and personal achievements; and
- Structured guidance to and through college, preparing students to successfully navigate their entire college experience.

To learn more, call a PACT representative at 914-674-PACT (7228) or visit [www.mercy.edu/pact](http://www.mercy.edu/pact).

### STUDENT LIFE

The Office of Student Life serves as a catalyst for student growth, social connected and a sense of belonging. Programs are designed to enhance the educational process and provide a positive atmosphere on campus while meeting the varied needs of Mercy College students.

Mercy College student life staff implement late night & weekend programs, commuter activities, diversity programming, traditions and the various orientation programs. They also develop student leadership workshops and training sessions for students. Students interested in information about college extracurricular activities or interested in joining or forming a new club on campus should contact the Office of Student Life at [studentlife@mercy.edu](mailto:studentlife@mercy.edu) or 914-888-5270.

### RESIDENTIAL LIFE

Mercy College is home to three residence halls at both our Manhattan and Dobbs Ferry campuses. The newest addition to our community is at the Manhattan Campus, Dorm34. Dorm34 serves 133 students in suite style living area in the heart of NYC in Herald Square. On the Dobbs Ferry campus, Founders Hall serves over 300 students in a variety of room configurations including singles, doubles, triples and quads. Hudson Hall, is home to 350 students residing in 4 and 6 person suites. Hudson Hall also has a state-of-the-art fitness Center, a Starbucks Cafe, a community lounge, quiet study lounge and meeting rooms that are open to all members of the Mercy College community. With the addition of Dorm34, the residential life program at Mercy has a robust on-campus population that compliment a student's residential experience while attending Mercy College. The Residential Life Program is designed to provide students with living facilities and activities that enhance and extend their formal classroom education. The program is structured to promote students' social, cultural, personal, and intellectual development. Living in College housing offers a structured environment in which students can live independently and develop a greater sense of personal identity within a community setting.

For further information, please contact the Residential Life Office at 914-674-7277 or email us at [residentiallife@mercy.edu](mailto:residentiallife@mercy.edu).

### Resident Directors

The Resident Directors (RDs) are live in professional staff members who ensure the safety and wellbeing of the residence hall. Additionally, RDs supervise a staff of Resident Assistants (RAs) and play a big role in the development of a positive and nurturing community. RDs also serve as a wealth of information and support for the residents of their hall. Holding office hours, RDs are available to meet and assist with any issues or concerns that may arise during your time on campus. Your RD is an invaluable resource and is definitely worth getting to know – after all, they are here for you.

## **Resident Assistants**

Resident Assistants (RAs) are an integral part of the living-learning environment at Mercy College. The RA role can be summarized as a community shaper, learning and growth facilitator, peer support, and Residential Life representative. While the majority of the role of an RA is to foster community, host exciting programs, and challenge their students to be better versions of themselves, RAs are also trained in crisis management, peer mediation, and de-escalation techniques that can assist in resolving conflicts that may arise during the year. RAs are the front line of our Residential Life program and serve to engage and support the residential life experience.

## **Credit Hours and Academic Good Standing**

As a residential student, you must be registered full-time – 12+ credits for undergraduate programs or 6+ credits for graduate programs. Residential students who do not attend class, who register for less than full-time status or withdraw from all classes, or who do not maintain minimum Satisfactory Academic Progress (SAP), as defined by the Department of Education and set out in the Undergraduate and Graduate Catalogues, risk losing their eligibility to live on campus.

## **FEDERAL WORK STUDY PROGRAM**

Federal Work Study (FWS) is a form of financial aid awarded to students who demonstrate financial need and meet certain eligibility requirements. A Federal Work Study award in a student's financial aid package is determined through the Free Application for Federal Student Aid (FAFSA). If you are eligible, your FWS award will be listed on your Financial Aid Award letter.

Eligible students may apply for FWS positions through the internship and job board, Handshake, at <https://mercy.joinhandshake.com/>. See the section for Career and Professional Development for additional information.

## **CAREER AND PROFESSIONAL DEVELOPMENT**

Career and Professional Development at Mercy College provides students with career education that includes exploration, preparation, and experiences, so they are well prepared to launch or advance their careers.

Through state-of-the-art tools, online resources, career workshops and events, internship opportunities, job and internship fairs, individualized coaching, and more, we provide students with opportunities and resources to prepare for an exciting and ever-changing workplace.

*Career tools and resources available to Mercy College students include:*

- **Career Website:** <https://career.mercy.edu/>  
The Career and Professional Development website is your one stop shop for information about career events, tools, and resources available to the Mercy College community. Resources include career information and industry focused job search guides, articles, and resume samples.
- **Career Communities**  
Join a Career Community on our website at <https://career.mercy.edu/> to connect with a Career Coach and learn all about events, internships, resources and advice specific to your career areas of interest.

- **Workshops and Events**  
Participate in a number of career workshops during the academic year on essential professional development topics.
- **Resume and cover letter building**  
Refer to our industry-focused resume and cover letter guides and formats found on our website to develop your professional and competitive resume. Follow up with a Career Coach to ensure your resume and cover letter are polished and ready for applications to internships or jobs!
- **Job and Internship search**  
Develop a strategy to efficiently and effectively identify and pursue the career opportunities of your choice.
- **Interview skills**  
Conduct live mock interviews with a Career Coach, or practice at home or in our Interview Rooms with Big Interview, a virtual mock interview tool, to increase skill and confidence in communicating your unique value to employers
- **Virtual Career Fairs and Recruitment Events**  
Network with employers and find internships, full-time and part-time jobs at virtual career and internship fairs and recruitment events.

All career resources offered by the Mercy College Career team are free of charge to students and alumni. To schedule an appointment with a Career Coach, email [CPD@mercy.edu](mailto:CPD@mercy.edu) or call (914) 674-7203.

Make your career **EPIC!** *Explore. Prepare. Implement. Career Launch.*

### **Handshake**

Mercy College offers students a free, industry-leading internship and job board called Handshake, at <https://mercy.joinhandshake.com/>. Handshake is easy to use and displays internship and job postings by employers around the greater NYC area and across the country.

Students may set their profile to receive notice of customized opportunities from Handshake based on their major and career interests, preferences, and activities. With a profile set to 'public', students may also receive direct messages by employers.

**Note: Federal Work Study positions are posted in Handshake.**

Valuable career resources and functions are also available in Handshake, such as event schedules and highlights (hosted by Career Team and/or employers), document upload for review/approval, peer to peer messaging with other students within the Handshake network, and easy to use app. In addition, students may easily make appointment requests with their Career Coach, and RSVP to Career events.

All career resources offered by Mercy College Career and Professional Development are free of charge to students and alumni. Visit our website for additional information, at <https://career.mercy.edu/>.

### **Internships / Workplace Experience**

Employers today want to hire graduates with experience! There's no better way to gain expertise in your area of interest than to work in it while in college. Internships are wonderful opportunities to gain experience, build skills and increase your competitiveness.

Mercy College students who have successfully completed thirty (30) or more credits may be eligible to pursue

internships for academic credit. The Career and Professional Development team will work with you to identify opportunities that may allow you to earn up to six (6) elective credits. Academic internships, including Workplace Experience, provide students an opportunity to gain meaningful career experience while simultaneously pursuing your undergraduate studies.

The Career Team is here to help you with your career! [CPD@mercy.edu](mailto:CPD@mercy.edu), or (914) 674-7203

### **INTERNATIONAL STUDENT ADVISING**

International Student Services (ISS) is dedicated to serving the needs of F-1 students and serves as a resource for international students at Mercy College. ISS provides a wide array of services to new, continuing and visiting international students, as well as international graduates – and works closely with campus partners to ensure a smooth and successful transition to life in the United States. The office also develops year-round academic, cultural and social programming and serves as a global resource for the larger Mercy community.

International students who plan to attend Mercy College under F-1 student status should contact International Student Services upon their acceptance, in order to obtain the Form I-20. Students may contact the International Student Services Office at (914) 674-7284 or [international@mercy.edu](mailto:international@mercy.edu).

Mercy College's Study Abroad program offers students the opportunity to live and study in another country, while earning academic credit. Studying abroad allows students to experience firsthand another country's culture, traditions, customs, as well as a new educational system. Studying abroad also allows students to gain invaluable experience that they can bring back to the US and apply to future internships and jobs. Most companies list global skills as top priorities when hiring candidates.

The program offers a variety of opportunities to suit a student's course of study and interests, including exciting locations around the world. Programs are typically one to two semesters long. For more information, please contact [studyabroad@mercy.edu](mailto:studyabroad@mercy.edu).

### **LEARNING AND ASSESSMENT SERVICES**

Learning and Assessment Services is the umbrella for the Center for Academic Excellence & Innovation and the Testing Office. The overall purpose of these services is to provide Mercy College students with the academic support necessary to meet the challenges of higher education.

The Learning and Assessment Services are an outgrowth of Mercy College's mission to support the academic development of students with their full range of diversity in language, scholastic background, levels of communications skills, and general academic sophistication. The services of the Center for Academic Excellence are available to all undergraduate students who wants to improve or enhance their learning skills. The services of the Testing Office are available to all Mercy students. Students are encouraged to take full advantage of the available resources; faculty and staff are encouraged to discuss related issues with their classes.

### **THE VITALE CENTER FOR ACADEMIC EXCELLENCE AND INNOVATION**

The four campus Learning Centers are designed to support teaching and learning at the College. They offer assistance in English and writing across the curriculum as well as most content-specific areas including mathematics, statistics and the computer sciences; biology, chemistry and physics.

Many qualified peers, graduate students and faculty members are on staff to help students succeed. Group, supplemental instruction and individual tutoring are available, as well as workshops on a variety of study skills.

Hours of offerings vary at each location. Mercy College students have access to all Centers regardless of home campus. Students interested in taking advantage of this service should call 914-674-7402.

### **TESTING OFFICE**

The Testing Office coordinates all placement examinations for incoming new and transfer students. Examinations are administered by proctors and offered on all campuses. Placement examinations are used to determine the appropriate introductory level courses for incoming students in mathematics and English. This Office also administers the Introductory Computer Information Science (CISC 120) waiver exam and the College Level Examination Program (CLEP) exams. Students can contact the Office by calling 914-674-7358.

### **CAMPUS SAFETY AND SECURITY**

The Mercy College Department of Campus Safety publishes all campus crime statistics for the past three years as reported to the United States Department of Education in accordance with the Jeanne Clery Act. These statistics, as well as other relevant security related information, are contained in Mercy College's Annual Security Report which may be found on the Mercy College website under the "Safety & Security" tab at the bottom of the webpage. This information may also be requested, in a hardcopy format, from the Mercy College Department of Campus Safety. To receive a copy, please visit the Department of Campus Safety, MH 234.

Accessing the Campus Safety webpage will also provide students with access to specific campus Emergency Response Plans, Parking information and regulations, a Fire Safety presentation, Lost and Found information, Closing Notifications, and Active Shooter guidance, just to name a few of the resources available. It is recommended that students visit the webpage and familiarize themselves with its contents. Questions or comments may be directed to [safety@mercy.edu](mailto:safety@mercy.edu).

### **MERCY ALERT**

Mercy College's Emergency Mass Notification System is called MERCY ALERT. Students are automatically signed up to receive alerts via their Mercy Maverick e-mail accounts but are encouraged to add personal phone numbers to the system so that they can also be contacted via text and phone call in an emergency. In order to add additional information to the system please use the following instructions:

- Go to: <https://mercy.regroup.com>
- Log in using your current Mercy Connect username & password
- Update how you would like to be alerted by email, text and phone number
- Click "Save" and exit the application
- Email Campus Safety at [safety@mercy.edu](mailto:safety@mercy.edu) if you encounter any issues with the registration.

For more information about preparing for or responding to a campus emergency, download the "In Case of Crisis" Application available from the Apple or Google Play app stores. Select Mercy College from the dropdown list of available institutions.

### **CAMPUS SAFETY TIPS**

Students are expected to report safety hazards, crimes, loss of property, illness, or injury to the Department of Campus Safety. Proper reporting facilitates an appropriate response and helps to keep the community safe. In the case of an emergency, including injury or medical emergency, call the Department of Campus Safety immediately at 914-674-9999. In the case of a significant emergency, such as an ongoing violent assault or heart attack, please dial 911 first in order to initiate a municipal response as quickly as possible.

For general security assistance in a non-emergency situation call 914-674-7225.

Students are solely responsible for the security and safety of personal property brought to Mercy College facilities. Mercy assumes no responsibility or liability for any personal property that is damaged, lost or reported stolen. Students are responsible for exercising appropriate caution with their personal belongings.

Although not an exhaustive list, the Office of Campus Safety offers the following crime prevention tips. More extensive information, including information about common scams aimed at college students may be found on the Campus Safety webpage under the "Crime Prevention Tips" tab:

- Emergency blue-light phones are located outdoors throughout the Dobbs Ferry campus; emergency phones dial directly to the Office of Campus Safety.
- Notify the Office of Campus Safety of anything suspicious; the office will gladly respond and investigate.
- Walk in well-lit areas.
- Know where to obtain help when you need it.
- Place items left in your car out of view or in the trunk and keep the automobile locked.
- Keep all valuables under your direct control: do not leave them unattended.
- Maintain safety in numbers: walk with a friend or use the Mercy Campus shuttle, when possible.
- In the Residential Area, keep doors and windows locked; do not allow or encourage unauthorized visitors in your hall or room.
- Know the location of fire extinguishers and alarms.
- Mark your personal equipment using an identifier and keep a record of all serial numbers.
- Use a cable locking device to secure computers, television sets, VCRs, etc.
- Be cautious in displaying personal information, including your social security number and campus-wide identification number (CWID).
- Update emergency-contact information on the emergency notification system available through Mercy Connect.

### **CAMPUS SAFETY AND FIRE REPORT AND CAMPUS CRIME STATISTICS**

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and related amendments, as well as the New York State Education Law, Mercy College acquaints students and employees with these regulations by way of an Annual Security Report. The Annual Security Report includes statistics for the previous three years concerning reported crimes that occurred on campus and on public property within, or immediately adjacent to and accessible from the campus. These statistics are compiled from campus incident reports, reports from designated Campus Security Authorities and from our local police precinct. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, including crimes that involve dating violence, domestic violence, sexual assault and stalking, and emergency and evacuation procedures. This report is prepared by the College's Office of Campus Safety in cooperation with the local law enforcement agencies surrounding all Mercy College campuses. Campus crime, arrest and referral statistics include those reported to Campus Safety and local law enforcement agencies. The full text of this report can be found online at <https://www.mercy.edu/about-mercy/campus-safety/annual-security-report> In addition, an e-mail notification is made annually to all enrolled students and all employees that provides the website address by which the report can be accessed. Copies of the report may also be obtained at the main office of Campus Safety located in Main Hall, room 234 at the Dobbs Ferry campus or by calling (914) 674-9999. All prospective students and employees may obtain a copy as described above.

## OFFICE OF ACCESSIBILITY

Mercy College is committed to achieving equal educational opportunities and full participation for persons with disabilities. Students with disabilities who may need accommodations on campus, including in the classroom and/or residence halls, are encouraged to contact the Office of ACCESSibility to learn about the different reasonable accommodations available and the process for obtaining such accommodations.

Please visit the Office of ACCESSibility in Main Hall, Room 121 at the Dobbs Ferry Campus during our office hours, Monday- Friday 9AM- 5 PM. An ACCESS staff member is available to meet at the Bronx, Manhattan and Yorktown Heights campuses by appointments. Remote appointments are available as well.

You may contact the Office at 914-674-7764, [accessibility@mercy.edu](mailto:accessibility@mercy.edu), visit our website at [www.mercy.edu/student-affairs/access](http://www.mercy.edu/student-affairs/access), or login into Mercy Connect and scroll to Student Health and Wellness Portal tab.

See Policy on Student Disability Accommodations

## HEALTH OFFICE

A safe, confidential place where students can receive limited primary care services. The office is staffed by a Family Nurse Practitioner and Registered Nurses. There are no fees for the services in the Student Health Office. Appointments are necessary – no walk-in appointments will be allowed. Appointments can be made using one of these methods:

- By phone at 914-674-7255
- Online via your Student Health and Wellness Portal link in Mercy Connect
- [Mercy.studenthealthportal.com](http://Mercy.studenthealthportal.com)

Services offered include:

- Emergency Care
- Episodic Treatment – Evaluation, diagnosis and treatment of acute and chronic illnesses and injuries
- Health Counseling
- Immunizations – limited availability
- Physical exams – related to clinical placement or study abroad
- Diagnostic testing and lab work
- Over the counter medications
- Limited prescription services
- Referral Service to local specialists/hospitals
- Tuberculosis Screening
- Suture removal
- Visual Screening (for driver's license renewal)
- Reproductive Health/Sexually transmitted infection: screening, treatment and or referral

## HOURS OF OPERATION

DOBBS FERRY: Monday - Friday: 9 a.m. - 5 p.m. Main Hall Room 127 – 914-674-7255

BRONX: Wednesdays, 9 a.m. - 5 p.m. Room 2125 - 718-678-8487

**FOR MORE INFORMATION**, please contact Colleen Powers, FNP, Director of Health and Wellness, at 914-674-7707 or [cpowers5@mercy.edu](mailto:cpowers5@mercy.edu).

**Immunization Requirements MMR Requirements:**

New York State Public Health Law #2165 requires post-secondary students to show protection against Measles, Mumps and Rubella. Documentation must include month, day and year vaccine given and immunization must be given after January 1, 1968 and on or after first birthday.

Persons born prior to January 1, 1957 are exempt from this requirement.

**Meningitis requirements:**

As defined by Public Health Law Section #2167 requires post-secondary institutions to distribute information about meningococcal disease and vaccination to the students, or parents or guardians of students under the age of 18. The institution is required to maintain a record of the following for each student:

- Certificate of Immunization for meningococcal meningitis disease; **or**
- A response to receipt of meningococcal meningitis disease and vaccine information signed by the student or the student's parent or guardian; AND, EITHER
- Self-reported or parent recall of meningococcal meningitis immunization within the past 10 years; **or**
- An acknowledgement of meningococcal disease risks and refusal of meningococcal meningitis immunization signed by the student or student's parent or guardian.

A "student" means a person attending an institution and, in the case of a student attending college, "student" means a person who is registered to attend or who attends classes at an institution, who is enrolled for at least 6 semester hours or the equivalent per semester or at least 4 semester hours per quarter. There is no age differentiation regarding meningococcal disease.

For further information on the New York State Immunization requirements, please contact the Office of Student Services or <https://www.health.ny.gov/prevention/immunization>.

**COUNSELING SERVICES**

Mercy College Student Counseling Services offers psychological evaluation and brief treatment lasting one to eight sessions. Students in need of more intensive treatment will be referred to local hospitals and clinics for long-term psychotherapy and/or medication, if necessary.

Students may come to the Counseling Services with mental health issues including increased stress, depression and anxiety, as well as concerns about their academic progress, daily living, adjustment to college, or relationships. Counseling can be an opportunity to talk about issues that are of concern with an objective person who can help develop skills and view situations in ways that may enable students to be more effective in managing life's challenges.

The office hours vary, Monday through Friday during the regular school year. Appointments can be made by email and/or phone by contacting the Counseling Center Main Number (all campuses) at 914-888-5150 or [counselingcenter@mercy.edu](mailto:counselingcenter@mercy.edu).

Additional Mental Health or Counseling Services in the area at locations unaffiliated with the College include:

**Bronx and Queens**

- Jacobi Hospital Psych. Emergency 718-918-4850
- Madeleine Borg Community Services / Pelham Pkwy South 718-435-5700
- Montefiore Hospital Psychiatric Outpatient 718-920-4295
- Manhattan Multi Cultural Counseling Services 212-388-8191 or 646-420-6633

- Elmherst Mobile Crisis Unit 718-334-3443
- Our Lady of Mercy Psychiatric Outpatient 718-304-700
- Pelham Bay Family Counseling 718-409-1047
- Queens Mobile Crisis Teams 718-334-3443
- Riverdale Marriage/Family Counseling 718-432-1780
- Throgs Neck Family Counseling 718-792-4178

#### **Manhattan**

- Domestic Violence Hotline 800-621-4673
- Lifenet 800-543-3638
- NYSPI Depression Evaluation Service 212-543-5734
- United Way of New York City 212-251-2500

#### **Westchester**

- Echo Hills Community Counseling Center (Hastings) 914-478-0633
- Family Abuse Hotline 914-347-4558
- Family Services of Westchester 914-631-2022
- For a Psychologist in your area 1-800-964-2000
- Mental Health Association of Westchester Crisis Hotline 914-347-6400
- Mobile Crisis Team 914-493-7075
- No Mas Abuso 1-800-942-6908
- Phelps Counseling Services 914-366-3619 (ask for Rita Barbieri and mention Mercy College)
- Rape Crisis Hotline 914-345-9111
- Westchester Jewish Community Services 914-949-6761
- Westchester Medical Center 914-493-5190 (ask for Kathy and mention Mercy College)
- Westchester Self-help Clearinghouse 914-761-0600

#### **MERCY COLLEGE C.A.R.E. TEAM**

The purpose of the C.A.R.E. Team (Concern, Assessment, Response, Evaluation) is to serve as a collaborative group focused on prevention and early intervention for students experiencing serious distress or engaging in harmful or disruptive behaviors. Through an online reporting form available to the Mercy College community the CARE Team will be alerted to students of concern and will be able to review, assess, and make recommendations for how to best assist reported students. The Team aims to intervene and assist students in meeting their academic, personal, and professional goals at the College.

The Team does not serve as a crisis response unit, nor does it replace faculty classroom management, and/or the Safety and Security Office's response to an incident.

**If this is an emergency that involves an imminent risk of harm to self or others, please contact campus Safety and Security at 914-674-9999 or by dialing 911.**

To submit a report for review, please click here: [https://cm.maxient.com/reportingform.php?MercyCollege&layout\\_id=5](https://cm.maxient.com/reportingform.php?MercyCollege&layout_id=5).

To learn more, visit <https://www.mercy.edu/student-affairs/care-team> or send an email to [care@mercy.edu](mailto:care@mercy.edu).

## STUDENT EMERGENCY FUND

The Student Emergency Fund was established to help ensure that Mercy College students have access to the support and resources they need to successfully recover from an unexpected financial crisis. This resource is intended to temporarily assist both undergraduate and graduate students in a pressing time of need, acting to provide support around extreme hardships such as injuries, illnesses, need for temporary housing, death of a family member, or transportation costs. Students may apply for funds when all other possible resources including financial aid is exhausted. This funding is not intended to replace existing financial aid and does not have to be repaid. All requests are typically limited to a maximum of \$250.

The Fund may cover:

- Homelessness or sudden loss of housing
- Travel/Transportation needs
- Overdue utility bills/turn-off
- Theft and/or loss of computer, books, clothing or other essential belongings
- Medical emergencies
- Food
- Loss of childcare
- Other (include details with personal statement)

The College will conduct an individualized assessment of each student's situation in this award process. Recipients are determined by a Mercy College group comprised of the Vice President of Student Affairs, Vice President of Enrollment Services and 3 members of the CARE team.

To submit a request for the Student Emergency Fund, please click here:  
[https://cm.maxient.com/reportingform.php?MercyCollege&layout\\_id=6](https://cm.maxient.com/reportingform.php?MercyCollege&layout_id=6)

## INTERCOLLEGIATE ATHLETICS

Team Name: Mavericks

Team Colors: Blue and White

The College's athletics program serves as an integral component to student life at Mercy College. The College offers intercollegiate competition in men's basketball, baseball, lacrosse and soccer. Women's intercollegiate competition is offered in basketball, field hockey, lacrosse, soccer, softball, and volleyball. The College is a member of the **East Coast Conference (ECC)**, **associate member of the Northeast-10 Conference (NE10)** and a member of the **National Collegiate Athletic Association (NCAA), Division II**.

All full-time students in good academic standing are eligible to compete for varsity programs. Baseball, lacrosse, field hockey, and soccer are played at Mercy Field located at the Dobbs Ferry campus. Softball games are played on Smith Field in Dobbs Ferry. Volleyball and basketball are housed in the new state-of-the-art Victory Gymnasium at the Dobbs Ferry campus, which just opened in September of 2018.

The College provides opportunities for athletic participation and support for its athletic program consistent with the applicable rules and regulations as set forth by the NCAA. Freshmen who qualify under NCAA eligibility rules are immediately eligible for varsity participation, and transfer students are welcomed pursuant to NCAA regulations.

## **MAV RECREATION**

### **Club Sports**

Club Sport teams are fully inclusive and will have the opportunity to practice as a team and compete at a non-varsity level against other colleges, universities, and other similar organizations. All clubs will have some form of a coach or advisor, and there will be a commitment requirement for practices and competitions. Club sports are offered exclusively for those individuals enrolled as undergraduate or graduate students at Mercy College. The Club Sport program is also the proud home of the Mercy College Esports Team! The team plays competitively out of Mercy Manhattan as a member of the East Coast Conference in games such as League of Legends and Overwatch. For more information, or how to join please contact [mavrec@mercy.edu](mailto:mavrec@mercy.edu)

### **Intramural Sports**

Intramural Sports are recreational activities comprised of various single day tournaments and weekly leagues where participants can play and compete against other members of the Mercy College community. All recreational activities are gender inclusive and require no prerequisite skill. Most events are hosted on Dobbs Ferry's Campus, however, there are virtual options open to all campuses as well as looking into more availability for the Bronx and Manhattan campuses. We have previously hosted Flag Football, Kickball, Dodgeball, Volleyball, 3 on 3 Half Court Basketball, 5 on 5 Basketball and E-Sports. If you are looking for more information, please contact [mavrec@mercy.edu](mailto:mavrec@mercy.edu)

### **Fitness Center**

The 5,000 square-foot Mercy College Fitness Center is located on the first floor of Hudson Hall on the Dobbs Ferry Campus. The Fitness Center is equipped with top-of-the-line fitness equipment and offers access to all members of the Mercy College community. Since its completion in January 2016, the Fitness Center holds a wealth of options for recreational exercise. There is a variety of state-of-the-art cardio equipment including: Treadmills, Ellipticals, StairMasters, Skiers, and Stationary Bicycles connected with individual cable televisions and pre-uploaded workouts. Community members are also encouraged to use an assortment of *Life Fitness* plate stack loaded resistance training machines. Within the free-weight area of the Fitness Center there are also multiple pairs of dumbbells ranging from 5 to 100 pounds with adjustable and fixed benches as well as Hammer Strength and Rogue Squat Racks. Included in the facility are locker rooms with showers and bathroom amenities for all users.

## **FACULTY OFFICE HOURS**

Faculty office hours are available through each School or individual instructor. Students who wish to contact their faculty advisors can e-mail them or can make appointments by calling the faculty member's school office.

## **NEW STUDENT ORIENTATION**

Students entering Mercy College for the first time are invited to an orientation session held over the summer at their respective campuses. Separate orientation programs generally are planned for first-year, transfer, and international students. At New Student Orientation, students will meet the Orientation Leaders and PACT Mentors as well as staff and faculty members. New Students learn about services and opportunities that are vital elements for their transition into life at Mercy College.

## **STUDENT IDENTIFICATION CARDS**

Mercy College student identification cards must be carried at all times on all Mercy College premises, including the Residential Areas. Lending an I.D. card to anyone or failing to present it when requested by College faculty or staff members is a violation of regulations and subjects the holder to disciplinary action.

I.D. cards should be obtained by the first day of class of a student's first semester from the Division of Student Affairs. The loss of a Mercy College I.D. card should be reported immediately to the Division of Student Affairs; a replacement fee of \$10 is to be paid at the Office of Enrollment Services.

### **CANCELLATION OF ON-CAMPUS CLASSES**

In the event that Mercy College campuses are closed or delayed due to inclement weather or other emergency, information will be communicated across the following channels:

- Email message to the College Community (@mercy.edu or @mercymavericks.edu email accounts)
- Facebook & Twitter
- Homepage of [www.mercy.edu](http://www.mercy.edu)
- Mercy College Weather Hotline. Call (914) 674-7777 for a recorded message
- Homepage of Mercy Connect
- Local radio & TV stations

Students are encouraged to sign-up for emergency alerts through Mercy Connect.

In the case of a required absence by an instructor for illness or otherwise, the College will post a notice on the classroom door of each class cancelled by that instructor. On occasions when a faculty member is unavoidably delayed and no such notice is posted, students should wait at least one-half hour before leaving. In Dobbs Ferry, a representative of the class should then inform the Division of Student Affairs that the instructor has not appeared. On all other campuses, a representative of the class should inform the Office of Student Services of the instructor's absence. In addition, the representative should provide the office with a list of all students in attendance at the class.

