



# Student Handbook

2023-2024

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## A MESSAGE FROM THE PRESIDENT

Dear Mercy University Student,

I am delighted to welcome you to the 2023-2024 academic year and introduce you to the Mercy University Student Handbook.

The Student Handbook will serve as a trusted guide throughout your academic journey. Whether you are a new student stepping onto campus for the first time or a returning student continuing your pursuit of excellence, the Handbook provides you with essential information, resources, and insights to help you navigate and thrive within the Mercy University Community.

Your decision to pursue a degree demonstrates your dedication to personal success and achievement. As you embark on this exciting chapter of your life, I encourage you to make the most of the opportunities available to you. The Handbook serves as your gateway to understanding the facets of college life, from academic policies and support services to campus facilities and extracurricular activities.

Mercy is committed to fostering a welcoming and inclusive community that empowers students to shape a vibrant and dynamic learning environment. As you explore the myriad opportunities at Mercy and set ambitious goals, the Handbook is here to assist you every step of the way. Reach out to your PACT mentors, HEOP counselors, professors, and Mercy staff, as they are deeply dedicated to supporting your academic and professional development.

Please take a moment to familiarize yourself with the information in the Handbook.

On behalf of the Mercy University Community, I wish you all the best for a successful academic year.

Susan L. Parish, Ph.D., M.S.W.  
President

## HISTORY

Founded in 1950 by the Sisters of Mercy for members of their order, Mercy University opened to the public as a women's college in 1961. The University was accredited by the Middle States Commission on Higher Education in 1968. In the next half-decade, Mercy University 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 University alumni.

Mercy University's innovative spirit soared in the 1970s when the University established multiple branch campuses and extension centers throughout New York City and Westchester County. This broadened the University'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 university degrees and for the adult student market.

Always looking to enhance academic and career opportunities for its students, Mercy University introduced graduate study programs with its first graduate degree program (in nursing) in 1981. Since then, Mercy has introduced 30 graduate programs across the six Schools, and in 2006, the University began offering its first doctoral program (in physical therapy). Over the years, Mercy University 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 University expanded with online programs in the late 1980s and was soon granted the authority to offer entire degree programs online. Thousands of Mercy University students take one or all their courses online through the more than 40 undergraduate and graduate programs offered.

Ever responsive to student expectations and growing workforce needs, the University 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 University 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 university experience. The PACT program has earned national recognition and is a model for fostering success and engagement across higher education.

Throughout its history, Mercy University has remained dedicated to its mission - to make available the transformational power of a university education. The University'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 41 states and 43 countries. The University 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 University education is to provide students with opportunities to transform their lives through quality education. This value defines Mercy University and guides the growth and development of the institution. Many Mercy University 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 University 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 University strives to provide require multiple locations, online access, varied program options, affordable tuition, and seamless support services. The University 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 University enables students to meet their obligations, complete a challenging academic program, and be prepared for career success.

Mercy University'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 University is reflective of a highly credentialed faculty who have a passion for teaching, and who are committed to student success. Mercy University 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 University is prepared by the Division of Student Affairs in consultation with other University departments. It is a compilation of the services, policies, practices, and procedures that are available at the University. Please read it and become familiar with its content. Together with other major University publications, such as the Catalogs, it provides answers to many questions, informs students of their rights and responsibilities, and establishes the University's expectations of its student community.

The University 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 University, including registering for courses, attending classes, payment of tuition or fees, or participating in University activities, students consent to comply with the policies, procedures, and practices described in this publication and the University's related rights. If you have any questions or need further clarification, please contact the Division of Student Affairs.

Mercy University 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.

## GENERAL STANDARDS OF CONDUCT

Enforcement of the General Standards of Conduct for the Mercy University 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 Judicial Process is to promote student learning. Each student is obligated to become familiar with the University's rules, regulations, and policies, and will be held accountable for conduct in conformity with them.

This Handbook cannot include an exhaustive list of every type of conduct that could violate Mercy University standards, and therefore students are expected to understand that similar, comparable, analogous, or related conduct is also incorporated into and addressed by the University's policies. All of Mercy University'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 University official, will be referred through the judicial and grievance processes outlined in this Handbook.

Further, while the University and its faculty and staff do not monitor online communities and electronic communication — and the University does not forbid faculty, staff or students from joining and participating in online communities as individuals who are not acting as agents of the University—any behavior that violates these general standards of conduct, which is brought to the attention of a

University official, will be treated as any other violation and will be referred through the judicial and grievance processes outlined in this Handbook.

### **NOTICE OF NON-DISCRIMINATION**

Mercy University 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 University 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 University 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 University's policy addressing discrimination and harassment is set forth more fully in the Mercy University Policy on Equal Opportunity and Nondiscrimination. The University's policy addressing sexual harassment, gender-based harassment and sexual violence is set forth more fully in the Mercy University Policy on Sexual Misconduct. The University's policy addressing reasonable accommodations for students with disabilities is set forth more fully in the Mercy University 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 the Director of Title IX and Equity Compliance, [titleix.equity@mercy.edu](mailto:titleix.equity@mercy.edu), 914-674-7679.

### **DIVISION OF STUDENT AFFAIRS**

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

## **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 University through the College Opportunity Program, and the PACT program. Ultimately, students are responsible for determining schedules and meeting degree requirements as outlined in the University Catalogs, but since Mercy University believes that student counselors and mentors can assist students with 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 University believes in a student-first philosophy, which means individualized attention, uniquely tailored opportunities, and innovative educational programs. The Mercy University 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 University. 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 their choice.

Highlights of the Mercy University 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).

## **COLLEGE OPPORTUNITY PROGRAMS (COP)**

The mission of the College Opportunity Programs is to provide academic, social, and personal support to historically underrepresented students in a nurturing and academically focused environment. Our goal is to empower motivated students and our engaged colleagues to achieve their highest level of success.

Several federal and state funded programs fall under the umbrella of College Opportunity Programs (COP). In support of our nation's commitment to provide educational opportunity for all persons, the

United States Congress established a series of programs to assist eligible individuals to enter college and successfully graduate. The federal TRiO program includes Student Support Services. The New York State programs include Collegiate Science and Technology Entry Program, and the Higher Education Opportunity Program.

### **STUDENT SUPPORT SERVICES PROJECT (SSSP)**

The Student Support Services Project (SSSP) provides opportunities for academic development and assists students with basic university requirements and serves to motivate students towards the successful completion of their post-secondary education. The goal of SSSP is to increase the University retention and graduation rates of its participants. Students must meet the federal eligibility guidelines that include first generation, low- income and have academic need for acceptance into the program. SSSP also invites applications from transfer students who were enrolled in SSSP at a previous college or university.

Applications for SSSP are made available through the College Opportunity Program Office or on the Mercy University website. For more details on SSSP, contact the Director of Student Support Services Project, Mercy University, 555 Broadway, Dobbs Ferry, NY 10522, 914-674-7239.

### **COLLEGIATE SCIENCE AND TECHNOLOGY ENTRY PROGRAM (CSTEP)**

CSTEP is funded by the New York State Education Department to provide academic enrichment, internships and research experiences for students who are economically disadvantaged and historically under-represented in scientific, technical, health-related or licensed professions. The CSTEP student must demonstrate an interest in, and potential for, a CSTEP targeted profession. CSTEP students must be enrolled full-time and be in good academic standing in an approved scientific, technical, health-related, pre-professional or professional undergraduate or graduate program of study. For more details on the Collegiate Science and Technology Entry Program, please email [CSTEP@mercy.edu](mailto:CSTEP@mercy.edu).

### **ARTHUR O. EVE HIGHER EDUCATION OPPORTUNITY PROGRAM (HEOP)**

HEOP is funded by the New York State Education Department to provide supportive services and supplemental financial aid to eligible New York State residents. Students are eligible for this program if they are both economically disadvantaged and academically under-prepared. HEOP students are assigned a HEOP counselor once admitted to the program. High school graduates may be eligible if they were not in a college preparatory program in high school. Individuals may also be eligible if they possess a General Equivalency Diploma (GED) or if they have neither a high school diploma nor a GED and they are 18 years of age or older. A transfer student enrolled in a NYS-Opportunity program (HEOP, EOP, SEEK, or College Discovery) may be eligible if there is availability of space within the program before entering the University. There is no waitlist for HEOP transfer admissions. Application for HEOP is made available on the University's website here: <https://www.mercy.edu/student-support/college-opportunity-programs/arthur-o-eve-higher-education-opportunity-program-heop>. For more details on the Higher Education Opportunity Program, please email [HEOP@mercy.edu](mailto:HEOP@mercy.edu).

## **CAMPUS LIFE**

The Office of Campus Life serves as a catalyst for student growth, social connection, 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 University students.

Mercy University campus 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 extracurricular activities or interested in joining or forming a new club on campus should contact the Office of Campus Life at [campuslife@mercy.edu](mailto:campuslife@mercy.edu) or 914-888-5270.

## **RESIDENTIAL LIFE**

Mercy University 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's Herald Square. On the Dobbs Ferry campus, Founders Hall serves over 300 First Year students in a variety of room configurations including singles, doubles, and deluxe doubles. Hudson Hall is home to 350 upper-class 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 University community. With the addition of Dorm34, the residential life program at Mercy has a robust on-campus population that complements a student's residential experience while attending Mercy University. 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 University 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).

### Associate Director and Resident Directors

The Resident Directors (RDs) at the Dobbs Ferry campus and Associate Director (AD) at the Manhattan campus are live-in professional staff members who ensure the safety and wellbeing of the residence hall or dorm. Additionally, AD and RDs each supervise a staff of Resident Assistants (RAs) and play a big role in the development of a positive and nurturing community. AD and RDs also serve as a wealth of information and support for the residents of their hall. Holding office hours, AD and RDs are available to meet and assist with any issues or concerns that may arise during your time on campus. Your AD or RD is an invaluable resource and is 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 University. 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. The 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. The Federal Work Study Award is not a guaranteed award. Students will receive Federal Work Study Funds only if they have gained employment in an on or off campus FWS position through the academic year. This is a competitive program and there are limited positions available for the students who apply. Learn more here:

<https://career.mercy.edu/jobs/category/federal-work-study/>.

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**

The Career Team at Mercy University empowers students to embark on successful careers, through coaching, programming, connections, and technology.

Using Career & Professional Development resources students can explore career paths that align with their interests and skills, prepare for job searches and interviews, implement a plan through internships and networking, and launch into the first or next phase of their career.

### Coaching

Career coaches are available on all three campuses, and virtually, for individualized appointments to help students with career exploration, workplace research, resumes, cover letters, interview preparation, networking, LinkedIn, internship/job searches, navigating the workplace, self-advocacy, and more!

Students can schedule an appointment with their career coach in Handshake at

<https://mercy.joinhandshake.com>.

All students are automatically joined into a career community based on their major when they enroll at Mercy:

- Business & Accounting
- Healthcare & Wellness

- Human Services, Government, Law & Education
- Media, Communications & Technology

Through their career communities they are connected to career coaches that specialize in their industries and they receive regular communication about events, internships, and opportunities in their fields. Students can change or join additional career communities by logging in to the Career website. Learn more at <https://career.mercy.edu/channels/career-communities/>.

### Events

Career & Professional Development hosts recruitment and educational events throughout the academic year. Students can attend career fairs, recruitment events, information sessions, and employer treks to meet with potential employers and market themselves for internships and jobs. Students can also participate in Career Academy each semester to earn a professional development digital badge and enter to win a raffle prize. The Career Team also partners with clubs, academic programs, scholarship programs, and departments throughout the University to speak with students about career topics of interest. View the complete calendar at <https://career.mercy.edu/events/>.

### Connections

Your professional network is one of your most important tools for success! The Career Team teaches students how to network effectively and authentically so they have strong connections to leverage upon graduation. We also maintain relationships with employers who post internships and jobs and visit campus to recruit Mercy students and graduates.

### Technology

Your online Career Toolkit is available 24/7 and includes:

- Career Website <https://career.mercy.edu/>  
Your one-stop shop for all career information, resources, events, online tools, and Career Communities.
- Handshake <https://mercy.joinhandshake.com>  
Find internships, jobs, volunteer work, and Federal Work-Study jobs. Connect with employers and peers to ask questions about open job postings.
- Big Interview <https://mercy.biginterview.com/>  
Learn about best interview practices and how to answer common questions. Practice answering questions through recorded mock interviews. Review your own videos or share them with a career coach or mentor for feedback.
- Focus 2 <https://www.focus2career.com/Portal/Login.cfm?SID=1262>  
Take self-assessments to identify your career-related interests, skills, and values. Research career paths and current workforce data through the Department of Labor's database and connect these to your preferences and needs.
- Parker Dewey <https://info.parkerdewey.com/mercy>  
Apply for micro-internships: short, project-based, virtual, paid experiences posted by employers across the country.
- Forage <https://career.mercy.edu/>

Complete virtual job simulation projects to test your skills for a job of interest. Projects are designed by employers who can see your work product and may even consider it in a job or internship application.

#### Internships / Externships / Workplace Experience

Internships are the absolute best way to gain experience, make connections, build skills, and increase your competitiveness for full-time jobs. Students who complete internships during college receive more job offers and higher salary offers, on average, than students who do not.

Begin your internship search on Handshake and continue it using industry-specific resources from your Career Community, attending career fairs and recruitment events, and leveraging your network. Start your search at least three months in advance (earlier for certain industries). Your career coach is here to help!

Students who have successfully completed at least 30 credits may be eligible to register an internship for academic credit. Consult the Career Team at least one semester in advance to determine your eligibility, learn about the process, and find your qualifying internship.

Students who plan to complete an unpaid internship may qualify for funding through the Internship Grant administered by the Provost's office. Learn more at <https://career.mercy.edu/channels/internship-grant/>.

#### Career Closet

Regardless of your industry and typical dress code, everyone needs at least one business professional suit in their wardrobe for interviews and formal events or meetings. Students who need access to an interview outfit can shop in the Career Closet and take one home free of charge! Learn more at <https://career.mercy.edu/channels/career-closet/>.

All Career Resources offered by the Mercy University Career Team are free of charge to students and alumni. For assistance, reach out to us at [CPD@mercy.edu](mailto:CPD@mercy.edu) or 914-674-7203.

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

#### **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 University. 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 University 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 University'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. In order to be eligible, you must have a minimum GPA of 2.8, be a sophomore standing or higher and be in good standing with the University. 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 University students with the academic support necessary to meet the challenges of higher education.

The Learning and Assessment Services are an outgrowth of Mercy University'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 want 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 University. 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 University 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 THE ANNUAL SECURITY REPORT**

The Mercy University 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 University's Annual Security Report which may be found on the Mercy University website under the "Campus Safety" tab at the bottom of the webpage. 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 University's Office of Campus Safety in cooperation with the local law enforcement agencies surrounding all Mercy University 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/media/campus-safety-report-10622>. 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 914-674-7225. All prospective students and employees may obtain a copy as described above. 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 University'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

In addition, MAVERICKS SAFE, a personal safety app, is available via the Apple or Google Play Store. This App provides a wealth of resources, including emergency and non-emergency campus contact information, health and wellness contact information, the ability to report a crime tip, emergency situation plans and guidance, and a personal alert feature that initiates an immediate call to Campus Safety. Download the app and sign in using your Mercy Connect credentials.

## **CAMPUS SAFETY TIPS**

Students are expected to promptly 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 University 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 connect directly with 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.

### **OFFICE OF ACCESSIBILITY**

Mercy University 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. The Office of ACCESSibility also coordinates accommodations for students who are pregnant and nursing, students who have dietary restrictions, and students who need accommodations due to religious or spiritual observances.

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 and Manhattan campuses by appointment. 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 and Procedures for Implementing Reasonable Accommodations and Academic Adjustments for Students

## **HEALTH OFFICE**

The Student Health Office is a safe, confidential place where students can receive primary care services including evaluation, diagnosis and treatment for common illnesses and injuries, preventive care, health education and referrals to local specialists or hospitals as needed. We are committed to providing confidential, responsive, high quality medical care to our diverse student community. There are no fees for the services provided and the office is staffed with Family Nurse Practitioners and a Registered Nurse.

Appointments are necessary and can be made using one of the below methods:

- By phone at 914-674-7255
- Email [healthoffice@mercy.edu](mailto:healthoffice@mercy.edu)

Services offered include:

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

Hours of Operation:

- DOBBS FERRY: Monday - Friday: 9am – 5pm, Main Hall Room 127, 914-674-7255
- BRONX: Monday and Wednesdays, 8am-4pm Room 2125, 718-678-8487

For more information, please contact Colleen Powers, FNP, Executive Director of Health and Wellness, at 914-674-7707 or [cpowers5@mercy.edu](mailto:cpowers5@mercy.edu).

## Immunization Requirements

New York State Department of Health Bureau Immunization Program

All students born after January 1, 1957, are required to show proof of immunity against measles, mumps, and rubella and any other vaccine that may be required by law or governmental agency, including but not limited to the Federal Occupational Safety and Health Administration (OSHA). Mercy University also reserves the right to require proof of immunity or vaccinations for other illnesses as may be needed for the health and safety of the University community.

#### 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 the Registrar or <https://www.health.ny.gov/prevention/immunization>.

#### **COUNSELING SERVICES**

Mercy University Student Counseling Center provides brief treatment lasting up to 8 sessions/semester. 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 Center 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 are Monday through Friday 9am-5pm during the academic school year. In person sessions are available on the Bronx and Dobbs Ferry campuses. 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).

### BetterMynd Online Counseling

Mercy has also partnered with BetterMynd, an online Therapy platform for college students, with services available 7 days a week with evening and weekend appointments available. Each student can now access up to 8 free online therapy sessions through the BetterMynd platform. To register and get started with a counselor that is a good fit for you, sign-up here. If you have any questions, you can email BetterMynd at [students@bettermynd.com](mailto:students@bettermynd.com).

Additional Mental Health or Counseling Services in the area at locations unaffiliated with the University can be found here: [www.mercy.edu/student-support/counseling-services/local-referrals](http://www.mercy.edu/student-support/counseling-services/local-referrals).

### **MERCY UNIVERSITY 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 University 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 University.

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 University 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, are 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 University will conduct an individualized assessment of each student's situation in this award process. Recipients are determined by a Mercy University group comprised of the Vice President of Student Affairs, Vice President of Enrollment Services and/or 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 University's athletics program serves as an integral component to student life at Mercy University. The University 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 University 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 University provides opportunities for athletic participation and support for its athletic program consistent with the applicable rules and regulations as set forth by the NCAA. First-year students 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 University. The Club Sport program is also the proud home of the Mercy University 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 University 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 University 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 University 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**

New incoming first year and transfer students are invited to Mercy University, to attend New Student Orientation sessions held over the summer. At New Student Orientation, students will meet their Orientation Leaders, as well as key staff and faculty members. New Student Orientation is an opportunity for New First-Year and Transfer Students to meet their peers and engage in the Mercy University experience before the semester begins. New Student Orientation is also a great time to learn about services and opportunities that are vital elements for the transition into life at Mercy University. Separate orientation programs for international students are held before the start of the semester.

### **STUDENT IDENTIFICATION CARDS**

Mercy University student identification cards must be carried at all times on all Mercy University premises, including the Residential Areas. Lending an I.D. card to anyone or failing to present it when requested by University 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 or Campus Safety. Students can obtain a replacement Mercy University Student I.D. by making a \$10 payment at the Office of Student Financial Services.

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

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

- SMS message to the Community
- Facebook & Twitter
- Homepage of [www.mercy.edu](http://www.mercy.edu)
- Mercy University 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 University 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 Financial 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 University Vehicle Use Policy and Parking Policy, available online. A campus-parking permit is required for all students who use Mercy University's parking facilities at the Dobbs Ferry or Bronx Campuses. Parking permits may be obtained by commuting students by submitting the online Mercy University Vehicle Registration form found in Mercy Connect. Commuter students at the Bronx campus can retrieve their parking permit through the Office of Enrollment Services at the Bronx from 9:00am-7:00pm, Monday through Friday or 9:00am-5:00pm on Friday. Guests visiting Dobbs Ferry should obtain a temporary permit at the Dobbs Ferry gatehouse. Required documentation includes proof of current registration and insurance.

Please note that Mercy is preparing to convert from a sticker-based system containing a bar code and computer chip to a cloud-based License Plate Reader system. The License Plate Reader will grant access to the campus upon entry and will assist in regulating parking in approved lots. Vehicles will be registered and approved exclusively via Mercy Connect. Changes and adjustments, such as a change in vehicle, will be made online. Users will still be required to place a general Mercy University decal on their vehicle identifying them as an affiliate. These decals will be issued following vehicle registration and will be individual and vehicle specific. They will be valid for five years from the date of issue and can be picked up from the Campus Safety Office in Main Hall (Room 234) during normal business hours. Arrangements can be made to pick up a needed sticker after hours from the security post in Hudson Hall by contacting [safety@mercy.edu](mailto:safety@mercy.edu). Presentation of valid ID required.

Residential students with permits are required to park their vehicles in the lot designated as the “H Lot” at all times. Students are not permitted to park their vehicles in the parking areas outside of the Residential Life buildings. No residential first-year students are permitted to have a car.

Mercy University 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 University 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 University 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 University students can purchase textbooks, supplies, university 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. 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 University’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. 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 University continues to use 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. Be on time for class or a meeting, just as if you were attending in person.
2. Turn on your camera for the full class, which simulates an “in-class environment.” Your professor will explain why the camera needs to be on. If there are extenuating circumstances where you do not feel it is appropriate to keep the video on during one or more classes, please contact your professor, or your mentor or advisor regarding your concern 24 hours in advance. If you require an accommodation relating to your video, please contact the Office of ACCESSibility as soon as possible.

In addition, if you are having wi-fi bandwidth issues, you should let the professor know and should then turn off the video.

3. Display your first name or your first and last name. Do not use unidentifiable names (such as iPhone, etc.), and, if using a nickname or preferred name, make sure the faculty member is aware that it is you.
4. If you do not respond to questions posed by the professor, it may be assumed that you are not attending that portion of the class. Participation grades may be reduced at the professor's discretion. Students are responsible for any content missed during class.
5. If you experience technical difficulties, let your professor know, then contact Mercy's IT Help Desk for assistance.
6. Appropriate attire should be worn when virtually attending a class or meeting, as if you were attending class in person.
7. During class, remain as quiet as possible when not speaking. Unless directed to unmute, mute your microphone when you are not speaking to reduce background noise. Avoid typing or making other noises when you are not on mute.
8. Remain focused during the class: avoid watching videos, reading other emails or text messages on your computer, phone, or tablet. Avoid walking, driving, or traveling while class is in session, as doing so could be distracting and even dangerous.
9. To protect your privacy, consider setting a virtual background or blurring your background.
10. Do not record classes or meetings unless provided explicit instruction or permission from a faculty or staff member.
11. Do not use any distracting, obscene, discriminatory, or offensive content as a real or virtual background, profile picture, in a virtual message or live video feed.
12. Do not share offensive content in the chat area, which is meant to be used for class-related discussions only.
13. Do not use inappropriate language that would be deemed vulgar, or that would constitute verbal abuse, or threat of violence, or physical harm against any person or property when communicating virtually.
14. Do not use screen capture to capture the image of other students or the faculty member.

Failure of students to abide by these guidelines (in particular the previous four bullets) could result in code of conduct infractions and lead to disciplinary sanctions.

### **ELEVATORS**

Handicapped accessible elevators are available. Check with Campus Safety 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 University'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 University 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 University 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 University buildings. Smoking on campus is only permitted outdoors at least twenty-five (25) feet away from any building.

#### **PROHIBITED ITEMS POLICY**

Prohibited items deemed dangerous to the health and safety of the Mercy Community are subject to confiscation and disposal. This designation applies, but is not limited to, candles, drug paraphernalia, alcohol, narcotics, and weapons or dangerous objects to include explosives (includes, but is not limited to, fireworks and ammunition), guns (includes, but is not limited to, air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives. The storage of any item that falls within the category of a weapon in a vehicle parked on University property is prohibited. Other items include, but are not limited to, gunpowder, mace, martial arts weapons, and swords.

#### **VISITORS ON CAMPUS**

Mercy University 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 University officials and must comply with University rules and regulations. Mercy University 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.

## MERCY UNIVERSITY POLICIES

Mercy University 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 University 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 University website and/or Mercy Connect. Some of the University policies relating to students include the following:

- Academic Integrity Policy
  - Examples of Academic Dishonesty
  - Process to Report and Appeal
  - Judicial Sanctions
- Policy on the Acceptable Use of University Information Technology Resources
- Policy on Drugs and Alcohol
- Involuntary Medical Leave of Absence Policy
- Policy Statement Regarding Bias-Related Crimes
- Policy on Equal Opportunity
- Notice of Non-Discrimination
- Policy on Access to Student Records Under the Family Educational Rights and Privacy Act of 1974, As Amended (FERPA)
- Name Change Policy
- Policy on Hazing and Reckless Endangerment
- Policy Prohibiting the Marketing of Credit Cards to Students
- Policy on Student Demonstrations
- Social Media Policy
- Policy on Peer-to-Peer File Sharing
- Emotional Support Animal Policy
- Policy Regarding Service Animals for People with Disabilities
- Policy and Procedures for Implementing Reasonable Accommodations and Academic Adjustments for Students
- Policy and Procedures for Addressing Student Complaints
- Policy on Meal Plan Exemptions and Dietary Accommodations for Students
- Missing Students Policy
- Policy and Procedures Relating to Personal Care Attendants for Students
- Residential Life Housing Accommodations Policy
- Student Policy on Postings, Solicitations, and Commercial Activity
- Policy for Off-Campus Trips and Activities
- Policy and Procedures Relating to Sexual Misconduct
- Mercy University 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 University 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 University 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 University'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 University, including a building or facility, or of any member of the Mercy University 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 University official; including but not limited to forgery, alteration, produced using AI, or illegal use of University or University related documents or instruments of identification;
6. Refusal to comply with directions of University officials acting in the performance of their duties and/or refusing to provide valid identification when requested to do so by a University 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 University or any member of the University community or with access to or egress from all or a portion of the University's facilities;
8. Excessive, persistent, and unreasonable requests and/or demands for attention from faculty, staff, and/or other students so as to interfere with the University's ordinary business operations;
9. 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 University and committing any act in furtherance of prohibited conduct;
10. 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;

11. Possession upon any premises at Mercy-related facilities or events, whether on or off-campus, firearms, knives, weapons, explosives, dangerous chemicals, or devices generally used to cause harm or damage;
12. Tampering with or misusing fire-fighting equipment or alarms;
13. 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 University;
14. Failure to cooperate with University investigations and disciplinary processes or retaliation against a member of the University community who cooperates with investigations or judicial processes;
15. 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 University disciplinary or grievance process;
16. Use of vulgar, abusive and/or threatening language towards another community member;
17. Written, verbal or electronic statements made about the University or a member of the University community that are of a libelous or slanderous nature;
18. Participation in any form of illegal gambling;
19. Failure to wear appropriate clothing in a manner that is disrespectful or jeopardizes the health and safety of the community, such as footwear and tops inside any Mercy University building;
20. The circulation of flyers by students without approval from Campus Life or in prohibited areas;
21. The communication of obscene, discriminatory, or offensive content to the University community;
22. Conducting commercial activity in Mercy University 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 Vice President of Student Affairs;
23. Operating a motor vehicle or other mode of transportation in an unsafe and disruptive manner;
24. Bringing or using segues, scooters, hoverboards or other similar motorized/non-motorized vehicles inside campus facilities. Skateboards may be used on campus and brought into buildings if stored in a safe manner. Bicycles may be brought into the building with advance approval from the Office of Residential Life. Students may not operate any vehicles or equipment (motorized or non-motorized) in an unsafe and disruptive manner;
25. Playing loud music, making excessive and/or boisterous noise, or engaging in disruptive behavior;

26. Bringing pets or other animals inside campus facilities, 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
27. Violating any local, state, or federal law.

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

1. Has a connection to the University, such as campus events or activities;
2. Constitutes a violation of law (whether or not the charged conduct is related to the University);
3. Affects a member of the Mercy University community's ability to fulfill their responsibilities at Mercy;
4. Is disruptive or disrespectful towards other individuals in communities surrounding University campuses; and/or
5. Poses a risk of harm to a member of the Mercy University community.

#### **CODE OF CONDUCT FOR RESIDENTIAL LIFE STUDENTS**

In addition to the Student Code of Conduct and other policies described elsewhere in this Handbook, residential students are expected to follow the standards of conduct set out below. Both the Office of Residential Life and the Office of Community Standards and Student Conduct have the 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 the policy on illegal drugs and alcohol, the guest policy, and the quiet hours policy.
2. Adhere to the rules and expectations outlined by the Housing Contract signed by resident students.
3. Resident students are expected to attend Residential Life meetings called by the Resident Assistants or Residential Life professional staff.
4. No profanity or offensive messages may be posted, displayed, spoken or broadcast in any public areas.
5. 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 University building.

6. All University-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.
  
7. The following behaviors are also prohibited:
  - 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.
  
  - Entering restricted areas, including but not limited to the rooftop, offices, and/or storage and maintenance rooms.
  - Climbing out of or in through a window.
  - Removal of any University furniture or property from its designated area.
  - Misuse, misappropriation, abuse, theft, or damage to any individual’s University property.
  - Unauthorized room changes.
  - Unauthorized possession, duplication, or use of keys.
  - Changing or adding locks to doors, windows, or furniture.
  - Removal of any window stops from windows.
  - Painting or construction work of any kind in rooms, or damaging walls or woodwork with tape, nails screws, stickers, poster “gum” or glue.
  - Burning of any materials including, but not limited to; candles, incense, or matches.
  
8. In order to maintain safety and security, the following items are prohibited from the Residential Areas and may be subject to the Prohibited Items Policy:
  - Candles, Incense, or Plug-in Oil Air Fresheners
  - Halogen Bulb Lamps, Lava Lamps, Salt Lamps
  - Extension Cords or Multiple Plug Adapters
  - Plug-in String Lights, Plug-in LED lights
  - Microwaves, Toasters or Toaster Ovens
  - Air Fryers, Portable Grills, including Sandwich/Panini Grills
  - Bed Lofting Kits, Cinder Blocks
  - Pets with two (2) exceptions: either one fish in a tank up to 5 gallons without a power filter or an animal approved by the Office of ACCESSibility
  - Weapons of any kind, including darts/dart boards and items for decorative purposes (refer to Prohibited Items Policy for complete list)
  - Alcohol containers/drug paraphernalia
  - Space heaters of any kind, Electric blankets
  - Hot plates
  - Excessively large storage
  - Non-university furniture/mattresses
  - Internet/wireless router
  - Wall-to-wall carpeting/carpet tiles
  - Fireworks/Explosives
  - Curtains/large tapestries

- Coffee Pots with Exposed Heating Plate

9. In order to maintain safety and security, the following is required:

- Do not prop open fire doors or any door which is a locked entrance.
- Do not exit through emergency doors unless there is an actual emergency.
- Lock room doors and windows before leaving.
- Do not remove or tamper with the window guard on any accessible window.
- Do not loan your room key to anyone.
- Report lost or misplaced keys immediately.
- Report strangers or suspicious behavior in the building.
- Do not leave backpacks, purses, or other items unattended in common areas.
- Do not keep large sums of money, jewelry, or valuable items unattended in your room.
- Do not block the entrance to a room with furniture, stack university furniture, or use cinder blocks.
- Do not use faulty electrical equipment or plug multiple extension cords together.
- Do not touch or lean on the sprinkler system or use pipes to hang plants, clothes, or any other objects.
- Do not cover, 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.
- Do not stay in the building during a fire drill, which is also a violation of New York State law.

### **RESIDENTIAL AREA GUEST POLICY**

The opportunity to invite guests into a residence hall, room, or suite is grounded in the principles of mutual respect and harmony. It is important to acknowledge that one resident's right to have guests should not infringe upon another resident's reasonable expectation of privacy. It is expected, particularly among students sharing a living space, that they will treat each other with courtesy, maintain open lines of communication, be willing to find compromises, and act in good faith when it comes to hosting guests. A guest is defined as someone who is not a Mercy residential student living in the residential hall or dorm they are looking to access. All guests must be registered at all times, must depart before the end of guest hours, and must comply with all Residential Life rules and regulations.

Residents must abide by the following visitation procedures:

#### All Guests

- All guests staying in a Mercy University residence hall are expected to comply with the policies, procedures, and regulations set forth by the University and the Office of Residential Life and Housing Services.
- Guests must be escorted by the Resident who signed them in at all times. Guests are not allowed to roam the building unaccompanied by their Resident Host.
- If occupants of a room/suite have complaints about Guests, staff reserve the right to remove the guests until the issue is resolved at a later time through mediation or the Office of Conduct and Community Standards.
- The Resident Host assumes responsibility for the conduct of their guest(s) within the residence hall premises, including the building, room, or suite in which the host resides. The Resident Host will be

held accountable for any violations of University/Residence Life policies, as well as for any instances of theft or harm to individuals or property resulting from their guests' behavior, regardless of whether the guest is a fellow University student or not.

- Mercy students who exhibit disruptive or volatile behavior while serving as guests in a residence hall or a room/suite will also face personal accountability for their actions.
- If a guest displaying volatile behavior is enrolled in another college or university, Mercy University reserves the right to report the individual's conduct to their respective institution.
- The staff reserves the right to remove any guest or deny entry to a guest. The staff's priority is to ensure the academic promise and well-being of the residents in the Mercy University residential halls.

#### Day Guests

- Day Guest hours begin at 8:00 AM and end at 12:00 AM (midnight). All guests must be signed in at the front desk of the residential area upon entering and must be met by the resident whom they are visiting. A guest is anyone who is not a Mercy residential student for the assigned building/dorm that the person is entering.
- Day Guests must leave an approved ID (with photo) with staff while they are visiting.

#### Overnight/Evening Guests

- Overnight Guests/Evening Guests are guests who are staying in the residential areas beyond 12:00AM (midnight).
- Residents who would like Overnight/Evening Guests must apply a minimum of 72 hours in advance of Overnight/Evening Guests staying. For a Resident Host to accommodate a Late Hours/Overnight guest, they must obtain permission from their roommate(s)/suite(s) and submit a Guest Approval Form to the Residential Building Manager (Resident Director or Associate Director) for authorization.
- Guests must sleep in the room of the Resident Host under whose name they have been registered. Overnight/Evening guests are strictly prohibited from sleeping in hall lounges or other public spaces.
- A Resident Host may not have the same Overnight/Evening Guest, or a different person, staying for more than three (3) consecutive nights or exceeding a total of six (6) nights within a calendar month.
- Similarly, an individual may not serve as an Overnight/Evening guest in the residence hall guest system for more than six (6) nights per calendar month, regardless of whether they stay with the same or different resident hosts.
- A resident may request and sign in no more than one (1) overnight guest at a time.
- Every guest must register at the front desk by submitting valid photo identification, such as a driver's license, State identification card, or University ID with photo and expiration date.
- Expired photo identification will not be permitted. The identification cards of the guest 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.
- Non-Residential guests are not permitted in the Residential Areas during final exam periods. The residential staff also reserve the right to disallow overnight guests during other times of the year.
- Guests under the age of eighteen (18) are not permitted without the prior written approval of the Director of Residential Life.

## **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 12:00 a.m. to 8:00 a.m. To ensure a comfortable and non-disruptive environment, Residential Life employs a 24/7 Courtesy Hours policy that encourages residents and guests to self-monitor their noise. Additionally, it is important to know that the resident halls are situated in close proximity to residential neighborhoods that can often be disturbed. Excessive and unreasonable noise should be avoided when possible.

## **INSPECTIONS**

Residential Life conducts a minimum of two (2) room health and safety inspections per term and will announce said inspections at least one week prior to the inspections taking place. University 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 University. 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

University policy and New York State law require the University to conduct a number of fire drills in the Residence Hall each semester. It is a violation of both State law and University 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 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.

Residents of Dorm34 at the Manhattan campus should evacuate via the stairs and make their way to 33rd street and 6th avenue – Greenly Square Park.

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 may be subject to disposal. Students caught with such items will be subject to disciplinary action. Starting a fire is a violation of University policy and State law and will subject a student to disciplinary action. The University 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 safety reflection
- Second Offense - \$200.00 fine and Residence Probation
- Third Offense - \$300.00 fine and removal from housing

Tampering with Fire Safety Equipment or Alarms (includes covering smoke detectors)

- First Offense - \$50.00 fine and completion of fire safety reflection
- Second Offense - \$100.00 fine and Residence Probation
- Third Offense - \$200.00 fine and removal from housing

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

- First Offense - \$100.00 fine completion of fire safety reflection
- 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 University 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 University rule. In imposing a sanction, the University 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 University regulation within a period of time stated in the letter of reprimand.
3. Fines – A sum of money to be paid to the University or another specified person or body. Failure to pay fines may result in the denial of registration for the subsequent semester (summer session included. 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 or Residential Probation – Written statement of restrictions on a student’s participation in University activities which may remain in effect for the period of time specified by the University.

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 University, the category of disciplinary probation may include one, several, or all of the following provisions:

- Ineligibility for election to any honor society during the period of probation, ineligibility to hold office therein, and resignation from such society or societies.
  - 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.
  - Ineligibility to participate in student activities.
  - 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 University.
  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 University 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 University department. In certain cases, the Associate Dean of Student Affairs or their designee 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 University 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 University 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 University on disciplinary matters. The University reserves the right to adapt its procedures based on the circumstances of an individual case. In addition, the University 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 University's rules.

The Judicial Process set forth below addresses violations of the University's non-academic policies, including but not limited to the Code of Student Conduct, and Code of Conduct for Residential Life Students. 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 University procedure shall apply will be made by the University, upon notice to the student, but in the University's sole discretion.

Students, faculty, or staff members of the University who believe that they have been subjected to, or have knowledge of, any acts by a student that are in violation of University policies are encouraged to inform the Office of Community Standards and Student Conduct (<http://www.mercy.edu/student-support>). The University 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 University'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 Director of Title IX or the Associate Dean of Student Affairs. The Director of Title IX or the Associate Dean of Student Affairs will determine whether the complaint is handled under the Policy on Sexual Misconduct, the Code of Conduct, or a different University policy, and provide direction to the complainant as to which policy will be used and who at the University will be overseeing the complaint. The University may pursue a violation under the University'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 University 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:

1. Incident Reported

- 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.

2. For Low Level Violations Resulting In, But Not Limited To, Warnings

- The Office of Community Standards and Student Conduct or The Office of Residential Life shall send the student a letter via email (and mail if necessary) informing the student of the allegations of a violation 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 5 and 6 below.

3. For All Other Violations

- The Office of Community Standards and Student Conduct or The Office of Residential Life shall send the student a letter via email (and mail if necessary) informing the student of the allegations of a violation and to schedule an 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, conducting 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).
- 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 if necessary). Such notice shall contain information about 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

University for various reasons, including delay in gathering the facts. Notice of any delay shall be provided to the involved students (if applicable).

4. Interim Suspension, Emergency Removal, or Other Measures

- The University 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 University otherwise deems appropriate under the circumstances. If the University institutes an interim suspension or other interim measures, the University must inform the alleged student in writing via email (and mail if necessary). The student can appeal the interim measure(s) to the Office of Community Standards and Student Conduct, whose decision shall be final.

5. Appeals

- 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?MercyUniversity&layout\\_id=20](https://cm.maxient.com/reportingform.php?MercyUniversity&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.
- The Office of Community Standards and Student Conduct's designee may 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.

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

- When a student is found to have violated a University 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 online 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.
- The appeal panel will consist of three (3) faculty and/or staff members (at least one of whom must be a faculty member), chosen on an annual basis by the Vice President or Associate Dean of Student Affairs and the Provost, one of whom shall be named the chairperson upon mutual decision of Vice President or Associate 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 the Vice President or Associate Dean of Student Affairs upon mutual approval.
- 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.

- 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.

#### 7. Misuse of Disciplinary Process or Grievance Process

- 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 University's process and violation of University standards of conduct.

### APPENDIX – POLICIES

Please note, the policies included in this version of the Student Handbook are as of August 2023. For the most up to date version of a policy, please visit the Mercy University Policies webpage:

<https://www.mercy.edu/about/mercy-university-policies>.

#### 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 University's educational mission as well as the student's personal and intellectual growth. In cases where academic dishonesty is uncovered, the University imposes sanctions that range from failure of an assignment to suspension and expulsion from the University, depending on the severity and reoccurrence of the case(s).

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

Cheating is the unauthorized use or attempted use of material, information, notes, study aids, devices, communication, or artificial intelligence tools 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
- Submitting material generated or altered by chatbots and/or artificial intelligence tools 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 ideas, research, or writings created by other people or artificial intelligence tools as your own.

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 of, downloading term papers or other assignments and then submitting that work as one's own, copying text generated by a chatbot or artificial intelligence tool, or copying or extracting information and then pasting that information into an assignment without citing the source, or without providing proper attribution

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 credit. Self-Plagiarism is a violation of this policy.

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 their 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 students' 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.

#### Process to Report and Appeal

The process to report or to appeal an academic integrity violation is as follows:

- 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.
- Should the faculty member conclude that there has been an incident of academic dishonesty, they shall complete the Academic Integrity Reporting Form (located on Mercy Connect under the faculty tab) and submit it. This form will include a sanction.
- The form will be submitted electronically to the Dean and Associate Dean of the appropriate School, and an initial notification of violation will be sent to the student. The student may appeal to the Dean or Associate Dean of the School through email within one week of the date of notification. The Dean or Associate Dean will then ask the student and faculty member to submit evidence and may request

to meet with both parties separately. After a review of the evidence, the Dean or Associate Dean shall decide to either uphold or overturn the charge and communicate the decision through an email to the student within one week of the appeal.

- Should the student appeal, the Associate Provost for Faculty Affairs shall request evidence from the student and the faculty member. After a review of the evidence, the Associate Provost for Faculty Affairs shall determine if there is enough evidence to convene the Academic Appeals Committee and send a letter to the student within one week to inform the student of this determination. Should the case go to a full review, the Associate Provost for Faculty Affairs shall assemble the Academic Appeals Committee to review the case.
- At this point, all parties will be permitted to participate and are permitted to submit any additional documentation they believe is necessary including written statements and documentary evidence. The Academic Appeals Committee shall convene within two weeks of the filing of the appeal submission. and shall issue a written decision of its finding within one week of convening. The Associate Provost for Faculty Affairs shall send copies of its decision to the accused student, the faculty member, and the appropriate Dean and Associate Dean for archiving in the student's confidential academic integrity record. Unless the resolution exonerates the student, the Student Violation of the Academic Integrity 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.
- If the Academic Appeals Committee finds that no violation occurred, the Office of the Provost shall remove all material relating to that incident from the student's confidential academic integrity file and destroy the material. The Dean or Associate Dean shall work with the faculty member to remove the sanction in the course.

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

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 their guilt or the particular reduced grade that the faculty member has chosen, then the student shall be given either a warning or the reduced grade, unless the student is a repeat offender, in which case a sanction more severe than a warning should be applied by the Dean/ Associate Dean. 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/ Associate Dean of the resolution via email and the Dean/ Associate 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 by following the process described below.

A student who is found to be dishonest in the submission of academic assignments or other work, or in carrying out their academic responsibilities may receive a warning, a zero for the submitted assignment or exam, a failing grade for the course, or may be subject to further suspension or expulsion from the University, 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/ Associate Dean and may be retained by the University in the student's records.

#### 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 University, the school Dean shall impose a sanction in addition to or in lieu of academic sanctions, as they deem is warranted under the circumstances. If the student contests the judicial sanction imposed, the student may appeal to the Associate Provost for Faculty Affairs.

More information regarding Mercy's Academic Policies can be found here:

<https://catalog.mercy.edu/content.php?catoid=16&navoid=1809>.

### **POLICY ON THE ACCEPTABLE USE OF COMPUTER AND NETWORK RESOURCES**

#### Purpose

Mercy University's computer and network resources are an important component to further the University's educational purposes and University business in support of Mercy's mission, which seeks to transform students' lives through higher education. Users of these resources have a responsibility to follow the guidelines set forth in this document, as well as all other related policies and procedures, not to abuse the privileges granted to them, and to respect the rights of others.

Mercy's technology infrastructure exists to support the University and administrative activities needed to fulfill the University's mission. Access to these resources is a privilege that should be exercised responsibly, ethically and lawfully.

The purpose of this Acceptable Use Policy is to clearly establish each member of the University's role in protecting its information assets and communicate minimum expectations for meeting these requirements. Fulfilling these objectives will enable Mercy to implement a comprehensive system-wide Information Security Program.

#### Scope

This Policy applies to all users of computing resources owned, managed or otherwise provided by the University. Individuals covered by this Policy include, but are not limited to all employees and service providers with access to the University's computing resources and/or facilities. All Mercy University community members, including: students, staff, faculty, alumni, contractors, third party vendors and former full-time faculty who served at Mercy University for 10 years or more, are provided with a Mercy University identification card ("ID") and number, which grants certain accesses to University computer and network resources, depending on the community member and the particular need.

Computing resources include all Mercy owned, licensed or managed hardware and software, email domains and related Applications & Services (on-prem and Cloud Applications) and any use of the University's network via a physical, wireless connection or remote access, regardless of the ownership of the computer or device connected to the network (on-prem and Cloud).

This Policy applies to all members of the University community and covers both internal and external (on-prem and Cloud) use of computer and network resources, University computer and information technology hardware, software, data, access and other resources owned, operated, or contracted by Mercy.

#### Privacy and Electronic Monitoring

Mercy will make every reasonable effort to respect a user's privacy. However, community members, including employees and students, do not have a right of privacy for communications transmitted or stored on the Mercy's resources. In addition, while the University does not routinely monitor or access its mail systems, to the extent permitted by law, the University reserves the right to access and disclose, and monitor when necessary, the contents of electronic communications made with or through the University's resources without the consent of the user. Further, any and all telephone conversations or transmissions, electronic mail or transmissions (as discussed above), or internet access or usage by a user by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems ("User Activity"), may be subject to monitoring at any and all times and by any lawful means.

Devices connected to the University's network or technology systems, or used pursuant to this Policy, may be monitored or intercepted to the extent such device is used for any User Activity. Such devices include the University provided devices and other devices (including personal devices) using the University's internet, servers, and networks. The University may do so for reasons including but not limited to:

- Investigating potential misconduct,
- Protecting health and safety,
- Protecting University resources,
- Preserving emails or other documents in connection with a litigation and/or pursuant to the University's Records Retention Policy
- Locating information required for University business,
- Handling matters when employees are out on extended leaves of absence,
- Responding to subpoenas and other legal obligations, and/or
- Fulfilling the University's obligations to third parties.

In addition, maintenance of the University's computing networks and systems may result in the contents of files and communications being seen by network, system, or other administrators.

Although users of the University's electronic communications resources have no right to privacy vis-à-vis the University, they must respect the legitimate privacy expectations of other users.

## Policy

Activities related to Mercy's mission take precedence over computing pursuits of a more personal or recreational nature. Any use that disrupts the University's mission is prohibited.

Following the same standards of common sense, courtesy and civility that govern the use of other shared facilities, acceptable use of information technology resources generally respects all individuals' privacy, but subject to the right of individuals to be free from intimidation, harassment, and unwarranted annoyance. All users of Mercy's computing resources must adhere to the requirements enumerated below.

### 1. Fraudulent and Illegal Use

Mercy explicitly prohibits the use of any information system for fraudulent and/or illegal purposes. While using any of the University's information systems, a user must not engage in any activity that is illegal under local, state, federal, and/or international law. As a part of this policy, users must not:

- Violate the rights of any individual or company involving information protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of pirated or other software products that are not appropriately licensed for use by Mercy.
- Use in any way copyrighted material including, but not limited to, photographs, books, or other copyrighted sources, copyrighted music & videos, and any copyrighted software (utilizing any kind of Peer-to-Peer P2P software) for which the University does not have a legal license.
- Export software, technical information, encryption software, or technology in violation of international or regional export control laws.
- Issue statements about warranty, expressed or implied, unless it is a part of normal job duties, or make fraudulent offers of products, items, and/or services.

Any user that suspects or is aware of the occurrence of any activity described in this section, or any other activity they believe may be fraudulent or illegal, must notify his/her manager immediately.

If any user creates any liability on behalf of Mercy due to inappropriate use of the University's resources, the user agrees to indemnify and hold the University harmless, should it be necessary for Mercy to defend itself against the activities or actions of the user.

### 2. Confidential Information

Mercy has both an ethical and legal responsibility for protecting confidential information in accordance with its [Confidential Information Policy](#). To that end, there are some general positions that the University has taken:

- Transmission of confidential information by end-user messaging technologies (for example, e-mail, instant messaging, SMS, chat, etc.) is prohibited.
- The writing or storage of confidential information on mobile devices (phones, tablets, USB drives) and removable media is prohibited. Mobile devices that access confidential information will be physically secured when not in use and located to minimize the risk of unauthorized access.
- All employees and service providers will use approved workstations or devices to access University's data, systems, or networks. Non-University owned workstations that store, process, transmit, or

access confidential information are prohibited. Accessing, storage, or processing confidential information on home computers is prohibited.