### **AUTOMOBILES**

Students are expected to abide by the College Vehicle Use Policy and Parking Policy, available online. A campus-parking permit is required for all students who use Mercy College's parking facilities at the Dobbs Ferry or Bronx Campuses. Parking permits may be obtained by commuting students through the Office of Enrollment Services at the Bronx and Dobbs Ferry campuses. Eligible residential students may apply for a parking permit through the Office of Residential Life. Guests visiting Dobbs Ferry should obtain a temporary permit at the Dobbs Ferry gatehouse.

Residential students with permits are required to park their vehicles in the lot designated as the "R Lot" at all times. Students are not permitted to park their vehicles in the parking areas outside of the Residential Life buildings. No residential freshmen are permitted to have a car.

Mercy College does not issue special parking permits for handicapped individuals but will honor all official handicapped permits issued by state departments of motor vehicles and appropriately placed in the vehicle. Handicapped students must also acquire a regular Mercy College parking permit. Students with a temporary need for special parking (due to accident or injury) must secure a temporary handicapped permit from a local authorized agency and make appropriate arrangements with the Office of Campus Safety.

The College may from time to time impose changes to the Parking Policy depending on the needs of the campus. Please see the Department of Campus Safety for notices regarding changes.

## FOLLETT BOOKSTORES

Mercy College students can purchase textbooks, supplies, college apparel, alumni gifts, graduation regalia and snacks at the Campus Store. The Campus Store is located in Main Hall (next to the cafeteria) on the Dobbs Ferry campus and on the third floor of the Bronx campus. On the Dobbs Ferry campus, the Textbook Store is located on the lower level at G-1 Main Hall. In addition, students may purchase textbooks and course materials online at [www.efollett.com](http://www.efollett.com) or directly from the bookstore's website ([www.mercy-dobbs.bkstr.com](http://www.mercy-dobbs.bkstr.com)) for Dobbs Ferry, Manhattan, Yorktown and online students; ([www.mercy-bronx.bkstr.com](http://www.mercy-bronx.bkstr.com)) for Bronx students textbook rental and digital textbook options are also available to students through Rent-A-Text ([www.rentatext.com](http://www.rentatext.com)).

Textbook and course materials details and pricing information, for required and recommended items for each course, are available on the bookstore website.

## CAMPUS E-MAIL AND INTRANET

Mercy Connect is the College's online portal where students can register for classes, check e-mail, view grades, and find campus news and announcements. The student email domain is @mercy.edu, and email address is [username@mercy.edu](mailto:username@mercy.edu). One of the features of the portal is that it offers single-sign-on for a variety of resources, so you do not need a separate password to access your email. Students may also auto-forward their @mercy.edu email to their personal email account

## VIRTUAL ETIQUETTE

As the College transitions to a hybrid structure of academic facilitation and Mercy services, students should consider all virtual interactions as extensions of typical operations. Students should be aware that in a virtual setting, classes may be recorded to facilitate remote learning. Students are expected to follow the guidelines below when virtually engaging with Mercy faculty, staff, students, or community members:

1. Sign in with your full first name and last name as listed on the class roster.
2. Mute your microphone when you are not talking.
3. Wear appropriate attire when virtually attending a class or meeting.
4. Faculty may require students to sign in with video while attending virtual classes. If a student has questions or concerns regarding the use of video during class, you should discuss with your professor and contact your PACT mentor as well as the Office of ACCESSibility.
5. Do not use any obscene, discriminatory, or offensive content as a virtual background, profile picture, or in a virtual message.
6. Do not use inappropriate language that would constitute verbal abuse, or threat of violence, or physical harm against any person or property when communicating virtually.
7. Do not use vulgar, abusive, and/or threatening language towards another community member when communicating virtually.
8. Do not play loud music or engage in excessive noise and/or boisterous, disruptive behavior when virtually attending a class or meeting.

9. Do not record classes or meetings unless provided explicit instruction or permission from a faculty or staff member.
10. Do not use recording of class session for purposes other than those academically pertaining to the respective course.

### **ELEVATORS**

Handicapped accessible elevators are available. Check with the Division of Student Affairs for locations at the specific campuses.

### **FIRE ALARMS**

In case of fire, pull the nearest alarm. This will activate an audible and/or visual alarm within the building, which dials directly into the College's alarm central station monitoring facility. The fire department will be notified advising them of the fire location. When a fire alarm sounds, evacuate the building immediately. Walk – do not run, and do not use elevators. Close doors to classrooms and offices, leaving lights on, and exit from the nearest passable stairwell. Take your belongings with you. Do not try to fight the fire. Everyone who has exited the building should stay at least 100 feet away from building entrances, out of the roadways, until an "all clear" is announced by the fire department. Tampering with or misusing fire alarms, including sending a false alarm, is a criminal act, and a student may be subject to criminal prosecution as well as College discipline. Students who assist in this conduct or help conceal the identity of those who engage in this criminal conduct may also be subject to College discipline and criminal prosecution.

### **SMOKING POLICY**

In accordance with New York State and New York City law and to protect the health of faculty, staff, students and visitors, smoking and tobacco chewing are prohibited inside all College buildings. Smoking on campus is only permitted outdoors at least twenty-five (25) feet away from any building.

### **VISITORS ON CAMPUS**

Mercy College reserves the right to restrict visitors to the campus. All visitors to the campus and Mercy facilities must be prepared to provide identification when asked by College officials and must comply with College rules and regulations. Mercy College students and staff who have invited guests on campus generally will be held responsible for the conduct of their guests. Visitors under eighteen (18) must be accompanied by an adult at all times. Visitors may not attend any class without the prior approval of the course instructor.

### **RECORDING DEVICES IN CLASSES**

No cameras, tape recorders, or other recording devices are permitted to be used in the classroom without the express consent of the instructor, or the student receives approval from the Office of ACCESSibility. See section on ACCESSibility services

### **MATERIALS DISTRIBUTION AND POSTINGS**

Permission to place posters and/or flyers anywhere on campus must be obtained from the Division of Student Affairs. The circulation of handbills by individuals must have similar approval. Items must not be obscene, discriminatory, disruptive or offensive to the Mercy College community. In addition, all approved materials of any type must be posted on appropriate bulletin boards. Posting on doors, glass, cinder blocks, painted or marble surfaces is not permitted.

### **SOLICITING OR COMMERCIAL ACTIVITY**

No soliciting or commercial activity by outside organizations or individuals is allowed on campus or in Mercy

College facilities (including online or network facilities) without specific written authorization from the Vice President for Operations and Facilities, or his designee. No soliciting or commercial activity by students is permitted on campus or in Mercy College facilities (including online or network facilities) without the prior specific written authorization from the Office of the Dean of Student Affairs. Pursuant to the **College's Policy Prohibiting the Marketing of Credit Cards to Students**, the advertising, marketing, soliciting or merchandising of credit cards to students is specifically prohibited.

## **MERCY COLLEGE POLICIES**

Mercy College is committed to an environment where students can live and learn in a community where freedoms and choices are balanced with responsibilities to respect others. Integral to ensuring such a balanced environment are the various Mercy College policies, by which all community members are expected to abide. Those policies include student and residential life codes of conduct, academic policies and non-academic policies. Complete versions of all student policies can be found in the **Appendix** of this Handbook, as well as in the Undergraduate and Graduate Catalogs, and on the Mercy College website and/or Mercy Connect. Some of the College policies relating to students include the following:

### **I. ACADEMIC**

- **Academic Integrity Policy**
- **Exception to Registration and Refund Policies**
- **Grade Appeals Policy**

### **II. NON-ACADEMIC**

- **Acceptable Use of College Information Technology Resources**
- **Amnesty for Drug and Alcohol Use**
- **Statement on Bias-Related Crimes**
- **Equal Opportunity and Non-Discrimination**
- **Emotional Support Animals**
- **Access to Student Records Under the Family Educational Rights and Privacy Act (FERPA)**
- **Hazing and Reckless Endangerment**
- **Illegal Drugs and Alcohol**
- **Peer-to-Peer File Sharing**
- **Prohibiting the Marketing of Credit Cards to Students**
- **Regarding Service Animals**
- **Policy and Procedures for Implementing Reasonable Accommodations for Students**
- **Policy and Procedures for Handling Student Complaints**
- **Policy and Procedures Relating to Sexual Misconduct**
- **Statement on Socializing on the Internet Safely**
- **Policy on Student Demonstrations**
- **Mercy College Whistleblower Policy**

Part of any educational process is instilling an understanding of civic values and of the standards of conduct and behavior that individuals expect of each other. These policies reflect the values of the College and also incorporate a number of legal requirements. These policies address many of the difficult intersections between private conduct and societal rules, including alcohol and drug use and abuse, sexual assault and harassment, discrimination and hate crimes and public speech. In developing policies that deal with these areas, the College seeks to educate students as well as regulate activity. The responsibility for understanding and abiding by these policies, and any related laws, rests within each individual student. Students have the obligation to become familiar with the College's policies and should reflect thoughtfully on their conduct

in these areas.

## CODE OF STUDENT CONDUCT

**In addition to the other policies set out in this Handbook, the following conduct is prohibited:**

1. Any act of violence or physical harm, or any use of inappropriate language that would constitute verbal abuse, or threat of violence or physical harm against any person or property;
2. Threatening, harassing, discriminatory or stalking behavior through any medium, including but not limited to email, instant messaging, social-networking websites, the Internet, computers, telephone, or letters;
3. Any act of coercion or threatened act of coercion against any person;
4. Seizure, theft, injury, damage to or destruction of any real or personal property of the College, including a building or facility, or of any member of the Mercy College Community, guest or vendor;
5. Furnishing false or incomplete documents, testimony or information, omitting or altering information, or providing misleading or false information, testimony or documents to members of the faculty or any College official; including but not limited to forgery, alteration, or illegal use of College or College related documents or instruments of identification;
6. Refusal to comply with directions of College officials acting in the performance of their duties and/or refusing to provide valid identification when requested to do so by a College staff member;
7. Any disruption or threat of disruption to, or obstruction of or interference with any of the normal processes or activities of the College or any member of the College community or with access to or egress from all or a portion of the College's facilities;
8. Aiding, abetting or counseling another person to engage in any form of prohibited conduct or conspiring with another person(s) to engage in or to aid, abet or counsel engagement in any form of conduct prohibited by the College and committing any act in furtherance of prohibited conduct;
9. Any action that creates, or participates in the creation of, any situation which recklessly or intentionally endangers the mental or physical health of Mercy community members, which includes, but is not limited to, actions that involve the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization as set forth in the hazing prohibition above;
10. Having in his or her possession upon any premises at Mercy-related facilities, or events, whether on or off-camps, firearms, knives, weapons, explosives, dangerous chemicals, or devices generally used to cause harm or damage;
11. Tampering with or misusing fire-fighting equipment or alarms;
12. Engaging or threatening to engage in behavior which poses a danger or risk of harm to any person or that interferes or threatens to interfere with the rights of others at the College;
13. Failure to cooperate with College investigations and disciplinary processes or retaliation against

a member of the College community who cooperates with investigations or judicial processes;

14. Willfully filing a false complaint or grievance with knowledge that it is false, or providing false testimony, with knowledge that it is false in connection with any investigation, or pursuant to any College disciplinary or grievance process;
15. Use of vulgar, abusive and/ or threatening language towards another community member;
16. Written, verbal or electronic statements made about the College or a member of the College community that are of a libelous or slanderous nature;
17. Participation in any form of illegal gambling;
18. Not wearing proper attire, including, footwear inside any Mercy College buildings or wherever food is being served on the College campus;
19. The circulation of flyers by students without prior approval or in prohibited areas;
20. The communication of obscene, discriminatory or offensive content to the College community;
21. Conducting commercial activity in Mercy College facilities (including online or network facilities) or at Mercy-related events or activities, whether on or off-campus, without the prior specific written authorization from the Office of the Dean of Student Affairs;
22. Operating a motor vehicle or other mode of transportation in an unsafe and disruptive manner
23. Bringing bicycles, segues, skateboards, scooters or hoverboards inside campus facilities;
23. Loud music, excessive noise and/or boisterous, disruptive behavior;
24. Bringing pets or other animals onto any campus, unless they are service animals, or otherwise approved as an accommodation through the Office of ACCESSibility services, or other animal that is being used in connection with a class or demonstration with the approval of the instructor, and leaving pets in an automobile parked on campus; and
26. Violating any local, state or federal law.

In addition, Mercy College reserves the right to impose discipline upon students for conduct committed while enrolled and occurring **off-campus** that:

1. has a relationship to the College;
2. constitutes a violation of law (whether or not the charged conduct is related to the College);
3. affects a member of the Mercy College community's ability to fulfill his or her responsibilities at Mercy; and/or
4. poses a risk of harm to a member of the Mercy College community.

## CODE OF CONDUCT FOR RESIDENTIAL LIFE STUDENTS

In addition to the Student Code of Conduct and other policies described elsewhere in this Handbook, resident students are expected to follow the standards of conduct set out below. The Assistant Dean of Student Affairs has authority to administer sanctions for violations of the rules and regulations by residential students in accordance with the disciplinary procedures set out in this Handbook.

1. Adhere to all the policies described in this Handbook, including but not limited to: policy on illegal drugs and alcohol, the guest policy and the quiet hours policy.
2. Resident students are expected to attend Residential Life meetings called by the Resident Assistants or Resident Director.
3. No profanity or offensive messages may be posted, displayed, spoken or broadcast in any public areas.
4. Smoking and/or the use of any type of Vape pen or similar device is prohibited in all Residential Areas, including in front of the building and out of building windows. Smoking is only permitted outdoors at least twenty-five (25) feet away from any College building
5. All College-supplied furniture and furnishings—including but not limited to bedframes, window screens, mattresses, desks, chairs, lamps—must be maintained and returned to their original condition, subject to reasonable wear and tear.
6. The following behaviors are also prohibited:
  - a. Throwing or suspending anything from the windows or roof of residential buildings, including but not limited to, posters, banners or lighted cigarettes, cigars or matches.
  - b. Entering restricted areas, including but not limited to the rooftop, offices, and/or storage and maintenance rooms.
  - c. Climbing out of or in through a window.
  - d. Removal of any College furniture or property from its designated area.
  - e. Misuse, misappropriation, abuse, theft, or damage to any individual's College property.
  - f. Unauthorized room changes.
  - g. Unauthorized possession, duplication, or use of keys.
  - h. Changing or adding locks to doors, windows or furniture.
  - i. Removal of any window stops from windows.
  - j. Painting or construction work of any kind in rooms, or damaging walls or woodwork with tape, nails screws, stickers, poster "gum" or glue.
  - k. Burning of any materials including, but not limited to; candles, incense, or matches.

7. In order to maintain safety and security, the following items are prohibited from the Residential Areas:
  - a. cooking appliances of any kind (including, but not limited to, toasters, toaster ovens, hotplates, coffee pots, electric skillets, popcorn poppers and microwave ovens);
  - b. halogen bulbs or halogen lamps;
  - c. refrigerators larger than 4.0 cubic feet;
  - d. electric blankets or electric heaters;
  - e. air conditioners, unless previously approved by Residential Life;
  - f. incense, incense burners or candles;
  - g. archery equipment, air pistols, BB guns, firearms, or any other weapons or items that have the appearance of weapons
  
8. In order to maintain safety and security, the following is required:
  - a. Do not prop open fire doors or any door which is a locked entrance.
  - b. Do not exit through emergency doors unless there is an actual emergency.
  - c. Lock room doors and windows before leaving.
  - d. Do not remove or tamper with the window guard on any accessible window.
  - e. Do not loan your room key to anyone.
  - f. Report lost or misplaced keys immediately.
  - g. Report strangers or suspicious behavior in the building.
  - h. Do not leave backpacks, purses or other items unattended in common areas.
  - i. Do not keep large sums of money, jewelry or valuable items unattended in your room.
  - j. Do not block the entrance to a room with furniture, stack college furniture, or use cinder blocks.
  - k. Do not use faulty electrical equipment or Plug multiple extension cords together.
  - l. Do not touch or lean on the sprinkler system or use pipes to hang plants, clothes or any other objects.
  - m. Do not tamper with or misuse fire safety equipment such as smoke detectors, sprinklers, fire extinguishers, fire alarm pull boxes, fire alarms, or emergency exit routing signs.
  - n. Do not stay in the building during a fire drill, which is also a violation of New York State law.

### **RESIDENTIAL AREA GUEST POLICY**

In an effort to ensure and maintain the safety and well-being of our community, the following Guest Policy will be temporarily suspended for the duration of the 2020-2021 Academic Year. Please review the COVID-19 Code of Student Conduct for Residential Life Students for additional information.

The purpose of the guest policy is to allow residents to host guests in a responsible manner. Any person

who is not authorized by the College to live in a particular Residential Area, which includes the Mercy College Residence Halls and the off-campus property contracted by the College to house students, is considered a guest, even if the person is a Mercy College student. All guests must be registered at all times and must comply with all Residential Life rules and regulations. Resident hosts are fully responsible for the actions of their guests and are accountable for any inappropriate behavior a guest may exhibit while in any Residential Area or on campus. The Residence Life staff may have a guest removed from the Residential Area immediately for failing to meet this expectation.

***Residents must abide the following visitation procedures:***

- a. Visitation hours begin at 8:00 AM and end at 1:00AM. All guests must be signed in at the front desk of the residence hall upon entering and must be met by the resident whom they are visiting. A guest is anyone who is *not* a residential student.
- b. A resident may sign in no more than one (1) overnight guest at a time. An overnight visit is defined as a stay which includes any of the hours between 1:00 a.m. and 8:00 a.m. on a Friday or Saturday night. Overnight guests are only permitted on Friday and Saturday nights and with prior approval from the resident's roommate, if any, and the Resident Director.
- c. Each guest must be escorted into the building by a resident host.
- d. Every guest must register at the front desk by submitting valid photo identification, such as a driver's license, State identification card, College ID with photo and expiration date, or passport. Expired photo identification will not be permitted. The identification cards of both the guest and resident host will be held at the front desk until the guest departs. The resident host must escort a guest to the desk to retrieve their identification cards upon departure.
- e. The resident host must stay in the building the entire time a guest is signed in.
- f. Guests are not allowed to roam the building unaccompanied by their resident host.
- g. Guests must depart before the end of guest hours.
- h. Non-Residential guests are not permitted in the Residential Areas during final exam periods.
- i. Guests under the age of eighteen (18) are not permitted without the prior written approval of the Office of the Dean of Student Affairs.

## **QUIET HOURS POLICY**

Excessive and unreasonable noise is disruptive to the community and its members and all residents should be mindful of their surroundings. Official quiet hours are in effect every day from 1:00 a.m. to 8:00 a.m. To ensure a comfortable and non-disruptive environment, Residential Life employs a 24/7 Courtesy Quiet method that encourages residents and guests to self-monitor their noise. Additionally, it is important to know that the residence halls are situated in close proximity to residential neighborhoods that can often be disturbed by excessive and unreasonable noise and should be avoided when possible.

## **INSPECTIONS**

In order to ensure the safety and wellbeing of the community, all student rooms in the Residential Area are subject to inspections at any given time with or without notice. Residential Life conducts a minimum of two (2) room inspections per term and will announce said inspections at least one week prior to the

inspections taking place. College officials, including Residential Life professional staff members or Office of Campus Safety staff members, may enter any rooms at any time if there is reason to believe that entry is warranted in order to protect or ensure the safety and wellbeing of any residents or guest.

## **FIRE SAFETY**

### **Fire Safety Equipment**

Fire safety equipment such as smoke detectors, sprinklers, fire extinguishers, fire alarm pull boxes, and emergency exit routing signs have been installed in the Residence Hall. In the interest of safety, it is strictly against the rules to touch the sprinkler system; to use the pipes to hang plants, clothes, or any other objects; or to lean against or hang from the pipes, as the pipe system contains water under pressure.

Tampering with or misusing fire-fighting equipment or fire alarms on campus or in campus facilities is a violation of the student code of conduct and will subject students to discipline and sanctions up to and including expulsion from the College. Such conduct may also subject a residential life student to dismissal from the Residence Hall. In the event that a student's actions damage a water pipe or release water, the student will be held responsible for the repair of the system and any consequent damage.

### **Fire Drills**

College policy and New York State law require the College to conduct a number of fire drills in the Residence Hall each semester. It is a violation of both State law and College policy to remain in the building during a fire drill. Any time the alarm sounds, students and any guests must leave the building immediately, closing any doors behind them, and following the specified evacuation route.

Failure to vacate the building when the fire alarm sounds is a violation of the residential life rules that may subject students to disciplinary action.

### **Fires and Building Evacuation**

Resident Assistants will instruct students on proper evacuation procedures at the beginning of the term. Students are encouraged to ask questions at any time if any procedure seems unclear. When evacuating the building, whether during a fire drill or otherwise, residents are reminded to use the stairways only. Do not use the elevators. Students should evacuate the building through the nearest exit. If flame or smoke is blocking the nearest exit, residents should be aware of the next available exit.

Exit the building completely; do not remain in the lobby. Move across the entrance path and wait on the lawn until the Fire Department has inspected the building and approves reentry to the building. Residents 28 should be aware that the Dobbs Ferry Fire Department responds to all fire alarms and therefore fire lanes and the front of the entrance should remain clear at all times to provide the Fire Department with easy access to the building. The fire alarm sounds at the Dobbs Ferry Fire Department at the same time as the building alarm. Therefore, if everyone leaves the building immediately, the occupants should be out of the building before the Fire Department arrives at the scene.

In order to mitigate the risk of fire, students are prohibited from having the following items in their rooms: electric blankets, space heaters, sun and heat lamps, coffee pot, heating coils, halogen bulbs, halogen lamps, candles, incense, or incense paraphernalia, potpourri burners, charcoal grills, or any other open-flame devices. Prohibited items will be confiscated and students caught with such items will be subject to disciplinary action. Starting a fire is a violation of College policy and State law and will subject a student to disciplinary action. The College will cooperate with local law enforcement authorities with respect to the

investigation and prosecution of any such crime.

Violations of the Fire Safety policy include, but are not limited to, the following behaviors by students:

**Activation of Fire Alarm – due to smoking in room or use of prohibited item:**

**First Offense** - \$100.00 fine and completion of a fire education safety paper

**Second Offense** - \$200.00 fine and Residence Probation

**Third Offense** - \$300.00 fine and removal from housing

**Tampering Fire Safety Equipment or Alarms includes covering smoke detectors:**

**First Offense** - \$100.00 fine and completion of fire education safety paper

**Second Offense** - \$200.00 fine and Residence Probation

**Third Offense** - \$300.00 fine and removal from housing

**Fire Alarms – Failure and/or Refusal to Immediately Evacuate from Buildings:**

**First Offense** - \$100.00 fine completion of fire education safety paper

**Second Offense** - \$200 fine and Residence Probation

**Third Offense** - \$300.00 fine and removal from housing

**Activation of Fire Alarm – due to intentional misuse:**

**First Offense** - \$300.00 fine and Residence Probation

**Second Offense** - \$500.00 fine and removal from housing

**SANCTIONS FOR CODE OF CONDUCT VIOLATIONS**

The College may impose the sanctions listed below individually or in combination based on the conduct involved upon any student found through the Judicial Process to have violated a College rule. In imposing a sanction, the College may take into account the disciplinary record of the student and related factors that aggravate or mitigate the circumstances.

1. Warning – Verbal or written notification to the student that continuation or repetition of conduct found wrongful may be cause for more severe disciplinary action.
2. Censure – Written reprimand for violation of specified regulations, including the possibility of more severe disciplinary sanction in the event of conviction for violation of any College regulation within a period of time stated in the letter of reprimand.
3. Fines – A sum of money to be paid by the defendant to the College or another specified person or body. Failure to pay fines may result in the denial of a final grade report, denial of registration for the subsequent semester (summer session included), and denial of diploma or transcript. See the Illegal Drug and Alcohol Policy regarding fines for violations under that Policy.
4. Restitution – Reimbursement for damage to or for misappropriation of property. This may take the form of appropriate services and/or actual compensation.
5. Disciplinary Probation – Written statement of restrictions on a student’s participation in College activities which may remain in effect for the period of time specified by the College. In addition to the provision that the probationer shall be guilty of no further violation of the spirit or letter of the rules, regulations, or conduct expectations of the College, the category of disciplinary probation may

include one, several, or all of the following provisions:

- a. Ineligibility for election to any honor society during the period of probation, ineligibility to hold office therein, and resignation from such society or societies.
  - b. Ineligibility for nomination or election to student office — including office in any student organization during the period of probation; ineligibility to hold such office, and, if already holding such office, resignation.
  - c. Ineligibility to participate in student activities.
  - d. Required participation in a community work project or other activities to satisfy such other stipulations as may be imposed, such as appropriate training (online or otherwise).
6. Suspension – Exclusion from class and revocation of other privileges or activities as set forth in the notice of suspension for a specified period of time. Students who are suspended are responsible for all institutional charges incurred and must reapply to return to the College.
  7. Suspension from the Residential Area – Requires that a residential student temporarily be removed from the Residential Area for an assigned period; temporary housing must be secured without the assistance of any College department.
  8. Suspension of Privileges – Specific privileges, such as guest privileges for residential students or network privileges for violations of the IT Acceptable Use policy, are revoked for an assigned period of time.
  9. De-recognition of a student club or organization - the conditions of re-establishment, if determinable, shall be stated in the order of de-recognition.
  10. Separation from the Residential Area – Requires that a residential student and all belongings be permanently removed from the Residential Area; new housing accommodations must be secured without the assistance of any College department. In certain cases, the Assistant Dean of Student Affairs may ban the student from reentering any Residential Area at any time.
  11. Expulsion – Termination of student from student status for an indefinite period. The conditions of readmission, if then determinable, shall be stated in the order of expulsion. Students who are expelled are responsible for all institutional charges incurred.
  12. Other – Other sanctions as may be imposed by the College instead of or in addition to those specified above to achieve an appropriate result, including but not limited to, requirements for counseling, psychological or medical evaluation, participation in a program to educate a student about certain types of conduct, or community service.

## **STUDENT JUDICIAL PROCESS**

*The College has developed procedures that it follows to investigate potential violations of its policies by students, to adjudicate any such violations, and to impose sanctions for those violations found to have occurred. These procedures also set forth how students can appeal decisions of the College on disciplinary matters. The College reserves the right to adapt its procedures based on the circumstances of an individual case. In addition, the College may use the Judicial Process to investigate and sanction alleged conduct of any nature, including but not limited to conduct that is similar, comparable or analogous to conduct that is*

*specifically prohibited by the College's rules.*

*The Judicial Process set forth below addresses violations of the College's non-academic policies, including but not limited to the Code of Student Conduct, and Code of Residential Student Conduct. The grievance procedure that applies to academic matters is set forth separately in this Handbook. When a violation raises both academic and non-academic issues, the determination about which College procedure shall apply will be made by the College, upon notice to the student, but in the College's sole discretion.*

*Student, faculty or staff members of the College who believe that they have been subjected to, or have knowledge of, any acts by a student that are in violation of College policies are encouraged to inform the Office of Community Standards and Student Conduct. The College may conduct an investigation to determine whether the charges have merit and/or to determine whether they can be resolved on an informal basis.*

*For cases involving allegations of sexual assault, sexual harassment, stalking, or gender-based harassment, the College's Policy on Sexual Misconduct shall apply with regard to investigations and discipline of alleged students. In such case, a complaint can be made to the Title IX Coordinator or the Assistant Dean of Student Affairs. The Title IX Coordinator or the Dean of Student Affairs will determine whether the complaint is handled under the Policy on Sexual Misconduct, the Code of Conduct, or a different college policy, and provide direction to the complainant as to which policy will be used and who at the college will be overseeing the complaint. The College may pursue a violation under the College's Code of Student Conduct even where civil or criminal proceedings are underway. Regardless of whether another action is pending, or if a student fails to cooperate with or participate in the Judicial Process, the College may proceed with the Judicial Process, reach a determination as to whether a violation occurred, and impose sanctions.*

**The steps in the Judicial Process are as follows:**

- I. The incident involving alleged violation occurs and is reported either via submission of an incident report or by communication with the Office of Community Standards and Student Conduct. The incident information is then reviewed by the Office of Community Standards and Student Conduct.
- II. For Low Level Violations Resulting in Sanctions Such as warnings and/or Minor Fines.**

For cases in which a student is alleged to have violated College rules and whose conduct may subject the student to suspension, expulsion, removal from housing or a substantial limitation of student privileges, the following process shall apply:

  - a. The Office of Community Standards and Student Conduct shall send the alleged student a letter via email and mail informing the student of the allegations and the sanctions to be imposed. If the student agrees to the sanction, then the matter will be closed. If the student wishes to appeal the matter, see section V and VI below.
- III. For All Other Violations**
  - a. The Office of Community Standards and Student Conduct shall send the alleged student via email and mail informing the student of a scheduled investigation meeting to obtain additional information. The Office of Community Standards and Student Conduct staff member or their

designee (“Fact Finder”) shall meet with the alleged student, who may submit documents or other information in support of their explanation. An adviser or supporter who is not an attorney may accompany the student and act in an advisory capacity. The student may also provide names of relevant witnesses. The Fact Finder will thereafter conduct an investigation, which may include gathering additional information, conduct other interviews, and consider any other relevant information. The rules of evidence that are applicable in civil or criminal cases are not applicable to this process and the standard of proof shall be preponderance of the evidence (that is, whether there is a good faith belief that it is more likely than not that the conduct occurred).