- All company portable workstations will be securely maintained when in the possession of employees. Such workstations will be handled as carry-on (hand) baggage on public transport. They will be concealed and/or locked when in private transport (e.g., locked in the trunk of an automobile) when not in use.
- Photographic, video, audio, or other recording equipment will not be utilized in secure areas.
- All confidential information stored on workstations and mobile devices must be encrypted & secured.
- All employees who use University-owned workstations will take all reasonable precautions to protect the confidentiality, integrity and availability of information contained on the workstation.
- University employees and affiliates who move electronic media or information systems containing confidential information are responsible for the subsequent use of such items and will take all appropriate and reasonable actions to protect them against damage, theft and unauthorized use.
- University employees will activate their workstation locking software whenever they leave their workstation unattended or will log off from or lock their workstation when their shift is complete.

### 3. Harassment

Mercy is committed to providing a safe and productive environment, free from harassment, for all community members. For this reason, users must not:

- Use University information systems to harass any other person via e-mail, telephone, or any other means, or
- Actively procure or transmit material that is in violation of sexual harassment or hostile workplace laws.

If a user feels he/she is being harassed through the use of the University's information systems, the user must report it, in writing, to his/her supervisor or any department head.

### 4. Incident Reporting

Mercy is committed to responding to security incidents involving personnel, University-owned information or University-owned information assets. As part of this Policy:

- The loss, theft or inappropriate use of University access credentials (e.g. passwords, key cards or security tokens), assets (e.g. laptop, cell phones), or other information must be reported to the IT Service Desk at [helpdesk@mercy.edu](mailto:helpdesk@mercy.edu).
- An University employees will not prevent another member from reporting a security incident.

### 5. Malicious Activity

Mercy strictly prohibits the use of information systems for malicious activity against other users, the University's information systems themselves, or the information assets of other parties.

### 6. Denial of Service

Users must not:

- Perpetrate, cause, or in any way enable disruption of Mercy's information systems or network communications by denial-of-service methods;

- Knowingly introduce malicious programs, such as viruses, worms, and Trojan horses, to any information system; or
- Intentionally develop or use programs to infiltrate a computer, computing system, or network and/or damage or alter the software components of a computer, computing system or network.

#### 7. Confidentiality

Users must not:

- Perpetrate, cause, or in any way enable security breaches, including, but not limited to, accessing data of which the user is not an intended recipient or logging into a server or account that the user is not expressly authorized to access;
- Facilitate use or access by non-authorized users, including sharing their password or other login credentials with anyone, including other users, family members, or friends;
- Use the same password for Mercy accounts as for other non-Mercy access (for example, personal ISP account, social media, benefits, email, etc.);
- Attempt to gain access to files and resources to which they have not been granted permission, whether or not such access is technically possible, including attempting to obtain, obtaining, and/or using another user's password; or
- Make copies of another user's files without that user's knowledge and consent.
- All encryption keys employed by users must be provided to Information Technology if requested, in order to perform functions required by this policy.
- Base passwords on something that can be easily guessed or obtained using personal information (e.g. names, favorite sports teams, etc.).

#### 8. Impersonation

Users must not:

- Circumvent the user authentication or security of any information system;
- Add, remove, or modify any identifying network header information ("spoofing") or attempt to impersonate any person by using forged headers or other identifying information;
- Create and/or use a proxy server of any kind, other than those provided by Mercy, or otherwise redirect network traffic outside of normal routing with authorization; or
- Use any type of technology designed to mask, hide, or modify their identity or activities electronically.

#### 9. Network Discovery

Users must not:

- Use a port scanning tool targeting either Mercy network or any other external network, unless this activity is a part of the user's normal job functions, such as a member of the Office of Information Technology, conducting a vulnerability scan, and faculty utilizing tools in a controller environment.
- Use a network monitoring tool or perform any kind of network monitoring that will intercept data not intended for the user's, unless this activity is a part of the user's normal job functions.
- Attach non-Mercy Network devices to the University network. Network snooping, capturing traffic or any sort of brute force network attempts. Including network switches, wireless routers and any other type of non-Mercy owned network or systems devices.

#### 10. Objectionable Content

Mercy strictly prohibits the use of University information systems for accessing or distributing content that other users may find objectionable. Users must not post, upload, download, or display messages, photos, images, sound files, text files, video files, newsletters, or related materials considered to be:

- Political
- Racist
- Sexually-explicit
- Violent or promoting violence

#### 11. Hardware and Software

Mercy strictly prohibits the use of any hardware or software that is not purchased, installed, configured, tracked, and managed by the University. Users must not:

- Install, attach, connect or remove or disconnect, hardware of any kind, including wireless access points, storage devices, and peripherals, to any University information system without the knowledge and permission of Information Technology;
- Download, install, disable, remove or uninstall software of any kind, including patches of existing software, to any University information system without the knowledge and permission of the University;
- Use personal flash drives, or other USB based storage media, without prior approval from their manager; or
- Take Mercy equipment off-site without prior authorization.

#### 12. Messaging

The University provides a robust communication platform for users to fulfill its mission. Users must not:

- Automatically forward electronic messages of any kind, by using client message handling rules or any other mechanism;
- Send unsolicited electronic messages, including “junk mail” or other advertising material to individuals who did not specifically request such material (spam);
- Solicit electronic messages for any other digital identifier (e.g. e-mail address, social handle, etc.), other than that of the poster's account, with the intent to harass or to collect replies; or
- Create or forward chain letters or messages, including those that promote “pyramid” schemes of any type.

#### 13. Remote Working

When working remote, user must:

- Be given explicit approval from Manager pursuant to the University’s Remote Work Policy.
- Safeguard and protect any University-owned or managed computing asset (e.g. laptops and cell phones) to prevent loss or theft.
- Not utilize personally-owned computing devices for Mercy work, including transferring Mercy information to personally-owned devices, unless approved by Manager.
- Take reasonable precautions to prevent unauthorized parties from utilizing computing assets or viewing Mercy’s information processed, stored or transmitted on University-owned assets.
- Not create or store confidential or private information on local machines unless a current backup copy is available elsewhere.

- Not access or process confidential information in public places or over public, insecure networks.
- Only use Mercy approved methods for connecting to the University (e.g. VPN).

#### 14. Other

In addition to the other parts of this policy, users must not:

- Stream video, music, or other multimedia content unless this content is required to perform the user's normal business functions;
- Use the University's information systems for commercial use or personal gain; or
- Use the University's information systems to play games or provide similar entertainment.

#### Provision of Mobile Devices or Use of Personal Mobile Devices

In order to meet the operational needs of the University, certain employees are issued a mobile device. Devices may be requested by emailing helpdesk@mercy.edu and providing a valid business reason. Based on department needs, you may be required to carry the device and respond outside of normal business hours. Alternatively, some employees may use their personal devices for University-related business. All devices (whether it be University-issued or personal devices used for University-business) will be configured with the current Mercy security standards set by the IT Department, which may include passcodes, encryption, biometrics, or other methods. International calling, purchasing and downloading apps, and frequent texting is not permitted unless required as part of your job.

#### Roles and Responsibilities

Mercy reserves the right to protect, repair, and maintain the University's computing equipment and network integrity. In accomplishing this goal, Mercy IT personnel or their agents must do their utmost to maintain user privacy, including the content of personal files and Internet activities. Any information obtained by IT personnel about a user through routine maintenance of the University's computing equipment or network should remain confidential, unless the information pertains to activities that are not compliant with acceptable use of Mercy's computing resources.

#### Enforcement

Enforcement is the responsibility of the University's President or designee. Users who violate this Policy may be denied access to the University's resources and may be subject to penalties and disciplinary action both within and outside of Mercy. The University may temporarily suspend or block access to an account, prior to the initiation or completion of disciplinary procedures, when it reasonably appears necessary to do so in order to protect the integrity, security, or functionality of the University or other computing resources or to protect Mercy from liability.

Users are subject to disciplinary rules described in the Employee Handbook, Student Handbook, Faculty Handbook, Collective Bargaining Agreement, and/or other policies and procedures governing acceptable behavior at the University.

All members of the University community have an obligation to use the University's computer and network resources consistent with this Policy.

Violation of this policy may subject members of the University community to the following sanctions:

- Criminal prosecution, in the event of a violation of any Federal, State or local law, or regulation;
- Loss of access to the University's computer and network resources, such as the Internet or email system;
- Seizure of University-owned equipment, such as computers, tablets, and cell phones;
- Personal devices connected to the University Network (non-Mercy owned assets like personal network devices/routers); causing harm to any University Systems & Services will be investigated and responded to in accordance with Mercy's Incident Response procedures.
- Required reimbursement of any costs, losses, damages or expenses incurred by the University or by others; and
- Disciplinary sanctions up to and including suspension or dismissal for employees, and suspension or expulsion for students.

#### Exceptions

Exceptions to the policy may be granted by the Chief of Information Technology, or by his or her designee. All exceptions must be reviewed annually.

#### References

- The Gramm - Leach Bliley Act (GLBA)
- Family Educational Rights and Privacy Act (FERPA)
- New York State Information Security Breach and Notification Act
- Illinois Personal Information Protection Act (815 ILCS 530/)
- California Consumer Privacy Act (CCPA)
- NIST 800-171
- FIPS-199
- PCI DSS 3.1
- New York Civil Practice Law and Rules § 4509
- Code of Ethics of the American Library Association

**EMPLOYEE AFFIRMATION FORM**

Mercy University Policy on Acceptable Use of Computer and Network Resources

My signature below confirms that I have read the Policy on Acceptable Use of Computer and Network Resources. I further affirm that I understand the application of the Policy and will discuss with Human Resources and my supervisor any concerns or potential concerns as it relates to my work with the University and parties outside of the University.

Employee Name: \_\_\_\_\_

PLEASE PRINT

\_\_\_\_\_

Employee Signature

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

\_\_\_\_\_

Human Resources Representative

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

## **POLICY ON DRUGS AND ALCOHOL**

### Policy Statement

Mercy University is committed to providing a safe, healthy, and productive educational and work environment for its students and employees. In furtherance of this goal and in keeping with the requirements of the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act, all students and employees are required to abide by the Mercy University Drug and Alcohol Policy. Individuals who violate this policy are subject to disciplinary sanctions including suspension and expulsion for students, and discharge for employees. Recognizing that drug and alcohol abuse are serious health concerns, this policy includes support resources for students and employees.

### Distribution of this Policy

All students are provided with a copy of this policy in the Student Handbook for each academic year. Students with questions regarding this policy, its administration, or issues related to drug or alcohol use should raise their concerns with the Office of Community Standards and Conduct without fear of reprisal at (914) 888-5173.

All employees are provided with a copy of this policy upon hire for signature indicating their acknowledgement of having received, read and understood the policy. A copy of this policy is in the Employee Handbook, is sent to all employees on an annual basis. Employees with questions regarding this policy, its administration, or issues related to drug or alcohol use should raise their concerns with the Office of Human Resources without fear of reprisal at (914) 674-7389.

### Illegal Drugs and Drug Paraphernalia

The possession, use, manufacturing, selling, or distribution of illegal drugs or drug paraphernalia, as well as marijuana, is prohibited on all Mercy University property, in any Residential Area (which includes the Mercy University Residence Hall and any off-campus locations used for student housing) and at any off-campus University activity or event. 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.

In addition to marijuana being prohibited on any of Mercy's campuses or at any Mercy events, in the State of New York, it is illegal for any person under the age of 21 to possess or consume marijuana. It is also illegal to obtain or use false or fraudulent proof of age obtained for the purposes of purchasing or consuming marijuana, to misrepresent one's age or the age of another as being 21 or over, or to drive while ability impaired under or over the age of 21.

### Alcoholic Beverages

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 purposes of purchasing or consuming alcohol, to misrepresent one's age or the age of another as being 21 or over, to drive while ability impaired or while intoxicated, or to drink and drive under or over the age of 21.

The possession, use, manufacturing, selling, or distribution of alcoholic beverages is prohibited on all Mercy University property, in any Residential Area (which includes the Mercy University Residence Hall and any off-campus locations used for student housing), and at any off-campus University activity or event. The University recognizes, however, that there may be activities and events where the University, or schools, departments or divisions may wish to serve alcohol for those employees, and in rare cases, students 21 years of age or older, to consume in a responsible manner. In such cases, the department, division, or 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. Any person or organization on campus who wants to serve alcohol at an event attended by students needs to consult with the Vice President for Student Affairs to ensure appropriate guidelines are followed, to include checking IDs for age, setting a drink minimum, and providing food and non-alcohol beverages.

These guidelines are intended to discourage the irresponsible distribution and consumption of alcoholic beverages as well as underage access to alcoholic beverages. Students and employees have the personal responsibility of discouraging drunkenness. Also, at certain University-sponsored events, the responsible use of alcohol on campus in moderation by persons who are not students at the University, and who are of legal drinking age, will be permitted.

#### Reporting Violations

Any employee or student who knows or believes that a violation of the Mercy University Drug and Alcohol Policy has taken place may file a complaint with the Office of Community Standards and Student Conduct or the Office of Human Resources.

#### Violations and Sanctions for Students

In the case of a student, allegations of violation of this policy will be investigated and adjudicated in accordance with the disciplinary procedures set out in the Student Handbook.

##### A. Drug Violations and Sanctions for Students

As noted above, the possession, use, or distribution of illegal drugs, as well as marijuana, or drug paraphernalia is prohibited on all Mercy University property, in any Residential Area (which includes the Mercy University Residence Hall and the off-campus hotels) and at any off-campus University activity or event. Such conduct violates University policy and may also violate a number of state and federal criminal laws that may subject violators to fines or terms of imprisonment. See Section VIII below for criminal penalties.

##### 1. Mercy Code of Conduct

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

- Level I: (a) Possession or use of drug paraphernalia. Drug paraphernalia includes, but is not limited to roach clips, bong, pipes, and hookahs. Minimum of a \$25.00 fine, assigned community service, or a combination thereof, and letter of reprimand for a Level I illegal drugs/drug paraphernalia violation.

- Level II: (a) Possession or use of illegal drugs, including marijuana, or (b) the second instance of a Level I violation. Minimum \$100.00 fine, assigned 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 \$200.00 fine, assigned 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, including marijuana, or (b) the second instance of a Level III violation. Minimum \$300.00 fine and removal from housing and/or suspension or expulsion from the University for a Level IV drug violation.

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

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

## 2. Financial Aid Implications

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.

## B. Alcohol Violations and Sanctions for Students

Students have the personal responsibility of discouraging drunkenness. 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 21 or over for purposes of purchasing or consuming alcohol, to drive while ability impaired or while intoxicated, or to drink and drive under or over the age of 21. Any such conduct by a student, which is brought to the attention of a University official, will be treated as a violation of this policy.

Violations by students of the Drug and Alcohol Policy involving alcohol include, but are not limited to, the following behaviors:

- Level I: Student is found in the presence of alcohol or empty alcohol containers in any campus location, including any Residential Area. Minimum of a \$25 fine, assigned community service, or a combination thereof, and letter of reprimand for a Level I 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 or a combination thereof, completion of an alcohol education module, and disciplinary probation 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, including 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 third instance of a Level I violation or second instance of a Level II violation. Minimum of a \$200.00 fine, assigned community service, or a combination thereof, completion of an alcohol education module, disciplinary probation and possible notice to student's parents 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, possible removal from the Residential Area, possible suspension or expulsion from the University, possible notice to the student's parents, or mandatory attendance in an alcohol awareness class for a Level IV alcohol violation.

Upon finding credible evidence of the above-listed violations by any student, the University will take appropriate disciplinary action, as set out in the Student Handbook, and may impose sanctions up to and including probation, suspension, or expulsion. Mercy University will also cooperate fully with law enforcement agencies in the investigation and prosecution

of drug-related crimes that occur on University premises or at University-related events and activities or that otherwise affect the University community.

### Health Risks Associated with Alcohol Abuse and the Illegal Use of Drugs

Mercy University has an obligation to protect the interests and rights of students and employees. The University understands that drug abuse may be a symptom of deeper personal and emotional problems. The University may also offer assistance to students and employees in such circumstances and emphasizes the reciprocal responsibility of the individual to seek such help.

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 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 contraction, 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 loss, impaired 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 impaired driving, impaired judgment, rapid breathing, increased heart rate and 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.

### Legal Sanctions

Federal and New York State laws make it a criminal offense to manufacture, distribute, dispense, possess with intent to distribute, or simply possess a controlled substance. Such substances include but are not necessarily limited to heroin, cocaine, methamphetamine, ecstasy, LSD, PCP, and a number of common pharmaceutical drugs if unlawfully obtained. The sanctions for violation of these laws, ranging from community service and monetary fines to life imprisonment, depend upon the particular offense, the drug type, and the drug quantity. Students convicted under these statutes may also forfeit federal financial aid eligibility.

An individual need not be in actual physical possession of a controlled substance to be guilty of a crime. The unlawful presence of a controlled substance in an automobile is presumptive evidence of knowing possession of such substance by each passenger unless the substance is concealed on the person of one of the occupants. Similarly, the presence of certain substances in plain view in a room can sometimes be presumptive evidence of knowing possession of such substance by anyone in close proximity.

Further, pursuant to New York State law:

- Any person under age 21 who is found to be in possession of alcohol with the intent to consume it may be punished by a fine and/or required to complete an alcohol awareness program and/or to provide up to 30 hours of community service. Alcoholic Beverage Control Law, § 65-c.
- Giving or selling an alcoholic beverage to a person less than age 21 is a class A misdemeanor punishable by a sentence of imprisonment of up to one year. Penal Law § 260.20.
- Any person who operates a motor vehicle while intoxicated or while his ability to operate such vehicle is impaired by the consumption of alcohol or drugs, is subject to suspension or revocation of driving privileges in the State, monetary fines up to \$1,000, and imprisonment for up to one year. Vehicle and Traffic Law § 1192.
- A person under 21 who presents false written evidence of age for the purpose of purchasing or attempting to purchase any alcoholic beverage may be punished by a fine, community service and/or completion of an alcohol awareness program. Alcoholic Beverage Control Law § 65- b(1). Possessing such false evidence may also be criminal possession of a forged instrument, which is a felony in New York, punishable by a fine of up to \$5000, imprisonment up to 7 years, or both. Penal Law § 170.25.

- Appearing in public under the influence of narcotics or a drug other than alcohol to the degree that a person may endanger him or her or other persons or property, or annoy persons in his vicinity, is a violation, punishable by a fine and imprisonment up to 15 days. Penal Law § 240.40.

#### Resources for Help with Drug and Alcohol Abuse

Students in need of assistance with respect to questions or personal problems regarding alcohol or other drugs should contact the Counseling Center located at the Dobbs Ferry Campus in Main Hall, Room 108. The center is open weekdays from 9 a.m. to 5 p.m. Short-term personal counseling and crisis intervention are 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).

Mercy provides two online education modules for students, one for alcohol and the other for marijuana. Both online modules are available on the Mercy University website within the Health and Wellness Center page:

- e-CHUG: The electronic “Check-Up to Go” is a brief, self-assessment that provides you with accurate, detailed, and personalized feedback on your use of alcohol, and specific information and helpful resources in the Mercy University community.  
<http://interwork.sdsu.edu/echeckup/usa/alc/coll/mercy>
- e-TOKE: The electronic “THC Online Knowledge Experience” is a brief, self-assessment that provides you with accurate, detailed, and personalized feedback on your use of marijuana, and specific information and helpful resources in the Mercy University community.  
<http://interwork.sdsu.edu/echeckup/usa/mj/coll/mercy>

The e-CHUG program must be completed by all Residential students in order to be cleared to move into the Residence Halls. All student athletes are required to complete the module as well. Students who are found to be in violation of alcohol policies must complete the e-CHUG module as a part of the sanctions for the violation.

The e-TOKE module is used as an education sanction for students who are found to be in violation of illegal substance policies pertaining to the use of marijuana specifically.

#### Community Resources for Students

The following list contains confidential resources for anyone seeking information on alcohol and substance abuse prevention, education, counseling, and treatment referrals.

- New York State Office of Alcoholism and Substance Abuse Services Hot Line: 1-877-846-7369 or text HOPENY (467369)
- New York City Drug and Alcohol Use Services: 1-888-NYC-WELL (1-888-692-9355)
- Westchester County Department of Community Mental Health, Office of Alcohol and Substance Abuse: 1-914-995-5220
- The Alcoholism Council of New York Help Line: 1-212-252-7022
- Alcoholics Anonymous: 1-212-647-1680 or [www.nyintergroup.org](http://www.nyintergroup.org)

- Cocaine Anonymous: 1-877-958-8012 or [www.canewyork.org](http://www.canewyork.org)
- Narcotics Anonymous: 1-212-929-6262 or [www.na.org](http://www.na.org)
- LIFENET Mental Health Association of NYC: 1-800-LIFENET (1-800-543-3638) or [www.mhanys.org](http://www.mhanys.org)
- Pills Anonymous: 1-212-874-0700

#### Amnesty for Alcohol and Drug Use

The health and safety of every student at Mercy University is of the utmost importance. Mercy University 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 University 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 University or law enforcement authorities will not be subject to the University's Code of Conduct for violations of Mercy's Drug and Alcohol Policy occurring at or near the time of the commission of the sexual harassment or sexual violence. The law does not protect those who sell or distribute controlled substances, have open warrants or who violate parole or probation.

The New York State 911 Good Samaritan Law allows people to call 911 without fear of arrest if they are having a drug or alcohol overdose that requires emergency medical care or if they witness someone overdosing. The law does not protect those who sell or distribute controlled substances, have open warrants or who violate parole or probation.

#### **INVOLUNTARY MEDICAL LEAVE OF ABSENCE POLICY**

Mercy University is committed to the academic success and personal growth of its students. As part of that commitment, Mercy is dedicated to providing a safe learning and working environment for students, faculty, staff, and other members of the University community. On occasion, a student may experience a medical situation that significantly limits her or his ability to function successfully or safely as a student, or the student is so severely disruptive as to interfere with the academic pursuits and other activities of the University community. In such situations, the safety and security of the campus community, including the individual student, is paramount and the University will take appropriate action in accordance with this Policy. This Policy does not, however, replace or supersede reasonable and appropriate security and health and safety measures, such as calling 911 or taking other immediate action in case of imminent threat to life or limb.

In addition to taking action to protect the security and safety of the campus community, the University may address the student's conduct to determine if action under this Policy or under the Student Judicial Process is appropriate.

#### Policy

The University is committed to ensuring that students with mental health and other disabilities are treated with dignity, and are not excluded from participation in, or denied the benefits of, all University services, programs, or activities, or subjected to discrimination on the basis of his or her disability. Nonetheless, in cases where a student poses a direct threat to the health and safety of others or disrupts the learning or working environment of the University, the University may request that the student take

a voluntary leave of absence. If the student does not wish to take a voluntary leave, the University may place such a student on an involuntary medical leave of absence under the circumstances set forth below.

1. Except in emergency circumstances, the University's Concern-Assessment-Response Team ("CARE Team") shall conduct an individualized assessment of the student to determine whether involuntary removal is necessary under the circumstances. The CARE Team will give careful consideration to the opinions and recommendations of the student's treating physician or mental health professional, if available, along with the opinions and recommendations of the healthcare professionals consulted by the University. The student will be required to provide a written release in order for the University to speak with the student's treating medical or mental health physician(s) and/or to review any relevant records. Failure to provide a release may result in immediate removal from campus. As part of the individualized assessment process, the University will:
  - a. encourage the student to provide any other additional information that the student believes is relevant to the determination; and
  - b. respect the student's confidentiality, and only require the student to provide a medical release for access to the student's medical and/or mental health records as reasonably necessary to complete its individualized assessment.
2. Based on that individualized assessment, the University will determine whether, and what, reasonable accommodations can be made that would be effective to allow such student to continue to be present on campus while seeking treatment for, or recovering from, any related medical or mental health conditions.
3. In the event that the University also considers whether the student poses a threat to the health or safety of others, the University will make an individualized assessment based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
4. The University will require an involuntary medical leave of absence for a student only if:
  - a. after the individualized assessment and careful review and consideration, the University concludes that the student's continued participation in its educational programs would require accommodations that would be unreasonable or would fundamentally alter the nature of those programs;
  - b. the student rejects all reasonable accommodations offered by the University and the student cannot meet the University's essential eligibility requirements to participate in its educational programs; or
  - c. even with the provision of all of the reasonable accommodations offered by the University, the student cannot meet the University's essential eligibility requirements.
5. If the CARE Team determines that an involuntary leave of absence is necessary, it will advise the student in writing via official Mercy University email of the leave and duration, any restrictions from coming on campus, and available appeals procedures. The University shall document the decision as well as the underlying facts, assessments, and determinations.

6. In the event of a voluntary or involuntary leave, the student and CARE Team shall work with the Office of the Vice President for Enrollment Services with regard to determining the registration status of the student, and whether the student should apply for an Exception to the Registration and Refund Policies.

Click [here](#) to view the full Involuntary Medical Leave of Absence Policy.

#### Disciplinary Action

Nothing in this Policy precludes the University from bringing a separate action for the underlying behavior of the student pursuant to the Student Judicial Process, irrespective of whether voluntary or involuntary removal takes place.

#### Interim Removal

If a student's behavior presents an immediate and severe threat to the health or safety of anyone on campus, or is substantially disrupting the learning or working environment of others, the Vice President for Student Affairs or designee (if such Officer is not immediately available) may direct an emergency interim removal of the student that restricts the student's access to the University's campus or residence hall, as appropriate, for an interim period before a final determination of the matter by the CARE Team. The Vice President for Student Affairs or designee shall consult with the University's General Counsel prior to making any such direction.

#### Appeals

An appeal from the decision of the CARE Team may be made to the Vice President for Student Affairs within thirty (30) calendar days after the delivery of the decision appealed from, who shall make his or her determination on the appeal within fifteen (15) business days from receipt of the appeal. The bases for overturning a decision of the CARE Team are limited to the following: (i) clearly erroneous factual findings; (ii) procedural irregularities; (iii) newly available evidence that would have affected the outcome; and/or (iv) the remedy and/or conditions on re-entry were unreasonable or inappropriate.

An appeal from the decision for Interim Removal may be made to the Vice President for Enrollment Services within five (5) calendar days from the date of removal. The Vice President for Enrollment Services shall make his or her determination within five (5) days from receipt of the appeal and communicate the decision to the student in writing via official Mercy University email address.

#### Return from Leave of Absence

A student placed on voluntary or involuntary medical leave of absence may request to return/reapply to the University and may be required by the CARE Team, as part of an individualized evaluation, to provide evidence that the student is ready to resume studies and academic responsibilities. Such evidence may include, for instance, documentation of attempts to resolve issues that led to the leave, release of academic records to inform the treating physician, release of treatment records, consultation with or clearance from the University Health Office or Mental Health Counseling, consultation with the CARE Team to determine if reasonable accommodations are available, as well as a demonstrated ability to safely handle the stresses that may arise from an intense, complex, and fast paced advanced course of

study at Mercy. All returning/reapplying students must meet the essential eligibility requirements and technical standards of the University.

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

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

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:

- 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
- 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 University 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 Director of Title IX/Equity Compliance, or any other University official. Even if an individual does not want to pursue a complaint, the University should be notified of bias-related offenses. If the University 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 University does not prevent an individual from pursuing other legal remedies, and the University 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 University 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.

## **POLICY ON EQUAL OPPORTUNITY**

### Applicability of this Policy

This Policy applies to the following Mercy University community members (“Community Members”), all of whom can be either the victim of prohibited discrimination, harassment, or retaliation (the “complainant”) or the person accused of such conduct (the “respondent”):

- Students.
- Employees, including all full-time and part-time faculty and staff at all of Mercy University’s campuses and locations.
- Applicants for employment or student admission to the University.
- Contractors, which for the purposes of this Policy means contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace with the University or who is an employee of such a contractor, subcontractor, vendor, consultant or other person providing services pursuant to a contract in the workplace with the University (hereinafter “Contractors”).

### Equal Opportunity Statement

Mercy University is committed to achieving full equal opportunity in all aspects of University life. The University shall recruit, employ, retain, and 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, sexual orientation, gender, gender identity or expression, transgender status, marital status, familial status, partnership status, disability (including HIV/AIDS), genetic information, predisposing genetic characteristics, alienage, citizenship, criminal arrest and conviction records, military or veteran status, salary history, credit history, caregiver status, pregnancy or lactation status, sex and reproductive decisions, status as a victim of domestic violence/stalking/sex offenses/sex abuse, unemployment status, or any other legally prohibited basis in accordance with federal, state, county and city laws.

### Non-Discrimination Policy

The University is committed to maintaining a workplace for its employees and an academic and social environment for its students free from prohibited discrimination, harassment, and retaliation, as defined below. Therefore, the University strictly prohibits discrimination, harassment, and retaliation of any of its students or applicants for admission, employees, applicants for employment, and Contractors.

### Other Relevant Policies

- The University’s Reasonable Accommodations Policies  
The University is 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 accordance with Reasonable Accommodations Policies. There are separate procedures under which 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 and Academic Adjustments for Students and Mercy’s Policy and Procedures for Implementing Reasonable Accommodations for Employees (<https://www.mercy.edu/aboutmercy/mercy-policy>).

- The University's Policy and Procedures Related to Sexual Misconduct  
Community Members with complaints of sexual harassment or sexual violence, including sexual assault, stalking, domestic and intimate violence, should contact the University's Title IX Coordinator. For contact information, to file a complaint online and/or to learn more about the complaint process pursuant to Mercy's Policy on Sexual Misconduct, please visit: <https://www.mercy.edu/about-mercy/title-ix>.
- Application of Other University Policies  
When conduct may involve more than one policy, the University will in its sole discretion determine which policy or policies shall govern the handling of a potential violation, based on the circumstances of the allegation and the terms of any other policy. An individual who has a question about which policy applies in a specific instance can contact the University's Director of Equity Compliance and Title IX at [TitleIX.Equity@mercy.edu](mailto:TitleIX.Equity@mercy.edu) or (914) 674-7679.

#### Prohibited Conduct – Definitions

- Discrimination is the adverse treatment of a Community Member because of that individual's actual or perceived protected characteristics—such as race, color, religion, sex, gender, national origin, or any of the other bases referenced above which are prohibited by this Policy. Such conduct can also be unlawful if it subjects a Community Member to inferior terms, conditions or privileges because of that individual's membership or perceived membership in one or more of these protected categories.
- Harassment is a form of discrimination that, in sum, consists of unwelcome conduct based on a Community Member's protected characteristic that has the purpose or effect of unreasonably interfering with that individual's work or academic performance or which creates an intimidating, hostile or offensive work environment for employees and Contractors and an intimidating, hostile or offensive academic and/or social environment for students. The conduct may be spoken, written, visual, and/or physical. Conduct that a reasonable person would consider petty slights and/or trivial inconveniences may not amount to illegal harassment. Please note that this Policy covers prohibited harassment based on all protected characteristics, except it does not apply to sexual harassment or sexual violence, because those matters are covered by Mercy's Policy on Sexual Misconduct.

While no list can be exhaustive, some examples of actions that may constitute prohibited harassment when based on a protected characteristic may include, but are not limited to:

- Verbal abuse or hostile behavior, which could include insulting, teasing, mocking, degrading, or ridiculing another person or group;
- Inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands;
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols;

- Unwelcome conduct of a non-sexual nature based on actual or perceived sex, such as mocking a person’s appearance or clothing as more suited to a person of the opposite sex, or intentionally using the wrong pronoun to identify a transgender individual;
- Physical assault; or
- Displays or electronic transmission of derogatory, demeaning, or hostile materials. Harassment can occur in many mediums and locations, including via email, text, voicemail, social media or other electronic forms of communication or messaging systems, and can occur on campus, at University-sponsored events or programs, or other off-campus venues.
- Retaliation. The University strictly prohibits retaliation against any Community Member for reporting or opposing discrimination or harassment or cooperating with an investigation of such a complaint. Retaliation is the adverse treatment of an individual because the individual made a discrimination or harassment complaint, opposed discrimination or harassment, was a witness to discrimination or harassment, or cooperated with an investigation of a discrimination or harassment complaint. Retaliation can also occur based on an individual making a retaliation complaint. Retaliation includes, by way of example, threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy.
- Other Inappropriate Conduct. While this Policy is intended to prevent prohibited discrimination, harassment and retaliation as defined in Section III above, conduct by any Community Member or third party which does not rise to the level of prohibited discrimination, harassment or retaliation may still be prohibited by the University. Examples of such conduct include but are not limited to bullying, inappropriate verbal, physical, written, or other kind of conduct directed at any Community Member or a third party on one of the University’s campuses or at a University-sponsored event. The University will, in its discretion and in accordance with all other Mercy University handbooks, written contracts, policies, procedures and/or collective bargaining agreements, process such complaints and take action as it deems appropriate, including discipline or other penalties, but is not bound by the procedures in this Policy.

Discrimination, Harassment, and Retaliation Complaint Procedures

- The University’s Commitment  
The University is committed to addressing prohibited discrimination, harassment, and retaliation complaints promptly, consistently, and fairly to the extent possible. Although there is no time limit to file a complaint with the University, the University encourages immediate reporting. In general, the University’s Director of Equity Compliance and Title IX shall be responsible for, among other things, addressing prohibited discrimination, harassment, and retaliation complaints under this Policy
- Reporting Prohibited Discrimination, Harassment and/or Retaliation
  1. Community Members (who are not supervisory or managerial employees) with complaints under this Policy, or those who have witnessed, who believe they have witnessed or who have knowledge of such conduct, should immediately report the conduct. Set forth below are the University’s reporting procedures for Community Members:
    - a. Students and Student Applicants.

In the case of incidents of prohibited discrimination, harassment or retaliation alleged to have been committed against students or student applicants, the student complainant or other reporting party may make a report, either online at <https://www.mercy.edu/about-mercy/mercy-college> <https://www.mercy.edu/about-mercy/mercy-college-policies/equity-compliance> or to any of the following campus officials/offices:

- The Director of Equity Compliance and Title IX;
- The Office of Campus Safety;
- The Office of the Vice President of Student Affairs; or
- The Office of Residential Life.

b. Employees, Applicants for Employment and Contractors.

In the case of incidents of discrimination, harassment or retaliation alleged to have been committed against employees, employment applicants or Contractors, the complainant or other reporting party may make a report, either online at <https://www.mercy.edu/about-mercy/mercy-college-policies/equity-compliance> or with any of the following:

- Their immediate supervisor;
- The next level supervisor or manager in the relevant department;
- The Director of Equity Compliance and Title IX; or
- The Office of Human Resources.

Once any of the campus individuals or officials/offices above is notified of an incident of alleged discrimination, harassment or retaliation, they shall immediately report the matter to the Director of Equity Compliance and Title IX and shall coordinate with the appropriate University office(s) to address the matter in accordance with this Policy, including taking interim protective measures and accommodations.

2. All management and supervisory personnel have an affirmative duty to and are required to immediately report any discrimination, harassment, or retaliation that they observe, learn about from others, or reasonably suspect has occurred with respect to any Community Member to the Director of Equity Compliance and Title IX.

For purposes of this Policy, managers and supervisors 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 and supervisors include but are not limited to vice presidents, directors, deans, associate deans, and academic unit heads. For questions regarding supervisor or manager title or status, contact the Office of Human Resources.

It is imperative that managers and supervisors not only adhere to but enforce this Policy. A manager or supervisor who fails to report discrimination, harassment, or retaliation that they knew or should have known about could be subject to disciplinary action up to and including termination. Managers and supervisors have a special obligation not to engage in discrimination,

harassment, or retaliation. Managers and supervisors who knowingly allow discrimination, harassment and/or retaliation to continue will be disciplined up to and including termination in accordance with relevant Mercy University handbooks, written contracts, policies, or procedures and/or collective bargaining agreements.

3. Any employee who receives a complaint shall maintain, to the greatest extent possible, the privacy of all information in connection with the complaint, including the identities of the complainant and the respondent. Such information will be shared only with those who have a legitimate need for the information.
4. All Community Members are required to cooperate in any investigation of a discrimination, harassment, or retaliation complaint.

### Investigation of Prohibited Discrimination, Harassment, and/or Retaliation

#### Complaints

The following is the general procedure for the investigation of prohibited discrimination, harassment and/or retaliation complaints under this Policy:

1. Meeting with the Complainant  
Upon the receipt of a complaint, the Director of Equity Compliance and Title IX shall, whenever possible, meet with the complainant. The Director of Equity Compliance and Title IX will inform the complainant of the options available. These options generally include a complainant seeking informal resolution of the issues the complainant has encountered or the University conducting a full investigation.
2. Filing of a Complaint  
Following the discussion with the Director of Equity Compliance and Title IX, individuals who wish to pursue a complaint of discrimination, harassment and/or retaliation will be directed to file the form in writing online. While it is preferred that complaints are made in writing whenever possible, it is not required for informal resolution or an investigation to proceed.
3. Informal Resolution  
Individuals who believe they have been discriminated against, harassed, 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 Director of Equity Compliance and Title IX 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 in writing and suspends the complaint process for up to thirty (30) calendar days, which may be extended upon consent of both parties in writing, at the discretion of the Director of Equity Compliance and Title IX. Resolutions must be agreed to in writing by both parties. If no informal resolution of a complaint is reached at the conclusion of thirty (30) calendar days or an agreed upon extension, the Director of Equity Compliance and Title IX will proceed with an investigation.
4. Investigation

The University will conduct a prompt, fair and thorough investigation to the extent possible. Upon a preliminary review of the complaint, the Director of Equity Compliance and Title IX 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, and the potential for corrective and/or disciplinary procedures and possible sanctions for violations of this Policy.

5. **Withdrawing a Complaint**

A complaint under this Policy 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 Director of Equity Compliance and Title IX. The University, however, reserves the right to continue with an investigation despite a complainant's withdrawal of a complaint if, in its sole discretion, it determines such investigation is warranted. In a case where the University decides to continue with an investigation, it will inform the complainant.

In either event, the Director of Equity Compliance and Title IX will notify the respondent in writing that the complainant has withdrawn the complaint and whether University officials have determined that continuation of the investigation is warranted for corrective or disciplinary purposes.

6. **Timeframe of the Investigation**

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 Director of Equity Compliance and Title IX shall notify the complainant and the respondent in writing and shall keep the parties periodically abreast of timing issues.

7. **Report of Findings**

Following the completion of the investigation, the Director of Equity Compliance and Title IX will provide a report of the findings of whether there has been a violation under this Policy to the appropriate University official who would be responsible for taking corrective measures or issuing discipline for violations of this Policy, as set forth below. For example, in general, the report is provided as follows:

- If the respondent is a student, to the Vice President of Student Affairs;
- If the respondent is a non-faculty employee, to the Director of Human Resources;
- If the respondent is a faculty member, to the Provost;
- If the respondent is a senior level manager, to the President;
- If the respondent is the President, to the Chair of the Board of Trustees;
- If the respondent is a member of the Board of Trustees, to the General Counsel; or
- If the respondent is a Contractor, to the General Counsel.

Disciplinary Action

If a violation of this Policy has occurred, the appropriate University official(s) as determined by the University, in consultation with the Director of Equity Compliance and Title IX, shall authorize such action as they deem 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 University handbooks, written contracts, policies or procedures and/or collective bargaining agreements.

The range of penalties that may be imposed for those found to have violated this Policy include but are not limited to the following:

- Students: probation, removal from housing, removal from a sports team or other school activity, suspension or expulsion following the relevant disciplinary procedures.
- Employees (including faculty): reprimand, suspension or termination of employment following the relevant disciplinary procedures, if applicable.
- Contractors: If the respondent is neither a Mercy student nor a Mercy employee, the University will take appropriate action, such as restricting the respondent's access to the University's campuses.

The Director of Equity Compliance and Title IX shall, to the extent possible, apprise the complainant and respondent contemporaneously in writing of the outcome and action, if any, taken as a result of the complaint.

#### Appeals

Any Mercy University employee or student who is a respondent or a complainant may appeal a finding under this Policy and/or the sanction to be imposed within ten (10) days from the written notice of outcome and action, to the Title IX/Equity Compliance Appeals Panel on the following grounds: (i) procedural error, (ii) newly-discovered evidence that was not reasonably available at the time of the finding, or (iii) the disproportionate nature of the penalty. The Panel may remand the finding back to the Director of Equity Compliance and Title IX for another review of the matter in light of any procedural errors or newly discovered evidence or may modify the penalty. Such appeal must be in writing signed by the individual seeking the appeal.

This process does not preclude any Community Member from also filing a grievance or appeal under any other applicable Mercy University handbooks and/or collective bargaining agreements.

#### Interim Protective Measures and Accommodations

The University 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 Director of Equity Compliance and Title IX 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 certain circumstances, interim suspension of an employee or student may be imposed if, in the University's discretion, it is warranted based on the facts and circumstances of the case in accordance with applicable Mercy University handbooks, written contracts, policies or procedures and/or collective bargaining agreements.

### False and Malicious Accusations

Any Community Member who makes false and/or malicious complaints of discrimination, harassment, or retaliation under this Policy, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

### Anonymous Complaints

All complaints under this Policy will be taken seriously, including anonymous complaints.

Individuals do have the option at any time to file an anonymous complaint through the University's Whistleblower Hotline at 1-888-OK-MERCY (1-888-656-3729) or by using the online complaint form at <https://www.mercy.edu/about-mercy/mercy-college-policies/equity-compliance>. In the event that a complaint is anonymous, the complaint will be investigated as thoroughly as possible under the circumstances, although the University may be limited in the extent of the investigation that it can conduct.

### Responsibilities

- Director of Equity Compliance and Title IX

The University's Director of Equity Compliance and Title IX shall be trained to carry out their responsibilities (as described above), and shall also be responsible for ensuring the following:

1. That all managers and supervisors receive annual training on this Policy;
2. That this Policy is disseminated annually to the entire University community, including the Director of Equity Compliance and Title IX's name and contact information as well as resources available at the University. Such information should be widely disseminated, including placement on the University website, and shall be provided in the language provided by an employee if identified at the time of hiring as a language other than English. For the purposes of this Policy, in any situation, the Director of Equity Compliance and Title IX may designate certain duties to a designee who is trained to carry out the responsibilities under this Policy.

- Managers and Supervisors

In addition to promptly reporting complaints under this Policy to the Director of Equity Compliance and Title IX, managers and supervisors must take steps to create a workplace free of discrimination, harassment, and retaliation, such as participating in and requesting, when necessary, departmental Equity Compliance training. They must also take each and every complaint seriously.

- Members of the University Community-at-Large

Community Members who become aware of allegations of discrimination, harassment or retaliation should encourage the aggrieved individual to report the alleged behavior. All employees and students are required to cooperate in any investigation.

### Filing External Complaints

Complainants have the right at any time to file complaints alleging violations of other federal, state, county or city laws with any of the other appropriate agencies, such as the New York State Division of Human Rights (<https://dhr.ny.gov/>), Westchester County Human Rights Division (<https://humanrights.westchestergov.com/>), the New York City Commission on Human Rights

(<https://www1.nyc.gov/site/cchr/index.page>) or the United States Equal Opportunity Employment Commission (<https://www.eeoc.gov/>).

### **NOTICE OF NON-DISCRIMINATION**

Mercy University is committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal opportunity in employment and equal opportunity in education including educational programs and activities, without regard to an individual's race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity or expression, transgender status, marital status, familial status, partnership status, disability (including HIV/ AIDS), genetic information, predisposing genetic characteristics, alienage, citizenship, arrest and conviction records, military or veteran status, salary history, credit history, caregiver status, pregnancy or lactation status, sex and reproductive decisions, status as a victim of domestic violence/stalking/sex offenses/sex abuse, unemployment status, or any other legally prohibited basis in accordance with federal, state, county and city laws.<sup>1</sup> The University does not discriminate on the basis of any of the protected characteristics referenced above in its programs and activities or in its treatment, admission or access to its programs or activities. Therefore, discrimination or harassment of University employees, students, applicants for employment or admission, and non-employees (defined explicitly to include only contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace or who is an employee of such a contractor, subcontractor, vendor, consultant or other person providing services pursuant to a contract with the University) is strictly prohibited by the University.

In addition, retaliation for (1) reporting or opposing discrimination or harassment, (2) cooperating with an investigation of a discrimination or harassment complaint, or (3) requesting an accommodation, is strictly prohibited by the University.

The University 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, which is set forth more fully in the Mercy University Policy and Procedures for Implementing Reasonable Accommodations and Academic Adjustments for Students and the Mercy University Policy and Procedures for Implementing Reasonable Accommodations for Employees (<https://www.mercy.edu/about-mercy/mercy-policy>).

The University's policy addressing discrimination, harassment and retaliation is set forth more fully in the Mercy University Policy on Equal Opportunity and Non-Discrimination. The University's policy addressing sexual harassment and sexual violence is set forth more fully in the Mercy University Policies and Procedures Relating to Sexual Misconduct available on the University's webpage, <https://www.mercy.edu/about-mercy/mercy-policy> The University further adheres to the state, county and city laws regarding pay equity via the Policy and Procedures Relating to the New York City and New York State Laws Barring Inquiries into the Wage and Salary Histories of Applicants and Current Employees: <https://www.mercy.edu/about-mercy/mercy-policy> Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination or harassment should be directed to: Director of Title IX and Equity Compliance, [titleix.equity@mercy.edu](mailto:titleix.equity@mercy.edu), 914-674-7679. Inquiries regarding reasonable accommodations and academic adjustments for students should be

directed to: Sara Venezian in the Office of Accessibility, Main Hall, Room 109, Dobbs Ferry, svenezian@mercy.edu or (914) 674-7523. Inquiries regarding reasonable accommodations for employees should be directed to:

Madeline Martinez in the Office of Human Resources, Verrazano Hall, Dobbs Ferry mmartinez19@mercy.edu, (914) 674-7337.

Mercy University adheres to federal, state, county and city laws and regulations regarding nondiscrimination. Should any federal, state, county 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.

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

### Scope of the Act

- 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 University as registered students a right of access to their “educational records”. Persons who unsuccessfully applied for admission to the University or who are offered admission but never attended the University are not covered by the Act.

The Act also restricts the persons to whom the University 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.

- Records Covered  
“Educational records” of a student are those records, files, documents, and other materials that are maintained by the University 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 University’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 their 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 University.
8. Records of a student who is deceased.

### Access Rights of Students

- Procedure

Students may obtain access to their education records by making an application to the Registrar. The University 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 University 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 University 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 University, such office may also maintain records relating to the student.

- 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 their 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 University 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.

- 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 University 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 University to grant such a request. If the University 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 University must maintain any such statement along with the contested part of the record for as long as the University maintains that record and the University must disclose the statement whenever it discloses the portion of the record to which the statement relates.

### Access by or Release to Others

- General

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

1. Officials of the University who have a legitimate educational interest (including persons with whom the University 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.
2. Persons who require access in connection with the student's application for, or receipt of, financial aid.
3. Parents of a student provided the student is a "dependent" of the parents for federal income tax purposes.

In general, the University does not make education records available to a student's parents. However, where the University 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.

1. The University 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 University 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 University cannot disclose to any person the existence or contents of the order or subpoena, or the information furnished in compliance with it.
2. The University may release information about certain conduct violations to a student's parent or others.
3. In connection with an emergency, the University 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 University 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.

- Release with the Student's Consent

Upon written consent or request by a student, the University 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 University may impose a charge for copying a student's records in connection with such release.

- Release of Information to Parents and Guardians of Mercy University Students

Subject to the limitations set out in Section III(a), where parents or guardians claim their students as dependents for tax purposes, the University 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 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 their parents, guardians, or other family members be notified of status changes or grades may complete and return to the Registrar a consent form.

- **Transfer of Information to Third Parties**

It shall be a condition of the release by the University 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.

- **Directory Information**

The University may, at its discretion, release "directory information" with respect to a student for any purpose without the student's consent. The University 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 University; degrees, honors and awards received, and their dates; and most recent educational institution attended.

A student in attendance at the University 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 University 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-University 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 University assumes that he or she approves of the disclosure of such information.

- **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 University 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 University.

If a government agent has a subpoena, he or she should be referred to the General Counsel. Under the FERPA regulations, the University 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.

#### Maintenance of University Records

FERPA does not impose an obligation on University officials to create or maintain particular education records, except that the University cannot discard an education record as to which a request for inspection is pending. However, the University 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 University officials with legitimate educational interests and to certain requests made in the context of ongoing terrorist investigations and prosecutions.

#### General

- Copies of the preceding Policy are available on the University'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 University 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 University Student Handbook each year and on the University's Intranet.

- Each office of the University 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, University officials normally dealing with such files in performance of their duties, University 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.
- Questions about the interpretation of this policy should be referred to the University's General Counsel.
- 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

## **NAME CHANGE POLICY**

### Policy Statement

Mercy University recognizes that certain circumstances may make it necessary for Mercy students and alumni to request a name change for diplomas, transcripts, and other student records. Official University documents (transcripts and diplomas) may be changed following a court-ordered name change or due to typographical errors made by the University.