- b. The Fact Finder shall, at the conclusion of the investigation, inform the alleged student and the complainant (if applicable) of the determination in writing via email and mail. Such notice shall contain a brief statement of the factual findings and the sanction to be imposed. The investigation and issuance of findings should not exceed thirty (30) days except where a reasonable delay is justified by the College for various reasons, including delay in gathering the facts. Notice of any delay shall be provided to the alleged and complaint (if applicable).

#### **IV. Interim Suspension or Other Measures**

- a. The College may, in its discretion, suspend a student or take other interim measures pending the outcome of the Judicial Process or external legal proceedings or as the College otherwise deems appropriate under the circumstances. If the College institutes an interim suspension or other interim measures, the College must inform the alleged student in writing via email and mail. The student can appeal the interim suspension or measure to the Office of Community Standards and Student Conduct, whose decision shall be final.

#### **V. Appeals**

- a. If the student wishes to appeal the imposed sanction, either because they dispute the facts or believes that the sanction is not appropriate, the student can submit a Disciplinary Appeals Form via [https://cm.maxient.com/reportingform.php?MercyCollege&layout\\_id=20](https://cm.maxient.com/reportingform.php?MercyCollege&layout_id=20). Students have seven (7) days from the date of their sanction letter to submit this form. The Office of Community Standards and Student Conduct will act as a conduit during the appeals process.
- b. The Office of Community Standards and Student Conduct’s designee shall meet with the student within a reasonable time of the request and permit the student to present their side of the story and provide any relevant documentation or evidence to dispute the allegations or affect the penalty. The Office of Community Standards and Student Conduct’s designee will then make a determination within ten (10) days of the meeting either to uphold the determination, or to amend the findings and/or sanction. The designee’s decision in these cases shall be final.

#### **VI. Appeals for Cases Which a Student May be Subject to Suspension, Expulsion, Removal from Housing, or a Substantial Limitation of Student Privileges**

- a. When a student is found to have violated a College policy or rule and the sanction that is imposed is suspension, expulsion, removal from housing or a substantial limitation of student privileges, the student may appeal the determination and/or sanction. A Disciplinary Appeals Form appeal should be submitted via [https://cm.maxient.com/reportingform.php?MercyCollege&layout\\_id=20](https://cm.maxient.com/reportingform.php?MercyCollege&layout_id=20) within seven (7) days of the appellant’s receipt of the Office of Community Standards and Student

Conduct's determination. The appeal must state the basis for the appeal, including whether the student believes that appropriate procedures were not followed or that the sanction is excessive. If the student believes that new information that was not previously available should be considered, the evidence should be detailed in writing in the request for an appeal.

- b. The appeal panel will consist of three (3) faculty and/or staff members (at least one of which must be a faculty member), chosen on an annual basis by the Vice President or Assistant Dean of Student Affairs and the Provost, one of which shall be named the chairperson upon mutual decision of Vice President or Assistant Dean of Student Affairs and Provost. In the event of a vacancy, a replacement for the balance of the academic year will be appointed by the Provost and Vice President or Assistant Dean of Student Affairs upon mutual approval.
- c. The appeal ordinarily will be determined based on the Disciplinary Appeals Form submitted by the student, any new evidence included in that submission, and the record before the Fact Finder; however, the appeal panel may seek additional information or clarification from any source as it deems appropriate. The appeal panel may consider whether the procedures followed by the Fact Finder were appropriate and fair, whether there is any credible evidence of bias on the part of the Fact Finder, whether there was sufficient evidence to support the finding reached by the Fact Finder, and whether the sanction is plainly excessive. The appeal panel may not substitute its judgment regarding the credibility of witnesses who testified before the Fact Finder.
- d. The appeal panel can decide to sustain, modify or reverse the previous determination and/or the sanction in whole or in part. The appeal panel can also refer the matter back to the Fact Finder for further consideration. There is no right to appeal a decision of the appeal panel.

#### ***VII. Misuse of Disciplinary Process or Grievance Process***

- a. A student who files a false and malicious complaint or grievance with knowledge that it is false and malicious intent or a student who provides false testimony, with knowledge that it is false may be subject to discipline for abuse of the College's process and violation of College standards of conduct.

## APPENDIX Policies

### I. ACADEMIC

#### ACADEMIC INTEGRITY POLICY

Academic integrity is the pursuit of scholarly activity in an honest, truthful and responsible manner. Students are required to be honest and ethical in carrying out all aspects of their academic work and responsibilities.

Dishonest acts in a student's academic pursuits will not be tolerated. Academic dishonesty undermines the College's educational mission as well as the student's personal and intellectual growth. In cases where academic dishonesty is uncovered, the College imposes sanctions that range from failure of an assignment to suspension and expulsion from the College, depending on the severity and reoccurrence of the case(s).

Examples of academic dishonesty include, but are not limited to, cheating, plagiarism, obtaining unfair advantage, and falsification of records and official documents.

**Cheating** is the unauthorized use or attempted use of material, information, notes, study aids, devices, or communication during an academic exercise. Examples of cheating include, but are not limited to:

- Copying from another student during an examination or allowing another to copy your work
- Providing assistance to acts of academic misconduct
- Unauthorized collaboration on a take-home assignment or examination
- Using notes during a closed book examination
- Submitting another's work as your own
- Unauthorized use during an examination of any electronic device, such as cell phones, computers, or internet access to retrieve or send information
- Allowing others to research or write assigned papers for you or to complete your assigned projects

**Plagiarism** is the act of presenting another person's idea, research or writings as your own. **Self-Plagiarism** is the act of turning in one's own work (papers, exams, cases, etc.) in its original form or with only minor modifications in more than one course for academic credits. Self-plagiarism is a violation of this policy. Examples of plagiarism include, but are not limited to:

- Copying another person's actual words or images without the use of quotation marks and citations attributing the words to their source
- Presenting another person's ideas or theories in your own words without acknowledging the source
- Engaging in plagiarism, via the Internet or other web-based or electronic sources, which includes (but is not limited to) purchasing or downloading term papers or other assignments and then submitting that work as one's own, or copying or extracting information and then pasting that information into an assignment without citing the source, or without providing proper attribution

**Obtaining unfair advantage** is any action taken by a student that gives that student an unfair advantage, or through which the students attempt to gain an unfair advantage in his/her academic work over another student. Examples of obtaining an unfair advantage include, but are not limited to:

- Gaining advance access to examination materials by stealing or reproducing those materials

- Retaining, purchasing, sharing, or posting examinations, or the student's written work, like cases, papers, etc. without explicit faculty permission
- Intentionally obstructing or interfering with another student's work

**Falsification of Records and Official Documents** include, but are not limited to, acts of forging authorized signatures, or falsifying information on an official academic record.

### **Consequences for Policy Violation**

A student who is found to be dishonest in submission of his or her academic assignments or other work, or in carrying out his or her academic responsibilities may, at minimum, receive a zero for the submitted assignment, may receive a failing grade for the course, or may be subject to further suspension or expulsion from the College depending on the severity of the offense(s). Regardless, all incidents of academic dishonesty will be reported to the Academic Unit Head and School Dean, and may be retained by the College in the student's records.

### **Reporting**

A faculty member who suspects that a student has committed a violation of the Academic Integrity Policy shall review with the student the facts and circumstances of the suspected violation whenever feasible. Thereafter, a faculty member who concludes that there has been an incident of academic dishonesty sufficient to affect the student's final course grade shall report such incident on the Student Violation of the Academic Integrity Policy Form (located on Mercy Connect under the faculty tab) and submit it to the Dean of the appropriate School. The Dean shall update the Student Violation of the Academic Integrity Policy Form after a suspected incident has been resolved to reflect that resolution. Unless the resolution exonerates the student, the Student Violation of the Academic Integrity Policy Form shall be placed in a confidential academic integrity file created for the purposes of identifying repeat violations, gathering data, and assessing and reviewing policies.

### **Academic Sanctions**

If a faculty member believes that the appropriate sanction is academic in nature (e.g., a reduced grade) and the student does not contest either his/her guilt or the particular reduced grade that the faculty member has chosen, then the student shall be given the reduced grade, unless the Dean decides to seek a disciplinary sanction. The reduced grade may apply to the particular assignment where the violation occurred or to the course grade, at the faculty member's discretion. A reduced grade may be an "F", or another grade that is lower than the grade that the student would have earned but for the violation. If a faculty member determines that a student has committed an act of cheating or plagiarism, and the student withdraws from the course, that student will receive an "FW" for the course regardless of the time of withdrawal. The faculty member shall inform the Dean of the resolution via email and the Dean shall update the applicable Student Violation of the Academic Integrity Policy Form to reflect that resolution.

In a case where a student admits to the alleged academic dishonesty but contests the academic sanction imposed by the faculty member, or in a case where a student denies the academic dishonesty, the student may appeal to the College's Undergraduate or Graduate Academic Appeals Committee.

### **Judicial Sanctions**

In a case where the allegation of cheating or plagiarism is severe, or where the student has a history of violations of the Academic Integrity Policy which conduct warrants suspension or expulsion from the College, the school Dean shall impose a sanction in addition to or in lieu of academic sanctions, as he/she deems is warranted under the circumstances. If the student contests the judicial sanction imposed, he/she

may appeal to the Undergraduate or Graduate Academic Appeals Committee.

### **Appeals**

Appeals to the Undergraduate or Graduate Academic Appeals Committee shall be made within 7 business days of receipt of notice of the academic or judicial sanction. All parties will be permitted to participate and are permitted to submit any documentation they believe is necessary including written statements and documentary evidence. The Undergraduate or Graduate Academic Appeals Committee shall convene within two weeks of the filing of the appeal submission. The Undergraduate or Graduate Academic Appeals Committee shall issue a written decision of its finding within 7 business days of convening and shall send copies of its decision to the accused student, the faculty member and the appropriate Dean for archiving in the student's confidential academic integrity file. If the Undergraduate or Graduate Academic Appeals Committee finds that no violation occurred, the Dean shall remove all material relating to that incident from the student's confidential academic integrity file and destroy the material.

This policy applies to all course delivery modalities including online courses.

### **EXCEPTION TO REGISTRATION AND REFUND POLICIES**

Mercy College is committed to providing motivated students with the opportunity to succeed in the classroom. The College recognizes that there may be extraordinary circumstances under which attendance in class is rendered impossible, or which severely hinder a student's ability to successfully meet the requirements of their course of study. For these reasons, the College has instituted the following Exception Policy, in that students with the following extraordinary circumstances may be eligible to request an exception to the registration and refund policies:

**Active Military Service** — This applies to any student required to discontinue attendance of classes due to military service. The student must fill out the Special Considerations Form, and provide a copy of the orders to report to active duty to the Vice President of Enrollment Services, or her/his designee. A decision regarding an exception to the registration and/or refund policy will be provided to the student within five business days.

**Health Related** - This applies to a student who has a serious physical or mental health condition which affects her or his ability to successfully meet the requirements of their course of study.

In order for a request for partial or full refund and/or exception to the withdrawal policy to be considered due to health-related reasons, the following steps must be taken:

The student (or someone authorized on behalf of the student) must submit a request to the student's PACT, COP or Enrollment Services mentor within two weeks of when the health related incident occurred or prior to the end of the semester for which the student is requesting a refund/exception to the withdrawal policy, whichever is earlier.

The request shall include the following documents:

- 1) A completed Special Considerations Form, which can be found on Mercy Connect or at the Office of Enrollment Services;
- 2) A letter explaining the health-related issues; and
- 3) Medical Records, as well as any other relevant documentation.

After submission of all required documents, the PACT, COP or Enrollment Services mentor shall forward the completed package as soon as practicable to the Vice President of Enrollment Services, who will forward to the package to the Committee for Special Consideration. The

Committee for Special Consideration, which shall be comprised of a member of the Offices of the Provost, Student Affairs and Health and Wellness, shall review the case and make a recommendation within ten (10) business days of submission of all required documentation to the Vice President for Enrollment Services or her/his designee, who shall render a decision on the matter within five business days. The decision of the Vice President for Enrollment Services or her/his designee shall be final.

Note that requests pursuant to the Exception to the Registration and Refund Policies are not routinely granted, and that the expectation of a low or failing grade is not an acceptable reason for the Committee and/or Vice President for Enrollment Services to consider a withdrawal from a course. The instructor will be asked by the Committee to indicate on a Course Withdrawal Evaluation Form what the student's level of performance in the course has been up to their last date of attendance.

If a refund or registration exception is granted for health-related reasons, the student shall not return to the College until medical clearance is provided by a treating physician, which shall be evaluated by the College's Director of Health and Wellness. The Director will then make a recommendation to the Vice President for Enrollment Services, or her/his designee, for the determination whether the student is fit to return, which determination shall be final.

If a student is granted an exception for tuition for any of the reasons above, the student will not receive a refund, but will be able to apply these funds towards future terms of study at Mercy College. The student will be credited an amount deemed appropriate by the Vice President for Enrollment Services and shall be for tuition only; fees are non-creditable, non-refundable and non-negotiable. Room and Board charges do not qualify under this policy. Please see the policy for housing refund outlined in the student's Housing Contract or contact the Dean of Student Affairs. Cases where a student has federal and/or state financial aid or grants will be dealt with as appropriate by the Vice President for Enrollment Services within the mandates of the respective authority.

For registration requests, the Vice President for Enrollment Services (in consultation with the relevant College personnel) will determine the appropriate exception that will be granted on behalf of a student depending on the student's particular circumstances.

## **ACADEMIC APPEALS POLICY**

The purpose of the Academic Appeals Policy is to provide a process for the equitable resolution of formal complaints made by a student, over academic issues including grade disputes and the application of academic policies. Separate appeals policies exist for violations of academic integrity and academic dismissal grievances. The following steps constitute the process; before proceeding to a higher-level step, all lower-level steps must first be completed and documented in writing. The College continues to recommend and encourage the informal resolution of complaints, believing that effective communication is also part of the educational process. To the extent that a faculty member, academic unit head or dean are unavailable, a designee may be appointed for purposes of resolving such issues in a timely manner.

### **Step One: Faculty**

Within two weeks after the end of the semester, term, or quarter (the "academic period") in which the disputed matter occurred, the student and faculty member must discuss the grade issue via student's college email, in person, or by phone. After the discussion, the faculty member must make a decision within one week and communicate it in writing to the student. A copy of this decision must also be sent to the academic unit head. If the student is dissatisfied with the outcome of this decision, a formal written appeal

must be submitted by the student to the relevant academic unit head within one week after receipt of the faculty member's decision. If the faculty member does not respond to the student request within the referenced time frame, then the student should proceed to Step Two and contact the Academic Unit Head.

**Step Two: Academic Unit Head(s)**

Within one week after receipt of the formal written appeal, the academic unit head will, depending on the situation, meet separately or jointly with the student and faculty member involved. Meetings may be in person or via telephone. During these meetings each party will submit all information and supporting documentation to the Academic Unit Head who will review all of the relevant documentation. A written decision shall be sent to both parties within one week after the meeting. A copy of this written communication must also be sent to the School Dean. If the faculty member involved is also the academic unit head, the parties may agree to allow another faculty member in the department to review the appeal or proceed directly to Step Three.

**Step Three: School Dean**

Within one week after the decision in Step Two, an appeal may be made in writing by the student to the relevant school dean. The school dean will meet separately or jointly with the student and faculty member, and/or the academic unit head involved within two weeks of receipt of the formal written appeal. Meetings should be in person, to the extent practicable. The school dean will review the written appeal and previous actions on the appeal, along with any additional information and substantiation submitted by each party, and will render a decision in writing to all parties within one week after the meeting. A copy of this written communication must also be sent to the Office of the Provost.

**Step Four: Undergraduate Academic Appeals Committee**

In the event that the issue has not been satisfactorily resolved in Steps One, Two or Three, a final appeal may be made to the Undergraduate Academic Appeals Committee. Such appeal must be made in writing to the Committee, to the attention of the Provost, within one week after the decision by the school dean. Appeals should be accompanied by a rationale for an Academic Appeal and accompanied by substantiating documentation. Upon review of the student submission along with documentation provided by the School Dean, Academic Unit Head(s) and Faculty member, the Provost or designee in consultation with the Chair of the Academic Appeals Committee will determine whether or not the student's request for an Academic Appeal Hearing is warranted. If denied, the student will be notified as to the reason for the denial of a hearing., if an appeal hearing is warranted. The Academic Appeals Committee will hold a meeting within two weeks after receipt of the appeal, and shall render a decision in writing to the dean and student within one week of the conclusion of the meeting.

The Undergraduate Academic Appeals Committee consists of the Associate Provost (chair) and up to three faculty members, two administrators, and four students (as needed on a case-by-case basis).

All parties to the appeal will be permitted to participate and are permitted to submit any documentation they believe is necessary, including written statements and documentary evidence in the meeting with the Committee. The student may be accompanied by one person who is not professional legal counsel who may observe but not actively participate. The Committee will hear from both parties and may call on any witnesses to the matter and review any supplementary documentation. The Committee may ask questions throughout the meeting and may, if necessary, adjourn the meeting to obtain additional information. The Committee does not have the authority to make a grade change; rather, the Committee will review whether it appears the original grade was fairly awarded, however the committee may make other recommendations as it deems appropriate

**The decision rendered by the Undergraduate Academic Appeals Committee is final; no additional appeals will be permitted.**

## II. NON-ACADEMIC POLICIES

### POLICY ON THE ACCEPTABLE USE OF COLLEGE INFORMATION TECHNOLOGY RESOURCES

Mercy College offers its Information Technology (IT) resources and services to assist members of the College community to achieve their educational goals. Use of these resources in a way that interferes with these goals is impermissible and will subject the offender to discipline in accordance with the disciplinary procedures set forth below. All Mercy College students are expected to comply with all local, state, federal and international laws regarding IT use, including, but not limited to, those dealing with copyright and intellectual property, and with all software license agreements acquired by the College.

Abuse of telecommunications (telephone, email, internet, television) and information services will not be tolerated and may result in appropriate disciplinary action. Students are expected to comply with all relevant laws and College policies which govern access to and use of these services.

Students who identify themselves as a student of the College, whether explicitly or impliedly or a member of a College organization (e.g. a club or athletic team) on the internet or through electronic social networks (e.g. Facebook, Myspace, LinkedIn, Twitter, YouTube and blogs) assume the responsibility for the content posted. Any such behavior that violates these general standards of conduct, which is brought to the attention of a College official, will be treated as any other violation and will be referred through the disciplinary and grievance processes outlined in this Handbook.

The following uses of College IT resources are prohibited:

- a. Giving unauthorized access to electronic records, files or systems maintained by the College, including the records, files or systems of members of the faculty, staff or students;
- b. Unauthorized entry into a file for any purpose, including using a file, reading a file, changing its contents;
- c. Using someone else's ID or password;
- d. Using or attempting to use an unauthorized account;
- e. Unauthorized transfer of a file;
- f. Downloading and sharing protected material, including songs, movies, games and other computer programs through means including Peer-to-Peer (P2P) file sharing applications that are used to connect you directly to another person's computer in order to transfer files between the two computers. P2P file sharing applications include, but are not limited to, Kazaa, iMesh, LimeWire, Gnutella, Azureus, Frostwire, Poisoned, Shareaza, BitTorrent, uTorrent, and Vuze;
- g. Disguising or attempting to disguise the identity of a College computer or system being used;
- h. Initiating or participating in chain letters, spam, floods and other unauthorized mass mailings;
- i. Running or installing computer viruses, Trojan Horses, worms or any other program that damages,

exposes or excessively taxes any IT resource;

- j. Using any College IT resource or communication service, including e-mail, to harass or intimidate others, to interfere with the work of another, to send obscene or abusive messages, or to create a hostile work and/ or educational environment; and
- k. Engaging in conduct that intentionally interferes with or degrades network security performance.
- l. Unauthorized browsing of sexually explicit websites using College IT resources;

## **AMNESTY POLICY FOR DRUG/ALCOHOL USE**

### **I. Background**

The Mercy College Drug/Alcohol Use Amnesty Policy has two principal purposes. First, it is intended to encourage students to seek medical assistance related to drug and/or alcohol use without fear of being disciplined for such use. Because the use of drugs or alcohol may be life-threatening, Mercy wishes to reduce barriers to seeking and receiving medical help in those situations. Second, Mercy wishes to encourage students under the influence of drugs and/or alcohol who may be the victims of, witnesses to, or otherwise become aware of violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) or sexual harassment or gender-based harassment to report that violence or harassment. Toward that end, Mercy's Policy is that students who seek medical assistance either for themselves or others and/or are reporting violence or harassment will not be subject to discipline under the circumstances described below.

### **II. Seeking Medical Assistance**

Students who in good faith call for medical assistance for themselves or others and/or who receive medical assistance as a result of a call will not be disciplined for the use of drugs or consumption of alcohol (either if underage or if consumed on Mercy College property (including residence halls and off-campus hotels)) as long as there are no other violations that ordinarily would subject the student to disciplinary action. Similarly, students who may be the victims of, witnesses to, or otherwise become aware of violence or sexual harassment or gender-based harassment and who report such violence or harassment will not be disciplined for the consumption of alcohol or drugs in the absence of other violations that ordinarily would subject the student to disciplinary action. Other violations that would invoke discipline include but are not limited to (i) unlawful distribution of alcohol or drugs; (ii) sexual misconduct, as defined in Mercy's Policy and Procedures Relating to Sexual Misconduct; (iii) causing or threatening physical harm; (iv) causing damage to property; and (v) hazing.

### **III. Counseling and other Services**

The students involved will be referred to counseling services, either at Mercy College or other local services, as set forth in the Student Handbook. If incidents of alcohol or drug use are severe and/or repeated, there may be issues of medical concern, which may result in parental notification, withdrawal from classes, and/or other non-disciplinary responses.

### **IV. Implementation of Laws**

Mercy's Policy is intended both to implement Article 129-B of the Education Law (which mandates drug and alcohol amnesty for reporters of violence) and to complement New York State's Good Samaritan Law, which is designed to encourage individuals to call 911 in the event of an alcohol or drug-related emergency. Generally, the Good Samaritan Law protects persons who witness or suffer from a medical emergency

involving drugs or alcohol from being arrested or prosecuted for drug or underage alcohol possession after they call 911. It does not protect against arrest or prosecution for other offenses, such as the sale of drugs.

## **POLICY STATEMENT REGARDING BIAS-RELATED CRIMES**

Bias-related crimes and incidents, commonly referred to as “hate crimes,” will not be tolerated at Mercy College.

Bias-related conduct is prohibited by laws that include, but are not limited to, Title VI and Title VII of the Civil Rights Act of 1964; the Civil Rights Restoration Act of 1988; and the New York State and New York City Human Rights Laws, and NYS Education Law Article 129-A.

Under the Higher Education Opportunity Act (HEOA) (Public Law 110-315), a hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

A bias-related crime occurs under the New York State Hate Crimes Act of 2000 (New York State Penal Code § 485.05) when a person commits a specified criminal offense and:

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

It is the responsibility of all members of the Mercy College community to report bias-related incidents or crimes. Victims of a bias-related incident or witnesses to such an incident should report the incident promptly to the Office of Campus Safety, the Assistant Dean of Student Affairs, the Title IX Coordinator/Equity Compliance Specialist or any other College official. Even if an individual does not want to pursue a complaint, the College should be notified of bias-related offenses. If the College becomes aware of an allegation of bias-related crime, it may elect to take disciplinary action even in the absence of a formal complaint from the victim. Reporting a bias-related crime to the College does not prevent an individual from pursuing other legal remedies, and the College will, if requested, assist the individual with a report to the police.

Counseling and referral resources for victims of bias-related crimes are available at the following College offices: Division of Student Affairs, Counseling, Safety, Residential Life, or the Title IX/Equity Compliance office. These offices can also put victims of bias-related crime in contact with other agencies that are trained to provide counseling and support.

## MERCY COLLEGE POLICY ON EQUAL OPPORTUNITY AND NON-DISCRIMINATION

### **I. Policy on Equal Opportunity and Non-Discrimination**

Mercy College is committed to achieving full equal opportunity in all aspects of College life. The College shall recruit, employ, retain, promote employees, and shall admit and provide services for students without regard to an individual's race, color, creed, national origin, ethnicity, ancestry, religion, age, sex (including pregnancy), sexual orientation, gender, gender identity, transgender status, marital status, familial status, partnership status, disability, predisposing genetic characteristics, alienage, citizenship, criminal conviction, military or veteran status, status as a victim of domestic violence/stalking/sex offenses, unemployment status, or any other legally prohibited basis in accordance with federal, state and city laws.<sup>1</sup> The College is also committed to providing reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, and employees and students who have pregnancy or childbirth-related medical conditions.

In addition, the College strictly prohibits retaliation against any community member for reporting or opposing discrimination, or cooperating with an investigation of a discrimination complaint.

### **II. Prohibited Conduct Defined**

**A. Discrimination** is treating an individual differently or less favorably because of an individual's protected characteristics—such as race, color, religion, sex, gender, national origin, or any of the other bases prohibited by this Policy.

**B. Harassment** is a form of discrimination that consists of unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment. Such conduct may be spoken, written, visual, and/or physical. This Policy covers prohibited harassment based on all protected characteristics. Sexual harassment, gender-based harassment and sexual violence, however, are covered by Mercy's Policy and Procedures Relating to Sexual Misconduct.

**C. Retaliation** is adverse treatment of an individual because the individual made a discrimination complaint, opposed discrimination, or cooperated with an investigation of a discrimination complaint.

### **III. Discrimination and Retaliation Complaint Procedures**

Mercy College is committed to addressing discrimination and retaliation complaints promptly, consistently and fairly. The College's Equity Compliance Specialist shall be responsible for, among other things, addressing discrimination and retaliation complaints under this Policy. All Mercy College staff officers, vice presidents, deans, directors, and other persons with managerial responsibility, including academic unit heads, must promptly consult with the Equity Compliance Specialist when a staff member becomes aware of conduct or allegations of conduct that may violate this Policy. All members of the College community are required to cooperate in any investigation of a discrimination or retaliation complaint.

#### **1. Reporting Discrimination and/or Retaliation**

Members of the Mercy College community, including students, employees, applicants, contractors, vendors

---

<sup>1</sup> *Mercy College adheres to federal, state and city laws and regulations regarding nondiscrimination. Should any federal, state or city law or regulation be adopted that prohibits discrimination based on grounds or characteristics not included in this Policy, discrimination on those additional bases will also be prohibited by this Policy.*

and visitors, may promptly report any allegations of discrimination or retaliation as set forth below:

- a) Community members with discrimination complaints under this Policy should contact the College's Equity Compliance Specialist, or file a complaint online, at: <https://www.mercy.edu/about-mercy/title-ix>
- b) Community members with complaints of sexual harassment or sexual violence, including sexual assault, stalking, domestic and intimate violence, should contact the College's Title IX Coordinator or the Director of Human Resources. For contact information, to file a complaint online and/or to learn more about the complaint process pursuant to **Mercy's Policy and Procedures Relating to Sexual Misconduct**, please visit: <https://www.mercy.edu/about-mercy/title-ix>
- c) There are separate procedures under which Mercy community members may request and seek review of a decision concerning reasonable accommodations for a disability. These are set forth in **Mercy's Policy and Procedures for Implementing Reasonable Accommodations for Students** and **Policy for Applicant and Employee Disability Accommodations**.

## **2. Preliminary Review**

Individuals who believe they have experienced discrimination and/or retaliation should promptly contact the Equity Compliance Specialist to discuss their concerns, with or without filing a complaint. Following the discussion, the Equity Compliance Specialist will inform the complainant of the options available. These options include seeking informal resolution of the issues the complainant has encountered or the College conducting a full investigation.

## **3. Filing a Complaint**

Following the discussion with the Equity Compliance Specialist, individuals who wish to pursue a complaint of discrimination and/or retaliation will be provided with a copy of the complaint form. While it is preferred that complaints are made in writing whenever possible, it is not required for informal resolution or an investigation to proceed.

## **4. Informal Resolution**

Individuals who believe they have been discriminated or retaliated against may choose to resolve their complaints informally. Informal resolution is a process whereby parties may participate in a search for fair and workable solutions. The parties may agree upon a variety of resolutions, including but not limited to modification of work assignment, class reassignment, training for a department, or an apology. The Equity Compliance Specialist will determine if informal resolution is appropriate in light of the nature of the complaint. Informal resolution requires the consent of both the complainant and the respondent and suspends the complaint process for up to thirty (30) calendar days, which may be extended upon consent of both parties, at the discretion of the Equity Compliance Specialist. Resolutions must be in writing, and consented to by both parties. If no informal resolution of a complaint is reached at the conclusion of thirty (30) calendar days, the Equity Compliance Specialist will proceed with an investigation.

## **5. Investigation**

Upon a preliminary review of the complaint, the Equity Compliance Specialist or designee shall commence a full investigation of a complaint, as warranted, or after informal resolution has failed. During the course of the investigation, the complainant and respondent will be apprised to the extent possible regarding the facts and circumstances of the complaint and all of the steps in the process, including witness interviews, the gathering of any physical evidence, the potential for disciplinary procedures and possible sanctions for violations of this Policy.

## **6. Retaliation prohibited**

All persons involved in an investigation (including complainant, respondent and witnesses) are herein informed that retaliation against any person who files a complaint of discrimination, participates in an

investigation, or opposes a discriminatory employment or educational practice or policy is prohibited under this policy and federal, state, and city laws that anyone who engages in such retaliatory behavior may be subject to disciplinary charges, which, if sustained, may result in penalties up to and including termination of employment, or permanent dismissal from the College (if the perpetrator is a student.)

**7. Withdrawing a Complaint**

A complaint of discrimination may be withdrawn at any time during the informal resolution or investigation process. Only the complainant may withdraw a complaint. Requests for withdrawals must be submitted in writing to the Equity Compliance Specialist. The College, however, reserves the right to continue with an investigation if, in its sole discretion, it determines such investigation is warranted. In a case where the College decides to continue with an investigation, it will inform the complainant.

In either event, the Equity Compliance Specialist or her/his designee will notify the respondent in writing that the complainant has withdrawn the complaint and whether College officials have determined that continuation of the investigation is warranted for corrective purposes.

**8. Timeframe**

While some complaints may require extensive investigation, whenever possible, the investigation of a complaint should be completed within sixty (60) calendar days of the receipt of the complaint. If there is a delay in completing the investigation, the Equity Compliance Specialist shall notify the complainant and the respondent in writing and shall keep the parties periodically abreast of timing issues.

**9. Report of Findings**

Following the completion of the investigation, the Equity Compliance Specialist will report the findings to the Dean of Student Affairs if the respondent is a student; to the Provost if the respondent is a faculty member; or to the Director of Human Resources if the respondent is an employee other than a faculty member.

**10. Disciplinary Action**

The appropriate College official (i.e. the Dean of Student Affairs, Provost or Executive Director of Human Resources) will review the investigation report. When it is determined that, by a preponderance of evidence, a violation of this policy has occurred, the College official shall authorize such action as she/he deems necessary to properly correct the effects of or to prevent further harm to an affected party or others similarly situated, in accordance with applicable Mercy handbooks, policies, rules and/or collective bargaining agreements. The range of penalties that may be imposed upon a student found to have violated this Policy includes, but is not limited to: probation, removal from housing, removal from a sports team or other school activity, suspension or expulsion following the relevant disciplinary procedures. The range of penalties that may be imposed upon an employee (including faculty) who is found to have violated this policy may include, but is not limited to: reprimand, suspension or termination of employment following the relevant disciplinary procedures, if applicable.

The Equity Compliance Specialist shall forward to the President of the College the report of findings of the investigation, and shall apprise the President of the recommended sanction(s) to be imposed. The President shall make a determination whether the findings and/or sanction recommended is appropriate. If the President is the respondent, the report shall be provided to the Board of Trustees, which will determine whether the findings and/or sanction is appropriate.

The Equity Compliance Specialist or her/his designee shall then apprise the complainant and respondent contemporaneously in writing of the outcome and action, if any, taken as a result of the complaint.

### **11. Interim Protective Measures and Accommodations**

The College will take immediate steps to protect the complainant in the educational and employment setting, including taking interim protective measures and provide accommodations, as appropriate, during an investigation. The complainant will be informed by the Equity Compliance Specialist or her/his designee in writing of such interim protective measures and accommodations, which may include, among other things:

- a) Making necessary changes to academic programs;
- b) Making necessary changes to residential housing situations;
- c) Changing an employee's work assignment or schedule; and/or
- d) Offering counseling services to the complainant and the respondent, through the Health and Wellness Center or a referral to an off-campus agency.

In certain circumstances, interim suspension of an employee or student may be imposed if the conduct is severe and pervasive, in accordance with applicable Mercy handbooks, policies, rules and/or collective bargaining agreements.

### **12. False and Malicious Accusations**

Members of the College community who make false and malicious complaints of discrimination, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

### **13. Anonymous Complaints**

All complaints will be taken seriously, including anonymous complaints. Individuals do have the option at any time to file an anonymous complaint through the College's Whistleblower Hotline at **1-888-OK-MERCY (1-888-656-3729)**. In the event that a complaint is anonymous, the complaint should be investigated as thoroughly as possible under the circumstances, although the College may be limited in the extent of the investigation that it can conduct.

### **14. Responsibilities**

#### a) Equity Compliance Specialist

The College's Equity Compliance Specialist and designee(s) (if applicable) shall be fully trained and equipped to carry out her/his responsibilities (as described above), and shall also be responsible for ensuring the following:

- I. That managers receive annual training on this Policy;
- II. Annual dissemination of this Policy to the entire College community, including the Equity Compliance Specialist's name and contact information as well as resources available at the College. Such information should be widely disseminated, including placement on the College website.

#### b) Managers

Managers must take steps to create a workplace free of discrimination, harassment and retaliation, and must take each and every complaint seriously. Managers must promptly consult with the Equity Compliance Specialist when they become aware of conduct that may violate this Policy.

For purposes of this Policy, managers are employees who either (a) have the authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities; or (b) have the authority to make recommendations on tangible employment decisions that are given particular weight. Managers include but are not limited to: vice presidents, directors, deans, academic unit heads, and staff

officers.

c) Members of the College Community-at-Large

Members of the College community who become aware of allegations of discrimination or retaliation should encourage the aggrieved individual to report the alleged behavior.

All employees and students are required to cooperate in any investigation.

#### **IV. Some Relevant Laws Concerning Non-discrimination and Equal Opportunity**

Section 1324b of the Immigration and Nationality Act prohibits employers from intentional employment discrimination based upon citizenship or immigration status, national origin, and unfair documentary practices or “document abuse” relating to the employment eligibility verification or Form I-9 process. Document abuse prohibited by the statute includes improperly requesting that an employee produce more documents than required by the I-9 form, or a particular document, such as a “green card,” to establish the employee’s identity and employment authorization; improperly rejecting documents that reasonably appear to be genuine during the I-9 process; and improperly treating groups of applicants differently when completing the I-9 form.

Executive Order 11246, as amended, prohibits discrimination in employment by all institutions with federal contracts and requires affirmative action to ensure equal employment opportunities.

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, and other terms, conditions, and privileges of employment) on the basis of race, color, religion, national origin, or sex.

Title VI of the Civil Rights Act of 1964 prohibits discrimination or the denial of benefits because of race, color, or national origin in any program or activity receiving federal financial assistance.

Equal Pay Act of 1963, as amended, requires that men and women performing substantially equal jobs in the same workplace receive equal pay.

Title IX of the Education Amendments of 1972 prohibits discrimination or the denial of benefits based on sex in any educational program or activity receiving federal financial assistance.

Age Discrimination in Employment Act, as amended, prohibits discrimination against individuals who are age 40 or older.

Section 504 of the Rehabilitation Act of 1973 defines and forbids acts of discrimination against qualified individuals with disabilities in employment and in the operation of programs and activities receiving federal financial assistance.

Americans with Disabilities Act of 1990, as amended, prohibits discrimination on the basis of disability.

Genetic Information Nondiscrimination Act of 2008 prohibits employment discrimination based on genetic information.

New York City Human Rights Law prohibits discrimination based on age (18 and older), race, creed, color, national origin, gender (including gender identity and expression), disability, marital and familial status, partnership status, sexual orientation, alienage or citizenship status, arrest or conviction record, unemployment status, or status of an individual as a victim of domestic violence, sex offenses or stalking.

New York City Workplace Religious Freedom Act requires an employer to make accommodation for an employee’s religious needs.

New York State Education Law Section 224-a. requires institutions of higher education to make

accommodations for students who are unable to attend classes or take examinations due to their religious beliefs.

New York State Human Rights Law prohibits discrimination based on race, creed, color, national origin, sexual orientation, military status, sex, age (18 and older), marital status, familial status, transgender status, domestic violence victim status, disability, predisposing genetic characteristics or prior arrest or conviction record.

New York City Pregnant Workers Fairness Act provides that employers provide pregnant employees with reasonable accommodations for the employee’s pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

## **NOTICE OF NON-DISCRIMINATION**

Mercy College is committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal educational opportunity, employment, and access to services, programs, and activities, without regard to an individual's race, color, national origin, religion, creed, age, disability, sex, gender identity, gender expression, transgender status, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Employees, students, applicants or other members of the College community (including but not limited to contractors, vendors or visitors) may not be subjected to harassment that is prohibited by law, or treated adversely based upon a protected characteristic, or retaliated against for making a complaint regarding such adverse treatment.

The College is also committed to providing reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, and employees who have pregnancy or childbirth-related medical conditions. Retaliation for reporting or opposing discrimination, cooperating with an investigation of a discrimination complaint, or requesting an accommodation is also prohibited.

The College’s policy addressing discrimination and harassment is set forth more fully in the **Mercy College Policy on Equal Opportunity and Nondiscrimination**. The College’s policy addressing sexual harassment, gender-based harassment and sexual violence is set forth more fully in the **Mercy College Policies and Procedures Relating to Sexual Misconduct**.

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may be directed to Thomas McDonald, Esq., Title IX Coordinator and Equity Compliance Specialist, [tmcdonald7@mercy.edu](mailto:tmcdonald7@mercy.edu), 914-674-7679.

## **POLICY ON ACCESS TO STUDENT RECORDS UNDER THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974, AS AMENDED (“FERPA”)**

### **I. Scope of the Act**

#### **(a) General**

The federal Family Educational Rights and Privacy Act of 1974, as amended (“FERPA” or the “Act”) and its implementing federal regulations affords to persons who are currently, or were formerly, in attendance at the College as registered students a right of access to their “educational records”. Persons who

unsuccessfully applied for admission to the College or who are offered admission but never attended the College are not covered by the Act.

The Act also restricts the persons to whom the College may disclose a student's education records without the student's written permission and affords the student an opportunity to see amendment of records that the student believes are inaccurate or violate the student's privacy rights.

### **(b) Records Covered**

"Educational records" of a student are those records, files, documents, and other materials that are maintained by the College and contain information directly related to the student. Education records include traditional paper records as well as material that is maintained in digital, electronic, photographic, video, audio or any other form. "Education records" do not include:

1. Personal notes maintained by faculty members or other staff that are not available to others.
2. Records that are created or maintained by a physician, psychologist, or other recognized health or mental health professional or paraprofessional that are created, maintained, or used only in connection with the provision of treatment to the student and are not available to others except in connection with providing such treatment.
3. Records, such as those that might be maintained by the College's legal counsel, the confidentiality of which is protected by law.
4. Records created and maintained by a campus law enforcement unit solely for law enforcement purposes.
5. Records containing financial information about his or her parents, such as information submitted in connection with an application for financial aid.
6. Grades or peer-graded papers before they are collected and recorded by an instructor.
7. Records that contain information about a person only after they are no longer students at the College.
8. Records of a student who is deceased.

## **II. Access Rights of Students**

### **(a) Procedure**

Students may obtain access to their education records by making application to the Registrar. The College is required to grant the request within forty-five (45) days. The Registrar will forward copies of the student's request to the appropriate offices holding the requested files. These offices will contact the student with an invitation to inspect them.

If a student wishes to inspect an education record that also contains information regarding another student, such inspection is permissible only if (a) the information about the other student is inseparable from information about the requesting student, (b) any personally identifiable information about the other student is redacted prior to inspection by the requesting student, (c) the other student provides a

prior, written consent, or (d) disclosure is otherwise permitted or required by law.

A student ordinarily will not be provided with copies of any part of his record other than his transcript, unless the inability to obtain copies would effectively prevent him from exercising his right to inspect and review his education records. In cases where copies will be provided, the department or office of the College maintaining the record in question may impose a charge for making such copies at such uniform rates as it shall determine. In general, the charges imposed will not exceed \$.10 per page. An exception is the case of transcripts, which are free. Students will not be permitted to remove the original record(s) from the record review office. At the conclusion of the review each record must be returned to the office that maintains it.

If a student is physically unable to come to the appropriate record review office, and if this inability would effectively deny the student access to the records, the student may obtain a record request form by calling or writing to the appropriate record review officer. The student should then return the completed request form by mail to the record review officer. The officer will make special arrangements for the review.

Generally, educational records of a student will be maintained by the Registrar, the office of the school in which the student is enrolled, and the office of the department of the student's major field of study. In addition, the College Health Services Office and Counseling Office maintain records relating to students who have utilized its facilities. If a student has utilized a placement office at the College, such office may also maintain records relating to the student.

#### **(b) Confidential Letters of Recommendation**

In general, a student may have access to confidential letters and statements of recommendation that are part of the student's education records. This right, however, does not apply to such letters and statements placed in the student's education records prior to January 1, 1975, if such letters and statements are not used for purposes other than those for which they were specifically intended.

A student may, by signing a written waiver, relinquish his or her right to inspect confidential recommendations placed in the student's education records on or after January 1, 1975, respecting (1) admission to any educational institution; (2) an application for employment; or (3) the receipt of an honor or honorary recognition.

In no case will any student be required by the College to waive his or her rights to access of confidential recommendations. A student may find it appropriate to do so for a number of reasons. For example, the student may feel that his or her professors will write more candid and helpful letters of recommendation if the letters are not available to the student. A number of schools and departments have waiver forms available.

#### **(c) Amendment of Records**

If a student believes that any of the education records relating to her or him contain information that is inaccurate, misleading, or in violation of her or his rights of privacy, he or she may ask the College to correct or delete such information. The student may also ask that additional explanatory material be inserted in the record. Requests for amendment of a record or the addition of explanatory material should be submitted, in writing, within a reasonable amount of time after the conclusion of the record review. The reasons for the request should be set forth and should clearly identify the part of the record

the student wants changed and specify why it is inaccurate or misleading. There is no obligation on the part of the College to grant such a request. If the College declines to amend the records as requested by the student, it will so inform the student, and the student may request a hearing to appeal the decision. The right to challenge the contents of an educational record may not be used to question substantive educational judgments that have been correctly recorded. For example, a hearing may not be requested to contest the assignment of a grade. Grades given in the course of study include written evaluations that reflect institutional judgment of the quality of a student's academic performance.

Hearing requests must be made in writing, to the Provost regarding academic records or the Assistant Dean of Student Affairs regarding non-academic records, within thirty (30) days of being informed of the decision to decline the request for amendment. Within a reasonable period of time after receiving such request, the Provost will inform the student of the date, place and time of the hearing. The hearing will take place before the Academic Standing Committee, which is composed of faculty and staff members who do not have a direct interest in the outcome of the hearing. The student may present evidence relevant to the issues raised and may be assisted or represented at the hearing by one or more persons of the student's choice, including an attorney, at the student's sole expense. The Committee must issue a written decision that contains a summary of the evidence and a statement of the basis for the decision. The decision of the Committee is final and must be based solely on the evidence presented at the hearing. If the decision is in the student's favor, the education records will be amended in accordance with the Committee's decision. If the decision is unfavorable to the student, the student may prepare a statement commenting on the contested information in the education record or stating why the student disagrees with the decision not to amend the record, or both. The College must maintain any such statement along with the contested part of the record for as long as the College maintains that record and the College must disclose the statement whenever it discloses the portion of the record to which the statement relates.

### **III. Access by or Release to Others**

#### **(a) General**

The College will not generally permit access to, or release of, educational records or personally identifiable information contained therein to any party without the written consent of the student.

The College may, however, as provided in the Act, release such data to certain persons including but not limited to:

- Officials of the College who have a legitimate educational interest (including persons with whom the College has contracted) in obtaining access to the records. Such access will be granted if the official needs to review an educational record in order to fulfill his or her professional responsibility.
- Persons who require access in connection with the student's application for, or receipt of, financial aid.
- Parents of a student, provided the student is a "dependent" of the parents for federal income tax purposes.

In general, the College does not make education records available to a student's parents. However, where the College believes that it is in a dependent student's interest, information from the student's educational records may be released to the parents of such a dependent student.

- The College may release such information in compliance with a judicial order or pursuant to any

lawfully issued subpoena. As a general policy, before any information is so released the College will first notify the student at the student's most recent address as shown in the records maintained by the Registrar. However, in compliance with the Act, some judicial orders and subpoenas issued for law enforcement purposes specify that the College cannot disclose to any person the existence or contents of the order or subpoena or the information furnished in compliance with it.

- The College may release information about certain conduct violations to a student's parent or others.
- In connection with an emergency, the College may release information from educational records to appropriate persons if the knowledge of such information is necessary to protect the health or safety of a student or other persons. The College is required to maintain in the student's file a record of the situation that prompted such disclosure and a list of individuals to whom disclosure was made.

#### **(b) Release with the Student's Consent**

Upon written consent or request by a student, the College will release information from the student's educational records to third parties. The student should make a request for such release to the department or office having custody of the record involved. The College may impose a charge for copying a student's records in connection with such release.

#### **(c) Release of Information to Parents and Guardians of Mercy College Students.**

Subject to the limitations set out in Section III(a), where parents or guardians claim their students as dependents for tax purposes, the College may notify such parents or guardians when there is a change in the student's status (e.g. being placed on or removed from academic probation) or if there is a change in enrollment as a consequence of a student being barred for failure to meet the terms of academic probation or for disciplinary reasons. In order to be notified of the changes of status and enrollment listed above, parents and guardians must make a request to the along with a copy of their previous year's federal tax return demonstrating the student's dependent status.

Alternatively, any student—whether considered a dependent or not—who wishes that his or her parents, guardians or other family members be notified of status changes or grades may complete and return to the Registrar a consent form.

#### **(d) Transfer of Information to Third Parties**

It shall be a condition of the release by the College of any personal information on a student to a third party that the party to which the information is released will not permit any other party to have access to such information without the written consent of the student. An institution to which such information is released may permit its officers, employees, and agents to use such information but only for the purposes for which the disclosure was made. These restrictions do not apply to certain subpoenas and court orders.

#### **(e) Directory Information**

The College may, at its discretion, release "directory information" with respect to a student for any purpose without the student's consent. The College has designated the following categories of information as directory information with respect to each student: name, local and permanent address, electronic mail address, telephone listing; age; photograph; major field of study; participation in officially recognized

activities and sports; weight and height of members in athletic teams; enrollment status; dates of attendance at Mercy College; degrees, honors and awards received, and their dates; and most recent educational institution attended.

A student in attendance at the College who does not want to have directory information relating to himself released should complete an Authorization to Withhold Directory Information form and return it to the Registrar.

A student may not use the withholding of directory information to prevent the College from disclosing or requiring the student to disclose his or her name, identifier, or institutional e-mail address in a class in which the student is enrolled.

Students should consider very carefully the effect of a decision to withhold directory information. If that decision is made, any requests during that academic year for such information from non-College persons or organizations will be refused (subject to the exceptions stated in Section III(a) above or unless the student has subsequently removed the hold by notifying the Registrar in writing). If a student does not specifically request the withholding of directory information by filing the Authorization to Withhold Directory Information form, as indicated above, the College assumes that he or she approves of the disclosure of such information.

#### **(f) Review by Government Agencies**

Authorized representatives of government agencies may occasionally ask to see a student's education records. Such requests are usually made when a student or former student has applied for a government job. The government agent will be referred to the appropriate record review officer, as indicated in Section II(a) above. Generally, the College will handle such requests in the same manner as other requests for access to student records by third parties, provided that the government agent shows official identification and provides a signed release from the student, a copy of which will be retained by the College.

If a government agent has a subpoena, he or she should be referred to the General Counsel. Under the FERPA regulations, the College is required to make a reasonable attempt to notify the student prior to complying with the subpoena unless, in the case of a subpoena issued for law enforcement purposes, the subpoena orders that such notification not be made.

#### **IV. Maintenance of College Records**

FERPA does not impose an obligation on College officials to create or maintain particular education records, except that the College cannot discard an education record as to which a request for inspection is pending. However, the College is required to maintain a record, kept with the education records of each student, indicating all individuals, agencies or organizations that have requested or obtained access to a student's education records and indicating specifically the legitimate interest that each has in obtaining the information. This requirement does not extend to requests made by College officials with legitimate educational interests and to certain requests made in the context of ongoing terrorist investigations and prosecutions.

#### **V. General**

**(a)** Copies of the preceding Policy are available on the College's intranet. The Federal Family

Educational Rights and Privacy Act is available on the U.S. Department of Education Web site at [www.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html).

The College will inform students of the guidelines in this Policy and of their rights under FERPA and the Department of Education's FERPA regulations by placing a notice about them in the Mercy College Student Handbook each year and on the College's Intranet.

**(b)** Each office of the College that maintains educational records should keep with each student's file a permanent record of all parties who have requested access to the student's records, other than custodians of such files, College officials normally dealing with such files in performance of their duties, College officials who have been determined to have a legitimate educational interest in obtaining access to the records, parents of a dependent student, parties who have received directory information, parties who have received records or information pursuant to the student's written consent, and the recipient of records or information pursuant to certain subpoenas and court orders. Such records of access should indicate specifically the legitimate interest that each such party had in obtaining access to the student's records and whether or not the request was granted. A student may inspect such records relating to his education records.

**(c)** Questions about the interpretation of this policy should be referred to the College's General Counsel.

**(d)** Complaints regarding the Act may be filed with:

**Family Policy Compliance Office**

U.S. Department of Education  
400 Maryland Avenue, S.W. Washington, DC 20202-5920  
Telephone: 202-260-3887  
Fax: 202-260-9001

**POLICY ON HAZING AND RECKLESS ENDANGERMENT**

Mercy College, in accordance with New York State law, is committed to eliminating and preventing hazing behavior and/or inappropriate team, group, club or student organization bonding or initiation activities which humiliate, demean or devalue the worth of another individual. The College supports only those activities which are constructive, educational, and inspirational and that contribute to the intellectual and personal development and well-being of students. Therefore, any hazing, initiation or team, group, club or organization bonding activities that subject student- athletes or others to mental or physical discomfort, embarrassment, harassment or ridicule or other conduct which recklessly endangers or threatens the health, safety, or welfare of any person on College-owned or operated property or at College-sponsored activities.

The College defines hazing and inappropriate team, group, club or organization initiation or bonding activities as any action, whether physical, mental, emotional or psychological, which subjects another person, voluntarily or involuntarily, to anything that has the intended or unintended effect of abusing, mistreating, degrading, humiliating, harassing or intimidating the person, or which may in any fashion compromise the inherent dignity of the person, for the purpose of association with or induction to a particular team, group, club or organization. In addition, any requirements by any member of a team, group, club or organization which compels another member or prospective member to participate in any activity which is against college policy or state/federal law will be defined as hazing. All campus clubs and organizations shall incorporate this policy into their club constitutions or bylaws.

***Specific actions and activities which are prohibited, include, but are not limited to, the following:***

- Any type of initiation or other activity where there is an expectation of individuals joining a particular team, group, club or organization to participate in behavior designed to humiliate, degrade or abuse them regardless of the person's willingness to participate.
- Forcing, requiring or pressuring an individual to consume alcohol or any other substance.
- Forcing, requiring or pressuring an individual to shave any part of the body, including hair on the head.
- Any requirement or pressure put on an individual to participate in any activity which is illegal, perverse, publicly indecent, contrary to genuine morals and/or beliefs, e.g., public profanity, indecent or lewd conduct or sexual gestures in public.
- Forcing, requiring or pressuring an individual to perform tasks of servitude including errands and cleaning.
- Forcing, requiring or pressuring an individual to be exposed to the elements.
- Required eating of anything an individual would refuse to eat otherwise.
- Any activity or action that creates a risk to the health, safety or property of the College or any member of its community.
- Forcing or requiring calisthenics, such as push-ups, sit-ups and running, when these activities are not part of the normal and standard conditioning requirements for a particular athletic or physical training activity, taking place within the appropriate practice, training or competition venues and supervised by qualified professionals.
- Assigning or endorsing pranks such as stealing or harassment of another group or individual.
- Awakening or disturbing individuals during normal sleeping hours.
- Expecting or pressuring individuals to participate in an activity in which the full membership is not willing to participate.
- Physical abuse of any kind.
- Forcing, encouraging or pressuring someone to wear in public apparel which is conspicuous and not within the norm of what is considered to be in good taste.
- Engaging in public stunts and buffoonery.
- Forcing, requiring or pressuring an individual to be excluded from social contact.
- Nudity at any time or forced reading or viewing of pornographic material.
- Paddling, beating or otherwise permitting a member to hit other members.
- Having substances, including but not limited to, oil, eggs, mud, paint, cream and honey thrown at, poured on or otherwise applied to the body of a member of the team.
- Harassment or morally degrading/humiliating games or other activity that makes a member the object of amusement, ridicule or intimidation.
- Subjecting a member to cruel and unusual psychological conditions.

This College policy is applicable to and governs the conduct of students, faculty, staff, visitors and other licensees on Mercy College campuses and property. Administrators, coaches, team captains, student-athletes, student leaders, club/organization officers and all students shall be expected to accept responsibility and act with integrity and civility regarding this issue. This includes not only refraining from engaging in activities such as those described above, but also reporting any questionable activities to advisors, coaches or administrators.

Failure to comply with both the letter and the spirit of this policy may result in disciplinary action in accordance with the procedures set forth below and may subject students to sanctions up to and including expulsion from the College, as well as criminal or civil prosecution.

## **POLICY ON ILLEGAL DRUGS/DRUG PARAPHERNALIA AND ALCOHOL**

The possession, use, or distribution of illegal drugs or drug paraphernalia is prohibited on all Mercy College property, in any Residential Area (which includes the Mercy College Residence Hall and the off-campus hotels) and at any off-campus College activity or event. Throughout this Handbook, the term illegal drug includes, without limitation, prescription medications or other drugs that are being used, possessed or distributed illegally. Such conduct may also violate a number of state and federal criminal laws that may subject violators to fines or terms of imprisonment.

Students will be ineligible for financial aid if they are convicted of an offense under federal or state law involving possession or sale of a controlled substance, provided that the conduct occurred while the student was enrolled and receiving federal financial aid. Ineligibility for financial aid will run from the date of conviction for the following periods: (a) for drug possession: a first offense carries a one-year disqualification, a second offense carries a two-year disqualification, and a third offense makes the student ineligible indefinitely, and (b) for sale of a controlled substance: a first offense carries a two-year disqualification, and a second offense makes the student ineligible indefinitely.

A student can regain eligibility by successfully completing an approved drug rehabilitation program.

Mercy College has the obligation to protect the interests and rights of students as well as those of the College community as a whole. At the same time, the College understands that drug abuse may be a symptom of deeper personal and emotional problems. The College may also offer assistance to students in such circumstances and emphasizes the reciprocal responsibility of the individual to seek such help.

Violations of the Illegal Drugs and Drug Paraphernalia policy include, but are not limited to, the following behaviors by students:

- **Level I:** (a) Smell of marijuana smoke or any other illegal drug in a room in the Residential Area or any other location on the College Campus, or (b) possession or use of drug paraphernalia. Drug paraphernalia includes, but is not limited to; roach clips, bong, pipes, and hookahs. Minimum \$100.00 fine, 10 hours community service, completion of Marijuana education module, E-Toke, or a combination thereof, and disciplinary probation for Level I drug violation.
- **Level II:** (a) Possession or use of illegal drugs, or (b) the second instance of a Level I violation. Minimum \$200.00 fine, 20 hours community service, Illegal Substance education module, E-Toke, or a combination thereof, and disciplinary probation for a Level II drug violation.
- **Level III:** (a) The third or more instance of a Level I violation, or (b) the second or more instance of a Level II violation. Minimum \$300 fine, 20 hours community service, Illegal Substance education module, E-Toke, or a combination thereof, and disciplinary probation for a Level III drug violation
- **Level IV:** (a) Sale, manufacture or distribution of illegal drugs, or (b) the second instance of a Level II suspension or expulsion from the College for a Level III drug violation. Minimum \$500.00 fine and removal from housing and/or suspension or expulsion from the College for a Level IV drug violation.

Upon finding credible evidence of the above listed violations by any student, the College will take appropriate disciplinary action, as set out in this Handbook, and may impose sanctions up to and including probation, suspension or expulsion and as set out in Section 3 of this Policy. Mercy College will also cooperate fully with law enforcement agencies in the investigation and prosecution of drug-related crimes that occur on College premises or at College-related events and activities or that otherwise affect the College community.