### Name Changes to Official University Documents

- **Court Ordered and other Legal Name Changes**  
Where names have been changed by court order, all transcripts of records and official statements by the University with respect to students or graduates shall incorporate only the official name as changed by said court order, unless otherwise specifically requested in writing.  
Such a court order or legal name change may arise in a number of different contexts, including a legal marriage, official divorce decree, a name change proceeding, an adoption proceeding, becoming a U.S. citizen, a witness protection program, or gender reassignment. (Students should be free to change their gender on all prior, present, and future University records at their discretion.) In all such cases, a student is entitled to change their records to reflect the new or resumed name in accordance with the court order. Students attending Mercy University on a student visa requesting a legal name change must provide a current passport bearing the exact same legal name as the new legal name in order for the University to change their student record.
- **Name Changes Due To Typographical Errors**  
Documents that can assist the University in making this determination must be issued by at least one of the following entities: federal, state, or tribal government; insurance company; bank; credit card company; union; employer; landlord; education institution; or utility company. Examples of acceptable documents for rectifying typographical errors include, among other things, a voter registration card, professional or driver's license, state issued identification card or school identification card, employer identification card, paycheck, tax form, insurance card or policy, credit card, utility bill, or bank statement or check.
- **Process for Seeking Name Changes**  
To obtain the change, a student must complete the Legal Name Change Request Form and, if relevant, show an original or certified copy of the court order and submit them to the Office of the Registrar. Note that all legal name changes must be made by the student or alumni requesting the change. No second-party notification of a legal name change will be accepted. Thereafter, only their new name should be reflected on all transcripts, diplomas, and other records issued by the University

unless the student requests in writing that their transcript and/or diploma include a 3 reference to their former name (e.g., John Doe, formerly known as John Roe).

For recordkeeping purposes, the student's Legal Name Change Request Form and court order (where relevant) should be kept in the student's file, along with the date of the name change and the student's former name. For court-ordered changes, the University must strictly comply with the terms of the court order. For example, a court-ordered name change made as a result of an adoption proceeding, gender reassignment, or as part of a witness protection program may require that the previous name be sealed from the public. If there is any question about the validity or scope of a court order, please contact The Office of the General Counsel.

When a student has changed their name and requests a new diploma reflecting the new name, the University will issue a new diploma upon surrendering of the old diploma. In the event that the old diploma has been lost or destroyed, a new diploma identified as a "duplicate diploma" may be issued to the student without evidence of such loss or destruction.

#### Name Changes to Unofficial University Documents: Preferred Name

Mercy University recognizes the importance that a change of first and/or middle name might have to students during their time with the University. A Preferred Name is not a legal name but is generally used to change how others refer to the student. For example, student Jonathan Doe may prefer the name John Doe or student Mary Jane Doe may want to be referred to as Jane Doe. Note that preferred names are not limited to variations of a student's legal name; for example, student Jennifer may request the preferred name David due to a change in gender identity and be unable to present the documents necessary to secure a court-ordered or common-law name change. Students may use a Preferred Name on all documents and records other than official documents. Documents and records that may display a preferred name may include, among other things, course rosters, student identification cards, student e-mail addresses, and honors, awards, and prizes issued by the university, and other forms/platforms as is can practicably be done by the University. A Preferred Name cannot be reflected on a student's diploma or transcript. A Preferred Name may not be used when applying for and receiving federal student aid (including, but not limited to federal grants and loans).

Students may complete the Preferred Name Request Form and return to the Office of the Registrar to effect this change.

### **POLICY ON HAZING AND RECKLESS ENDANGERMENT**

#### Policy Statement

Mercy University, 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 University 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 University-owned or operated property or at University-sponsored activities.

The University 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 University 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.

### Prohibited Activities

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 University 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 what the student feels comfortable wearing in public.
- Engaging in public stunts and acts that cause embarrassment, annoyance, alarm or pose a danger to the individual or anyone else.

- Forcing, requiring, or pressuring an individual to be excluded from social contact.
- Nudity at any time in a public space and/or in front of others 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.

#### Applicability

This University policy is applicable to and governs the conduct of students, faculty, staff, visitors and other licensees on Mercy University 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 University, as well as criminal or civil prosecution.

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

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

- Except as otherwise permitted in this policy, credit card advertising or solicitation to students is not permitted on any Mercy University campus. This includes advertising or solicitation at campus vendor tables, as well as posting or distribution of applications, fliers, posters, handbills, and signage (electronic and otherwise) in University facilities. The University's e-mail system or web pages may not be used for advertising or solicitation of credit cards to students.
- 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.
- 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 STUDENT DEMONSTRATIONS**

##### Policy

The University believes that students or members of groups within the Mercy University 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 University or society. Demonstration and rallies, however, should not interfere with the operation of the institution. The University has an obligation to protect the safety and

welfare of its students, faculty, and staff, and to ensure that its academic mission is not compromised. Therefore, demonstrations and rallies must be nonviolent, considerate of the rights of all members of the University 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 passageways within any University building or other structure, or hinder the normal flow of pedestrian or vehicular traffic on or to any campus.
- Create a volume of noise that prevents members of the University from carrying on their normal activities.
- Employ force or violence, or constitute an immediate threat of force or violence, against persons or property.
- Congregate, or assemble within any University building or on University property in such a fashion as to disrupt the University's normal functions or violate the following rules:
  - 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.
  - 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 University. Clear and unimpeded passageways must be maintained at all times.
  - Space may be occupied only when assigned through established University procedures.
  - Any noise which interferes with the work or study of persons in a building will not be permitted.
  - Buildings must be cleared at the normal closing time for each building unless other arrangements are approved in advance.

Permission for organized demonstrations on University property or in University facilities, as well as request to bring individuals who are not Mercy community members, must be obtained in advance and in writing from the Vice President of Student Affairs, who shall consult with appropriate campus administrators, including the VP of Operations and Facilities and Executive Director of Campus Safety. The decision by the VP of Student Affairs shall be final. Once approval is granted for a demonstration or rally, individuals organizing the event are responsible for ensuring that it is conducted in a responsible manner. The University reserves the right to take steps to address inappropriate conduct. The location of a demonstration or rally will be clearly defined by the Associate Dean of Student Affairs. The University 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.

## **SOCIAL MEDIA POLICY**

### Purpose

Mercy University recognizes that the internet provides unique opportunities to participate in interactive discussions and share information on particular topics using a wide variety of social media, such as Facebook, LinkedIn, Twitter, Instagram, Pinterest, TikTok, blogs, and wikis. However, use of social media by employees and official University student clubs, organizations and athletic teams can pose risks to Mercy's confidential and proprietary information, reputation, and brands, can expose the University to

discrimination and harassment claims, and can jeopardize the University's compliance with business rules and laws.

To minimize these business and legal risks, to avoid loss of productivity and distraction from employees' job performance, and to ensure that the University's Information Technology (IT) resources and communications systems are used appropriately as explained below, Mercy University expects its employees and official student clubs, organizations and athletic teams to adhere to the following guidelines and rules regarding social media use.

Apart from personal use of social media in accordance with this Policy, the University encourages its employees and students to participate responsibly in these media as a means of generating interest in Mercy's academic programs and promoting the University, so long as all of Mercy's rules and guidelines regarding social media usage are adhered to. If you are required to use social media as part of your job duties, please refer to the section entitled "Business Use of Social Media" below.

#### Compliance with Related Policies and Agreements

All of Mercy's other policies that might apply to social media use remain in full force and effect. Employees and students should always adhere to them when using social media. In particular, the following policies should be kept in mind:

- Mercy's Acceptable Use of Computer and Network Resources; and Confidential Information Policy

Social media should never be used in a way that violates any other University policies or employee obligations. If your social media activity would violate any of Mercy's policies in another forum, it will also violate them in an online forum. For example, employees and students are prohibited from using social media to:

- Violate IT, Network and Communications policies
- Violate Mercy's confidentiality and proprietary rights policies
- Circumvent Mercy's code of conduct policies
- Engage in unlawful harassment
- Circumvent policies prohibiting unlawful discrimination against current employees or applicants for employment
- Violate Mercy's privacy policies (for example, never access private password-protected sites of coworkers or other University community member without permission)
- Violate any other laws or ethical standards (for example, never use social media in a false or misleading way, such as by claiming to be someone other than yourself)

Employees should also never provide references or recommendations on social or professional networking sites, as such references or recommendations can be attributed to Mercy University and create legal liability for employees and Mercy University (such as interference with prospective business contracts and allegations of wrongful termination).

Employees should always disclose that they are employees of Mercy University when promoting the University on social media platforms.

Employees and students who violate University policies may be subject to discipline, up to and including suspension or termination of employment for employees, suspension, or expulsion for students. Those who post on official Mercy University social media web pages in violation of this Policy may lose access to those media, and/or those media pages/sites may be closed or shut down by the University.

#### No Expectation of Privacy

All contents of University's IT resources and communications systems are the property of Mercy University. Therefore, employees and students should have no expectation of privacy whatsoever in any message, files, data, document, facsimile, telephone conversation, social media post, conversation or message, or any other kind of information or communications transmitted to, received or printed from, or stored or recorded on Mercy's electronic information and communications systems. See the University's Acceptable Use of Computer Network and Resources Policy, Section 3 relating to Privacy and Electronic Monitoring.

#### Business Use of Social Media by Employees, and Student Clubs, Organizations and Athletic Teams

If you are required to use social media as part of your job duties for Mercy's admissions, marketing, public relations, recruitment, or other business purposes, or you utilize social media of the University as part of being an officially sanctioned Mercy University student club, organization or athletic team, you should carefully review the University's Social Media Guidelines, set forth in the section below. Note that Mercy University owns all social media accounts used on behalf of the University or otherwise for business purposes, including any and all log-in information, passwords, and content associated with each account, such as followers and contacts. Mercy University owns all such information and content regardless of the employee or student that opens the account or uses it and will retain all such information and content regardless of separation of any employee from employment with the University, or student's enrollment status with the University. If your job duties require you to speak on behalf of Mercy University in a social media environment, or it is part of your role with the student club, organization, or athletic team, you must still seek approval for such communication from your manager or Student Life leader, who may require you to receive training before you do so and impose certain requirements and restrictions regarding your activities.

Likewise, if you are contacted for comment about Mercy University for publication, including in any social media outlet, direct the inquiry to Mercy's Director of Public Relations and do not respond without written approval.

#### Guidelines for the Responsible Use of Social Media

The above material covers specific rules, policies, and contractual obligations that employees must follow in using social media, whether for personal or business purposes, in consideration of their employment. Employees may be subject to discipline for violations. This also applies to students that are associated with officially sanctioned University groups. The following sections of the Policy provide employees with common sense guidelines and recommendations for using social media responsibly and safely, in the best interests of Mercy University. These guidelines reflect the "duty of loyalty" all

employees and students who have access to the University's official social media, owe, and are intended to add to, not contradict, limit, or replace, applicable mandatory rules, policies, legal requirements, legal prohibitions, and contractual obligations.

- **Protect the University's Goodwill, Brands, and Business Reputation.**

You are personally responsible for what you communicate on social media. Remember that what you publish might be available to be read by the masses (including the University itself, future employers, and social acquaintances) for a long time. Keep this in mind before you post content.

- Make it clear in your social media activity that you are speaking on your own behalf. Write in the first person and use your personal email address when communicating via social media. Never post anonymously to social media sites when your post could be attributed to the University.
- When you disclose your affiliation as an employee or student of Mercy University, it is recommended that you also include a disclaimer that your views do not represent those of the University. For example, consider such language as "the views in this posting reflect my personal views and do not represent the views of Mercy University."
- Use good judgment about what you post and remember that anything you say can reflect on Mercy University, even if you do include a disclaimer. Always strive to be accurate in your communications about Mercy University and remember that your statements have the potential to result in liability for you or the University. Mercy University encourages professionalism and honesty in social media and other communications.

- **Respect Intellectual Property and Confidential Information.**

Mercy's Confidential Information Policy and Agreement restricts employees' use and disclosure of the University's trade secrets, confidential information, and intellectual property. Beyond these mandatory restrictions, you should treat the University's trade secrets, intellectual property, and other proprietary information about the University, as well as student, alumni, and employee records as confidential and not do anything to jeopardize or unwittingly disclose them through your use of social media. In addition, you should avoid misappropriating or infringing on the intellectual property of other colleges/universities and individuals, which can create liability for yourself and for Mercy.

Respect laws regarding copyrights, trademarks, and other third-party rights. To protect yourself and the University against liability for copyright or trademark infringement, where appropriate, reference sources of particular information you post or upload and cite them accurately. If you have any questions about whether a particular post or upload might violate the copyright or trademark of any person or university, ask Mercy's legal department before making the communication.

- **Respect and Comply with Terms of Use of All Sites You Visit.**

Do not expose yourself or Mercy University to legal risk by using a social media site in violation of its terms of use. Review the terms of use of all social media sites you visit and ensure your use complies with them. If you are using social media as part of your job duties, pay particular attention to terms relating to:

- Prohibitions or restrictions on the use of the social media site, including prohibitions or restrictions on use for advertising, marketing and promotions, or other commercial purposes (for example, Facebook's Statement of Rights and Responsibilities (its terms of use) and its Promotional Guidelines specify the terms for businesses administering promotions through Facebook).
  - Ownership of intellectual property used on, or information collected or generated through use of, the site (for example, any of the university's copyrighted material and trademarks that might be posted on the site, or user information the university collects through the site).
  - Requirements for licenses or other permissions allowing use by the site owner and other third parties of the university's trademarks or other intellectual property.
  - Privacy rights and responsibilities of the site owner and users.
- Respect Others.

In addition to complying with the University's mandatory Sexual Misconduct Policy and Non-Discrimination and Equal Opportunity Policy, do not post, or express a viewpoint on another's post, such as by "liking" a Facebook post, anything that any Mercy University community members, including students, would find offensive, including ethnic slurs, sexist comments, discriminatory comments, profanity, abusive language, or obscenity, or that is maliciously false.

Supervisors should refrain from trying to connect with their direct reports on social media sites (for example, making friend requests on Facebook). However, direct reports may request connections with supervisors. Neither supervisors nor direct reports should feel pressured to accept any social media requests from anyone at the University.

#### Employees Covered Under a Collective Bargaining Agreement and Protected Activity

The employment terms set out in this Policy work in conjunction with, and do not replace, amend, or supplement any terms or conditions of employment stated in any collective bargaining agreement the UAW and SEIU unions have with the University. Employees should consult the terms of their collective bargaining agreement. Wherever employment terms in this Policy differ from the terms expressed in the applicable collective bargaining agreement with Mercy University, employees should refer to the specific terms of the collective bargaining agreement, which controls.

This Policy is not intended to restrict communications or actions protected or required by state or federal law. Further, this Policy is not intended to preclude or dissuade employees from engaging in legally protected activities/activities protected by state or federal law, including the National Labor Relations Act, such as discussing wages, benefits, or other terms and conditions of employment, forming, joining or supporting labor unions, bargaining collectively through representatives of their choosing, raising complaints about working conditions for their own and their fellow employees' mutual aid or protection, or legally required activities.

Click [here](#) to view the full Social Media Policy.

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

### Policy Statement

In addition to potentially violating University 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 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 University can be subpoenaed under the DMCA for the identity of users in the University community who are illegally distributing copyrighted material. Although the University 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.

## **EMOTIONAL SUPPORT ANIMAL POLICY**

### Policy Statement

This Policy applies to students and Residential Life staff at Mercy University (the "University") who formally request to have an Emotional Support Animal (ESAs) in University housing. This Policy addresses the standards expected of the student or Residential Life staff member seeking approval for their ESA ("Handler") and the procedure for obtaining and maintaining approval from the University for an ESA.

Each request is evaluated on a case-by-case basis and is reviewed and reconsidered each academic year a student is enrolled, and annually for staff. While certain rights are afforded to individuals with ESA accommodations, the Handler is nonetheless ultimately responsible for ensuring that the animal behaves appropriately. The University is committed to complying with applicable laws related to ESA's.

### Definitions

- Emotional Support Animal

Emotional Support Animals, or ESAs, are animals that provide assistance for the benefit of a person with a disability such as providing emotional support that alleviates one or more identified symptoms or effects of a Handler's existing disability as part of a therapeutic treatment plan. To be approved for an ESA in the Residential Life Program, an individual must have a qualifying disability and have sought a reasonable accommodation via the University's accommodation processes.

ESAs are not deemed "Service Animals" and as such their presence on campus is limited. ESAs are not permitted in classrooms, nor are they allowed in common areas.

Dangerous, poisonous, illegal, exotic 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. Only domesticated animals will be considered, as outlined by [US Department of Housing and Urban Development \(HUD\)](#).

- **Handler**  
A Handler is a student or Residential Life staff member ("staff") who is seeking approval from the University to have their ESA in campus housing and who is responsible, if granted such approval, for all aspects of their ESAs stay at the University.

#### Registration and Roommate Approval Required in Advance

All Handlers must register their ESAs. Students must do so with the Office of ACCESSibility and staff must do so with the Office of Human Resources. This registration leads to an evaluative process specific to the request for accommodation and should be completed at least two (2) months prior to the ESA's move into campus housing to allow adequate time to evaluate the requested accommodation. The Handler will be required to complete an Application for Accommodation and submit an ESA Documentation Form supporting the need for the accommodation. The ESA Documentation Form should be filled out by the current treating mental health provider with whom the student or residential staff has an established, ongoing therapeutic relationship under which continued treatment is being received. Upon receipt of these documents, the Office of ACCESSibility or Office of Human Resources will contact the Handler within one (1) business week of receipt of the documentation to discuss the request.

If a roommate is assigned to reside with a student Handler and the roommate agrees to have the ESA live in the same residential room by signing the ESA Roommate Agreement Form, the roommate must submit their consent in writing to the Office of ACCESSibility prior to the ESA being brought into the room. The Handler will be requested to sign a release form giving the University permission to discuss the ESA with the assigned roommate. In the event the University is unable to find a roommate willing to live with a Handler, they will reside in a single occupancy room (if available) and will be charged the appropriate fee for the room. The Handler may not bring the ESA to campus until a residential space has been identified.

#### Handler Responsibilities Regarding the Physical Maintenance of Their ESA

- **Grooming**  
The Handler must keep the ESA clean and well-groomed at all times. The Handler must take measures to mitigate odor and ensure flea control of their ESA. Public residential hall bathrooms

cannot be utilized for bathing or grooming of an ESA, or for cleaning the ESA's equipment. Designated sinks in Founders Hall may be utilized for cleaning of an ESA.

- **Vaccinations/ Health**  
The Handler must ensure that the ESA is in good health, as documented annually by a licensed veterinarian. Specifically, the Handler must ensure that the ESA has all appropriate vaccinations for diseases which are commonly required by veterinarians and/or under the law for that type of animal. All vaccinations must be current. Acceptable documentation includes a vaccination certificate, or a written statement signed by the ESA's licensed veterinarian regarding the ESA's health. This documentation must be submitted annually and prior to the ESA's move into campus housing. This documentation should be submitted by students to the Office of ACCESSibility and by staff to the Office of Human Resources. In addition, Handlers must ensure that the ESAs wear identification as well as all applicable animal licenses and the current rabies tag.
- **Leash**  
When outside of the residence room, the University requires that the ESA be maintained under control. In such instances, and as required by local law, the Handler will maintain the ESA on an appropriate leash. Collars or other forms of identification must be visible, such as a tag indicating ownership information.
- **Cleanup and Care of an ESA**  
The Handler is responsible for removing an ESA's waste. The Handler must always carry bags and necessary cleaning equipment to clean waste and dispose of it appropriately in waste containers. If an ESA is litter trained, their waste must be disposed of regularly, meaning at least weekly, in waste containers.

The Handler must provide the ESA with water and feed and care for the ESA appropriately.

- **Washer/Dryer Use for Handlers and ESAs**  
A washer and dryer are designated in Founders Hall for use by Handlers of ESAs. The washer and dryer should be used for cleaning the Handler's and/or ESA's clothing, bed sheets, etc.

#### Additional Handler Responsibilities Regarding Their ESA

- **Financial**  
The Handler 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 Handler's room needs to be treated for fleas, ticks, or other pests, the Handler will be billed for inspection and pest treatment. These costs must be settled at the time of repair and/or move-out.
- **Changes in ESA or Changes Concerning Need for ESA**  
The Handler must notify the Office of ACCESSibility (for students) and Office of Human Resources (for staff) in writing if there are any changes to the approved ESA, or if the ESA is no longer needed. If the ESA is replaced by another ESA, the Handler must follow the timelines and procedures in this Policy to obtain approval from the Office of ACCESSibility (for students) and Office of Human Resources (for staff) prior to the new ESA's move into campus housing. This requires submission of vaccination records, clean bill of health, licensure in county of residence (if applicable), and sterilization records.
- **Physical Control of ESA**

The Handler must be in full control of the ESA at all times. Care and supervision of the ESA is the sole responsibility of the Handler. ESAs left unattended in a residential room must be kenneled or maintained in a confining environment. It is the Handler's responsibility to ensure the ESA does not disrupt others (for example, vocalizing, barking, excessive noise, etc.). Handlers may not leave an ESA unattended over weekends, extended scheduled University breaks, or for any other reason. An ESA may not be left overnight in University housing without the Handler being present.

The Handler must make proper arrangements for the care of an ESA while the residence halls are closed for breaks. The Handler will not be allowed to stay on campus over a break when University housing is closed for the purpose of taking care of an ESA.

- **Campus Locations Where ESAs Are Not Permitted**  
A Handler must maintain the ESA in the Handler's assigned room and is not allowed to bring the ESA into common areas including classrooms. ESAs are not permitted to leave the Handler's room except for trips outside to visit relief areas or to take the ESA for a walk. ESAs are considered an accommodation. Handlers must respect the defined purpose of an ESA and may not entice visitors to the Handler's room solely for the purpose of interacting with the ESA.

#### Questions Concerning the Meaning of Any Provisions of this Policy

Any student who has questions regarding their responsibilities under or provisions of this Policy should immediately contact the Office of ACCESSibility and any staff who has questions regarding their responsibilities under or provisions of this Policy should immediately contact the Office of Human Resources.

#### Removal of an ESA

A Handler's failure to maintain an ESA in accordance with this Policy may subject the Handler to fines or result in the removal of the ESA from campus. The University will take appropriate measures, up to and including removal of an ESA, for among other reasons:

- The Handler violates any term of this Policy, after they have been provided notice and a reasonable opportunity to resolve the violation when possible;
- The approved accommodation for the ESA is no longer determined reasonable to assist with a disability; and/or
- The University, or a legal authority, determines that the approved ESA is a direct threat to the health, safety, or property of anyone in the University community, or that the approved ESA is adversely affecting one or more of the University's programs or activities.

#### Appeal

A Handler may appeal a decision related to their ESA to the University's Director of Equity Compliance following the appeal procedures under the University's Policy on Equal Opportunity and Non-Discrimination. The determination of the Director of Equity Compliance is the final decision of the University.

Click [here](#) to access the Mercy University Emotional Support Animal Agreement for Residential Life Staff and Students.

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

### Policy Statement

Mercy University 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 University any animal that is individually trained to assist a person with a disability.

### 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.

### 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 University 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 University 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 University 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 University may inform the individual that the service animal is not permitted, and he/she will be referred to the Student Handbook.

#### Mercy University Responsibilities

Mercy University has the right to exclude a service animal from the University 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 AND ACADEMIC ADJUSTMENTS FOR STUDENTS**

#### Policy Statement

Mercy University (the “University”) is committed to providing reasonable accommodations and academic adjustments to allow qualified students the opportunity to participate in courses/programs and activities at the University. Requests require a process with the request being made to and considered by the Office of ACCESSibility, 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 permanent disability or serious injury/illness that is temporary in nature
- pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, including breastfeeding, and
- religious practices in which a sincerely held belief is apparent.

Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against qualified individuals with disabilities in federally funded programs and activities and requires the University to “make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating.”<sup>1</sup>

The University will enter into an interactive process with a student who discloses a disability and/or condition and who requests accommodations based on a qualifying condition and/or disability. This interactive process will include intake, assessment, and determination of reasonable accommodations.

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<sup>1</sup> C.F.R. 104.44

The University will thoroughly review all requests on a case-by-case basis in accordance with applicable federal, state, and local laws, including the Americans with Disabilities Act of 1990, as amended, and the Westchester County and New York State and City Human Rights laws.