## 1. Paraphernalia

Drug paraphernalia is defined as “...all equipment, products, and materials of any kind which are use or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance...including roach clips...bongs...pipes...”

## 2. Alcoholic Beverages

The possession, use, service or consumption of alcoholic beverages, or appearance in an intoxicated state, is prohibited on all Mercy College property, in any Residential Area (which includes the Mercy College Residence Hall and the off-campus hotels) and at any off-campus College activity or event, including student-centered special events sponsored off campus by the College. These guidelines are intended to discourage the irresponsible distribution and consumption of alcoholic beverages as well as underage access to alcoholic beverages. Students also have the personal responsibility of discouraging drunkenness. At all staff functions and/or academic division events that students may attend, the organization sponsoring the activity is responsible for enforcing strict adherence to New York State Alcohol Beverage Control Laws and other laws of the State of New York. At certain College-sponsored events, the responsible use of alcohol on campus in moderation by persons who are not students at the College, and who are of legal drinking age, will be permitted.

In the State of New York, it is illegal for any person under the age of 21 to possess or consume alcohol. It is also illegal to obtain or use false or fraudulent proof of age obtained for the purpose of purchasing or consuming alcohol, to misrepresent one’s age or the age of another as being under 21, to drive while ability impaired or while intoxicated, or to drink and drive under or over the age of 21. Any such behavior by a student, which is brought to the attention of a College official, will be treated as a violation of this policy.

Violations of the Alcoholic Beverages policy include, but are not limited to, the following behaviors by students:

- **Level I:** Student is found in the presence of alcohol or empty alcohol containers in any campus location, including any Residential Area. This includes, but is not limited to decorative bottles used to decorate rooms and empty alcohol containers in the trash (or scattered in the room). Minimum of a \$25.00 fine, assigned community service, or a combination thereof, and letter of reprimand for a Level 1 alcohol violation.
- **Level II:** (a) Possession or consumption of alcohol in any campus location, including any Residential Area, (b) presence at or hosting of a large or disruptive gathering where alcohol is present, or (c) the second instance of a Level I violation. Minimum of a \$100.00 fine, assigned community service, completion of the Alcohol education module, E-Chug, and disciplinary probation, or a combination thereof for a Level II alcohol violation.
- **Level III:** (a) Visible intoxication in any campus location, including any Residential Area, (b) participation in or presence at contests involving the consumption of alcohol or the possession of any paraphernalia related to such contests. This will also include the playing of water pong, when alcohol is also found in the student’s room at the time of water pong activity, or (c) the second instance of a Level II violation. Minimum of a \$200.00 fine, and assigned community service, completion of the Alcohol education module E-Chug, disciplinary probation and possible notice to student’s parents, or a

combination thereof for a Level III alcohol violation.

- **Level IV:** (a) Possession of kegs, grain alcohol or common source containers, (b) possession or use of funnels, (c) the third instance of a Level II violation or (d) the second instance of a Level III violation. Minimum of a \$300.00 fine, assigned community service, one (1) year disciplinary probation, and mandatory attendance of C.H.O.I.C.E.S. alcohol awareness class, and possible: removal from the Residential Area, suspension from the College and/or notice to the student's parents, or combination thereof for a Level IV alcohol violation.
- Notice to the student's parents, removal from the Residential Area, and possible suspension or expulsion from the College for a Level V alcohol violation.

Upon finding credible evidence of the above listed violations by any student, the College will take appropriate disciplinary action, as set out in this Handbook, and may impose sanctions up to and including probation, suspension or expulsion and as set out in Section 3 of this Policy. Mercy College will also cooperate fully with law enforcement agencies in the investigation and prosecution of drug-related crimes that occur on College premises or at College-related events and activities or that otherwise affect the College community.

### **3. Reporting Violations of the Policy on Illegal Drugs and Alcohol**

Any member of the faculty, administration or staff, or any student who knows or believes that a violation of the College's policy on Illegal Drugs or Alcohol has taken place may file a complaint against such student, administrator, or staff or faculty member. In the case of a student, allegations will be investigated and adjudicated in accordance with the disciplinary procedures set out in this Handbook.

### **4. Risks Associated with the Use of Illegal Drugs and Alcohol**

#### **Health Risks**

The health consequences of alcohol and substance abuse may be immediate and unpredictable, such as fatalities associated with alcohol and drug overdoses, or more long-term, such as the liver and brain damage associated with the prolonged use of alcohol. The following are some of the health consequences of alcohol and other drug use:

**Alcohol** - Short term effects include depressed central nervous system, impeded attention and memory, impaired judgment, impaired vision, impairment of other senses, irregular sleep, impaired driving, unconsciousness, and, with excessive use, death. Long-term effects of heavy use include damage to the liver, heart and pancreas, irritation of the gastrointestinal system, high blood pressure, oral cancer, malnutrition and nutritional deficiencies and lowered resistance to disease. Use during pregnancy can cause severe damage to the developing fetus.

**Depressants** - Short-term effects include depressed central nervous system, mildly impaired coordination, impaired judgment and short-term memory, impaired driving, and reduced anxiety/lethargy. In high doses, short-term effects can include irregular breathing, impaired reflexes, coma and death. Long-term effects of heavy use include disturbed sleep, chronic fatigue, anxiety, restlessness and depression, slower reflexes and impaired coordination, reduced sex drive and/or impotence, menstrual irregularities, hostility and mood swings and cross-tolerance to other depressants. Use during pregnancy can harm the developing fetus.

**Hallucinogens** - Because some of these substances are synthetic, they may be particularly potent and may

contain impurities. Short-term effects include changes in perception, mood, thought and brain function, loss of judgment, disorientation, mild confusion and/or hallucinations, visual disturbances, increased heart rate, blood pressure and body temperature, nausea, vomiting and/or abdominal discomfort. In high doses, some hallucinogens can cause death. Over the long term, heavy use can precipitate severe psychotic episodes. In addition, flashbacks can occur spontaneously. Their effects during pregnancy are not fully understood.

**Opiates** - Short-term effects include impaired driving. Higher doses can cause drowsiness, sedation, dizziness or euphoria. Some may have a stimulating effect, with increased heart rate, blood pressure, tremors and seizures. Very high doses can cause decreased heart rate and blood pressure, muscle construction, cyanosis and death. Over the long term, heavy use can result in impaired vision, chronic constipation, a higher risk of pulmonary complications, and mood swings. Needle use can lead to abscesses, collapsed veins and infections. Use during pregnancy can harm a developing fetus and create a higher risk of premature birth, miscarriage and stillbirth.

**Marijuana** - Short-term effects are the same as many of the short-term effects of depressants, stimulants and hallucinogens. They can include impaired judgment, short-term memory and intellectual performance, reddening of eyes, sensory distortion, impaired coordination, drowsiness, and impaired driving. Short-term use can also aggravate pre-existing heart problems and mental health problems. Over the long term, effects include respiratory damage, impairment of memory and concentration and interference with the physical, psychological and social development of young users. The effect of daily use during pregnancy may cause problems in the developing fetus, but the effect is not fully known.

**Stimulants** - Short-term effects include increased alertness and energy, impaired driving, impaired judgment, increased breathing, heart rate and heart palpitations, anxiety, restlessness, hostility, paranoia and confusion, and visual and auditory hallucinations. Overdose can lead to death. Over the long term, use of stimulants can cause severe anxiety and paranoia, impaired coordination, tremors, high blood pressure, malnutrition, chronic sleeplessness, and damage to internal organs, such as the brain, heart, lung, liver and kidneys. Chronic use can lead to death. Use during pregnancy can cause damage to the developing fetus.

In addition to health-related problems, alcohol and substance abuse are also linked with financial difficulties, interpersonal conflicts, domestic violence, deterioration of the family structure, accidental injuries or fatalities, and may have a significant impact upon academic performance.

## **5. Resources for Preventing, Counseling and Educating Yourself about Alcohol and Substance Abuse**

A variety of resources exist for alcohol and substance abuse prevention, education, counseling and referral. For alcohol and drug-related information and resources:

- New York State Office of Alcoholism and Substance Abuse Services Hot Line:  
1-800-522-5353
- New York City Department of Mental Health, Mental Retardation  
and Alcoholism Services: 212-219-5380
- Westchester County Department of Community Mental Health,  
Office of Alcohol and Substance Abuse: 914-995-5220

***For confidential counseling, referral, treatment, or recovery information:***

The Counseling Center is located at the Dobbs Ferry Campus in Main Hall Room 108 and is open weekdays from 9 a.m. to 5 p.m. Short-term personal counseling and crisis intervention is available for alcohol and substance abuse, and counselors can refer students to licensed professionals who can provide alcohol and substance abuse treatment or recovery information. Students may meet with counseling staff on the Dobbs Ferry, Bronx, or Manhattan campus. To schedule an appointment with a counselor, students can email and/or call the Counseling Center Main number (all campuses) at 914-888-5150 or [counselingcenter@mercy.edu](mailto:counselingcenter@mercy.edu).

- Harrison Youth Council ..... 914-835-7500
- Hastings Youth Advocate Program ..... 914-478-2471
- Larchmont/Mamaroneck Community Counseling Center..... 914-698-7549
- Pelham Guidance Council ..... 914-738-5653
- LIFENET: ..... 1-800-LIFENET (1-800-543-3638) or in Spanish at 1-877-AYUDESE (1-877-298-3373)
- The Alcoholism Council of New York Help Line: ..... 212-252-7022
- Alcoholics Anonymous..... Information regarding meetings can be found at <http://www.aaseny.org/>
- Al-Anon Info-center..... 212-254-7320/6 or 800-344-2666
- Cocaine Anonymous..... 212-262-2463 (212-COCAINE)
- Narcotics Anonymous..... 212-929-6262
- Pills Anonymous..... 212-874-0700

**POLICY PROHIBITING THE MARKETING OF CREDIT CARDS TO STUDENTS**

Mercy College prohibits the advertising, marketing, or merchandising of credit cards on Mercy College campuses to students except in strict compliance with this Policy.

- I. Except as otherwise permitted in this policy, credit card advertising or solicitation to students is not permitted on any Mercy College campus. This includes advertising or solicitation at campus vendor tables, as well posting or distribution of applications, fliers, posters, handbills and signage (electronic and otherwise) in College facilities. The College's e-mail system or web pages may not be used for advertising or solicitation of credit cards to students.
- II. Banks, credit unions and other businesses approved to be present at student orientations/opening of school weeks or other campus activities may not provide credit card applications to students during those events.
- III. No campus employee, student group, or campus department may accept financial support or other goods and services from credit card issuers or vendors in exchange for allowing them to market credit cards to students.

**POLICY ON PEER-TO-PEER FILE SHARING**

In addition to potentially violating College policy, the unauthorized distribution of copyrighted material, including through peer-to-peer file sharing, may subject a student to criminal and civil penalties. The laws that govern copyright are not specific to any one technology. Students can violate the rights of a copyright holder using many different types of technology. Both uploading and downloading of files can pose a violation of the copyright law. Students should be cautious when obtaining any copyrighted material. As a rule of thumb, before a student receives anything for free, they should research whether that source provides material licensed by the copyright owner. A list of licensed sources at can be found at [www.educause.edu/legalcontent](http://www.educause.edu/legalcontent).

Under the Digital Millennium Copyright Act (DMCA), the Recording Industry Association of America (RIAA) has begun issuing subpoenas to Internet Service Providers (ISPs) to obtain the identity of individual users who are committing such acts and has begun suing those individuals under the DMCA. Acting as an ISP, the College can be subpoenaed under the DMCA for the identity of users in the College community who are illegally distributing copyrighted material. Although the College will act in accordance with the Family Education Rights Privacy Act, it might be forced to comply with such subpoenas.

Individuals who violate copyright law by illegally uploading and downloading copyrighted files may be subject to civil penalties of between \$750.00 and \$150,000.00 per song. These penalties are established by federal law. In the past, pre-litigation settlements offered by copyright owners have ranged from \$3,000 to \$4,000 and up while juries have issued verdicts of hundreds of thousands and even millions of dollars. In addition, a court may, in its discretion, grant the copyright owner reasonable attorney fees. Although criminal prosecution of students for file sharing is extremely rare, federal law lays out criminal penalties for intentional copyright infringement which can include fines and jail time.

## **POLICY ON EMOTIONAL SUPPORT ANIMALS**

### **I. Policy Statement**

Mercy College is committed to complying with federal laws. Each request is evaluated on a case by case basis, subject to full review by Mercy College. While legal rights are afforded to individuals with Emotional Support Animal accommodations, the individual has the responsibility to ensure the animal behaves appropriately, and adheres to community standards. This Policy addresses the standards expected of both the individual and the animal.

### **II. Definitions**

***Emotional Support Animal.*** Emotional Support Animals (ESAs) are animals that provide emotional support to alleviate one or more identified effects of an individual's existing disability. To be considered an accommodation, an ESA must be required by an individual with a disability, in their residence, in order for the individual to have an equal opportunity to use and enjoy their residence.

Dangerous, poisonous, illegal, or any other animals that pose a direct threat to the health and/or safety of the campus community will not be permitted as ESAs. Size restrictions may also apply. Animals whose sole function is to provide comfort or emotional support are Emotional Support Animals, not Service Animals.

***Owner.*** The student responsible for all aspects of the ESA's stay at the College.

***Current.*** Not older than 12 months.

### **III. Guidelines**

#### **A. Registration Required**

All ESAs must be registered with the Office of ACCESSibility. Registration should be completed at least **two months prior to the start of the semester** in order to allow adequate time to evaluate the accommodation. The student will be required to complete an Application for Accommodations and submit documentation supporting the need for the accommodation. Upon receipt of these documents, the Office of ACCESSibility will contact the student within one week of receipt of the documentation to discuss the request.

#### ***Roommate Approval.***

If a roommate is assigned to reside with an Owner of an ESA and the roommate agrees to have the ESA live in the same dorm room, the roommate must provide written consent which must be submitted to the Office of ACCESSibility prior to the ESA being brought into the room. In the event that the College is unable to find a roommate willing to live with an Owner with an ESA, the College may place the Owner in a single occupancy room and charge the Owner the appropriate fee for the room.

## **B. Responsibilities of Owner**

### ***Changes in Animal or Need for Animal.***

The owner must notify the Office of ACCESSibility in writing if there are any changes to the approved ESA animal, or if the ESA is no longer needed.

### ***Care of ESA***

Owner must feed his/her ESA, provide water and provide exercise as appropriate for the type of animal.

### ***Cleanup and Grooming***

Owner must keep his/her ESA clean and well-groomed at all times. Owner must take measures to mitigate odor and to ensure flea control. Owner must not use public residential hall bathrooms for bathing or grooming of ESA. Private sinks may be utilized for cleaning of ESA in limited instances with prior approval from the Office of ACCESSibility.

The owner is responsible for removing ESA's waste from designated relief area. Owner must always carry bags and necessary cleaning equipment to clean waste, and dispose in prearranged container. If animal is litter trained, waste must be disposed regularly in designated container.

### ***Financial***

The owner is financially liable for any actions of the ESA including bodily injury and/or property damage. This includes, but is not limited to, replacement of wall coverings, windows, furniture, and carpet. If the room needs to be treated for fleas, ticks, or other pests, the owner will be billed for inspection and pest treatment. These costs must be settled at the time of repair and/or move-out.

### ***Leash and Identification***

If appropriate, as determined by the Office of ACCESSibility, the ESA must be kept on a leash and wear a tag indicating ownership information.

### ***Physical Control***

The owner must be in full control of the ESA at all times. Care and supervision is the sole responsibility of the owner. ESA's left unattended in dorm room must be kenneled or restrained with a tie down. It is the owner's responsibility to ensure the ESA does not disrupt others (i.e. vocalizing, barking, excessive noise).

### ***Vaccinations & Health Records***

The ESA must be in good health and have immunizations for diseases common to that type of animal.

All vaccinations must be current and applicable animals must wear a current rabies tag.

The Owner is required to submit to the Office of ACCESSibility, on an annual basis, the ESA's current immunization records, as well as a written certification from a licensed veterinarian that the ESA is in good health.

### ***Washer/Dryer Use***

A washer and dryer will be designated for use by the owners of ESAs. Owner must use the designated washer and dryer for cleaning owner's and/or ESA's clothing, bed sheets, etc.

### ***Other Guidelines***

- The ESA is not permitted in **common areas**. Owner must keep ESA in owner's assigned room and Owner must ensure that the ESA does not leave the owner's room except for when owner takes ESA outside to visit relief area or to take the ESA for a walk. Owner may not use ESAs to entice visitors to the owner's room. For example – an invitation to visit a student's room solely to interact with an ESA is not appropriate.
- Owner may not leave ESA **overnight** in student housing without the owner being present. The owner must make proper arrangements for the care of an ESA while the residence halls are closed for

breaks. The owner will not be allowed to stay on campus over a break when college housing is closed for the purpose of taking care of an ESA.

### **C. Removal of ESA**

Failure to maintain an ESA as set forth in this Policy and Agreement may subject the owner to fines, or result in removal of animal from campus. The College reserves the right to take appropriate measures, up to and including removal of ESA, for reasons which include but are not limited to the following

- The owner violates any term of this policy, after notice and reasonable opportunity to resolve when possible;
- The approved ESA is no longer needed to assist with a disability;
- The College determines that the approved ESA is a direct threat to the health, safety, or property of anyone in the College community, or that the approved ESA is adversely affecting College's programs or activities.

Owner may appeal the decision in writing to the College's Equity Compliance Specialist.

To request this accommodation or to learn more information, contact the Office of ACCESSibility. At 914-674-7764, [accessibility@mercy.edu](mailto:accessibility@mercy.edu) or visit our website at [www.mercy.edu/student-affairs/access](http://www.mercy.edu/student-affairs/access).

## **POLICY REGARDING SERVICE ANIMALS FOR PEOPLE WITH DISABILITIES**

### **I. Policy Statement**

Mercy College is committed to making reasonable modifications in policies, practices, and procedures to permit the use of service animals by persons with disabilities. Service animals play an important role in ensuring the independence of people with disabilities, and it is therefore our policy to welcome to the College any animal that is individually trained to assist a person with a disability.

### **II. What is a Service Animal?**

Service animals include any dog or miniature horse that is individually trained to do work or perform tasks for individuals with disabilities, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service animals do not always have a harness, a sign, or a symbol indicating that they are service animals. A service animal is not a pet. Service animals assist people with disabilities in many different ways, such as:

- Guiding people who are blind or have low vision and retrieving dropped objects for them;
- Alerting people who are deaf or hard of hearing to sounds and the presence of others;
- Carrying and picking up items, opening doors, or flipping switches for people with disabilities who have limited use of hands or arms, limited use of their legs, or limited ability to bend or stoop;
- Pulling wheelchairs;
- Alerting people with disabilities to the onset of medical conditions such as seizures, protecting them and cushioning them if they fall, reviving them, and performing other tasks that reduce the risk of liability related injury;
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication or waking him/her up, alerting a person with anxiety to the onset of panic attacks, orienting people with

schizophrenia to reality, and helping people with intellectual or cognitive disabilities to locate misplaced items, find places, or follow daily routines; and

- Providing physical support and assisting people with physical disabilities with stability and balance.

### **III. Requirements with Regard to Service Animals**

Most of the time, people with disabilities who use service animals may be easily identified without any need for questioning. If we can tell by looking, it is our policy not to make an individual feel unwelcome by asking questions. If we are unsure whether an animal meets the definition of a service animal, it is our policy to ask the individual only two questions at the point that the individual seeks entry to the College or any of its buildings:

- 1) Is the service animal required because of a disability?
- 2) What work or task has the service animal been trained to perform?

If the individual says yes to the first question and explains the work or tasks that the animal is trained to perform, we will welcome the person and service animal to the College without asking any additional questions about his or her service animal. We will not ask an individual questions about his or her disability. We will not ask an individual to show a license, certification, or special ID card as proof of their animal's training. We must permit service animals to accompany individuals with disabilities to all areas of the College normally used by students or other members of the public and will treat individuals with service animals with the same courtesy and respect that we afford to all of our students.

If the answer is “no” to the first question, the College may inform the individual that the service animal is not permitted and he/she will be referred to the Student Handbook.

### **IV. Mercy College Responsibilities**

Mercy College has the right to exclude a service animal from the College if the service animal is out of control and the handler does not take effective action to control it, or the service animal is not housebroken. We will not exclude a particular service animal based on past experience with other animals or based on fear unrelated to an individual service animal's actual behavior. Each situation will be considered individually.

## **POLICY AND PROCEDURES FOR IMPLEMENTING REASONABLE ACCOMMODATIONS FOR STUDENTS**

### **I. Policy Statement**

Mercy College is committed to providing reasonable accommodations and academic adjustments to allow qualified students the opportunity to participate in programs and activities at the College. Mercy recognizes that there may be times when students and their instructors can resolve accommodation requests informally. In many cases, however, such requests require a more formal process with the request being made to and considered by a designated decision-maker, with the opportunity for an appeal, as provided for in these procedures.

The following procedures apply to reasonable accommodations and academic adjustments in connection with:

- a disability,
- pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, including breastfeeding, and
- religious practices

Mercy will thoroughly review all requests on a case-by-case basis in accordance with applicable federal, state and local laws.

Mercy prohibits retaliation against individuals for requesting reasonable accommodations or academic adjustments, appealing decisions concerning such requests, or for making or participating in claims of discrimination.

All requests for accommodations and academic adjustments, and all supporting documentation, including but not limited to medical information, are considered confidential and will be shared with College officials only on a need-to-know basis. Such documentation will only be used to evaluate the requested accommodation. Student accommodation documentation will be kept in the Office for ACCESSibility, the Office of Student Affairs, or the Office of the Equity Compliance Specialist, depending on which office is evaluating the accommodation request.

While the College will not share any request for an accommodation or academic adjustment under this Policy except as on a need-to-know basis, the Director of ACCESS may suggest that the student inform his/her PACT mentor, COP or other counselor about the student's need for an accommodation or academic adjustment provided pursuant to this Policy so as to more fully assist the student in all of her or his needs.

## II. Definitions

- A. Academic Adjustments: Section 504 of the Rehabilitation Act of 1973 ("Section 504"), which prohibits discrimination against qualified individuals with disabilities in federally-funded programs and activities, requires Mercy to provide academic adjustments to qualified students with disabilities by:
  - (a) modifying academic requirements unless such requirements are essential to the instruction being pursued or to any directly related licensing requirement;
  - (b) ensuring that course examinations for students with disabilities reflect their achievement in the course and not their disabilities;
  - (c) taking steps to ensure that a qualified student is not excluded from participation or discriminated against because of the absence of educational auxiliary aids; and
  - (d) ensuring that no rules have the effect of limiting the participation of students with disabilities in any educational program or activity.
- B. Director of ACCESSibility: The Mercy employee who is responsible for ensuring that accommodation requests from students are processed in accordance with all Mercy policy and procedures.
- C. Equity Compliance Specialist: The Mercy employee who is responsible for overseeing compliance with all laws and regulations related to non-discrimination and Mercy's Policy

on Equal Opportunity and Nondiscrimination, providing guidance and information, and investigating complaints of unlawful discrimination. The Equity Compliance Specialist also is responsible for addressing appeals of accommodations and academic adjustments based on disability, pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, and religious practices.

- D. Disability: Mercy recognizes as a disability any physical, medical, mental or psychological impairment, or a history or record of such impairment that constitutes a disability under applicable federal, state, Westchester County and New York City law.
- E. Interactive Process/Cooperative Dialogue: When a decision-maker at the campus works with the student to identify existing barriers to the student's access to academic and non-academic programs and activities at the College with the intention of finding an academic adjustment or reasonable accommodation to address those barriers.
- F. Pregnancy, Childbirth or a Related Medical Condition: The condition of being pregnant, having a child, or a medical condition related to pregnancy or childbirth. For the purposes of this Policy, this shall include breastfeeding.
- G. Qualified Individual with a Disability: An employee or applicant for employment with a disability who satisfies the skill, experience, education, and other job-related requirements for the position and who can perform the essential functions of the job with or without a reasonable accommodation. Similarly, for students, a qualified individual with a disability is a student who meets the academic and technical standards required for admission or participation in the chosen program with or without a reasonable accommodation or academic adjustment.
- H. Reasonable Accommodation: Although each student accommodation request will be assessed individually, reasonable accommodations, in a general sense, are adjustments to policy, practice, and programs that "level the playing field" and provide equal access to Mercy's academic and non-academic programs and activities. Reasonable accommodations are addressed on a case-by-case basis.
- I. Religion: An individual's sincerely held religious belief or practice of a creed or religion, including all aspects of religious observance, practice and belief, and moral or ethical beliefs as to what is right or wrong, which are sincerely held with the strength of traditional religious views. Religion is defined broadly and includes religious beliefs and practices that may be unfamiliar. "Religion" may consist of a belief system that does not include a traditional concept of God.
- J. Title IX Coordinator: The College employee who is responsible for compliance with Title IX of the Educational Amendments of 1972, which prohibits sex discrimination in educational programs. The Title IX Coordinator has overall responsibility for implementing Mercy's Policy and Procedures on Sexual Misconduct, including overseeing the investigation of complaints related to sexual misconduct.

- K. Undue Hardship: An action that would require significant difficulty or expense when considered in light of a number of factors, including the nature and cost of the accommodation in relation to the size, resources, nature and structure of the employer's operation, or an action that would fundamentally alter policy and procedures, and/or the fundamental nature of the academic program. An accommodation need not be granted where it would impose an undue hardship on the College. If a particular accommodation imposes an undue hardship, Mercy will consider whether an alternative accommodation is available that would not impose an undue hardship.

### **III. Requesting a Disability Accommodation or Academic Adjustment**

#### **A. Student Registration**

In order for a Mercy College student to receive an accommodation or academic adjustment, based on a disability under this Policy, the student must register with the Office of ACCESSibility. To register with ACCESS, the student must submit an Application for Accommodations and appropriate supporting documentation. Students may visit the webpage, <https://www.mercy.edu/student-affairs/access>, contact ACCESS staff at (914) 674- 7764 or by email at [accessibility@mercy.edu](mailto:accessibility@mercy.edu) for further information, including what documentation is required and the process for submission. Students can also visit the office which is located in Main Hall, Room 121 on the Dobbs Ferry campus or set-up an appointment at another campus with an ACCESS staff member.

After a request is submitted, the Director of ACCESSibility, or a designee, and the student will engage in an interactive process, which may include a consideration of a number of factors, such as the student's limitations and the academic or other program requirements, with the goal of finding an acceptable accommodation or academic adjustment. Reasonable accommodations and academic adjustments may include, but are not limited to, providing the student with assistive technology or other auxiliary aides, extra time for tests or papers, access to an elevator where available, a note taker during lectures, or permission to bring a personal aide to assist the student during class. The Director of ACCESSibility, or a designee, may, when necessary and in a confidential manner, consult with appropriate college officials, such as the instructor, Program Director, Dean, Provost and/or PACT mentor, COP or other counselor to determine program requirements and appropriate accommodations. A grant or denial of the student's request must be made as soon as practicable, taking into account the urgency of the request, and sent to the student in writing, either stating the accommodation or adjustment to be provided, or for denials, the reason(s) the request was denied.

#### **B. Accommodation Memo**

If an accommodation or academic adjustment is granted, ACCESS will provide the student with an "Accommodation Memo." The purpose of the Memo is to inform a faculty member that the student in his/her course is registered with ACCESS and lists the student's accommodations. The Memo does NOT cite the specific disability. If the initial Accommodation Meeting is taking place before the student has enrolled at Mercy, the memo will be provided to the student before the start of the term.

## B. Timing of Requests

Students may request accommodations and academic adjustments at any point during the semester. A student has the right to not disclose a disability to a faculty member and to withhold submission of an Accommodation Memo from a faculty member. In the event that a student does not submit an Accommodation Memo to a faculty member, the student may not make up work or retake exams retroactively with accommodations. Any grades already in place or tests taken prior to the submission of an Accommodation Memo to the faculty member will not be changed or repeated with accommodations. Please keep in mind that not all accommodations can be immediately implemented, and no grades given prior to the implementation period will be changed.

An Accommodation Memo is semester specific and is only valid for the term that it was issued. To activate the accommodation(s) each semester, the student must request a new Accommodation Memo from ACCESS before the start of each semester. The updated Memo should be presented ordinarily to faculty members within the first 1-2 weeks of EACH academic term. The student must have the faculty member review the Memo and obtain the faculty member's signature at the bottom of the Memo. The signed Memo must be returned to the Office of ACCESSibility or may be scanned and emailed to [accessibility@mercy.edu](mailto:accessibility@mercy.edu) as soon as possible.

## D. Appeal of Accommodation Requests/Decisions

Students may appeal determinations concerning requested accommodations and academic adjustments by filing a written complaint with the College's Equity Compliance Specialist. The Equity Compliance Specialist, or a designee, will mediate to try to resolve the issues between the student and the College to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, then the Equity Compliance Specialist, or a designee, will investigate the complaint and make a recommendation to the Provost, who will make the decision concerning the complaint.

## **IV. Accommodations based on Pregnancy, Childbirth or a Related Medical Condition**

### A. General Accommodations

Students requesting an accommodation or academic adjustment based on pregnancy, childbirth or a related medical condition should contact the Office of ACCESSibility. Students may be asked to complete an intake form and provide supporting documentation. The student and the Director of ACCESSibility, or a designee, will engage in an interactive process, which may include considering a number of factors, such as the student's limitations and the nature and requirements of the academic program, with the goal of finding an acceptable accommodation or academic adjustment. The Director of ACCESSibility may, when necessary, consult with appropriate college officials, such as the Title IX Coordinator, Equity Compliance Coordinator, instructor, Program Director, Dean, or Provost, to determine program requirements and possible accommodations and adjustments. Reasonable accommodations or academic adjustments may include, but are not limited to,

granting leaves of absence, providing take-home tests to students who are bedridden or homebound, allowing make-up tests and papers, or scheduling a meeting with the instructor for a student who had to miss class because of medical appointments or medical complications in order to make up missed content. A grant or denial of the request must be made as soon as practicable, taking into account the urgency of the request, and sent to the student in writing, either stating the accommodation, or for denials, the reason(s) the request was denied.

#### B. Accommodations related to breastfeeding

In recognition of the importance and benefits of breastfeeding for mothers and infants and in compliance with state and federal law, Mercy College supports the rights of nursing mothers at school, and is dedicated to making its best effort to accommodate requests from nursing mothers for a private space to express breast milk on campus. Students should consult with the Office of ACCESSibility to determine where dedicated lactation rooms exist on each Mercy campus. If no dedicated space has been identified, the student can work with the Office of ACCESSibility to identify an appropriate space in which the student can express milk. The room must be clean, private, and comfortable, have an electrical outlet, chair, and a table, and have nearby access to a sink with running water and paper towels.

Students will have access to lactation rooms based on availability and on a first-come, first served basis, and may need to schedule access ahead of time, depending on employee use. Students are expected to work with their instructors and/or advisors to make up any missed work.

#### C. Appeals in Pregnancy, Childbirth or Related Medical Condition Cases

Students may appeal a denial of a request for an accommodation by filing a complaint with the Title IX Coordinator. The Title IX Coordinator, or a designee, will mediate to try to resolve the issues between the individual and the department to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, then the Title IX Coordinator, or a designee, will investigate the complaint and make a recommendation to the Provost.

### **V. Religious Accommodations**

#### A. Requests for Accommodations

Students should contact the Office of Student Affairs when seeking a religious accommodation. The Dean of Students, or a designee, and the student will engage in an interactive process with the goal of finding an acceptable accommodation.

Individuals requesting accommodations may be required to submit an intake form. In the case of requests for religious accommodations, the interactive process may include a consideration of a variety of factors, such as the individual's religious practices and the functions and requirements of the academic program or job. Reasonable accommodations may include, but are not limited to, flexible arrival and/or departure times, permission to make up a test or lecture, leave or assignment changes, time and/or space to pray, or an accommodation relating to appearance or dress. For students, while a student accommodation must not result

in the inability of the student to perform the essential functions of the course/program of study, students should be given the opportunity to make up work or an exam when she/he is absent.

Mercy generally will not question that a request for religious accommodation is based on a sincerely held belief. However, if Mercy has genuine reason to doubt that a belief qualifies as religious, or is sincerely-held, Mercy may make a limited inquiry, asking for supporting documentation. The documentation submitted may include the requestor's first-hand explanation, or explanations from others, such as a religious official or clergy member, who are aware of the religious practice or belief.

A grant or denial of the request must be made in writing as soon as practicable, taking into account the urgency of the request, and sent in writing to the individual making the request, either stating the accommodation, or for denials, the reason(s) the request was denied.

#### B. Appeals in Religious Accommodation Cases

Students may appeal a denial of their religious accommodation request by filing a complaint with the Dean of Students, or a designee, who will mediate to try to resolve the issues between the individual and the College to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, then the Dean of Students, or a designee, will investigate the complaint and make a recommendation to the Provost, who will make the final determination concerning the complaint.

### VI. Filing Complaints with Outside Agencies

Students who believe that a decision to deny the request for a reasonable accommodation or academic adjustment was based on unlawful discrimination may avail themselves of any and all of their rights under law without fear of retaliation, including filing complaints with one or more of the outside agencies listed below.

- U.S. Department of Education, Office for Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>
- U.S. Equal Employment Opportunity Commission  
[https://www.eeoc.gov/federal/fed\\_employees/filing\\_complaint.cfm](https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm)
- New York State Division of Human Rights  
<http://www.dhr.ny.gov/how-file-complaint>
- New York City Commission on Human Rights  
<https://www1.nyc.gov/site/cchr/enforcement/complaint-process.page>
- Westchester County Human Rights Commission  
<https://humanrights.westchestergov.com/file-a-complaint>

## **POLICY AND PROCEDURES FOR HANDLING STUDENT COMPLAINTS**

### **I. Introduction**

Mercy College has a variety of procedures for dealing with student-related issues, including grade appeals, student discipline, sexual misconduct complaints, disability accommodations, discrimination and retaliation. In some instances, however, students may wish to make complaints against faculty members, administrators or against the College in situations that are not covered by a particular policy. The purpose of this Policy is to address some of those instances and to provide a process whereby current students can file a complaint with the College in circumstances where he or she feels that the matter cannot be resolved informally, including but not limited to:

- Complaints against faculty in academic settings;
- Complaints relating to other employees, contractors or vendors for misconduct or unprofessional behavior;
- Complaints in connection with student services such as billing, tuition and financial aid; or
- Complaints related to other College services such as food services, residential life, athletics and/or health and wellness.

### **II. Determination of Appropriate Procedure**

If students have any question about the applicable procedure to follow for a particular complaint, they may at any time consult with the College's Dean of Student Affairs, Provost, Executive Director of Human Resources, or Title IX Coordinator/Equity Compliance Specialist, who shall advise a student of the procedure that is applicable to the type of complaint the student has brought forward.

For complaints of sexual misconduct or other forms of discrimination against any Mercy College community member, including complaints relating to disabilities, or retaliation in connection with a complaint of discrimination, students should contact the College's Title IX Coordinator/Equity Compliance Specialist at 914-674-7679 or visit: <https://www.mercy.edu/about-mercy/title-ix>. For complaints relating to grade disputes, students should refer to the *Academic Appeals Policy* found in the *Student Handbook* and *Undergraduate and Graduate Catalogs*.

Complaints can also be made about any member of the College community or about the College itself pursuant to the College's *Whistleblower Policy* by filing a complaint online or by contacting 1-888-OK-MERCY (1-888-656-3729), for issues including but not limited to: fraud, theft, embezzlement; forgery, falsification/misrepresentation of reports; conflict of interest or ethics violations; computer fraud or data security breaches; disclosing confidential or proprietary information to unauthorized individuals (including FERPA and HIPAA protected information); identity theft; and environmental, health and safety violations; research or academic misconduct by faculty or staff.

### **III. Student Complaints About Faculty in Academic Settings**

One area not generally covered by other policies concerns student complaints about faculty conduct in the classroom or other formal academic settings (unrelated to grade disputes or academic integrity violations). The College respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. Indeed, academic freedom is and should be of paramount importance. At the same time the College recognizes its responsibility to provide students with a procedure for addressing complaints about faculty treatment of students that are not protected by academic freedom

and are not covered by other procedures. Such complaints might include unprofessional classroom behavior on the part of a faculty member.

**A. Informal Resolution.** Students are encouraged to attempt to resolve complaints informally with the faculty member or to seek the assistance of the academic unit head to facilitate informal resolution.

**B. Formal Complaint.** If informal resolution is unsuccessful, or if the student does not wish to pursue informal resolution, the student may file a written complaint with the academic unit head or, if the academic unit head is the subject of the complaint, with the school dean (referred to below as the “Fact Finder”). Only students in a faculty member’s class or present in another academic setting where the alleged conduct occurred may file complaints against that faculty member. The process for filing a complaint is as follows:

1. The complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the conduct complained of against the faculty member.
2. The Fact Finder shall promptly send a copy to the faculty member about whom the complaint is made, along with a letter stating that the filing of the complaint does not imply that any wrongdoing has occurred and that a faculty member must not retaliate in any way against a student for having made a complaint. If either the student or the faculty member has reason to believe that the academic unit head may be biased or otherwise unable to deal with the complaint in a fair and objective manner (including if the academic unit head is the subject of the complaint) or if the academic unit head requests recusal because he or she is concerned about a potential conflict of interest (or appearance of such), a written request can be made to the school dean stating the reasons for that belief. If the request appears to have merit, that person may, in his or her sole discretion, replace the academic unit head with another academic unit head as the Fact Finder. If no other academic unit head is available or if the academic unit head assigned is not investigating the matter in a timely manner, the school dean may assign an administrator to investigate.
3. The Fact Finder shall meet with the complaining student and faculty member, either separately or together, to discuss the complaint and to try to resolve it. The Fact Finder may seek the assistance of the College’s Equity Compliance Specialist or other appropriate person to facilitate informal resolution.
4. If resolution is not possible, and the Fact Finder concludes that the facts alleged by the student, taken as true and viewed in the light most favorable to the student, establish that the conduct complained of is clearly protected by academic freedom, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student, the faculty member, the Dean of Student Affairs and the Provost. The student may appeal the decision to the school dean, whose decision whether an investigation is warranted shall be final.
5. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the faculty member and other persons with relevant knowledge and information and shall also consult with another appropriate College official if necessary. The Fact Finder shall not reveal the identity of the complaining student and the faculty member to others except to the extent necessary to conduct the investigation. If the Fact Finder believes it would be

helpful, he or she may meet again with the student and/or faculty member after completing the investigation in an effort to resolve the matter.

6. In cases where there is strong preliminary evidence that a student's complaint is meritorious and that the student may suffer immediate and irreparable harm, the Fact Finder may provide appropriate interim relief to the complaining student pending the completion of the investigation. The affected faculty member may appeal such interim relief to the Provost.
7. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations, with particular focus on whether the conduct in question is protected by academic freedom, and send a copy to the complaining student, the faculty member, the Provost and the Dean of Student Affairs. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.

#### **IV. Complaints Relating to College Employees, Student Services or other College Services**

In addition to complaints about faculty in the academic setting, students may wish to file a complaint about other issues or concerns that they may have relating to employees of the College or services provided by the College. Some examples of those complaints could be:

- Unprofessional behavior or misconduct on the part of an employee (other than a faculty member in the classroom), a contractor or a vendor. In all such cases, a complaint should be made in writing to the Office of Human Resources.
- Issues in connection with student services including but not limited to student billing, tuition, financial aid and student records. In these cases, a complaint should be made in writing to the Office of the Vice President for Enrollment Services.
- Issues in connection with other College services including but not limited to food services, residential life, athletics and health and wellness. In these cases, a complaint should be made in writing to the Office of the Dean of Student Affairs.

For such complaints, the following procedure shall apply:

- A. **Informal Resolution.** Students are encouraged to attempt to resolve complaints informally by discussing the matter with the employee or relevant office.
- B. **Formal Complaint.** If the informal resolution is unsuccessful, or if the student does not wish to pursue informal resolution, the student may file a written complaint with the following offices:
  - Vice President for Enrollment Services for issues relating to student billing, tuition, financial aid or student records for example;
  - Dean of Student Affairs for issues relating to food services, residential life, athletics and health and wellness for example; and
  - Human Resources for all other issues including those relating to employee, vendor or contractor behavior or misconduct.

The Vice President for Enrollment Services, the Dean of Student Affairs and the Executive Director of Human Resources shall thereafter designate an employee from his/her respective office to handle the complaint (referred to as the "Fact Finder" below).

1. The complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the issue complained of.
2. The Fact Finder shall review the complaint as well as any relevant paperwork. If the Fact Finder concludes that the complaint does not warrant any action, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student. In such cases, the student can appeal to the next level manager, whose decision shall be final.
3. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the employee if there is an accusation against her/him, and other persons with relevant knowledge and information, and shall also consult with the Dean of Student Affairs or other College official as may be appropriate. The Fact Finder shall not reveal the identity of the complaining student to others except to the extent necessary to conduct the investigation.
4. In cases where there is strong preliminary evidence that a student's complaint is meritorious and that the student may suffer immediate and irreparable harm, the Fact Finder may provide appropriate interim relief to the complaining student pending the completion of the investigation.
5. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations and send a copy to the complaining student and employee who is the subject of the complaint. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.

#### **V. Appeals Procedure for Student Complaints Under this Policy**

If a student is not satisfied with the report of a Fact Finder after an investigation is conducted in accordance with Sections III or IV above, or if a faculty member or employee who is the subject of a complaint pursuant to Section III above is not satisfied with the report, she or he may file a written appeal to the Chief Student Affairs Officer within 10 calendar days of receiving the report, which time period may be extended for good cause shown. The Chief Student Affairs Officer shall convene and serve as the chairperson of an Appeals Committee in all cases except where the Student Affairs Office is directly involved in an investigation. In the latter cases, the Vice President for Enrollment Services shall convene the Appeals Committee and serve as chairperson.

The Appeals Committee shall also include one administrator, two faculty members and one student (a member of student government or its designee) appointed by the chairperson. The Appeals Committee shall review the findings and recommendations of the report, (with particular focus on whether the conduct in question is protected by academic freedom in faculty cases). The Appeals Committee shall not conduct a new factual investigation or overturn any factual findings contained in the report unless they are clearly erroneous. If the Appeals Committee decides to reverse the Fact Finder in a case where there has not been an investigation because the Fact Finder erroneously found that the alleged conduct was protected by academic freedom, it may remand to the Fact Finder for further investigation. The committee shall issue a written decision within 20 calendar days of receiving the appeal. A copy of the decision shall be sent to the student, the employee or faculty member who is the subject of the complaint, the academic unit head or relevant employee manager, or and the relevant staff officer or area of the College if that area is the subject of the complaint.

## **VI. Subsequent Action**

Following the completion of these procedures, the appropriate College official shall decide the appropriate action, if any, to take. For example, the academic unit head may decide to place a report in a faculty member or employee's personnel file or the school dean or employee's manager may bring disciplinary charges against the faculty member or employee. Disciplinary charges may also be brought in extremely serious cases even though the College has not completed the entire investigative process described above; in that case, the bringing of disciplinary charges shall automatically suspend that process. Any action taken by the College, whether interim or final, must comply with all College policies, procedures, handbooks and collective bargaining agreements.

## **VII. Tracking Student Complaints**

All Fact Finders who receive any complaint pursuant to this Policy, in addition to any report that may be generated due to an investigation, are required to keep a record of the complaint, including the following relevant information: date(s) of the incident, nature of the complaint, parties involved (witnesses and faculty/employee who is the subject of the complaint), and resolution (whether by informal means or after investigation). All Fact Finders will be required to keep the records in a database as instructed by the College's General Counsel.

---

---

**MERCY COLLEGE**  
**STUDENT COMPLAINT FORM**

This form can be used by students to file a complaint regarding faculty in the academic settings, regarding other employees, contractors or vendors, or regarding student services or other College services.

DATE \_\_\_\_\_

CAMPUS \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

---

---

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Receive Text: Yes\_\_ No\_\_

Email: \_\_\_\_\_

Campus Address: \_\_\_\_\_ Status: \_\_\_\_\_  
(Undergrad., Grad., Staff, Faculty)

Home Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

---

---

**Complaint Information**

Date(s) on which the event(s) or issue(s) occurred \_\_\_\_\_

Name(s) of the person(s) involved \_\_\_\_\_

\_\_\_\_\_

Please describe your complaint in detail. Include the names of persons, locations, and dates involved.  
If this complaint is against specific person(s), please list their names and titles.  
(Attach a separate page if needed.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What attempts have you made to resolve this complaint up to now?

Please state who you contacted and what transpired.

---

---

---

Why do you think the complaint was not able to be resolved in your prior attempts?

---

---

---

What resolution would you consider fair? What resolution do you seek?

---

---

---

Any other information you want to provide?

---

---

---

---

---

Is there any person who you do NOT want to be told of your complaint? (Keep in mind that it may be difficult to resolve if those involved cannot be asked to explain or respond).

**NOTE: RETALIATION AGAINST A STUDENT FOR MAKING A COMPLAINT IS ABSOLUTELY PROHIBITED, AND WILL BE CONSIDERED A SERIOUS VIOLATION OF PROFESSIONAL RESPONSIBILITY .**

---

---

---

I hereby certify that the above information is true and correct to the best of my knowledge and belief. I grant permission for this complaint to be forwarded to Mercy College officials for purposes of investigation and response.

I agree to provide such other or supplemental information that may be requested.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**MERCY COLLEGE**  
**INTERIM POLICY AND PROCEDURES**  
**RELATING TO SEXUAL MISCONDUCT**

## POLICY AND PROCEDURES RELATING TO SEXUAL MISCONDUCT

### Table of Contents

I.	Policy Statement	79
II.	Prohibited Conduct	80
	A. Sexual Harassment and Sexual Violence	80
	B. Retaliation	80
III.	Applicability	81
IV.	Title IX Coordinator	81
V.	Immediate Assistance in Sexual Violence Cases	82
	A. Reporting to Law Enforcement	82
	B. Obtaining Immediate Medical Attention and Emotional Support	82
VI.	Reporting Sexual Harassment or Sexual Violence at Mercy	83
	A. Filing a Complaint with Campus Authorities	83
	1. Student Complaints Under Title IX	83
	2. Employee Complaints of Sexual Harassment or Sexual Violence	84
	3. Other Community Members	84
	B. The College's Response Under Title IX and Other Sections of this Policy	84
	1. Student Title IX Complaints	84
	C. Support Assistance for Complainants and Respondents	85
	D. Amnesty for Alcohol and/or Drug Use	85
	E. Reporting Retaliation	85
	F. Malicious Allegations	86
	G. Employees Required to Report Incidents of Sexual Harassment and Sexual Violence	86
	1. Responsible Employees	86
	2. Matters Involving Employees	87
	3. Required Reporting	87
	H. Reporting and Other Actions by Bystanders	87
	I. Coordination with Outside Law Enforcement Authorities	87
VII.	Rights and Obligations Relating to Confidentiality	88
	A. Confidential Resources	88
	1. Students	88
	2. Employees	88
	B. Handling Confidentiality Requests After Report Has Been Received by the College	88
	C. Other Reporting Obligations Under Federal and State Law	89
	1. Annual Crime Statistics	89
	2. Timely Warnings	89
	3. NYS Campus Safety Act	89
	4. Notice to Parents	89
	5. Suspected Child Abuse	90
VIII.	Interim Supportive Measures and Accommodations	90
IX.	Investigating Complaints of Sexual Misconduct	91
	A. The Investigation	91
	B. Informal Resolution	92
	C. Hearings	92
	1. Advisors	93

2.	Cross Examination and Impact Statement	93
D.	Conflicts	94
E.	Admission and Acceptance of Penalty Prior to Finding	94
F.	Timing	94
G.	Report of Findings and Standard of Evidence	94
X.	Appeals Process	95
XI.	Disciplinary Action	96
A.	Rights	96
B.	Penalties	96
C.	Interim Suspensions	97
D.	Notation on Transcripts	97
E.	FERPA	97
XII.	Consensual Relationships	98
XIII.	Filing External Complaints	98
XIV.	Additional College Obligations Under this Policy	98
A.	Dissemination of Policies, Procedures and Notices	98
B.	Student Educational Programming	99
C.	Faculty and Staff Training	100
D.	Conducting Campus Climate Assessments and Annual Reporting	100
XV.	Definitions of Terms in this Policy	100
A.	Affirmative Consent	100
B.	Complainant	101
C.	Complaint	101
D.	Contractors	101
E.	Dating Violence	101
F.	Domestic Violence	101
G.	Forcible Touching/Fondling	101
H.	Managers and Supervisors	101
I.	Rape and Attempted Rape	101
J.	Reporting Individual	102
K.	Respondent	102
L.	Retaliation	102
M.	Sexual Activity	102
N.	Sexual Assault	102
O.	Sexual Harassment under Title IX	102
P.	Sexual Misconduct	103
Q.	Sexual Violence	103
R.	Stalking	103
	Appendix A: Mercy College Student Bill of Rights	104
	Appendix B: Mercy College Title IX Resource List	104

## **I. Policy Statement**

Every member of the Mercy College community, including students and employees, deserve the opportunity to live, learn and work free from sexual harassment and sexual violence.

Accordingly, Mercy is committed to:

- Defining conduct that constitutes prohibited sexual harassment and sexual violence under the relevant laws;
- Providing clear guidelines for students and employees on how to report incidents of sexual harassment and sexual violence and a commitment that a complainants' privacy will be maintained to the greatest extent possible;
- Promptly and accurately responding to and investigating allegations of sexual harassment and sexual violence under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment and sexual violence, and effectively implementing remedies for victims;
- Referring incidents to law enforcement and for disciplinary action when appropriate, and acting to investigate and address any allegations of retaliation;
- Providing ongoing assistance and supportive measures to students and employees who are involved in complaints of sexual harassment and sexual violence, including both complainants and respondents, such as providing information regarding where and how to obtain supportive services both on and off-campus, as well as their rights under federal law, state law and Mercy policy, including filing a complaint with the College as well as with external agencies;
- Providing awareness and prevention information on sexual harassment and sexual violence, and widely disseminating this policy, as well as the Mercy College Student Bill of Rights, disseminating information on resources available both on campus and locally, and implementing training and educational programs on sexual harassment and sexual violence to College constituencies; and
- Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents at Mercy College.

Throughout this Policy, rights afforded and responses by the College will vary depending on whether the complainant is a student or employee, and whether conduct falls squarely under the federal Title IX regulations or not, as a result of the intersection of the various federal, state laws and local laws relating to sexual harassment and sexual violence, including but not limited to: federal laws such as Title IX, Title VII and the Clery Act/Violence Against Women Reauthorization Act of 2013 ("VAWA"); and state laws including Article 129A and 129B of the New York State Education Law, as well as the New York State, New York City and Westchester County Human Rights Laws. The College will make every effort to make clear the policies as it pertains to each area, but in the event of confusion, please contact Mercy's Title IX Coordinator for clarification.

## II. Prohibited Conduct

### A. Sexual Harassment and Sexual Violence

This policy prohibits sexual harassment and sexual violence (together “sexual misconduct”) against Mercy College students and employees.

Sexual harassment is defined under federal law as conduct on the basis of sex that satisfies one of more of the following:

- A school employee conditioning education or work aids, benefits or services on an individual’s participation in unwelcome sexual conduct (i.e. quid pro quo);
- Unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct that a reasonable person would determine is so **severe, pervasive, and objectively offensive** to adversely affect an individual’s participation in education or other Mercy College activities; or
- Sexual assault, dating violence, domestic violence, or stalking (collectively referred herein as “sexual violence.”)

Under New York State Law, for **Mercy College employees**, harassment (including sexual harassment) is against the law whenever an individual is subjected to inferior terms, conditions or privileges of employment. The harassment need not be severe or pervasive in order for the College to be liable, although the actions are defensible if they are not more than “petty slights or trivial inconveniences.”

### A. Retaliation.

The College prohibits retaliation against any person who reports sexual harassment, or sexual violence, assists someone making such a report, or participates in any manner in an investigation, hearing or resolution of a complaint under this Policy.

The complete definitions of these terms, as well as other key terms used in this Policy, are set forth in Section XV below.

## III. Applicability

This Policy applies to **all students and employees**, including all full-time and part-time faculty and staff at all of Mercy College’s campuses and locations.

This Policy applies regardless of an individual’s race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction when sexual misconduct occurs in the College’s educational programs or activities, against a person in the United States.

While this Policy applies to prohibited sex discrimination, the College's [Policy on Equal Opportunity and Non-Discrimination](#) ("*Non-Discrimination Policy*") addresses all *other* forms of prohibited discrimination. The College strictly prohibits discrimination, harassment and retaliation against any of its students and employees, as well as the following: **student applicants for admission, applicants for employment, and contractors and vendors (defined in Section XV below), collectively referred to herein as "Other Community Members."** Complaints under the College's *Non-Discrimination Policy* can be made here: [Discrimination Complaint Form](#).

If any of these Other Community Members believe they are being subjected to Sexual Harassment or Sexual Violence by a Mercy College student or employee, they may also file a complaint under this Policy and Procedures Relating to Sexual Misconduct.

If Other Community Members engage in behavior prohibited under this Policy, the College will take appropriate action regarding their access to the College campuses.

#### **IV. Title IX Coordinator**

Mercy College has designated an employee as the "Title IX Coordinator." This employee is responsible for compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education programs, as well as enforcing New York State's sexual harassment laws, New York Education Laws 129A and 129B, and VAWA. Contact information for the Title IX Coordinator is in Appendix B, page 27.

The Title IX Coordinator has overall responsibility for implementing this Policy, including but not limited to:

- A. Ensuring their contact information is provided to applicants for admission and employment, including name, title, office address, e-mail address, and telephone number of the Title IX Coordinator, and that this information is prominently displayed on the College website.
- B. Receiving all complaints that are not strictly confidential, including providing emergency access in the first instance of disclosure by an individual reporting under this Policy.
- C. Overseeing the investigation of complaints;
- D. Ensuring all persons involved in a complaint are advised of their rights, in writing, under state and federal laws, and this Policy;
- E. Ensuring investigations are handled in a prompt and thorough manner, maintaining confidentiality when requested and where appropriate, and offering privacy for all persons involved to the greatest extent possible;
- F. Keeping the College President and other appropriate senior administrators informed of ongoing investigations, including findings of misconduct and penalties to be imposed under this policy;
- G. Ensuring appropriate student education and employee training, including for Responsible Employees (defined below), Hearing and Appeals Panel members, is conducted;
- H. Ensuring a campus climate assessment is conducted in accordance with relevant law; and
- I. Ensuring the College's compliance with federal and state reporting obligations.

## **V. Immediate Assistance in Cases of Sexual Violence**

### **A. Reporting to Law Enforcement**

Students or employees who experience or observe any form of sexual violence on or off-campus (including Mercy College sponsored trips, study abroad or events) are strongly encouraged to immediately report the incident by calling 911, contacting their local police department, state police, or contacting the Mercy College Office of Campus Safety, which is available 24 hours a day, 7 days a week at 914-674-9999 (or x 9999). The College shall have an appropriately trained employee available at all times to provide the complainant with information regarding options to proceed, including information regarding the criminal justice process and the preservation of evidence. Campus Safety officers can also assist the complainant with filing a complaint both on and off-campus, and in obtaining immediate medical attention and other services.

### **B. Obtaining Immediate Medical Attention and Emotional Support**

Mercy College is committed to assisting anyone who experiences sexual violence to seek comprehensive medical attention as soon as possible to treat injuries, obtain preventative treatment for sexually transmitted diseases, and preserve evidence, among other things. For rapes in particular, immediate treatment and the preservation of evidence (i.e. retain the clothing worn during the attack, do not shower, retain text messages, etc.) of the incident are crucial for many reasons, including facilitating an investigation if the complainant decides to file a criminal complaint. In addition, individuals who have experienced or witnessed sexual violence are encouraged to seek emotional support as soon as possible, either on or off-campus.

On-campus resources, at no cost to students, include a nurse/nurse practitioner and registered nurses at the Dobbs Ferry campus and licensed mental health counselors through the Health and Wellness Center. Please visit the College's website at: <https://www.mercy.edu/student-affairs/health-wellness-center> for more information about obtaining assistance.

Appendix B provides a list of emergency contacts and resources, including rape crisis centers, anonymous and confidential reporting hotlines, mental health counseling, victim advocacy services, legal assistance, and visa immigration services available throughout Westchester County and New York City. This list also includes a designation of which local hospitals are designated as SAFE (Sexual Assault Forensic Examination) hospitals, which are specially equipped to handle rapes, including the gathering of evidence. These services are available to both students and employees.

## **IV. Reporting Sexual Harassment, Gender-Based Harassment or Sexual Violence to Mercy College**

Mercy College encourages individuals who have experienced sexual harassment or sexual violence (referred to in this Policy as "Complainants") to report the incident to campus authorities, even if the incident has already been reported to outside law enforcement authorities, and regardless of whether the incident took place on or off-campus. Individuals who are not Complainants may also report matters to the Title IX Coordinator. Such reporting will enable Complainants to get the support they need and provide the College with the information it needs to take appropriate action. After a report is made, the College shall inform the individual of their legal rights, including but not limited to those listed in Appendix A.