The University 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 accommodation and academic adjustments as well as all supporting documentation, including but not limited to medical information, are considered confidential and will be shared with University 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 and stored on the Health Information Privacy Protection Act (“HIPPA”) compliant database. When necessary, as a part of a related process or procedures, the student’s accommodation documentation may be shared and thus retained by the Division of Student Affairs or the Office of the Equity Compliance Director.

While the University 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 ACCESSibility may suggest that the student inform their Personalized Achievement Contract mentor (“PACT”), University Opportunity Program, 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.

The University recognizes observable as well as non-observable disabilities, affirming that some observable disabilities may, by their nature, amend the accommodation process detailed by the Policy.

- Food allergy and dietary accommodations are addressed under the *Policy on Meal Plan Exemptions and Other Food Allergy and Dietary Accommodations for Students*.
- Requests related to Emotional Support Animal (“ESA”) accommodations in housing are addressed under the *Emotional Support Animals Policy and Agreement for Students* policy.
- Requests for accommodations relating to participating in the University’s Residential Life Program are addressed under the *Residential Life Housing Accommodations Policy*.

#### Definitions

- Academic Requirements: Established minimal standards or technical standards defined for a specific program of study and for which a qualified student shall meet in order to progress in a program of study. Some examples of technical standards include the ability to analyze, the ability to differentiate color, or the ability to lift, carry, or otherwise move objects.
- Academic Adjustments: Changes to an academic program via approved reasonable accommodations that provide equal access to programs and activities without a fundamental alternation of the academic requirements.

- Examples of academic adjustments may include but not be limited to providing auxiliary aids, reasonable accommodations such as extra test taking time, a note taker, ability to record lectures, or modifications of the classroom environment, seating, or access.
  - In the case of Title IX, such adjustments may accompany Title IX supportive measures or be implemented for the student by the Title IX Director without proof of disability while also being termed “temporary” or “time-limited” and interim in nature.
  - In the case of religious accommodation, such adjustments may be implemented as deemed appropriate and related to the sincerely held belief.
- Accommodation Memo: A document that establishes the type and form of accommodation or academic adjustment to be provided to the student. This Memo will be updated as needed based on the student’s disclosed disability or condition as it specifically relates to application within the academic environment, taking into consideration any change of condition that may occur during the course of enrollment.
  - Director of ACCESSibility: The University employee who is responsible for ensuring that accommodation requests from students are processed in accordance with defined University policy and procedures.
  - Director of Equity Compliance: The University employee who is responsible for overseeing compliance with all laws and regulations related to non-discrimination and the University’s Policy on Equal Opportunity and Nondiscrimination, providing guidance and information as well as investigating complaints of unlawful discrimination. The Equity Compliance Director is also responsible for addressing appeals related to accommodations and adjustments based on disability, pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, and religious practices.
  - Disability: The term disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.<sup>2</sup>
  - 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 University with the intention of finding an academic adjustment or reasonable accommodation to address those barriers. This same process may apply outside Section 504 in relation to Title IX or religious accommodations.

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<sup>2</sup> Americans With Disability Act, Section 3: Definitions: 2 A-C

- Pregnancy, Childbirth, or a Related Medical Condition: The condition of being pregnant, having a child, or a medical condition related to or resultant from pregnancy or childbirth. For the purposes of this Policy, this shall include breastfeeding.
- Qualified Individual with a Disability: A qualified individual with a disability under this Policy 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.
- Reasonable Accommodation: Adjustments to policy, practice, and programs that provide equal access to the University's academic and non-academic programs and activities for a qualified individual with a disability and are addressed on a case-by-case basis. In the academic setting, reasonable accommodations shall not alter the course objectives or expectations, should not create an undue burden on the institution or student (as defined in N below), and reasonable accommodations should not impact the health and safety of others.
- 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.
- Religious Accommodations: Adjustments to course expectations that provide the student with the ability to practice their sincerely held beliefs without fundamentally altering the requirements of the program, activity, or course of study. Examples include rescheduling exam dates, allowing alternative due dates, or offering alternative assignments.
- Title IX Director: The University 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 Director has overall responsibility for implementing the University's Policy and Procedures on Sexual Misconduct, including overseeing the investigation of complaints related to sexual misconduct.
- 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 University. If a particular accommodation imposes an undue hardship, the University will consider whether a reasonable alternative accommodation is available that would not impose an undue hardship.

## Requesting a Disability/Serious Injury Accommodation or Academic Adjustment

- Student Registration

In order for a student to receive an accommodation or academic adjustment under this Policy, the student must register with the Office of ACCESSibility. To register with ACCESSibility, the student must submit an Application for Accommodations and appropriate supporting documentation to the [Student Health Portal](#). Students should review the [ACCESSibility Documentation Guidelines](#) for guidance on what supporting documentation must include. Students may visit the [webpage](#), contact ACCESSibility 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 ACCESSibility office located in Main Hall, Room 121D on the Dobbs Ferry campus, room 2123 at the Bronx campus, or set up an appointment at another campus with an ACCESSibility 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 accommodation history, current course enrollment and the academic or other program requirements, as well as accessibility needs while on campus with the goal of finding a reasonable accommodation. Reasonable accommodations may include, but are not limited to, providing the student with assistive technology or other auxiliary aides as well as many other means to reduce or remove barriers that may prevent equitable access for students.

The Director of ACCESSibility, or a designee, may, when necessary and in a confidential manner, consult with appropriate University officials, such as the instructor, Program Director, Dean, Provost and/or PACT/opportunity programs or other counselor, as well as departments that may include facilities and housing to determine program requirements and appropriate accommodations. A determination regarding the student's request will be made as soon as practicable, taking into account the nature of the request. The student will be notified of the outcome of their request in writing to their Mercy University email account.

Reasonable accommodations shall not fundamentally alter the nature of a course, course expectations, or competencies to be achieved within a course. Reasonable accommodations should not create an undue burden on the student or the institution. Reasonable accommodations should not interfere with the health and safety of others. While the accommodation preference of the individual with the disability will be taken into consideration, the University is not required to provide the preferred accommodation as long as an alternative accommodation is reasonable, effective and provides equitable access. The University is not responsible for providing services of a personal nature, or for providing prescribed devices or services as private care attendants or aides.

- Accommodation Memo Process

If an accommodation or academic adjustment is granted, ACCESSibility will provide the student with an "Accommodation Memo." The purpose of this document is to inform the faculty or a staff member or campus office that the student has been granted accommodations, to specifically define the reasonable accommodations, and to provide guidance to apply the defined accommodation

approved by the Office of ACCESSibility. The Memo does NOT cite the specific disability nor disclose medical information. If the initial Accommodation Meeting is taking place before the student has enrolled at the University, in most circumstances, the Memo will be provided to the student before the start of their first term. This process repeats each term that the student is actively enrolled *and* requests accommodations.

Each Accommodation Memo is semester specific and is only valid for the term that it was issued. The University will engage the student in active dialogue, or interactive case management, to foster this process. Before the start of each new semester thereafter, the student must download a new Accommodation Memo from the Student Health Portal. Should a student be unable to download the Memo, an alternative action to obtain the Memo would be to appear at the ACCESSibility Office and request a hard copy. The updated current semester Memo should be presented to faculty members within the first two weeks of the current academic term or as soon as possible, in order for timely implementation of the detailed accommodations to occur and/or to foster discussion to resolve any concerns by faculty or the student regarding implementation of the accommodations. The student and faculty member are encouraged to review the Memo together leading to the faculty member's signature at the bottom of the Memo. The signed Memo must be returned to the ACCESSibility office by either uploading it to the Student Health portal or returning the signed Memo to the ACCESSibility office.

- Timing of Requests

Students may request accommodations and academic adjustments at any point during the semester; however, the University encourages students to begin this process prior to the start of the semester. For newly entering or transferring students, this process may begin after acceptance and registration for classes. Once a student has completed the intake process and has been granted accommodations, the accommodations will be implemented at the University. In some cases, some forms of accommodation may be immediately implemented while others may require the ACCESSibility office to interface with other University offices, such as in the case of food or housing accommodations. The University will, in as much as is practicable, work with the student during this implementation period.

The student is encouraged to advocate with University staff and faculty as necessary regarding the implementation of their individualized accommodations. However, at no time will the student be required to disclose the nature and specifics of their condition or disability to any other University personnel outside the ACCESSibility office. The University affirms that a student has the right to disclose or not to disclose their disability to staff or a faculty member and to withhold submission of an Accommodation Memo from a faculty member when the student believes the detailed accommodations are not necessary in a course. Students should be aware that accommodations are not retroactive in such instances. Any grades already annotated in the student's class record or tests taken *prior* to the submission of an Accommodation Memo to the faculty member shall not be changed nor can the assignments be repeated with accommodations. Academic accommodations are valid from the time of approval by the ACCESSibility office *and* signature by the faculty member.

- **Withdrawal of Request**

Accommodations will remain in place each semester moving forward unless the student:

- Formally withdraws their request for accommodation in writing to the ACCESSibility office;
- Requests that the accommodation process be revisited due to a change in condition or other factor impacting their disability or condition in which case the University may request additional information to support additions, removals, or alternation to existing accommodations; or,
- Withdraws from the University altogether.

Students who withdraw from the University are welcome to revisit the accommodation process upon re-entry as an active student.

#### Accommodations based on Pregnancy Status, Childbirth, or a Related Medical Condition

- **General Accommodations**

Students requesting an accommodation (based on a co-existing condition directly impacting the student) or an academic adjustment based on pregnancy status, childbirth or a related medical condition should contact the Office of ACCESSibility to schedule an intake appointment. The student and the Director of ACCESSibility, or a designee, will engage in an interactive process, which may include considering any number of factors, such as the student's stated or documented limitations and the nature and requirements of the academic program, with the goal of determining an acceptable accommodation or an academic adjustment. If the student wishes to move forward with adjustments or accommodations under this Policy, the student will be required to complete and submit the intake form and provide supporting documentation. The Director of ACCESSibility may, when necessary, consult with appropriate University officials, such as the Title IX Director/Equity Compliance Director, instructor, Program Director, Dean, or Provost, to determine program requirements that may inform possible accommodations and adjustments. A determination of the student's request will be made as soon as practicable, taking into account the nature of the request. The student will be notified of the outcome of their request in writing to their Mercy University email account.

- **Adjustments Related to Breastfeeding**

In recognition of the importance and benefits of breastfeeding for mothers and infants, and in compliance with state and federal law, the University supports the rights of nursing mothers at school and is dedicated to making its best effort to adjustment requests from nursing mothers for a private space to express breast milk while 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 is encouraged to work with the Office of ACCESSibility to identify an appropriate space in which the student can express milk. As per federal guidance, the University will provide a private room that is clean and comfortable, has an electrical outlet, chair, and a table, and which has nearby access to a sink with running water and paper towels. The University will not provide refrigeration in these rooms and the student is encouraged to secure any private equipment or cooling containers.

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 through 25 Live, depending on use.

Students are expected to work with their instructors and/or advisors to arrange absence from or during class and to subsequently make up any missed work.

### Religious Accommodations

Students should contact the Office of ACCESSibility when seeking a religious accommodation based on a sincerely held belief and practice. The Director of ACCESSibility and the student will engage in an interactive process with the goal of identifying an acceptable accommodation. The Director of ACCESSibility may, when necessary, consult with appropriate University officials, such as the Title IX Director/Equity Compliance Director, instructor, Program Director, Dean, or Provost, to determine program requirements that may inform possible accommodations and adjustments. Individuals requesting religious accommodations are required to submit an Application for Religious Accommodation as well as a personal statement describing the sincerely held religious/spiritual belief and practice. In the case of requests for religious accommodations, the interactive process may include consideration of a variety of factors, such as the individual's religious practices and the functions and requirements of the academic program. While a student's religious accommodation must not result in the inability of the student to perform the essential functions of the course/program of study, the University supports that the student should be given the opportunity to make up work or an exam when absent for an approved religious accommodation.

The University generally will not inquire beyond what may be necessary to understand the request for religious accommodation and its basis on a sincerely held belief and practice. However, if the University has genuine reason to doubt that a request qualifies as meeting defined understanding of a sincerely-held belief and practice, the University can engage in a limited inquiry, asking for additional supporting information or 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 determination of the student's request will be made as soon as practicable, taking into account the nature of the request. The student will be notified of the outcome of their request in writing to their Mercy University email account.

### Appeals Under this Policy

Students may appeal a denial of a request for an any type of accommodation under this Policy by filing a complaint with the Title IX/Equity Compliance Office. The Director of Title IX /Equity Compliance, or a designee, will mediate to try to resolve the issues between the individual student and the staff, faculty,

or department to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, then the Director of Title IX/Equity Compliance, or a designee, will initiate an investigation following all required stipulations of notice to the named parties in the complaint and will then make a recommendation to the Provost. The Provost or their designee is assigned to make the final determination of an appeal, which will serve as the final decision of the University.

#### 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 contacting one or more of the outside agencies listed below.

- [U.S. Department of Education, Office for Civil Rights](#)
- [U.S. Equal Employment Opportunity Commission](#)
- [New York State Division of Human Rights](#)
- [New York City Commission on Human Rights](#)
- [Westchester County Human Rights Commission](#)

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

#### Introduction

Mercy University takes all complaints made by students seriously, and believes that all complaints should be reviewed thoroughly, and addressed appropriately. The University currently has a variety of policies and procedures for dealing with student-related issues, including, but not limited to, the Academic Appeals Policy, Policies and Procedures Relating to Sexual Misconduct, Policy on Equal Opportunity and Non-Discrimination, Reasonable Accommodations Policy, etc. In some instances, however, students may wish to make a general complaint that does not fall within one of the above-named or other University policy. The purpose of this Policy is to provide a process whereby current students can file a complaint with the University in circumstances where the student 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;
- Complaints related to University services, such as food services, residential life, athletics and/or health and wellness; or
- Consumer complaints

Complaints can also be made about any member of the University community or about the University itself pursuant to the University's Whistleblower Policy by filing a complaint online using the following link: <https://www.mercy.edu/whistleblower-form> or by contacting 1-888-OK-MERCY (1-888-656-3729),

for issues including, but not limited to, environmental health and safety concerns, fraud, theft, or other unlawful conduct.

### Filing a Complaint with the University

Students may file a complaint online regarding any incident occurring relating to the University, including any employee, contractor, or vendor. The complaint must be made within thirty (30) days of the most recent incident. Some of the areas not generally covered by other University policies may include those set forth below.

- **Complaints About Faculty in Academic Settings**  
While the University respects the academic freedom of the faculty, unprofessional behavior directed at students inside or outside the classroom will not be tolerated. This includes, but is not limited to, harassing behavior, yelling at students, or making demeaning or other inappropriate comments. As such, students may wish to file a complaint regarding a faculty member who behaves in this manner.
- **Complaints Relating to Other University Employees or University 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 University or services provided by the University. Some examples of those complaints might include:
  - Unprofessional behavior or misconduct on the part of an employee, a contractor, or a vendor.
  - Issues in connection with student services including, but not limited to, student billing, tuition, financial aid, and student records.
  - Issues in connection with other University services including, but not limited to, food services, residential life, athletics and health and wellness.

### Complaint Reviews, Informal Resolutions, and Investigations

- **Complaint Forwarded to the Appropriate University School or Department for Review**  
After the Office of the General Counsel receives an online student complaint, it is forwarded to the appropriate department of the University for review. For example:
  - Complaints relating to faculty will be handled by the Dean of the School and/or the chair or program head of the relevant department;
  - Complaints relating to all other employees will be handled by the Office of Human Resources;
  - Complaints relating to contractors and vendors, including food and facilities services, shall be handled by the Office of the Vice President of Operations and Facilities; and
  - Complaints relating to student services and accounts shall be handled by the Office of Financial Services.

After receipt, the Dean or other relevant department manager shall designate an employee who will be responsible for reviewing the complaint. This designated employee is hereinafter referred to as the "Fact Finder." In no case can a Fact Finder be the person who is the subject of the complaint. If the Dean or department manager is the subject of the complaint, then the Provost or President will

designate an appropriate Fact Finder.

- Review and Informal Resolutions or Investigation
  1. The relevant office Fact Finder shall review the complaint as well as any relevant paperwork. The Fact Finder shall speak with the complainant to determine whether there can be an informal resolution on the matter. If the complainant agrees to an acceptable resolution, the Fact Finder shall send an email to the complainant and subject of the complaint confirming this resolution in writing, and consider the matter closed. They shall share this resolution with the Office of the General Counsel.
  2. If there is not informal resolution and the Fact Finder does not believe an investigation or other action is warranted, they shall inform the student in writing of this outcome.
  3. If there is not informal resolution and the Fact Finder concludes that the complaint warrants an investigation, then an investigation shall be conducted. In such cases, the Fact Finder shall separately interview the complaining student, the employee if there is an accusation against them, and other persons with relevant knowledge and information.
  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 their 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 thirty (30) calendar days of the date the complaint was filed.
  
- Subsequent Action

Following the completion of these procedures, the relevant University official shall decide the appropriate course of action, including taking any corrective measures and/or imposing any disciplinary sanctions. All actions, as well as any appeal by the employee, shall be pursuant to the relevant University policies, procedures, handbooks and/or collective bargaining agreements.

#### Appeals Procedure for Student Complaints Under this Policy

If a student is not satisfied with the findings and/or corrective measures or disciplinary sanctions, they may file a written appeal to one of the following administrators:

- The Provost if the complaint relates to a faculty member,
- The Director of Human Resources if it relates to all other employees,
- The Vice President of Operations and Facilities if it relates to facilities, a contractor, vendor, or

related services,

- The Vice President for Enrollment Management if it relates to student accounts and billing, or
- The Vice President for Student Affairs if it relates to any student programs, events, or activities.

Within ten (10) calendar days of receiving the report, which time-period may be extended for good cause shown, the relevant administrator or their designee shall review all documentation relating to the matter, as well as any additional information that the student believes is relevant. They shall issue a written decision to the student and employee (if relevant) within twenty (20) days either upholding the findings and/or corrective measures or making appropriate modifications. Their decision on the appeal is final.

#### Tracking Student Complaints

All Fact Finders who receive a complaint pursuant to this Policy are required to keep the Office of the General Counsel apprised of all outcomes relating to student complaints in a timely manner, including but not limited to final resolutions (whether the matter is resolved informally or after an investigation).

#### Consumer and other External Complaints

If a student believes that the administrative procedures herein have not adequately addressed their concerns, the following external procedures are available:

A complaint that concerns educational programs or practices of Mercy University should be directed to:

New York Office of University and University Evaluation  
New York State Education Department 5 North Mezzanine  
Albany, NY 12234

<http://www.nysed.gov/University-university-evaluation/filing-complaint-about-University-or-university>

Complaints concerning programs in fields leading to professional licensure (e.g., nursing) should be directed to:

Office of the Professions  
Professional Education Program Review Education Building, 2 West  
Albany, NY 12234

<http://www.op.nysed.gov/opd/complain.htm>

Complaints of consumer fraud on the part of Mercy should be directed to:

Office of the New York State Attorney General  
Justice Building  
Empire State Plaza Albany, New York 12223

<https://formsnym.ag.ny.gov/OAGOnlineSubmissionForm/faces/OAGCFCHome>

Complaints about New York State student financial aid matters should be directed to the Higher Education Services Corporation (HESC) Customer Communications Center at 1-888-NYS-HESC.

For students who reside out-of-state and are taking Mercy online distance courses, please contact the agency within your state that handles these complaints. A list can be found at:

<https://www.nc-sara.org/content/state-portal-entity-contacts>

Complaints involving discrimination based on protected classes, including but not limited to race, color, national origin, age, disability, and sex, including sexual harassment, should be filed with the U.S.

Department of Education, Office for Civil Rights:

Office for Civil Rights (OCR) – Enforcement Office  
U.S. Department of Education 32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: 646-428-3900  
Fax: 646-428-3843  
TDD: 877-521-2172  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

Or with the New York State Division of Human Rights: <https://dhr.ny.gov/complaint>. If you are unable to access the complaint form, please call 1-888-392-3644.

#### Dissemination of this Policy

As required by New York State and federal compliance laws, Mercy University provides this Policy to all current and/or prospective students.

### **POLICY ON MEAL PLAN EXEMPTIONS AND DIETARY ACCOMMODATIONS FOR STUDENTS**

#### Introduction

This Policy sets forth Mercy University's ("University") guidelines for residential students seeking accommodations to or exemption from Mercy's required meal plan for residential students. It applies to students identifying as having food allergies as well as to individuals with dietary restrictions related to health or religious observance who may need other accommodations as it relates to food purchased at Mercy's dining services, whether through the University's meal plan or otherwise.

#### Accommodations for Students with Food Allergies and Dietary Restrictions

The University recognizes that certain individuals in our community have (potentially severe) allergies to food or may have other dietary restrictions. If an individual has been diagnosed by a physician with a life-threatening food allergy, this may constitute a disability under the Americans with Disability Act (ADA). Mercy has an obligation under the ADA to make reasonable modifications in policies, practices, and procedures when necessary to accommodate students.

- Students with medical documentation indicating a life-threatening food allergy may apply for an accommodation up to and including an exemption from the University's required meal plan.
- Students with other allergies and/or dietary restrictions may seek other accommodations specific to

the meal plan, including but not limited to having options that meet their dietary needs and/or having an individualized meal plan.

- Only in circumstances where no accommodation can be made under the current meal plan would students be exempt from the University's meal plan.

#### Procedures for Students Seeking Food Allergy and/or Dietary Accommodations

Dining services at the University's Dobbs Ferry and Manhattan campuses can accommodate individuals with food allergies or special diets. While students can speak directly with dining services about their need, the University encourages students to work with the Office of ACCESSibility to ensure their particular accommodation needs are met. Students are strongly encouraged to make the University aware of any food allergy and/or dietary needs as early as possible. Once a student contacts the Office of ACCESSibility, the following procedures will take place:

- The student will begin the accommodation process by completing the required Application for Accommodations, in which they will provide a statement of their dietary restriction or food allergy.
- Students with medically related dietary restrictions shall also submit the Dietary Restriction Form to the Office of ACCESSibility. This form must be completed by their treating health care provider. Students with dietary restrictions related to their religious observations should submit a personal statement explaining their religious practice and related dietary restrictions.
- The student must sign the Dietary Restriction Disclosure Form so information related to their food allergies or dietary restrictions can be shared with other necessary University and dining services staff.
- Upon receipt of the signed release, the Office of ACCESSibility will schedule a meeting with the relevant dining services nutritionist to develop an appropriate response to dietary requests, in dialogue with the student. Dining services will advise the Office of ACCESSibility about the ability to accommodate the student's dietary needs. If dining services is unable to accommodate the student, the student will be granted an exemption from the required meal plan. If dining services can accommodate the student's dietary needs, a formal, written plan will be put in place.
- After the interactive dialogue takes place between the Office of ACCESSibility and the student and the dining service manager determined the ability to accommodate the student, an Acknowledgment and Agreement of Dietary Restrictions ("Agreement") will be created for the student with a food allergy or dietary restriction. This Agreement will outline the University's responsibility and student's responsibility for safely managing food allergies and dietary restrictions while attending classes or functions or residing on campus. The Agreement will be provided to the manager of the relevant dining services. The student under the Agreement must review any changes in their medical condition with the Director of ACCESSibility, who will in turn notify the dining services manager of any necessary modifications to the student's dietary Agreement.

A student may request a meal accommodation at any point during the semester. Accommodations are not retroactive, however, and accommodations are valid from the time of approval and signed

Agreement moving forward.

#### Appeal of Meal Accommodations

If a student is dissatisfied with the meal accommodation they have received under this Policy, they may appeal the matter to the University's Director of Equity Compliance. All appeals and complaints will be acted upon according to the Policy on Equal Opportunity and Non-Discrimination. All complaints will be addressed in a manner that is prompt, impartial, confidential, and free from retaliation. The University will not discriminate or retaliate against any individual because of exercising their right to come forth with a complaint or against individuals who participate in an investigation. After reviewing the matter, the Director of Equity Compliance will make a recommendation to the Vice President for Student Affairs. The Vice President of Student Affairs or their designee will make the final determination of an appeal.

### **MISSING STUDENTS POLICY**

#### Reports of Missing Students

In accordance with state and federal law, the University maintains protocols for investigating reports of a missing student. A missing student is defined as any Mercy University student residing in on campus student housing who has been reported missing from their residence.

Reports of a resident student who is believed to be missing for 24 hours should be made to the Associate Dean of Student Affairs (914-674-7349), Vice President of Student Affairs (914-674-7775), or the Department of Campus Safety (914-674-7225). If a student is reported missing to any other Mercy University entity, that unit will immediately notify Campus Safety. Whenever a student is believed to be missing, Campus Safety, working closely with Student Affairs and Residential Life staff, will commence a logical investigation to determine the possible whereabouts of the student. In the event the resident student is not found after these efforts are undertaken, the Dobbs Ferry Police Department and other relevant municipal authorities will be immediately notified and, in all cases, no later than 24 hours. If the Police Department determines that the student should be classified as a missing person, Mercy University will support the investigation by providing whatever assistance is appropriate. The official determination that the student is missing can be made at any time depending on the specific circumstances.

#### Missing Student Contact Designation

Each student living in on campus student housing has the option of registering a confidential contact person to be notified within 24 hours of the determination that the student is missing. The student has the option of selecting a person other than their general emergency contact. The information will be kept confidential and disclosed only in furtherance of a missing person investigation to authorized campus officials or municipal law enforcement. If a student is determined to have been missing for 24 hours and they are less than 18 years of age and not yet emancipated, their parent or legal guardian will be notified in addition to the confidential contact person, provided that the student has identified one. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, local law enforcement will be notified once the determination is made that the

student is missing.

## **POLICY AND PROCEDURES RELATING TO PERSONAL CARE ATTENDANTS FOR STUDENTS**

### Policy Statement

Mercy University (the “University”) is committed to complying with all applicable laws and regulations whose purpose is to ensure that no otherwise qualified individual with a disability is excluded from participation in, denied the benefits of, or subjected to discrimination in University programs or activities due to his or her disability. The University is fully committed to complying with all requirements of the Americans with Disabilities Act of 1990 (“ADA”) and Section 504 of the Rehabilitation Act of 1973, and to providing equal educational opportunities to otherwise qualified students with disabilities. We offer a variety of reasonable accommodations, auxiliary aids and auxiliary services to ensure access for all qualified students with disabilities.

The University allows the use of a Personal Care Attendant (“PCA”) for students with disabilities who have a documented need for assistance with daily living and/or nursing care within a residential setting on campus. The University does not provide, coordinate or fund PCA services, even on an interim basis. The student is responsible for identifying, providing, coordinating, and funding all PCA-related services.

### Registering with ACCESSibility

Students seeking an accommodation, including registering their need for a PCA, must register their need and complete the intake process with the Office of ACCESSibility.

The Office of ACCESSibility will review all requests on a case-by-case basis and will make every effort to provide reasonable accommodations, including supporting the student’s access to a PCA. Students who require PCA services must make arrangements to provide for their own PCA and must follow the guidelines listed below. The University will not assume responsibility for the PCA with respect to the appropriate care and services to be provided by the PCA. Additionally, the University will not assume responsibility for the PCA's failure to fulfill their contractual responsibilities with the student. The University requires that the student assume responsibility for their own actions, academic progress, or behaviors, including appropriate use of the PCA while on campus in all programs, activities, and facilities.

The University encourages that when hiring a PCA, students should consider the following:

- Develop a clear job description and list of responsibilities for assistance with daily living activities;
- Use a licensed and insurance bonded medical/nursing agency that will provide the services of an impartial PCA and who is not a family member or close friend;
- Request verification of agency certifications and insurance bonding;
- Request verification of PCA background check clearance;
- Request verification of PCA immunization clearances; and,
- Use an agency that fits the student's needs and communicates effectively.

### Student Guidelines

- Complete and submit the Application for Accommodations form located on the Student Health Portal including any necessary and appropriate documentation to support the medical need for PCA services.
- Contact ACCESSibility to schedule an intake appointment for the purpose of registering with the office and to discuss the accommodation process.
- Notify ACCESSibility of the need to have a PCA in the classroom or residence on campus.
- Provide documentation that the PCA is qualified to perform the required services and register each individual PCA and agency representative with ACCESSibility by filling out the Personal Care Attendant and Personal Assistant Form.
- Ensure that any personnel changes regarding the PCA are registered with ACCESSibility.
- Develop an alternative plan should the regularly assigned PCA not be available to work, or not be able to continue fulfilling the contracted responsibilities.
- Develop a safety plan that may be implemented by or with the PCA in the event of a campus alert or emergency.

### PCA Guidelines

- PCAs will be required to adhere to and abide by all University policies and procedures. The University reserves the right to remove a PCA from campus if they violate the University's policies and/or procedures, regardless of the contractual agreement between the student and the PCA.
- When approved by ACCESSibility and contracted by student, assist with personal care needs in the classroom.
- PCAs shall refrain from contact with students, faculty, staff or others that is on behalf of the student, except in medical and other emergency situations.
- PCAs may not:
  - Assist with academic needs, such as academic advising, course sequences, or other related specific program of study functions.
  - Advocate for the academic or accommodation needs of the student.
  - Be involved with academic tasks related to completing coursework or course-related assessments beyond assisting with the agreed upon mechanics of completing said tasks (such as reading and/or scribing).

### Guidelines if PCA is Going to Reside on Campus

- Prior to a PCA residing on campus, the student must provide written verification to ACCESSibility acceptable to the University that each PCA contracted by the student and residing on campus in any capacity has undergone a Criminal Offender Record Information (CORI) check.
- Prior to the PCA residing on campus, the student must submit documentation to the University showing the PCA is current with all immunizations that are required for students living in campus housing.

### Non-Compliance

Incidents of non-compliance in adhering to the policies set forth by the University either by the student or the student contracted PCA will result in a review by the appropriate University administrators, including but not limited to the University's Office of Campus Safety and Office of Student Affairs. The appropriate department will meet with the student to discuss the issue of non-compliance and work with the student to determine possible solutions. Notice of the outcome of the review will be provided in writing to the student upon completion of the review or, if determined necessary, investigation. Student violations of the University's Community Standards will be addressed through the Student Judicial System, when appropriate. Appeals will be reviewed consistent with the terms of the Student Judicial System or appropriate policy alleged to be violated.

## **RESIDENTIAL LIFE HOUSING ACCOMMODATIONS POLICY**

### Introduction

In accordance with relevant federal and state disability laws Mercy University (the "University") is committed to providing reasonable accommodations to ensure equal access for students who have qualifying disabilities, who have registered with the Office of ACCESSibility, and who choose to participate in the University's Residential Life program. Students, as considered within this policy also include students identified as "resident assistants."

Residential Life housing accommodations vary based on the nature of a student's disability. Each request for a Residential Life housing accommodation is considered on a case-by-case basis. Students who choose to participate in our Residential Life program and wish to request related accommodations will need to follow the steps outlined in this Policy.

### Preference Versus Need

The Office of Residential Life is committed to providing clean, healthy, and safe living environments for students that promote a positive community building experience, self-authorship, and opportunities for learning outside of the classroom. Residential Life programs and services support the pedagogies of the University to develop students holistically, thus preparing them for success in a diverse world. Students who choose to participate in the University's Residential Life program are committed to living in a communal environment which involves learning to share space and negotiate with fellow residents to ensure a respectful and inclusive experience. While the University will make every attempt to provide the housing accommodation that student requests, it cannot guarantee that it will provide the housing accommodation requested, nor does the University guarantee that the housing accommodation will be granted immediately. The University will make every effort to grant reasonable housing accommodation(s) in a timely fashion. Request for Residential Life housing accommodations based on a preference or desire for comfort rather than a need will not be granted.

### Procedures For Students Requesting Residential Life Housing Accommodations

For full consideration of any housing accommodation request, students should complete the Application for Accommodations with The Office of ACCESSibility for each semester they participate in the

Residential Life program no later than July 15 (for the Fall term) and by December 15, (for the Spring semester). A request for Residential Life Accommodations may be submitted at any time during the academic year; however, the University encourages students to begin this process as soon as a Residential Life Housing accommodation is identified. Meeting the required deadlines will increase the ability of the University to review and make a determination related to the requested accommodation. Approval of Residential Life housing accommodations occurs on a first-come, first-serve basis with rare exceptions as a result of documented extenuating circumstances. Accommodations are valid for the academic year in which the student is enrolled. Students who wish to maintain their Residential Life housing accommodations must submit a request annually.

#### Review Protocol

Each Residential Life housing accommodation request received is reviewed by the Residential Life Accommodations Committee (the "Committee"). The Committee is comprised of staff members from The Office of ACCESSibility, Residential Life, Health Office, and Student Counseling Center. The process for requesting housing accommodations under the Policy is as follows:

1. Student completes Housing Application with Residential Life;
2. Student registers with The Office of ACCESSibility in accordance with the Student Accommodations Policy;
3. Student submits a formal housing accommodation request via the Application for Accommodations on the Student Health Portal;
4. Student submits supporting documentation from a qualified professional under whom the student has a documented history of care or treatment which substantiates the need for the requested accommodation. The University considers a qualified professional a treatment provider with whom the student has an established relationship and who has expertise in the area of the relevant diagnosis that is the basis for the accommodation request. The student is required to use the University's accommodation specific forms when seeking input and documentation from the qualified provider. The qualified provider must complete the form in a manner that specifically addresses the request being made. Incomplete forms may delay or substantially impact the student's request; therefore, students are encouraged to ensure the form is complete before submitting it to the University. For example: A student requesting a single room may provide documentation from their current physician or mental health provider that substantiates the presence of a condition or disability requiring the need for a single room as a reasonable alternative that supports a current treatment plan.

Students requesting the following specific Residential Life housing accommodations should contact The Office of ACCESSibility to obtain the appropriate form, guidance, and related policy. Resident Life housing accommodation requests that require specific forms are:

1. Emotional Support Animal Requests
2. Meal Plan requests
3. Single Room requests

Students are welcome to submit additional documentation to support their request, but it is not

required if the form provides the information necessary. Additional documentation submitted should be consistent with the ACCESSibility Documentation Guidelines as outlined in the Student Reasonable Accommodations Policy.

Students must schedule and participate in an intake with The Office of ACCESSibility to ensure that an interactive process can occur that fully explores the student's requested housing accommodation.

Within two (2) weeks of completing the steps outlined above, the Committee will review the student's request and will make a determination. Determinations will be communicated via the University's official email. The Office of ACCESSibility will work with Residential Life staff to ensure appropriate annotations are entered into the student's record. In the event the requested accommodation is not approved, the Committee will, when practicable, identify and/or provide an alternative reasonable accommodation.

#### Note on single room requests

The provision of single rooms as a housing accommodation is not common. Occupying a single room does not guarantee privacy, a quiet environment, an allergen-free environment, nor will it prevent a student from having to interact and negotiate living arrangements with fellow residents. On a case-by-case basis, single room assignments generally provide access by removing common barriers. Meaning, single rooms are equipped with features that promote independence and safety for a student with a qualifying disability.

#### Appeals

Students may appeal a determination of a request for an accommodation under this Policy by filing a complaint with the Director of Title IX/Equity Compliance. The Title IX /Equity Compliance Director, or a designee, will initially seek to mediate with the student and the Committee to address the concerns or appeal basis described in the complaint. If a mutually acceptable outcome is reached, the agreed upon housing accommodation will be implemented as soon as practicable.

If a mutually acceptable housing accommodation cannot be determined, the Title IX/Equity Compliance Director, or a designee, will initiate an investigation under the Policy on Equal Opportunity and Non-Discrimination, and Notice of Non-Discrimination. The outcome of the investigation will lead to the Title IX/Equity Compliance Director making a recommendation to the Vice President of Student Affairs. The Vice President of Student Affairs, or their designee, will make the final determination specific to an appeal. This determination will be the final determination of the University.

### **STUDENT POLICY ON POSTINGS, SOLICITATIONS AND COMMERCIAL ACTIVITY**

#### Policy on Posters and Flyers

Permission to place posters and/or flyers anywhere on campus must be obtained from the Office of Campus Life. The circulation of handbills by individuals must have similar approval. Items must not be obscene, discriminatory, disruptive, or offensive to the Mercy University 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. Any materials not approved by Campus Life, posted in and on areas not permitted or inappropriate will be taken down.

#### Non-Solicitation Policy

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

### **POLICY FOR OFF-CAMPUS TRIPS AND ACTIVITIES**

#### Policy Statement

This policy provides recommendations relating to pre-departure information, safety, and health, as well as response protocols should there be an emergency while Mercy students are traveling off-campus for Mercy sponsored activities, including but not limited to academic and student affairs-related programming, activities, and events. This Policy also applies to Mercy sponsored programs for high school or younger students. Short-Term-Faculty-Led- Study Abroad and Experiential Learning Programs, as well as athletics department programs, have separate policies and forms.

For the purposes of this Policy, an off-campus Mercy sponsored activity is defined as any group of students leaving campus for a University sponsored or supported activity. All such activities must have a designated leader, who is a faculty or staff member.

#### Pre-Departure Procedures

The designated leader will provide the appropriate office with an Off-Campus Activity Form. For field trips relating to academic programs, the appropriate office would be the Office of the Dean for the program. For all other trips, the appropriate office is The Office of Campus Life. Said form must be submitted at least two weeks prior to departure if any of the following conditions apply:

1. The activity requires an overnight stay
2. The activity involves a hazardous component or has a risk of danger or injury
3. The activity is organized by a member of Mercy's staff or faculty for Mercy students, whether or not it is directly related to a class.
4. The activity is coordinated by a Mercy Student Organization

At least one business day before the departure, the leader of the activity shall provide a copy of each participating student's (including the student leader's) individual waiver. The relevant office shall maintain copies of the roster and waivers for a period of one year.

Note that faculty and staff members shall not use their own vehicles to transport students. Students who choose to drive to activities or events do so at their own risk. Public transportation is recommended for

all events that are local. Mercy's Vehicle Use Policy governs the use of Mercy University vehicles and rental cars and should be consulted regarding travel.

It is required that the trip's leader maintain a copy of the participants' individual waivers and bring forms to the activity as they contain the participants' emergency contacts. Waivers may be shredded and disposed of properly at the completion of the activity.

Should there be an emergency that is serious/life threatening during the activity, the leader should immediately call 9-1-1. Once the situation is stabilized, the leader should call the office to which they submitted the Student Off Campus Activity Information and Roster Form. The Office will then notify Student Affairs and any other office that they believe to be appropriate, and the group will then develop a plan of action.

Should there be an emergency that is not life threatening but of concern, the faculty advisor for the organization sponsoring the activity should be the first point of contact. Said advisor should notify the appropriate Mercy staff to develop a plan of action.

Upon return to campus the trip leader should notify the relevant office that activity is over.

**Student Voluntary Participation Waiver, Release, and Emergency Contact Form**

**Student Name** \_\_\_\_\_ **CWID** \_\_\_\_\_

**Address** \_\_\_\_\_

**Cell phone/ contact** \_\_\_\_\_ **Email** \_\_\_\_\_

**Activity Description** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Designated Leader** \_\_\_\_\_

**Date(s):** \_\_\_\_\_

---

I, the undersigned, voluntarily wish to participate in the off-campus activity outlined above. In consideration for being permitted to participate in the off-campus activity, I hereby represent and agree to the following:

1. At all times while engaged in the off-campus activity I will comply with all Mercy policies and procedures as laid out in the Mercy Student Off Campus Activities and Trips Policy and the Mercy Student Handbook.
2. I understand that participation in the off-campus activity may involve risks and hazards. I am fully aware of and voluntarily assume these risks and hazards. I have sought additional information where I felt it appropriate and I now acknowledge, accept, and assume all such risks and hazards whether or not they were foreseeable and whether or not they were caused by the negligent or intentional acts or omissions of those associated with Mercy or others.
3. I hereby release Mercy University and its servants, agents, employees as well any student organization and/or related entity of Mercy that organized, sponsored and/or funded this off-campus activity from any and all liabilities, claims, demands, actions, and cause of action whatsoever arising out of or related to any loss, damage, injury or death to me or others or to any property belonging to me or others whether such injury or damage stems from negligence or an intentional act.
4. I assume full financial responsibility for all costs and expenses incurred by me as it relates to damage or destruction to property of third parties that I may cause in the course of the off-campus activity.
5. In the event that I am injured or ill and my emergency contact is not reachable, Mercy University and its representatives are authorized to act on my behalf and make decisions relating to my treatment that they believe necessary and appropriate at my expense.
6. My emergency contact information is listed below:

**Name** \_\_\_\_\_

**Relationship** \_\_\_\_\_

**Cell Phone number** \_\_\_\_\_

I have read this waiver and release. I fully understand it and voluntarily sign it with the intention of being bound by its terms. This waiver and release, along with Mercy's Policy for Off Campus Activities and Trips and Mercy's Student Handbook, represents my complete understanding with Mercy concerning both Mercy's and my own responsibilities and liabilities for my participation in this off-campus activity.

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STUDENT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

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PARENT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
(Required if student is under 18)

## MERCY UNIVERSITY POLICY ON SEXUAL MISCONDUCT

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### I. Policy Statement

Every member of the Mercy University 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 and regulations, including federal Title IX, New York State Education Law Article 129B, and New York State Human Rights Law;
- 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 University 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 University 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 all University 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 University.

Throughout this Policy, rights afforded and responses by the University will vary depending on whether

the complainant is a student or employee, and whether conduct falls under the federal Title IX law and regulations and if not, then under which other federal, state laws and local laws relating to sexual harassment and sexual violence, including but not limited to: Title VII of the Civil Rights Act, Article 129A and 129B of the New York State Education Law, or the New York State, New York City and Westchester County Human Rights Laws. The University 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 Director for clarification.

## II. Prohibited Conduct and Definitions

### A. Sexual Harassment and Sexual Violence

This Policy prohibits sexual harassment and sexual violence (together and hereinafter referred to as "Sexual Misconduct") against Mercy University students, employees and others as set forth in Section III below.

### B. Definitions

The following behaviors constitute Sexual Misconduct prohibited under this Policy:

1. **Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct. Dating violence includes the threat of sexual assault or physical abuse. The existence of such a relationship is determined based on a consideration of the following factors: (1) The length of the relationship; (2) The type of relationship and (3) The frequency of interaction between the persons involved in the relationship. A relationship may be romantic or intimate regardless of whether the relationship was sexual in nature.
2. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim by a person with whom the victim shares a child, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under applicable domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under applicable domestic or family violence laws. Domestic violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct.
3. **Sexual Assault: Contact** is any sexual contact, including sexual touching for the purpose of sexual gratification of either party or degrading or abusing such person, without a person's consent. Sexual touching includes contact under or over clothing with another person's anus, breasts, buttocks, genitals, groin, or inner thigh; touching another person anywhere with any of

these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.

4. **Sexual Assault: Penetration** is any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue, or finger without a person's consent. This term includes incest and statutory rape.
5. **Sexual Harassment** is unwelcome verbal or physical behavior based on a person's sex (including sexual orientation, gender, gender expression and gender identity, including transgender status). Conduct is considered "unwelcome" if the individual did not request or invite it and considered the conduct to be undesirable or offensive. This includes unwelcome conduct when: (1) a Mercy employee conditions the provision of an aid, benefit, or service of Mercy on an individual's participation in unwelcome sexual conduct (quid pro quo); and/or (2) such conduct alters the conditions of, or has the effect of interfering with, an individual's educational or work experience by creating an intimidating, hostile or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

While it is not possible to list all circumstances that might constitute Sexual Harassment, the following are some examples of conduct that might constitute such harassment:

- a. Suggestive body language or inappropriate or unwelcome physical contact that does not qualify as Sexual Assault;
- b. Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;
- c. Making lewd or sexual comments about an individual's appearance, body, or clothing;
- d. Visual displays or distribution of sexually explicit drawings, pictures, or written materials;
- e. Displaying nudity or engaging in sexual relations in spaces that can be seen by others;
- f. Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures; or
- g. Offensive comments regarding a person's sexual orientation, gender identity or gender expression, such as persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.

Further, under New York State Law for Mercy University 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 University to be liable, although the actions are defensible if they are not more than "petty slights or trivial inconveniences."

6. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a

reasonable person to: (1) fear for their safety or the safety of others or (2) suffer substantial emotional distress. This Policy addresses stalking that is based on sex (including sexual orientation, gender, gender expression and gender identity, including transgender status). All other stalking will be addressed under other applicable policies.

7. **Title IX Sexual Harassment** is a subset of the broader definition of Sexual Harassment above. It is defined by the USDOE to mean conduct on the basis of sex that occurs in Mercy's education program or activity against a person in the United States and that satisfies one or more of the following: (1) a Mercy employee conditioning the provision of an aid, benefit, or service of Mercy on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Mercy's education program or activity; or (3) Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined in this Policy.
8. **Voyeurism** is unlawful surveillance and includes acts that violate a person's right to privacy in connection with their body and/or sexual activity such as:
  - a. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.
  - b. Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, without that person's consent;
  - c. Disseminating images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, 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 such disclosure; or
  - d. Using or installing or permitting the use or installation of a device for the purpose of recording another person's sexual activity, intimate body parts or nakedness in a place where the person would have a reasonable expectation of privacy without that person's consent.

Other important terms and concepts addressed in this Policy:

1. **Consent** means affirmative consent.
2. **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.

- a. 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.
- b. In order to give consent, one must be of legal age (17 years or older in New York).
- c. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- d. 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.
- e. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- f. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

3. **Sexual Act/Sexual Activity** is

- a. Any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue, or finger.
- b. Any sexual contact, including sexual touching. Sexual touching includes contact
- c. under or over clothing with another person's anus, breasts, buttocks, genitals, groin, or inner thigh; touching another person anywhere with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.

4. **Complainant** refers to the individual who alleges that they have been the subject of Sexual Misconduct, and may be a Mercy student, employee (including all full-time and part-time faculty and staff and paid/unpaid interns) or visitor. Under this Policy, the alleged incident(s) may have been brought to the University's attention by someone other than the complainant.

5. **Confidentiality** is the commitment not to share any identifying information with others, except as required by law in emergency circumstances (such as risk of death or serious bodily harm). Confidentiality may only be offered by individuals who are not required to report known incidents of Sexual Misconduct to University officials. Licensed mental health counselors, medical providers and pastoral counselors may offer confidentiality. See additional discussion in Section VI.

6. **Day.** Whenever this Policy refers to a “day,” it means a calendar day other than a Saturday, Sunday or federal or state holiday.
7. **Education program or activity** includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.
8. **Knowingly submitting false statements or information** means knowingly making false statements or submitting false information in connection with any allegation of Sexual Misconduct (as opposed to providing information which, even if erroneous, is provided in good faith). Anyone who knowingly makes false statements or submits false information in connection with any allegation of Sexual Misconduct will be subject to disciplinary action in accordance with Mercy policies, handbooks, and collective bargaining agreements.
9. **Non-Title IX Sexual Misconduct Matter** is the term used to describe allegations of Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment and therefore will be resolved, investigated, and adjudicated pursuant to the procedures outlined in Section XII.
10. **Party** is a Complainant or Respondent.
11. **Preponderance of evidence** is the standard of evidence used during the investigation and adjudication of Sexual Misconduct allegations under this Policy. A preponderance of the evidence means whether it is more likely than not that the Sexual Misconduct occurred.
12. **Privacy** is the assurance that an individual or the University will only reveal information about allegations of Sexual Misconduct to those who need to know the information in order to carry out their duties or responsibilities or as otherwise required by law. Individuals who are unable to offer the higher standard of confidentiality under law, but who are still committed to not disclose information more than necessary, may offer privacy. See additional discussion in Section VI.
13. **Respondent** refers to the individual who is alleged to have committed Sexual Misconduct against a Mercy student, employee, or visitor.
14. **Retaliation** is adverse treatment of an individual as a result of that individual’s reporting Sexual Misconduct, assisting someone to report Sexual Misconduct, opposing in a reasonable manner an act or policy believed to constitute Sexual Misconduct, or participating in any manner (or refusing to participate) in an investigation or resolution under this Policy. Adverse treatment includes intimidation, threats, coercion, or discrimination for the purpose of interfering with any right or privilege secured by this Policy. All individuals are prohibited from engaging in

retaliation, including complainants, respondents, and others, such as friends or relatives of the parties.

15. **Title IX Formal Complaint** is a document filed by a complainant or signed by the Title IX Director alleging Title IX Sexual Harassment against a respondent and requesting that the University investigate the allegations. The Title IX Director may sign a Title IX Formal Complaint with or without a complainant's desire to participate in a grievance process.
16. **Title IX Sexual Harassment Matter** is the term used to describe allegations of Sexual Misconduct that meet the definition of Title IX Sexual Harassment and therefore must be resolved, investigated, and adjudicated pursuant to the Title IX grievance procedures required by the USDOE and outlined in Section XI.
17. **Visitor** is any person other than a Mercy student or employee who interacts with the Mercy community. Mercy alumni are considered visitors under this Policy.
18. **Writing.** Whenever this Policy requires a "writing," electronic mail satisfies the writing requirement.