## A. Filing a Complaint with Campus Authorities

### 1. Student Complaints Under Title IX

In order for the College to pursue an investigation under Title IX, the student Complainant must submit a signed, formal complaint alleging sexual misconduct against a Respondent and requesting that the College investigate the allegations of sexual misconduct. At the time a formal complaint is filed, a complainant must be participating in or attempting to participate in the educational program or activity of the school with which the formal complaint is filed.

A formal complaint can be filed with the Title IX Coordinator in person, by mail, by electronic mail, or by using the online complaint form. The complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint.

In certain cases where there are complaints from multiple Complainants against one individual, the Title IX Coordinator may file a formal complaint. The filing of a complaint by the Title IX Coordinator, however, does not make the Title IX Coordinator a party in the investigation. In such instances the Title IX Coordinator will remain free from bias and conflicts.

While a formal complaint as described above is necessary for the College to pursue an investigation under this policy, students who experience sexual harassment or sexual violence are encouraged to notify the **Title IX Coordinator** or one of the following campus authorities or offices who will then notify the Title IX Coordinator: **Office of Campus Safety; Vice President of Student Affairs; or Residence Life staff.**

If a student raises a complaint of sexual harassment or sexual violence, but does not wish to file a formal complaint, the College will make every reasonable effort to provide supportive measures and also determine if the student or employee can seek recourse under a different College policy.

### 2. Employee Complaints of Sexual Harassment or Sexual Violence

Under New York State law, an employee complainant does not have to file a formal grievance of sexual harassment or sexual violence. Nonetheless, the College encourages employees who experience sexual harassment or sexual violence by another employee, student or Other Community Member to notify the **Title IX Coordinator** or one of the following campus officials/offices who will then notify the Title IX Coordinator: **Office of Campus Safety** or the Department of Human Resources, so that the College can act promptly to address the complaint.

### 3. Other Community Members, such as contractors, applicants for employment or admission, should contact the **Title IX Coordinator** or the **Office of Campus Safety.**

## **B. The College’s Response Under Title IX and Other Sections of this Policy**

The nature and scope of the College’s response will depend on whether the incident meets the parameters of Title IX and this Policy, or a different College policy such as the Student Code of Conduct.

### **1. Student Title IX Complaints**

Incidents will be adjudicated under Title IX for student complaints when: the College has actual knowledge of sexual misconduct through a signed complaint form; the alleged conduct occurred within the College’s education program or activity; and the alleged conduct was against a person in the United States. See Section VI. G. below for Mercy College employees who are required to report (“Responsible Employees”) instances of sexual harassment or sexual violence when they have actual knowledge.

At the time of filing a formal complaint, the student Complainant must be participating in or attempting to participate in the education program or activity of the school with the College. If instances of sexual misconduct involving Mercy students occurs off campus in school-related activities, such as study abroad or athletic travel, for example, complaints should report the matter to the Title IX Coordinator as well, although separate procedures will be followed under the College’s Judicial Process. The Complainant can notify the Title IX Coordinator in writing at any point in the process of the desire to withdraw the formal complaint or allegations.

The College reserves the right to dismiss formal complaints when the respondent is no longer enrolled or employed by the College or if specific circumstances prevent the College from gathering sufficient evidence to reach a determination.

When a complaint is dismissed, the Title IX Coordinator will send a written notice of dismissal to both Complainant and Respondent (hereinafter also known as the “Parties”) stating the reasons for the dismissal.

Regardless of which policy is used (e.g. this Policy, the Non-Discrimination Policy or Student Conduct) and regardless of whether a complaint is dismissed, students and employees reporting sexual misconduct will be offered supportive measures as set forth immediately below.

## **C. Support Assistance for Complainants and Respondents**

Upon receipt of a complaint, the Title IX Coordinator will provide written notification to the Complainant about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and any other services available to the complainant, available through the College as well as community resources as set forth in Appendix B. These supportive measures will be offered even if the complainant chooses not to file a formal complaint, in the following manner:

- When the Title IX Coordinator receives a complaint of sexual harassment or sexual violence from a student, they will work with the Vice President of Student Affairs to identify a trained staff member to assist the complainant with support services.

- When the Title IX Coordinator receives a complaint of sexual harassment and sexual violence from an employee, the Title IX Coordinator will work with the Office of Human Resources to assist the complainant with support services.
- When the Title IX Coordinator receives a complaint of sexual harassment and sexual violence from Other Community Members, the Title IX Coordinator will provide the complaining individual with a list of local resources and support services.
- The Title IX Coordinator will also provide written notification to the respondent with information regarding where and how to obtain supportive services both on and off-campus.

#### **D. Amnesty for Alcohol and/or Drug Use**

The health and safety of every student at Mercy College is of the utmost importance. Mercy recognizes that students who have been drinking and/or using drugs at the time that sexual harassment or sexual violence occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Mercy College strongly encourages students to report incidents of sexual harassment or sexual violence. Therefore, a complainant or bystander acting in good faith who reports any incident of sexual harassment or sexual violence to Mercy College or law enforcement authorities will not be subject to the College's Code of Conduct for violations of Mercy's Drug and Alcohol Use Policy occurring at or near the time of the commission of the sexual harassment or sexual violence.

#### **E. Reporting Retaliation**

Any individual who believes they have been retaliated against for making a report under this Policy, assisting someone making a report, or participating in any manner in an investigation, hearing or resolution of a sexual harassment or sexual violence complaint may file a complaint with the Title IX Coordinator. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in this policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

#### **F. Malicious Allegations**

Members of the Mercy College community who make false and malicious complaints of sexual harassment or sexual violence, as opposed to complaints which, even if erroneous, are made in good-faith, may be subject to disciplinary action under this and other policies at the College. Finding a person in violation of College policy for making a materially false statement in bad faith in the course of an investigation does not constitute retaliation on the part of the College. A determination regarding responsibility, in and of itself, is not sufficient to conclude that any party made a bad faith materially false statement.

#### **G. Employees Required to Report Incidents of Sexual Harassment and Sexual Violence**

##### **1. Responsible Employees**

The College has designated certain employees as "Responsible Employees" who have a duty to report incidents of sexual harassment and sexual violence, including all details of which they become aware, immediately to the Title IX Coordinator. Such employees are not permitted under any circumstances to maintain a complainant's confidentiality, except that the Title IX Coordinator may honor a request for confidentiality under the circumstances described in Section V below. These employees will, however, maintain a Complainant's privacy to the greatest extent possible, and information reported

to them will be shared only with the Title IX Coordinator, the Responsible Employee's supervisor (if relevant), and other people responsible for handling the College's response to the report on a need-to-know basis.

Before a complainant reveals any information to a Responsible Employee regarding an incident of sexual harassment and sexual violence, the employee shall advise the Complainant of the employee's reporting obligations to notify the Title IX Coordinator, and if the Complainant wishes to maintain confidentiality and not disclose any information to the responsible employee, direct the Complainant to confidential resources at the Health and Wellness Center.

Mercy College has designated the following individuals as Responsible Employees:

- Campus Safety staff
- Residence Life Directors and Assistants
- Vice President and Assistant Vice Presidents of Student Affairs
- Director and Assistant Directors of Human Resources
- President
- Provost and Associate Provosts
- Staff Officers
- Deans and Associate Deans
- Athletic Director and Assistant Athletic Directors

## **2. Matters Involving Employees**

For cases in which the Complainant and/or Respondent is an employee, **all management and supervisory personnel** have an affirmative duty to and are required to immediately report sexual harassment or sexual violence to the Title IX Coordinator. See Section XV below for definitions of management and supervisory personnel. For questions regarding supervisor or manager title or status, contact the Office of Human Resources.

## **3. Required Reporting**

Even in cases where a Complainant requests confidentiality, the Responsible Employee and manager or supervisor nonetheless must report the incident to the Title IX Coordinator. See Section VII below regarding the College's obligations in handling requests for confidentiality.

Even when a Responsible Employee is made aware of a complaint, and notifies the Title IX Coordinator, in order for Mercy College to be put on official notice of a Title IX complaint, for cases involving students, a formal complaint must be submitted. A formal complaint is a signed document filed by a complainant alleging sexual misconduct against a Respondent and requesting that the school investigate the allegations of sexual harassment or sexual violence.

A formal complaint is not required for cases involving employees, and the College must take action upon learning of an alleged incident of sexual harassment or sexual violence.

## **H. Reporting and Other Actions by Bystanders**

While Responsible Employees are required reporters pursuant to this policy, Mercy College encourages all other employees, students and Other Community Members, to report incidents of sexual harassment or sexual violence that they observe or become aware of to the Title IX Coordinator or other campus official so that the College may take appropriate steps to eliminate the alleged discrimination and assist a complainant in obtaining the appropriate supportive measures they need. Bystanders who choose to exercise this positive moral obligation will be supported by the College and shall be protected from retaliation. The College also encourages bystanders who witness sexual harassment or sexual violence to take reasonable and prudent actions to prevent or stop the conduct. Actions may include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

## **I. Coordination with Outside Law Enforcement Authorities**

In cases where the Complainant files a complaint with outside law enforcement authorities as well as with the College, the College shall determine what actions to take based on its own investigation. The College may coordinate with outside law enforcement authorities in order to avoid interfering with their activities and, where possible, to obtain information regarding their investigation. The College may delay its investigation temporarily while law enforcement conducts its investigation; however, such delay shall not exceed ten (10) days unless the law enforcement agency specifically requests and justifies a longer delay.

Neither a law enforcement determination whether to prosecute a Respondent, nor the outcome of any criminal prosecution, is dispositive of whether the Respondent has committed a violation of this Policy.

## **VII. RIGHTS AND OBLIGATIONS RELATING TO CONFIDENTIALITY**

### **A. Confidential Resources**

#### **1. Students**

Students at the College who wish to speak to someone who will keep all of the communications strictly confidential regarding sexual harassment and sexual violence, should speak to a mental health counselor and/or nurse/nurse practitioner at the College's Health and Wellness Center. Mental health counselors and nurse/nurse practitioners will not report any information about an incident to College officials without the student's permission, except where there is an imminent threat to the complainant or any other person, or pursuant to legal reporting obligations, set forth in Section VII.C.2 below.

A Complainant who speaks solely to a mental health counselor and/or a nurse/nurse practitioner must understand that the College may be unable to investigate the particular incident or pursue disciplinary action against the Respondent. Even so, these health care professionals will assist the student in receiving other necessary support. A student who first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement authorities and thereafter have the incident fully investigated. However, delays in reporting, even slight, may hinder an investigation by the College or law enforcement authorities.

## 2. **Employees**

While there is no one directly employed by the College to whom employees can speak on a confidential basis regarding sexual harassment or sexual violence, free confidential support services are available through Mercy's Employee Assistance Program (EAP), which is listed on the Benefits Focus website. In addition, confidential community counseling resources are available throughout Westchester County and New York City. See Appendix B.

### **B. Handling Confidentiality Requests After Report Has Been Received by the College**

After a report of an alleged incident of sexual harassment or sexual violence has been received by the Title IX Coordinator, a Complainant may request that the matter be investigated without their identity or any details regarding the incident be divulged at the preliminary review stage, or that no investigation into a particular incident be conducted or that an incident not be reported to outside law enforcement authorities. In all such cases, the Title IX Coordinator will weigh the complainant's request against the College's obligation to provide a safe, non-discriminatory environment for all College community members, including the Complainant.

Factors used to determine whether to honor such a request include, but are not limited to:

1. Whether the Respondent has a history of violent behavior or is a repeat offender;
2. Whether the incident represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior;
3. The increased risk that the Respondent will commit additional acts of violence;
4. Whether the Respondent used a weapon of force;
5. Whether the Complainant is a minor; and
6. Whether the College possesses other means to obtain evidence such as video surveillance, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

In circumstances where the College decides to proceed with a full investigation (with the Complainant's formal complaint filed or in the rare case where the Complainant does not wish to proceed but the College feels that there is a danger posed to the Complainant or the College community), the College is required under Title IX to divulge the Complainant's identity to the Respondent so that they may respond to the matter in their defense.

### **C. Other Reporting Obligations Under Federal and State Law**

Regardless of a request for confidentiality, the College is required to abide by laws mandating disclosures in the following circumstances:

1. **Annual Crime Statistics.** The College must report certain crimes occurring in specific geographic locations that shall be included in the College's annual security report pursuant to the Clery Act, though it is anonymous, and does not identify either the specifics of the crime or the identity of the Complainant.

2. **Timely Warnings.** The College is also required to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual. The Complainant will not be identified in the timely warning.
3. **NYS Campus Safety Act.** The College must notify the appropriate law enforcement agency as soon as practicable but in no case more than twenty-four hours after report of a violent felony or student who resides in housing owned or operated by such institution is missing; provided that such reporting requirement shall take into consideration applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code Section 1092(f) which gives the victim of a sexual offense the right on whether or not to report such offense to local law enforcement agencies.
4. **Notice to Parents.** While the Family Educational Rights and Privacy Act (FERPA) allows the College to share information with parents when there is a health and safety emergency or when the student is a dependent on either parent's prior year federal income tax return, under New York State law the College is not permitted to share information about a report of domestic violence and dating violence, stalking or sexual assault with parents without the permission of the complainant.
5. **Suspected Child Abuse.** Certain members of the Mercy College community who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at Mercy or sponsored by Mercy (such as those in a clinical setting) are required to report immediately to the New York State Maltreatment Hotline at 1-800-342-3720 if they have reasonable cause to suspect abuse or maltreatment of individuals under the age of 18. If anyone other than New York State mandated reporters has reasonable cause to believe that a minor is being or has been abused or maltreated on campus, they should notify either the Title IX Coordinator or the College Campus Safety Department. If anyone observes child abuse while it is happening, they shall immediately call 911.

#### **VIII. INTERIM SUPPORTIVE MEASURES AND ACCOMMODATIONS**

The College will take immediate steps to support the individuals in the educational and employment setting, as well as the campus community at large, including taking interim protective measures and provide accommodations, as appropriate, during an investigation. Such measures are available even if a Complainant decides not to officially report or otherwise proceed with an investigation. These measures are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual misconduct. The Complainant will be informed in writing of the availability of such interim protective measures and accommodations. The Respondent will also be offered supportive measures and accommodations as appropriate.

The College can issue a no-contact order between the Complainant and the Respondent. Continued intentional contact on the part of either party would be a violation of this Policy subject to additional conduct charges. A no-contact order does not guarantee that either party will have limited access to the

campus or other educational services and programs.

The College will, upon request, assist a Complainant with obtaining an order of protection or equivalent protective or restraining order through law enforcement authorities; provide a copy of any order the College may receive to both the Complainant and the Respondent; have a knowledgeable individual on campus explain the order and answer any questions about it, including information from the order about the Respondent's responsibility to stay away from the protected person or persons; provide an explanation of the consequences for violating these orders, including but not limited to arrest, additional disciplinary charges, and interim suspension; and receiving assistance from the College Office of Campus Safety in contacting local law enforcement to effect an arrest for violating such order.

Other supportive and interim measures include making necessary changes to academic programs, including a change in class schedule; making appropriate accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty; permitting either party the opportunity to attend a class remotely; providing an academic tutor; extending deadlines for assignments; providing academic support services when academic progress is impacted by the alleged incident; making changes to residential housing situations; changing an employee's work assignment or schedule; providing an escort to and from class or campus buildings; offering counseling services through the Health and Wellness Center or a referral to an off-campus agency; and providing assistance with filing a criminal complaint.

Protective measures will remain in place and supportive services will be provided for as long as necessary during and after any investigation, though protective measures may be adjusted based on the findings after an investigation. Both the Respondent and the Complainant shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measures and accommodations, and shall be allowed to submit evidence in support of their request. The request for such a review shall be made to the Title IX Coordinator, who will make a determination whether to modify interim measures.

## **IX. INVESTIGATING COMPLAINTS OF SEXUAL MISCONDUCT**

### **A. The Investigation**

Upon receipt of a signed complaint form requesting an investigation from students, or upon receipt of an allegation relating to an employee as a complainant, Mercy College will investigate and adjudicate formal complaints of sexual misconduct using a grievance process that incorporates due process principles, treats all Parties fairly, and reaches reliable responsibility determinations.

The Title IX Coordinator will determine if the allegations meet the Federal Title IX criteria for an investigation, or state and local law criteria, under this Policy. If the allegations do not meet any of these criteria, the Title IX Coordinator will provide a rationale in writing to the Complainant and Respondent simultaneously either (1) dismissing the matter and not referring it for further action or (2) referring the matter to the appropriate authority on campus to determine if the complaint can be adjudicated under a different College policy such as the Student Code of Conduct, Faculty Handbook, Employee Handbook

and/or Collective Bargaining Agreement.

If the Title IX Coordinator determines that an investigation is warranted under this Policy, the Title IX Coordinator will ensure that:

1. The investigation is conducted in a timely, thorough, and impartial manner that provides the Complainant and the Respondent a meaningful opportunity to be heard;
2. That the Parties are informed that they may inspect and review evidence;
3. The College conducts an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence;
4. That the Parties are notified in writing as to the alleged prohibited conduct committed; the approximate date, time and location of occurrence; the factual allegations concerning the alleged violation; and the possible sanctions;
5. A statement is provided to the Parties that the Respondent is presumed not responsible of the alleged misconduct until the conclusion of the grievance process;
6. Both Parties are notified in writing as to the time, date, and purpose of any investigative interviews, meetings, and hearings;
7. Both Parties Are advised that they may have an advisor of their choice, who may be an attorney; and
8. The Parties are informed that the College’s Code of Conduct prohibits making false statements or knowingly submitted false information during the grievance process.

The Title IX Coordinator will coordinate investigative efforts with other College offices and may designate another trained individual to conduct all or part of the investigation. The investigation shall be conducted by an individual who has received training in conducting investigations of sexual violence, the effects of trauma, impartiality, and the rights of the Respondent, including the right to a presumption that the Respondent is “not responsible” until a finding of responsibility is made.

While the Title IX Coordinator will facilitate the overall investigation, and can also serve as an investigator, a separate College employee(s) will serve as facilitator for the hearing, as well as the decision maker(s). The decision maker(s) will be selected by the College who is/are not the Title IX Coordinator or an investigator and is/are free from any bias or conflict of interest. The decision maker(s) will participate in the hearing and afterwards, determine if the Respondent is responsible for any of the allegations.

Each party has the opportunity to offer evidence during the course of the investigation. Once evidence is collected, the Title IX Coordinator will send both Parties, and their advisors, evidence directly related to the allegations, in electronic format, with each party having ten (10) calendar days for both Parties to inspect, review, and respond to the evidence prior to the hearing.

After the evidence review process, an investigative report will be sent to both Parties, and their advisors, that summarizes relevant evidence, in electronic format, with each party having 10 (ten) calendar days for both Parties to respond.

## **B. Informal Resolution**

The College, in its discretion, may offer an informal resolution after a formal complaint of sexual misconduct is received, provided both Parties give voluntary, informed, written consent to attempt informal resolution. Informal resolution may include mediation or restorative justice and be facilitated by an employee trained in informal resolution. The College will in no way require either party to agree to or participate in an informal resolution. At any time prior to the completion of the informal resolution, with both Parties agreeing to the resolution outcome, any party has the right to withdraw from the informal resolution process and resume the grievance process in respect to the formal complaint. The College will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

## **C. Hearings**

In the event that there is no resolution of the matter, the Respondent is entitled to a hearing to determine responsibility. All hearings are required by federal law to be held live and in real-time, either in-person or through video conferencing, with both Parties having the right to cross examination. The Parties may be in the same room during the hearing or at the request of either party, be in separate rooms. The College reserves the right to have the Parties in separate rooms. When in separate rooms, technology will be used to allow both Parties to see and hear the hearing in real time. In keeping with federal law, the hearing will be recorded.

The hearing facilitator or decision maker(s) is/are responsible for ensuring the hearing is conducted in a civil and professional manner, and reserve the right to take actions necessary to maintain decorum and ensure adherence to Policy. Both Parties have the right to request breaks during the hearing.

### **1. Advisors**

Both Parties are allowed an advisor of their choice who can be an attorney to be present during the hearing. Either party may request an advisor through the College at no charge to conduct cross-examination at the hearing. Any advisor provided by the College will be trained to serve as an advisor, including having knowledge about questions and relevancy.

Each Party's advisor may ask the other party and any witnesses relevant questions and follow-up questions, including questions challenging credibility. This cross examination must be conducted directly, orally, and in real time by the advisor only. Badgering on the part of the advisor, including asking the same question repeatedly, will not be allowed.

### **2. Cross Examination and Impact Statement**

Only relevant cross-examination questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination question, the decision maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Cross-examination questions must be presented to the decision maker(s) prior to the hearing to determine relevancy.

If a party or witness does not submit to cross examination at the live hearing, the decision-maker(s) cannot rely on any statement of that party or witness in reaching a determination regarding responsibility. The decision maker(s), however, cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or a refusal to answer cross-examination or other questions.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the complainant or if the question and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Neither the Complainant's or the Respondent's physical or mental health diagnosis or treatment will be admitted in the hearing or the stage of the process that determines responsibility, unless prior written approval from the respective party is obtained.

Past findings of domestic violence, dating violence, stalking, sexual assault, or other forms of sexual misconduct may be admissible in the stage of the process where sanctions are determined.

The Complainant is permitted to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

**Note that this hearing process is required by federal regulations under Title IX and as such, preempts all other College policies and procedures, including under relevant Policies, Procedures, Collective Bargaining Agreements, and Faculty and Human Resources Handbooks.**

#### **D. Conflicts**

If any administrator designated by this Policy to participate in the investigation or resolution of a complaint, including but not limited to the Title IX Coordinator, is the Respondent, or there exists a conflict for any other reason such as knowledge of the Complainant and/or the Respondent, the President will appoint another College administrator to perform such person's duties under this Policy. If the President is the Respondent, the investigation will be handled by the College's General Counsel or designee.

#### **E. Admission and Acceptance of Penalty Prior to Finding**

At any time prior to a finding of misconduct, the Respondent may admit to the charges and accept the penalty that the decision maker determines to be appropriate to address the misconduct. If the Respondent is a student, this agreed upon penalty, if applicable, shall be placed on the respondent's transcript consistent with Section XI.A.4 below. Before resolving a complaint in this manner, the decision maker must first consult with the Complainant and provide the Complainant an opportunity to object to the proposed resolution in writing. If a resolution is reached over the Complainant's objection, the

decision maker or designee shall provide the Complainant with a written statement of reasons supporting such resolution, and the complainant may appeal the decision to enter into the resolution to the Sexual Misconduct Appeals Panel.

#### **F. Timing**

The College will make every reasonable effort to ensure that the investigation and resolution of a complaint is carried out as timely and efficiently as possible. A good-faith effort will be made to complete the investigation, hearing, resolution and appeal within sixty (60) calendar days from the receipt of the formal complaint. If the process will take longer than sixty (60) days, the Title IX Coordinator will notify both Parties in writing and continue to keep them aware of the timeline and any further delays. If the College needs to temporarily delay the fact-finding portion of the investigation due to the evidence-gathering phase of a law enforcement investigation, both Parties will be informed in writing.

#### **G. Report of Findings and Standard of Evidence**

Upon completion of the hearing, the decision maker(s) will make a determination of responsibility using the preponderance of the evidence standard. Under preponderance of the evidence standard, the Decision Maker(s) determines whether there is a greater than 50% chance that the allegations are true.

The decision maker(s) will issue a written determination regarding responsibility, sent both to the Complainant and the Respondent, simultaneously, as follows:

1. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held findings of fact, and conclusions about whether the alleged conduct occurred;
2. Findings of fact supporting the determination;
3. Conclusions regarding the application of the College's code of conduct to the facts;
4. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies designed to restore or preserve equal access to the recipient's education program or activity; and
5. The College's procedures and permissible bases for the Complainant and Respondent to appeal.

The Title IX Coordinator shall apprise the President of the College of the findings of any investigation, as well as any recommended sanctions to be imposed. Following the completion of the investigation, the Title IX Coordinator or designee will report the findings to the Vice President of Student Affairs if the Respondent is a student, the Provost if the Respondent is a faculty member, and to the Director of Human Resources if the Respondent is an employee (other than a faculty member).

If there is a finding after the hearing (of **responsibility** or **no responsibility**), the College is precluded from bringing additional disciplinary action against the Respondent under another College policy or procedure.

## **X. APPEALS PROCESS**

Both Parties have the right to an appeal from a determination regarding responsibility, any sanctions, and/or the College's dismissal of a formal complaint or any allegations therein, on one or more of the following grounds: a procedural irregularity that affected the outcome of the matter; newly discovered evidence that could affect the outcome of the matter; and/or there was a conflict of interest or bias on the part of College personnel that affected the outcome of the matter.

An appeal must be filed in writing to the attention of the Title IX Coordinator no later than ten (10) calendar days from the date the written determination is sent to both Parties. The Title IX Coordinator will forward any appeals to the Sexual Misconduct Appeals Panel for a fair and impartial review by individuals without a conflict of interest. Members of this three-person appeal panel are specially trained in hearing Title IX cases, including the effects of trauma on parties, impartiality, the rights of both parties, the College's policies and procedures, and other issues including but not limited to domestic violence, dating violence, stalking and sexual assault.

The Title IX Coordinator will inform the other party in writing when an appeal is received. The panel will meet and reach a decision within thirty (30) calendar days from receipt of the appeal, if not sooner, and any delays will be communicated to both parties. The Title IX Coordinator will notify both Parties in writing of the panel's decision.

There are no further appeals available at the College.

## **XI. DISCIPLINARY ACTION**

After making a finding of responsibility, the decision maker(s) will consult with the appropriate College official(s) (i.e. the Vice President of Student Affairs, the Provost or the Director of Human Resources) as to sanctions in accordance with the applicable policy, procedure, handbook, Collective Bargaining Agreement or written contract. When it is determined that, by a preponderance of the evidence, a violation of this Policy has occurred, such action shall be authorized as deemed necessary to properly correct the effects of or to prevent further harm to an affected party or others similarly situated. The Title IX Coordinator shall apprise the President of the College of the findings of any investigation, as well as the recommended sanction(s) to be imposed.

### **A. Rights**

In cases where it is recommended that discipline be imposed, the Respondent and Complainant shall be entitled to (1) choose whether to disclose or discuss the outcome of the conduct process; and (2) have all information obtained during the course of the conduct process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

### **B. Penalties**

The range of penalties against individuals found to have committed a violation of this Policy include but are not limited to the following:

1. Students: probation, removal from housing, removal from a sports team or other school activity,

suspension or expulsion following the relevant disciplinary procedures.

2. Employees (including faculty): reprimand, suspension (paid or unpaid) or termination of employment following the relevant disciplinary procedures, if applicable.
3. Other Community Members, including contractors: in cases where the person alleged to have committed sexual harassment or sexual violence on Mercy campuses is neither a Mercy student nor a Mercy employee, the College will take appropriate action, such as restricting her/his access to campus. In addition, the matter will be referred to local law enforcement authorities in appropriate circumstances and consistent with this policy.

### **C. Interim Suspensions**

When the Respondent is a student or employee who presents a continuing threat to the health and safety of the community, the College will take immediate steps to protect the Complainant in the educational and employment setting, including taking interim protective measures and by providing accommodations, as appropriate, during an investigation. The Complainant will be informed by the Title IX Coordinator in writing of such interim protective measures and accommodations, which may include, among other things:

- Making necessary changes to academic programs;
- Making necessary changes to residential housing situations;
- Changing an employee's work assignment or schedule; and/or
- Offering counseling services to the complainant and the respondent, through the Health and Wellness Center or a referral to an off-campus agency.

In circumstances where an interim suspension is imposed, it shall be in accordance with applicable Mercy College Student, Faculty and Employee handbooks, Collective Bargaining Agreements, written contracts, policies or procedures to the extent practicable. Both the Respondent and the Complainant shall, upon request, be afforded a prompt review by the Vice President of Student Affairs (for students), the Provost (for faculty) or the Director of Human Resources (for employees, excluding faculty), to determine whether the interim suspension is reasonable under the circumstances. The individual requesting review shall be allowed to submit evidence in support of their request of why there should be a modification of the interim suspension. The decision of the appropriate official noted above is final.

### **D. Notations on Transcripts**

In cases in which a Respondent has been found responsible for committing a Clery Act reportable crime of violence, the College shall make a notation on their transcript stating that they was "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." For the Respondent who withdraws from the College while such conduct charges are pending, and declines to complete the disciplinary process, the College shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." Notations for expulsion and withdrawal with conduct charges pending will not be removed from a student's transcript. Notations for suspension shall not be removed prior to one year after conclusion of the penalty. If a finding of responsibility is vacated for any reason, such as after an

appeal to the Sexual Misconduct Appeals Panel, any such transcript notation shall be removed.

#### **E. FERPA**

Nothing in this Policy, including notice regarding the results of the disciplinary process, violates the Family Educational Rights and Privacy Act (FERPA), including any initial, interim and final decision and the rationale by a College official entitled to resolve student disciplinary matters.

### **XII. CONSENSUAL RELATIONSHIPS**

Sexual harassment may be at issue even in relationships that begin as consensual ones. In particular, such relationships can be problematic when one person in the relationship is, or could be perceived to be, in a position of institutional authority relative to the other person. In order to avoid that possibility, it is the policy of the College that any relationship in which one person has, or reasonably could be perceived to have, institutional authority over another member of the College community must be disclosed as follows, so that the matter may be addressed as appropriate under the circumstances:

Any faculty member who is or becomes a party to a consensual relationship with a student—regardless of whether the student is in the faculty member’s class—must disclose that relationship to the Associate Provost or their school dean.

Any non-faculty College employee who is or become a party to a consensual relationship with any student must disclose that relationship to the Office of Human Resources.

Any employee (faculty member or otherwise) who is in a relationship with another employee with someone for whom they supervise, must disclose the relationship to the Office of Human Resources.

### **XIII. FILING EXTERNAL COMPLAINTS**

Complainants have the right at any time to file complaints with the Office for Civil Rights (OCR) of the U.S. Department of Education, alleging violations of Title IX, and to file complaints with other appropriate agencies alleging violations of other federal, state or local laws, such as the Equal Employment Opportunity Commission (EEOC) (for employees), or the New York State, New York City or Westchester County Division of Human Rights. Contact information for OCR, the NYS Division of Human Rights, and other relevant agencies is set forth in Appendix B.

### **XIV. ADDITIONAL COLLEGE OBLIGATIONS UNDER THIS POLICY**

In addition to addressing possible violations of this Policy, Mercy College has the following obligations:

#### **A. Dissemination of Policies, Procedures and Notices**

The Title IX Coordinator, in coordination with the Office of Student Affairs, Office of Campus Safety, the Office of Human Resources and other applicable offices, is responsible for the wide dissemination of the following: this Policy; Mercy College’s *Notice of Non-Discrimination*; the Title IX Coordinator’s name, phone number, office location, and email address; and contact information for the Office of Campus Safety.

Such dissemination shall include posting the documents and information on the College website and including it in any student or employee handbooks, and in resident life materials. In addition, the Mercy College Students' Bill of Rights, which is appended to and made a part of this Policy, must be distributed to any individual reporting an incident of sexual harassment or sexual violence at the time the report is made. It must also be distributed annually to all students. All of the above information shall be posted on the College's Title IX website in an easily accessible manner to the public, posted in campus residence halls and campus centers, and shall include links or information to file a report and seek a response.

### **B. Student Educational Programming**

The Title IX Coordinator, in coordination with the Office of Student Affairs, Office of Campus Safety, the Office of Human Resources and other applicable offices, is responsible for ensuring that the College engages in a comprehensive student orientation and ongoing education campaign, using multiple methods, to educate members of the College community about sexual misconduct, including domestic violence, dating violence, stalking and sexual assault. The programming shall: (1) be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs and informed by research or assessed for value, effectiveness, or outcome; and (2) consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Some of the information to be imparted shall include, but not be limited to:

1. All of the information contained in this Policy, including:
  - a. prohibited conduct, resources offered while the College takes administrative and/or conduct action against an accused;
  - b. that College policies apply equally to all students regardless of sexual orientation, gender identity or gender expression;
  - c. the role of relevant College officials relating to this Policy; and the consequences and sanctions for individuals who commit these crimes and code of conduct violations;
2. Awareness of violence, its impact on victims and survivors and their friends and family, and its long-term impact, without identifying victims in any way;
3. Bystander intervention and the importance of taking action to prevent violence when one can safely do so; and
4. Risk assessment and reduction including, but not limited to, steps that potential victims, perpetrators, and bystanders can take to lower the incidence of violations, which may contain information about the dangers of drug and alcohol use, including underage drinking and binge drinking, involuntary consumption of incapacitating drugs and the danger of mislabeled drugs and alcohol, the importance of communication with trusted friends and family whether on campus or off campus, and the availability of College officials who can answer general or specific questions about risk reduction.

The College shall provide such educational programming:

1. To all new students, whether first-year, or transfer, undergraduate, graduate or professional;
2. To each student leader and officer of student organizations recognized by the College, as well as

- those seeking recognition by the College, prior to receiving recognition or registration;
3. To student-athletes prior to participating in intercollegiate athletic competition; and
  4. To all students residing in College-sponsored housing prior to entering housing for the school year.

The College shall also offer educational programming to all other students not subject to required training, including international students, students that are also employees, students in student organizations, and distance learning students.

### **C. Faculty and Staff Training**

The Title IX Coordinator, in coordination with the Office of Campus Safety, the Office of Human Resources and other applicable offices, is responsible for ensuring that all new employees and current employees, including but not limited to faculty, staff, administrators, security officers, athletic staff and residence life staff receive annual training regarding all aspects of this policy and on sexual misconduct (including domestic violence, dating violence, stalking and sexual assault).

### **D. Conducting Campus Climate Assessments and Annual Reporting**

The College shall conduct, no less than every other year or as otherwise required by law, a campus climate assessment to ascertain general awareness and knowledge of the provisions of this Policy, including student experience with and knowledge of reporting and college adjudicatory processes, which shall be developed using standard and commonly recognized research methods. The assessment shall be structured to comply with applicable law, including Section 129-B of the New York State Education Law. The College shall publish the results of the surveys on its Title IX web page. The published results shall not contain any information which would enable a reader to identify any individual who responded to the climate assessment.

The College is required to report to the State of New York aggregate data relating to domestic violence, dating violence, stalking and sexual assault, in accordance with state and any applicable law.

## **XV. DEFINITIONS OF TERMS IN THIS POLICY**

**A. Affirmative Consent** is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

In order to give consent, one must be of legal age (17 years or older). Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being

asleep, being involuntarily restrained, or if the individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

**B. Complainant** refers to the individual who alleges that they have been the subject of sexual harassment or sexual violence, and can be a Mercy student, employee (including all full-time and part-time faculty and staff), or other Community Member, including but not limited to applicants for admission, applicants for employment, or contractors.

**C. Complaint** is an allegation of sexual harassment or sexual violence made under this policy. Under federal Title IX, students are required to file a formal complaint for an investigation or other action to commence. Employees are not required to file a formal complaint under State law. Under this Policy, a complaint may be brought to the College's attention by someone other than the Complainant.

**D. Contractors** are protected from prohibited discrimination under New York State law, and they include: subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace with the College or who are employees of such a contractor, subcontractor, vendor, consultant or other person providing services pursuant to a contract in the workplace with the College.

**E. Dating violence** means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

**F. Domestic Violence** includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

**G. Forcible Touching/Fondling** is intentionally touching the sexual or other intimate parts of another person without the latter's consent for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire.

**H. Managers and Supervisors** are employees who either (1) have the authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities; or (2) have the authority to make recommendations on tangible employment decisions that are given particular weight. Managers and supervisors include but are not limited to: vice presidents, directors, deans, associate deans and academic unit heads.

**I. Rape and Attempted Rape** is the penetration or attempted penetration, no matter how slight, of any body part by a sex organ of another person, without the consent of that person.

**J. Reporting Individual** is any person who reports sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination).

**K. Respondent** refers to the individual who is alleged to have committed sexual harassment or sexual violence against a Mercy College student or employee, or Other Community Member.

**L. Retaliation** is adverse treatment of an individual as a result of that individual's reporting sexual harassment or sexual violence, assisting someone with a report of sexual harassment or sexual violence, or testifying or participating or refusing to participate in any manner in an investigation, proceeding, hearing or resolution of a sexual harassment or sexual violence complaint. Adverse treatment includes threats, intimidation, coercion, discrimination or other reprisals by either a complainant or respondent or by others such as friends or relatives of either a complainant or respondent.

**M. Sexual Activity** is penetration, however slight, of the vulva or the anus by the penis, hand/fingers or other object; contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person; or intentional touching, either directly or through the clothing of any other body part, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.

**N. Sexual Assault** is any form of sexual activity that occurs without consent.

**O. Sexual Harassment** under Title IX is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct of a sexual nature when: submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo); or such conduct is sufficiently severe and pervasive to adversely affect an individual's participation in employment, education or other Mercy College activities (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant. Conduct is considered "unwelcome" if the individual did not request or invite it and considered the conduct to be undesirable or offensive.

For employees, under New York State Law, harassment is against the law whenever an individual is subjected to inferior terms, conditions or privileges of employment. The harassment need not be severe or pervasive in order for the College to be liable, although the actions are defensible if they are not more than "petty slights or trivial inconveniences."

While it is not possible to list all circumstances that might constitute sexual harassment, the following are some examples of conduct that might constitute sexual harassment depending on the totality of the circumstances:

- Unnecessary, inappropriate or unwelcome physical contact, such as touching, groping, patting, pinching, hugging, kissing, or brushing against an individual's body;
- Verbal abuse, harassing or offensive comments of a sexual nature, including sexual comments, slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;

- Visual displays or distribution of lewd or sexually explicit photographs, drawings, pictures, or written materials; or undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures;
- Requests for sexual favors, which may be accompanied by implied or overt threats concerning one's job performance evaluation or promotion;
- Subtle or obvious pressure for unwelcome sexual activities;
- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute unlawful sexual harassment when:
  - Submission to such conduct is made (either explicitly or implicitly) a term or condition of employment;
  - Submission to, or rejection, of such conduct is used as a basis for decisions affecting one's employment; or
  - Such conduct has the purpose or effect of interfering with an individual's work.

For purposes of this Policy, sexual harassment also includes acts that violate an individual's **right to privacy** in connection with her/his body and/or sexual activity such as:

- Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Disseminating images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to disclosure; or
- Viewing another person's sexual activity, intimate body parts, or naked dressing in a place where that person would have a reasonable expectation of privacy, without that person's consent.

**P. Sexual Misconduct** for the purposes of this Policy means sexual harassment or sexual violence, as defined herein.

**Q. Sexual Violence** is an umbrella term that includes: (1) sexual activity without affirmative consent, such as sexual assault, rape/attempted rape, and forcible touching/fondling; (2) dating and domestic violence; and (3) stalking as defined below.

**R. Stalking** means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

## APPENDIX A

### **Mercy College Student Bill of Rights**

When reporting or responding to sexual misconduct, sexual violence, and/or relationship violence, all **Mercy College** students have the right to:

- Make a report to local law enforcement and/or State Police;
- Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously;
- Make a decision about whether to disclose a crime or violation and participate in the disciplinary process and/or criminal justice process free from pressure by the College;
- Participate in a College disciplinary process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the College courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few College representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the College, any student the accused and/or respondent, and/or their friends, family and acquaintances within the jurisdiction of the College;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, respondent throughout the disciplinary process, including during all meetings and hearings related to such process; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice or disciplinary process of the College.

For additional information and a copy of the *Mercy College Policy and Procedures Relating to Sexual Misconduct* contact: Thomas McDonald, Title IX Coordinator/Equity Compliance Specialist, [tmdonald7@mercy.edu](mailto:tmdonald7@mercy.edu), Office: 914.674.7679, Cell: 914.839.0131, or visit: [www.mercy.edu/about-mercy/title-ix](http://www.mercy.edu/about-mercy/title-ix).

## APPENDIX B

### MERCY COLLEGE TITLE IX RESOURCE LIST

#### EMERGENCY NUMBERS

- Campus Emergency Number (914) 674-9999 or x9999
- Police, Fire, or Medical Emergency Number 911

#### CAMPUS SAFETY NON-EMERGENCY NUMBERS

- Dobbs Ferry Campus: (914) 674-7225
- Bronx Campus: (718) 678-8983
- Manhattan Campus: (212) 615-3319
- Yorktown Campus: (914) 455-2174

#### CAMPUS SAFETY MAIN LOCATION

- Department of Campus Safety, Main Hall, Room 234, Dobbs Ferry Campus, Monday to Friday, 9:00 am to 5:00 pm
- Command Center, Founders Hall, staffed 24-hours a day, 7-days a week

#### TITLE IX COORDINATOR

- Thomas McDonald (914) 674-7679  
Verrazano Hall, Room 106  
Dobbs Ferry Campus  
[tmcdonald7@mercy.edu](mailto:tmcdonald7@mercy.edu) or [titleix.equity@mercy.edu](mailto:titleix.equity@mercy.edu)

#### ON-CAMPUS CONFIDENTIAL RESOURCES

##### Mercy College Health and Wellness Office

- Dobbs Ferry Campus, Main Hall 123
- Bronx Campus, Room 2125
- Manhattan Campus, Room 341
- Ori Shinar, Psy.D., Director of Mental Health Counseling (914) 674-7233
- Colleen Powers, Director of Health & Wellness/Nurse Practitioner (914) 674-7707

#### SEXUAL ASSAULT FORENSIC EXAMINER (SAFE) HOSPITALS

##### Westchester County

- Westchester Medical Center, 100 Woods Road, Valhalla, NY 10595, (914) 493-7018
- Mid-Hudson Valley, Westchester Medical Center, 241 North Road, Poughkeepsie, NY 12601, (845) 483-5000

##### The Bronx

- Jacobi Medical Center, 1400 Pelham Parkway, (718) 918-5000
- Lincoln Medical & Mental Health Center, 234 East 149th Street, (718) 579-5700
- North Central Bronx Hospital, 3424 Kossuth Avenue & 210th Street, (718) 519-3500

## **Manhattan**

- Bellevue Hospital Center, 462 First Avenue, (212) 562-4132
- Harlem Hospital Center, 506 Lenox Avenue, (212) 939-1000
- Lenox Health Greenwich Village, 30 Seventh Avenue, (516) 465-8018
- Metropolitan Hospital Center, 1901 First Avenue, (212) 423-8993
- Mount Sinai Beth Israel, First Ave at 16th Street, (212) 420-2873
- Mount Sinai Hospital, One Gustave L. Levy Place, (212) 241-7005
- Mount Sinai Morningside, 1111 Amsterdam Avenue, (212) 523-4295
- New York-Presbyterian Hospital, Columbia Presbyterian Center, 622 West 168th Street, (212) 305-2500
- New York-Presbyterian Hospital, New York Weill Cornell Center, 525 East 68th Street, (212) 746-5454

## **Queens**

- Elmhurst Hospital Center, 79-01 Broadway, (718) 334-4000
- Queens Hospital Center, 82-68 164th Street, (718) 883-2350

## **Brooklyn**

- Coney Island Hospital, 2601 Ocean Parkway, (718) 616-3000
- Kings County Hospital Center, 451 Clarkson Avenue, (718) 245-3901
- Woodhull Medical & Mental Health Center, 760 Broadway, (718) 963-8101

## **Staten Island**

- Richmond University Medical Center, 355 Bard Avenue, (718) 818-2413

## **COMMUNITY RESOURCES**

**The following community resources offer confidential resources for victims of sexual assault, domestic violence, and other forms of sexual violence.**

**Services include 24/7 hotlines; counseling; advocacy; legal assistance; shelter; medical care; HIV and STD screenings; and assistance working with local police, courts, and area hospitals.**

## **WESTCHESTER**

- **WestCOP – Victim Assistance Services**  
Office: (914)345-3113  
24/7 Hotline: (914) 345-311, Spanish available  
24/7 Toll Free Hotline: (855) 827-2255, Spanish available  
[www.westcop.org](http://www.westcop.org)
- **Hope’s Door**  
Office: (914) 747-0818  
24/7 Hotline: (888) 438-8700, Spanish available  
[www.HopesDoorNY.org](http://www.HopesDoorNY.org)

- **My Sister's Place**  
24/7 Hotline: (800) 298-7233, Spanish available  
[www.mspny.org](http://www.mspny.org)
- **Putnam/Norther Westchester Women's Resource Center**  
4/7 Hotline: (845) 628-2166, Spanish available  
[www.pnwwrc.org](http://www.pnwwrc.org)
- **Westchester County Office for Women**  
Office: (914) 995-5972, English  
Office: (914) 995-2099, Spanish  
After Hours: (914) 995-2099  
Sexual Assault Hotline 24/7: (833) 220-2444

## NEW YORK CITY

- **Bronx DA's Office – Crime Victim's Assistance Unit**  
198 East 161<sup>st</sup> St. – Room 558 (Bronx)  
Office: (718) 838-7309
- **Sexual Assault Treatment Program**  
North Central Bronx Hospital  
3424 Kossuth Avenue (Bronx)  
(718) 519-2121
- **Mount Sinai Victim Support Services**  
312 East 94<sup>th</sup> Street (Manhattan)  
Office: (212)731-7546  
24/7 Hotline: (212) 423-2140, Spanish available
- **The DOVE Program (Domestic & Other Violence Emergencies)**  
New York Presbyterian  
622 West 168<sup>th</sup> Street (Manhattan)  
24/7 Hotline: (212) 305-9060, Spanish available
- **SAFE Center, Sexual Assault Response Team**  
Bellevue Hospital Center  
462 First Avenue (Manhattan)  
(212) 562-3435
- **Rape Crisis & Violence Intervention**  
Beth Israel Medical Center  
317 East 17<sup>th</sup> Street (Manhattan)  
(212) 420-4516

## ADDITIONAL HOTLINES AND RESOURCES

- **NYS Domestic Violence Hotlines**  
24/7 Hotline: (800) 942-6906, multiple languages  
24/7 Hotline: Deaf/Hard of Hearing (800) 799-7233 or 711
- **Safe Horizons Hotline**  
24/7 Hotline: (800) 621-HOPE (4673), Spanish available  
[www.safehorizon.org](http://www.safehorizon.org)
- **Rape, Abuse & Incest National Network (RAINN)**  
24/7 Hotline: (800) 656-HOPE (4673), Spanish available  
[www.rainn.org](http://www.rainn.org)
- **NYC Antiviolence Project – LGBTQ**  
24/7 Hotline: (212) 714-1141, Spanish available

## ADDITIONAL LEGAL ASSISTANCE

- **Pace Law School Women’s Justice Center** (914) 287-0739
- **Legal Services of Hudson Valley** (877) 574-8529
- **My Sister’s Place Legal Center** (914) 948-8466
- **Westchester Hispanic Coalition** (914) 948-8466
- **Empire Justice Center** (914) 422-4329

**Note:** If any of the above resources do not meet a specific need, the Title IX Coordinator can help locate appropriate services.

## EXTERNAL AGENCIES TO FILE COMPLAINTS OF SEXUAL MISCONDUCT

- **Office for Civil Rights (OCR)**  
US Department of Education  
Main Office: (800) 421-3481  
Main Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
New York Office: (646) 428-3800  
New York Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)  
New York Location: 32 Old Slip – 26<sup>th</sup> Floor, Manhattan
- **New York State Division of Human Rights**  
One Fordham Plaza – 4<sup>th</sup> Floor, Bronx  
Main Number, Toll Free: (888) 392-3644  
TTD/TTY Number: (718) 741-8300  
Email: [info@dhr.ny.gov](mailto:info@dhr.ny.gov)
- **New York City Commission on Human Rights**  
Phone: Call 311 or (212) 416-0197 for locations and services

- **United States Equal Opportunity Employment Commission (EEOC)**  
Main Number: (800) 669-4000  
TTY Number: (800) 669-6820  
New York office location: 33 Whitehall Street – 5<sup>th</sup> floor, Manhattan

## **A. POLICY ON STUDENT DEMONSTRATIONS**

1. The College believes that students or members of groups within the Mercy College community should have the right to engage in individual or organized activity to express their views on a particular issue or cause, whether against the College or society. Demonstration and rallies, however, should not interfere with the operation of the institution. The College has an obligation to protect the safety and welfare of its students, faculty, and staff, and to insure that its academic mission is not compromised. Therefore, demonstrations and rallies must be nonviolent, considerate of the rights of all members of the College community, and may not involve disruptive conduct. It will be considered disruptive conduct under this policy for participants to: Gather in such a fashion as to physically hinder entrances to, exits from, or passage ways within any College building or other structure, or hinder the normal flow of pedestrian or vehicular traffic on or to any campus.
2. Create a volume of noise that prevents members of the College from carrying on their normal activities.
3. Employ force or violence, or constitute an immediate threat of force or violence, against persons or property.
4. Congregate, or assemble within any College building or on College property in such a fashion as to disrupt the College's normal functions or violate the following rules:
  - a. No group may be admitted into a private office unless invited, and then not in excess of the number designated or invited by the occupant. Passage through reception areas leading to a private office must not be obstructed.
  - b. Corridors, stairways, doorways, and building entrances may not be blocked or obstructed in violation of the regulations of the New York City Fire Department or of the College. Clear and unimpeded passageways must be maintained at all times.
  - c. Space may be occupied only when assigned through established College procedures.
  - d. Any noise which interferes with the work or study of persons in a building will not be permitted.
  - e. Buildings must be cleared at normal closing time for each building unless other arrangements are approved in advance.

Permission for organized demonstrations on College property or in College facilities must be obtained in advance and in writing from the Dean of Student Affairs or designee. In the event that a request is not approved, the organizer of the group may appeal the decision in writing to the Chief Operating Officer.

Once approval is granted for a demonstration or rally, individuals organizing the event are responsible for insuring that it is conducted in a responsible manner. The College reserves the right to take steps to

address inappropriate conduct. The location of a demonstration or rally will be clearly defined by the Assistant Dean of Student Affairs. The College also reserves the right to notify the local police in advance of a demonstration or rally to be on call to prevent any infraction of local laws.

## **B. STATEMENT ON SOCIALIZING SAFELY ON THE INTERNET**

Mercy College students are engaged in and involved in many co-curricular clubs, organizations and athletic teams. Students find many opportunities within the community to socialize with one another. Online communities such as Facebook, Myspace, LinkedIn, Twitter, YouTube and blogs have helped students at Mercy College and other schools connect in many ways. Through these online communities, students have met other students with similar interests, formed groups to explore and celebrate specific interests, and transformed communication. Students may be asked by the College to remove any inappropriate messages posted or actions taken on such online communities.

There are some cautionary lessons that have emerged from participating in online communities. Students are advised to use discretion when posting personal information on the internet. As a result, students should be aware of the following.

1. When posting to the internet, keep in mind that you cannot ensure who does and does not have access to your information.
2. Information you post on the web may remain there even after you erase or delete the information from your profile or blog.
3. Future employers, graduate schools and other organizations may consider information posted on the web in making employment, admission, or other similar decisions.
4. Anyone with an @mercymavericks.edu email address may gain access to the Mercy College Facebook.com community, including photos. Use the settings feature on these sites to limit who can access your information.
5. By agreeing to the terms of use, online communities have your permission to republish your content in other locations and share information with third parties, advertisers and law enforcement.
6. Your profile will be a part of how others know you—please keep that in mind as you use Facebook, MySpace, LinkedIn, Twitter, YouTube, blogs and other online communities.

### ***Helpful Hints***

- Avoid posting phone numbers and address information
- Avoid posting information regarding your whereabouts
- Be selective with the content of the information you post
- Make sure that the information and photos you post do not violate law or College policy
- Be advised that you should seek permission to post information and photos of other people and they should likewise seek permission from you to post information or photos of you
- Make sure you do not post slanderous or libelous information about others
- Be aware that information posted is available to anyone with internet access including potential employers

## MERCY COLLEGE WHISTLEBLOWER POLICY

### I. Policy

Mercy College is committed to conducting its affairs in accordance with all federal, state, and local laws and regulations and to ensuring that its internal policies are followed. The College expects all College community members to report conduct or suspected conduct that they in good faith believe may violate the law or College policy (“whistleblowers”) so that the College may investigate and take appropriate action. The College has established a confidential hotline **1-888-OK-MERCY (1-888-656-3729)** for reporting violations. The College will ensure that whistleblowers are protected from retaliation for making such reports. This policy should not be used for routine personnel or managerial disputes.

Persons with knowledge of conduct or conditions that pose an imminent threat to the health or safety of any member of the Mercy College community or the public should immediately call 911 or Campus Public Safety at x 7225 or x 9999.

### II. Reporting Suspected Violations of Law or College Policy

#### A. Who Should Report

The following members of the Mercy College community are expected to report conduct that relates to the College and that they in good faith believe may violate federal, state or local law or College policy (“violations”):

- Individuals who are paid by the College, including full-time and part-time faculty and staff;
- Consultants, vendors and contractors doing business with the College;
- Individuals who perform services for the College as volunteers or otherwise assert association with the College, including trustees and officers; and
- Students in any degree, non-degree, diploma, certificate granting or other programs.

#### B. What Should Be Reported

Suspected misconduct that should be reported includes, but is not limited to, that which involves or relates to the following:

- Fraud, theft, embezzlement, destruction or misuse of College property or resources
- Forgery or unauthorized alteration of documents or computer records
- Falsification or misrepresentation of reports, including timesheets and travel reimbursement forms
- Conflict of interest or ethics violations
- Computer fraud or data security breaches
- Disclosing confidential or proprietary information to unauthorized individuals
- Taking information of another and using it in an unauthorized manner or facilitating identity theft
- Sexual assault, assault, hazing or child abuse or misconduct relating to minors
- Discrimination and harassment, including age, disability, sex-based and race
- Environmental, health and safety violations
- Research or academic misconduct by faculty or staff
- Retaliation for reporting misconduct under this Policy

### C. How to Report

#### (1) Employee Whistleblowers

Depending on the nature of the complaint, it may be appropriate for the employee to resolve their concerns at the most local level, by reporting suspected violations through standard management channels, beginning with their immediate supervisor. If the employee does not wish to report a suspected violation to an immediate supervisor, employees may go to a higher level of management or report the misconduct by contacting the **confidential hotline 1-888-OK-MERCY (1-888-656-3729)** or the **Director of Internal Audit at 914-674-7296**.

#### (2) Students and other Non-Employee Whistleblowers

Students and those who are not employees of the College should contact the **confidential hotline 1-888-OK-MERCY (1-888-656-3729)** or the **Director of Internal Audit at 914-674-7296** to make a report of suspected violations of federal, local or state law or College policy.

### D. Confidentiality

Reports of violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, to comply with all applicable laws, and to cooperate with law enforcement authorities. While a report may be made anonymously, doing so may hinder the College's ability to investigate and resolve the complaint.

### E. Investigation of Allegations

#### (1) Who will conduct an investigation

Reports will typically be directed to persons responsible for investigation and resolution consistent with Mercy College policies and procedures. In some cases, it may be appropriate for the department manager to investigate a matter. In other circumstances, the complaint may need to be forwarded to a different department within the College for investigation. For example, the Executive Director of Human Resources is responsible for investigating complaints of unlawful discrimination, sexual harassment, routine personnel or managerial disputes. **In all circumstances in which a report is made pursuant to this Policy, the supervisor or manager shall confer with the Director of Internal Audit to determine if an investigation is warranted and if so, who shall conduct the investigation.**

#### (2) Cooperation Required

Any member of the College community who is interviewed, asked to provide information, the subject of an investigation, or otherwise asked to participate in an investigation, has a duty to fully cooperate with College officials who are charged with conducting an investigation. Participants should refrain from discussing or disclosing the details of the investigation with anyone.

#### (3) Violations

Confirmed violations under this Policy will result in appropriate disciplinary action up to and including termination from employment in accordance with applicable procedures under the relevant College policies, procedures, bylaws or collective bargaining agreements, or severance of the relationship with the College. In some circumstances, civil and/or or criminal charges and penalties may apply.

### III. Retaliation Against Whistleblowers Prohibited

No Mercy community member who in good faith reports any action or suspected action taken by or within

the College that is illegal, fraudulent or in violation of any College policy shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of employees, adverse employment consequence such as demotion, suspension, termination, or threat to do the same.

Any community member who engages in retaliatory behavior against another individual who has reported a suspected violation or cooperated in an investigation of, or proceeding relevant to, a violation may be subject to discipline, up to and including termination of employment, in accordance with applicable procedures under the relevant College policies, procedures, bylaws or collective bargaining agreements, or severance of the relationship with the College.

#### **IV. Filing a False Report**

Making a false report or providing false information during the course of an investigation may be grounds for discipline in the absence of good faith belief that the report or the information is true.

#### **V. Distribution of this Policy**

This policy shall be posted on the Mercy College website and shall be distributed to all new and current employees, board of trustees, officers, students, and volunteers who provide substantial services to the College through electronic notifications or other appropriate means.

#### **VI. Administration of this Policy**

The Director of Internal Audit shall be responsible for the administration of this Policy including:

- Monitoring the confidential hotline;
- Disseminating the policy;
- Making periodic updates to the Policy as may be necessitated by changes in law;
- Providing reports to the Chair of the Audit Committee when appropriate; and
- Notifying law enforcement, regulatory and other governmental authorities when appropriate.