#### C. Retaliation

The University prohibits retaliation against any person who reports Sexual Misconduct, assists someone making such a report, or participates in any manner in an investigation, hearing or resolution of a complaint under this Policy, including respondents and their witnesses.

### III. Applicability

- A. **Students and Employees.** This Policy applies to all students and employees, including all full-time and part-time faculty and staff at all of Mercy University's campuses and locations.
- B. **Other Community Members.** This Policy also applies to other members of the University community, including but not limited to student applicants for admission, applicants for employment, contractors, vendors, and visitors. If other community members engage in behavior prohibited under this Policy or are subjected to behavior prohibited under this Policy at a Mercy University location, the University will take appropriate action, including immediate removal from the campus/location.
- C. 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 University's educational programs or activities,

against a person in the United States.

- D. While this Policy applies to prohibited sexual harassment and sexual violence, the University's Policy on Equal Opportunity and Non-Discrimination ("Non-Discrimination Policy") addresses all other forms of prohibited discrimination, including sex-based discrimination. Complaints under the University's Non-Discrimination Policy can be made by students, employees, and other community members here: <https://www.mercy.edu/about/mercy-university-policies/equity-compliance>.

#### IV. Director of Title IX

Mercy University has designated an employee as the Director of Title IX. 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 federal Title VII, New York State's sexual harassment laws, and New York Education Laws 129A and 129B. Contact information for the Title IX Director can be found at: <https://www.mercy.edu/about/title-ix>

The Title IX Director 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 Director, and that this information is prominently displayed on the University 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
- E. state and federal laws, and this Policy;
- F. Ensuring investigations are handled in a prompt and thorough manner, maintaining confidentiality when requested and where appropriate, and offering privacy for all persons
- G. involved to the greatest extent possible;
- H. Keeping the University President and other appropriate senior administrators informed of ongoing investigations, including findings of misconduct and penalties to be imposed under this Policy;
- I. Ensuring appropriate student education and employee training, including for Responsible Employees (defined below), Hearing Officer(s), Appeals Panel members, advisors and individuals

facilitating informal resolution, is conducted;

- J. Ensuring a campus climate assessment is conducted in accordance with relevant law; and
- K. Ensuring the University's compliance with federal and state reporting obligations.

#### V. Resources and Information for Individuals Affected by Sexual Misconduct

Mercy is committed to providing assistance, support, and resources to those affected by Sexual Misconduct. This Section discusses a complainant's option of reporting Sexual Misconduct to outside law enforcement, the differences between Mercy's process and procedures and those of outside law enforcement, and how to obtain immediate medical attention and emotional support.

##### A. Reporting to Law Enforcement

Students, employees, and other community members are strongly encouraged to report sexual violence that occurred on or off-campus to local law enforcement and/or state police ("outside law enforcement"). Mercy does not require that a complainant report sexual violence to outside law enforcement; nor will Mercy do so without the complainant's agreement, except in exceptional circumstances. The University may report sexual violence to outside law enforcement without the complainant's consent when the University determines that the respondent poses a serious continuing threat to the physical safety of the complainant or another person.

If a student or employee chooses to report sexual violence to outside law enforcement, Mercy will provide assistance. The University 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. Mercy's Process When Cases are Reported to Outside Law Enforcement

In cases where the complainant reports allegations to outside law enforcement authorities as well as to the University, the University must determine what actions to take based on its own investigation. The University may coordinate with outside law enforcement authorities in order to avoid interfering with their activities and, where possible, to obtain information regarding their investigation. 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.

Students, employees, and other community members should be aware that Mercy procedures and standards differ from those of criminal law. When Mercy investigates allegations of Sexual Misconduct or brings disciplinary proceedings for violations of this Policy, the issue is whether the respondent

violated Mercy policy. The standard applied in making this determination is whether the preponderance of the evidence supports a finding of responsibility (or whether it is more likely than not that the alleged conduct occurred). An individual found to have violated this Policy may be sanctioned by the University. In the criminal justice system, on the other hand, the issue is whether the accused violated criminal law. The standard applied is proof beyond a reasonable doubt and an individual found guilty of a crime is subject to criminal penalties, such as incarceration, probation, and fines.

### C. Obtaining Immediate Medical Attention and Emotional Support

Mercy University 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.

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 University's website at: <https://www.mercy.edu/student-affairs/health-wellness-center> for more information about obtaining assistance.

A list of local off-campus resources can be found in Appendix B of this Policy and on the Mercy University website at <https://www.mercy.edu/about/title-ix>, which includes 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.

## VI. Important Information About Reporting and Confidentiality Obligations of Mercy Employees

Mercy values the privacy of its students and employees and recognizes that they should be able to seek the assistance they need without fear that the information they provide will be shared more broadly. An individual who speaks to a University employee about Sexual Misconduct should be aware that employees fall into three categories:

- Confidential Employees have an obligation to maintain a complainant's confidentiality regarding allegations of Sexual Misconduct and will not share any identifying information with others, except as required by law in emergency circumstances;

- Responsible Employees are required to report allegations of Sexual Misconduct to the Title IX Director but will protect an individual’s privacy to the greatest extent possible and share information with other staff only on a need-to-know basis; and
- All other employees are strongly encouraged, but not required to report allegations of Sexual Misconduct to the Title IX Director. These employees are otherwise encouraged to protect an individual’s privacy to the greatest extent possible and share information only with the Title IX Director.

Note: Under the Clery Act, the University is required to maintain records, advise the government about reports of certain crimes and issue timely warnings when there is a serious, continuing threat to the community. Such reports and warnings do not disclose identifying information.

#### A. Confidential Employees

1. Student Complainants. Students who wish to speak to someone who will keep the communications confidential should speak to one of the following:
  - a. Counselor at the counseling center; or
  - b. Nurse or nurse practitioner at the University Health Office.

These individuals will not report the allegations to the Title IX Director or other University employees without the student’s permission. The only exception is in the case where there is an imminent threat of serious injury to the complainant or another person.

If a student speaks solely to a confidential employee, the University will be limited in its ability to conduct an investigation into the allegations or pursue disciplinary action against the respondent. Confidential employees will assist students in obtaining other necessary support.

2. Employee Complainants. Although Mercy does not directly employ individuals to whom Mercy employees can speak on a confidential basis regarding Sexual Misconduct, free confidential support services are available through the Employee Assistance Program (EAP), which is administered by an outside company. Confidential community counseling resources are also available throughout Westchester County and New York City. See Appendix B.

Complainants may use these confidential resources even if they decide not to report allegations of Sexual Misconduct or participate in an investigation, Mercy’s resolution process or the criminal justice process. A complainant who first speaks to a confidential resource may later decide to report allegations to the University or with outside law enforcement.

## B. Responsible Employees

Individuals designated as Responsible Employees have a duty to report allegations of Sexual Misconduct, including all relevant details, to the Title IX Director. These employees are not permitted to maintain a complainant's confidentiality but will maintain a complainant's privacy to the greatest extent possible, and information reported to them will be shared only with the Title IX Director and other people responsible for handling the University's response to the report.

To the extent possible, before a complainant reveals any information to a responsible employee, the employee should advise the complainant of the employee's reporting obligations—and if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

Mercy has designated the following individuals as Responsible Employees:

- Athletic staff
- Campus Safety staff
- Deans and Associate Deans
- Faculty advisors to student groups
- Human Resources staff
- President's Office
- Provost and Associate Provosts
- Residential Life staff
- Staff Officers
- Title IX Director
- Vice President, Assistant Vice Presidents, and Executive Directors in the Office of Student Affairs
- Managers or Supervisors regarding alleged Sexual Misconduct involving people who report to them

## C. Special Rules Concerning Public Awareness and Advocacy Events

Mercy supports public awareness events that help provide its community with information about Sexual Misconduct and how it can be addressed and prevented. In order to preserve the ability to participate freely in public awareness and advocacy events if an individual discloses information about Sexual Misconduct at such event (for example, Take Back the Night gatherings, candlelight vigils, or protests) the University will not treat the disclosure as triggering an obligation to commence an investigation based on that information. Such individuals are encouraged to report Sexual Misconduct to University officials so that the University can provide resources and assistance.

**Managers** are employees who have authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate, or assign significant different responsibilities. **Supervisors** are employees who are not managers but have a sufficient degree of control over the working conditions or one or more employees, which might include evaluating their performance and making recommendations for changes in employment status that are given particular

weight.

## VII. Reporting Sexual Misconduct at Mercy University

In order for Mercy University to address allegations of Sexual Misconduct, it has to learn about the allegations. As such, Mercy strongly encourages individuals who have experienced Sexual Misconduct to report the incident to a designated University official, as set forth in Section VII.B below. The designated officials are trained to receive allegations of Sexual Misconduct, to ensure they are investigated in accordance with this Policy and to help complainants obtain necessary assistance. Students, employees, and other community members are encouraged to report allegations of Sexual Misconduct to campus officials, regardless of whether they have reported the incident to outside law enforcement authorities and regardless of where the incident took place.

### A. Complainant's Rights

Individuals who have experienced Sexual Misconduct have the right to report allegations to the University or to decide not to do so. Students who report Sexual Misconduct have all of the rights contained in the Students' Bill of Rights (Appendix A).

Complainants also have the following rights:

1. To notify Campus Safety and/or outside law enforcement, or to choose not to report;
2. To have emergency access to a University official trained to interview victims of sexual assault and able to provide certain information, including reporting options and information about confidentiality and privacy. The official will, where appropriate, advise about the importance of preserving evidence and obtaining a Sexual Assault Forensic Examination ("SAFE") as soon as possible. The official will also explain that the criminal process uses different standards of proof and evidence, and that any questions about whether an incident violated criminal law should be addressed to a law enforcement official or a district attorney's office;
3. To disclose the incident to a University representative who can offer confidentiality or privacy and assist in obtaining services (See Section VI above);
4. To describe the incident only to those campus officials who need the information in order to properly respond and to repeat the description as few times as necessary;
5. To have allegations of Sexual Misconduct investigated in accordance with Mercy Policy;

6. To have privacy preserved to the extent possible;
7. To receive assistance and resources on campus, including confidential and free on-campus counseling, and to be notified of other services available on and off campus, including the New York State Office of Victim Services;
8. To disclose the incident confidentially and obtain services from state and local governments;
9. To receive assistance from University officials in filing a criminal complaint, initiating legal proceedings in family court or civil court, and/or seeking an Order of Protection or the equivalent. In New York City and Westchester County, this assistance is provided by Family Justice Centers;
10. To receive assistance with effectuating an arrest when an individual violates an Order of Protection by contacting local law enforcement; and
11. To withdraw allegations or involvement from the process at any time.

#### B. Where to Report Allegations of Sexual Misconduct on Campus

Students, employees, and other community members who experience Sexual Misconduct and wish to report the allegations should notify one of these campus officials/offices:

1. Title IX Director;
2. Campus Safety;
3. Vice President for Student Affairs;
4. Residence Life; or
5. Human Resources.

Contact information for these officials can be found at Mercy's Title IX Website. Complainants are encouraged, but not required, to complete the Mercy Sexual Misconduct Allegation Form. The form can be submitted electronically, can be brought to one of the offices listed above or sent by email to [titleix.equity@mercy.edu](mailto:titleix.equity@mercy.edu). The University will respond to allegations, regardless of whether the form is submitted, or whether the complaint is oral or written.

When any of the officials or offices above is notified of allegations of Sexual Misconduct, they will notify the Title IX Officer immediately, who will provide a copy of this Policy to the complainant and coordinate with appropriate University offices to address the matter in accordance with this Policy,

including providing appropriate supportive measures (addressed in Section VIII below). These officials and offices will maintain a complainant's privacy to the greatest extent possible, and all information in connection with the allegations, including the identities of the complainant and the respondent, will be shared only with those who have a legitimate need for the information.

C. Request that the University Maintain a Complainant's Anonymity or Not Conduct an Investigation

Whether the University may maintain a complainant's anonymity or request to not conduct an investigation, depends on whether the allegations will proceed as a Title IX Sexual Harassment matter or a Non-Title IX Sexual Misconduct matter (see Section IX).

If the allegations will proceed as a Title IX Sexual Harassment matter, the Title IX Director must inform the complainant that the complainant's identity may not be kept anonymous if the complainant wishes to proceed with a Title IX Formal Complaint, and that the notice to the respondent will reveal the complainant's identity. The complainant may choose whether to file a Title IX Formal Complaint when so informed. If the complainant chooses not to file a Title IX Formal Complaint, their identity will not be disclosed to the respondent.

If the allegations will proceed as a Non-Title IX Sexual Misconduct matter, a complainant may request: (1) that the matter be investigated only to the extent possible without further revealing their identity or revealing further details or (2) that no investigation into a particular incident be conducted. If a complainant makes such a request, the Title IX Director will weigh the complainant's request against the University's obligation to provide a safe, non-discriminatory environment for all students, employees, and other 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 of unlawful conduct by the accused from previously noted behavior; (3) any increased risk that the accused will commit additional acts of violence, (4) whether the accused used a weapon or force; (5) whether the complainant is a minor; (6) whether the University possesses other means to obtain evidence such as security footage, and (7) whether available information reveals a pattern of misconduct.

The University's decision to maintain the complainant's anonymity does not mean that anonymity can be guaranteed in all circumstances; rather, the University will make reasonable efforts to keep information confidential consistent with law. Of course, the University's ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request for anonymity. Notwithstanding the decision of the Title IX Director regarding the scope of any investigation, the University will provide the complainant with ongoing assistance and support, including, where appropriate, the supportive measures and accommodations set forth in Section VIII of this Policy.

#### D. Filing External Complaints

Individuals who feel that they have been subjected to Sexual Misconduct have the right to avail themselves of any and all of their rights under law, including but not limited to filing complaints with one or more of the outside agencies listed below:

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

In certain circumstances, the University may close an investigation upon the filing of an external complaint. When this happens, the outside agency takes over the investigation and the University will cooperate with the investigation conducted by the outside agency. If the University closes an investigation for this reason, the Title IX Director must notify the parties in writing.

#### E. Reporting and Other Actions by Bystanders

While Responsible Employees are required reporters pursuant to this Policy, Mercy University encourages all other employees, students and community members to report incidents of Sexual Misconduct that they observe or become aware of to the Title IX Director or other campus official so that the University 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 University and shall be protected from retaliation. The University also encourages bystanders who witness Sexual Misconduct 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.

#### F. 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 Misconduct complaint may file a complaint with the Title IX Director. 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.

#### G. Amnesty for Alcohol and/or Drug Use

The health and safety of every student at Mercy University is of the utmost importance. Mercy recognizes that students who have been drinking and/or using drugs at the time that Sexual Misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Mercy University strongly encourages students to report incidents of Sexual Misconduct. Therefore, a complainant or bystander acting in good faith who reports any incident of Sexual Misconduct to Mercy University or law enforcement authorities will not be subject to the University'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 Misconduct. Amnesty does not apply to those who are illegally distributing alcohol or drugs.

#### H. Coordination with Outside Law Enforcement Authorities

In cases where the Complainant files a complaint with outside law enforcement authorities as well as with the University, the University shall determine what actions to take based on its own investigation. The University 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 University 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.

#### I. Timing

The University 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 Director will notify both Parties in writing and continue to keep them aware of the timeline and any further delays. If the University 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.

#### J. False and Malicious Allegations

Members of the Mercy University community who make false and malicious complaints of Sexual Misconduct, 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 University. Finding a person in violation of

University 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 University. A determination regarding responsibility, in and of itself, is not sufficient to conclude that any party made a bad faith materially false statement.

#### VIII. Supportive Measures and Accommodations

Supportive measures and accommodations are non-disciplinary, non-punitive individualized services designed to restore or preserve equal access to education and to ensure safety, prevent retaliation and avoid an ongoing hostile environment. Supportive measures and accommodations are available to complainants, respondents, and other affected parties. Supportive measures are available when the University becomes aware of allegations of Sexual Misconduct (including both Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters), whether or not a complainant chooses to move forward with an investigation and/or resolution. Supportive measures may be provided on an interim or continuing basis. The University may also take reasonable measures to ensure the safety of the University community at large.

The Title IX Director is responsible for coordinating and ensuring the effective implementation of supportive measures and accommodations. When the University learns of allegations of Sexual Misconduct, the Title IX Director will promptly contact a complainant to discuss the availability of supportive measures and accommodations, discuss the complainant's wishes with respect to supportive measures and accommodations and inform complainant that supportive measures and accommodations are available even if the complainant does not wish to proceed with an investigation and/or resolution of the allegations. Requests for supportive measures and accommodations should be made to the Title IX Director.

The Title IX Director will work with the Vice President of Student Affairs or their designee to assist students with obtaining supportive measures and accommodations. The Title IX Director will work with the Human Resources Director or their designee to assist employees with obtaining supportive measures and accommodations.

##### A. Range of Supportive Measures and Accommodations

Possible supportive measures and accommodations may include:

1. Making appropriate changes to academic programs, including changes in class schedule, accommodations to permit students to take an incomplete or drop a course or courses without penalty, permitting students to attend a class via videoconference platform or other alternative means, providing an academic tutor, or extending deadlines for assignments;
2. Making appropriate changes to residential housing situations or providing assistance in finding alternate housing;

3. Changing an employee's work assignment or schedule;
4. Providing an escort to and from class or campus work location;
5. Arranging appropriate transportation services to ensure safety;
6. Offering counseling services through the University's Counseling Center or other appropriate office, or referral to an off-campus agency;
7. Enforcing an Order of Protection issued by a court;
8. Issuing a No Contact Order whereby continued intentional contact would be a violation of Mercy Policy and subject to disciplinary action (see discussion below); and
9. Emergency removal of a respondent when they pose an imminent threat to the physical health or safety of any person (see discussion below).

#### B. No Contact Orders

No Contact Orders are directives issued by the University prohibiting intentional contact or communication between specified parties. An individual who intentionally violates a No Contact Order is in violation of Mercy Policy and will be subject to disciplinary action. No Contact Orders may be issued for both complainants and respondents, as well as other individuals as appropriate.

No Contact Orders are issued by the Title IX Director, the Vice President of Student Affairs, or their designee (for students), and/or the Director of Human Resources or their designee (for employees).

#### C. Emergency Removal

In exceptional circumstances, where a respondent presents an immediate threat to the physical health or safety of any student or other individual arising from a report of Sexual Misconduct, the University may effectuate an emergency removal of a student or take similar emergency measures against an employee, consistent with Mercy policies or collective bargaining agreements.

Prior to emergency removal under this Section, the Title IX Director will conduct an individualized safety and risk analysis to determine whether a respondent presents an immediate threat to the physical health or safety of any person arising from a report of Sexual Misconduct. The University will give the respondent notice and an opportunity to challenge the decision immediately following the removal (see Section VII below). Both parties will be notified at the same time and in the same manner of the emergency removal and if or when the emergency removal is lifted.

#### D. Process for Review of Supportive Measures and Accommodations, Including No Contact Orders and Emergency Removal

Parties may request a prompt review of the need for and terms of supportive measures that directly

affect them, including No Contact Orders and emergency removal. Issues that may be raised include possible modification or discontinuance of a No Contact Order.

If either party is a student, a request for review must be made to the University's Vice President for Student Affairs. If neither party is a student, a request for review must be made to the University's Director of Human Resources. If a case involves both a student and an employee, the Vice President for Student Affairs will consult with the Human Resources Director before making a decision. Requests for review must be in writing and parties may submit evidence to support their request. All requests will be reviewed within seven (7) days after receipt.

#### IX. Evaluation of Initial Allegations of Sexual Misconduct

Upon learning of allegations of Sexual Misconduct, the Title IX Director will evaluate whether the alleged behavior falls within the scope of Title IX Sexual Harassment. If the alleged Sexual Misconduct meets these criteria, it must proceed as a Title IX Sexual Harassment matter:

- A. The allegations, if true, meet the definition of Title IX Sexual Harassment as defined above in Section III;
- B. At the time the allegations are made, the complainant is participating in, or attempting to participate in an education program or activity at Mercy;
- C. The alleged sexual harassment occurred in the school's education program or activity, against a person in the United States; and
- D. The Complainant filed a formal complaint of Sexual Harassment.

If the alleged Sexual Misconduct does not meet all of the above criteria, the allegations will proceed as a Non-Title IX Sexual Misconduct matter. For allegations that involve multiple incidents of Sexual Misconduct, some of which qualify as a Title IX Sexual Harassment matter and some of which qualify as a Non-Title IX Sexual Misconduct matter, the allegations will proceed as a Title IX Sexual Harassment matter. Allegations of discrimination covered by Mercy's Policy on Equal Opportunity and Non-Discrimination will continue to be referred to the Director of Equity Compliance and Title IX and handled pursuant to separate procedures outlined in that Policy.

Rights and procedures that apply to all Sexual Misconduct matters are addressed in Section X. Procedures for the investigation, resolution and/or adjudication of Title IX Sexual Harassment matters are addressed in Section XI. Procedures for the investigation, resolution and/or adjudication of Non-Title IX Sexual Misconduct matters are addressed in Section XII.

#### X. Rights and Procedures that Apply to all Sexual Misconduct

The following rights and procedures apply to all allegations of Sexual Misconduct, regardless of whether the allegations will proceed as a Title IX Sexual Harassment matter or a Non-Title IX Sexual Misconduct matter.

##### A. Rights of Parties During any Investigation and Resolution

Parties will have the following rights when an investigation or resolution is initiated under either Section XI or XII of this Policy:

1. To an investigation and process that is fair, impartial, timely, thorough and provides a

- meaningful opportunity to be heard;
2. To have the allegations investigated and/or adjudicated by individuals who receive annual 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 any finding of responsibility;
  3. To have the allegations investigated, resolved and/or adjudicated by individuals who are free from a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent;
  4. To have the University's judicial or conduct process run concurrently with any criminal justice investigation and proceeding, except for temporary delays requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay;
  5. To an investigation process where the burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the parties;
  6. To receive reasonable advance written notice of any meeting they are required to or eligible to attend;
  7. To exclude their own prior sexual history with persons other than the other party in the investigation or conduct process and their own mental health diagnosis and/or treatment, subject to certain exceptions described in Sections XI.E and XI.G;
  8. To offer evidence during the investigation;
  9. To have irrelevant evidence excluded from any hearing;
  10. To review documents and tangible evidence, consistent with the Family Educational Rights and Privacy Act ("FERPA") and other laws;
  11. To be accompanied by an advisor of their choice (who may be an attorney), who may assist and advise throughout the process, including during all related meetings and hearings;
  12. To simultaneous notice of the outcome of proceedings, including written notice of findings of fact, decisions, and sanctions if any, as well as the rationale for the decision and any sanction;
  13. For Title IX Sexual Harassment matters, Mercy will provide an advisor to any party who does not have one, for the limited purpose of conducting cross examination at a hearing. See Section X for more information;
  14. To access to a full and fair record of any hearing;
  15. To protection against retaliation as defined in Section III; and
  16. To protection against the provision of false statements and evidence.

#### B. Informal Resolution

Informal Resolution is an alternative to the formal investigation and adjudication procedures outlined in Sections XI and XII and may include administrative resolution (such as a mutual agreement to abide by a

No Contact Order), acceptance of responsibility and penalty, mediation, or other alternative dispute resolution. In some cases, informal resolution may represent a beneficial outcome for both parties by providing an alternative to the formal investigation and adjudication process. This informal resolution process is available in matters proceeding as Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters, except in cases involving Title IX Sexual Harassment allegations by a student against an employee.

Informal resolution may take place at any point prior to a determination of responsibility. For Title IX Sexual Harassment matters, informal resolution is available after a Title IX Formal Complaint is filed. The Title IX Director must consider every eligible case for informal resolution. When the Title IX Director determines that it is appropriate to refer a matter for informal resolution, the Title IX Director will provide the parties with written notice that an informal resolution is being offered to resolve the allegations. This written notice will include:

1. A description of the allegations;
2. The requirements of the informal resolution process, including the circumstances under which an informal resolution will preclude the parties from resuming an investigation and formal resolution arising from the same allegations;
3. Potential consequences resulting from participating in the informal resolution process, including what records will be maintained or could be shared with the other party; and
4. Notice that either party has the right to withdraw from the informal resolution process and resume an investigation and formal resolution process at any time prior to agreeing to an informal resolution.

Both parties must agree to begin the informal resolution process. The time frame for investigations will be tolled while the parties engage in the informal resolution process. The Title IX Director must reevaluate the parties' progress towards informal resolution every thirty (30) days and has the discretion to terminate the informal resolution process and resume the investigation at any time.

Upon referral by the Title IX Director, the informal resolution process is conducted by a qualified staff or faculty member designated by the Title IX Director, in coordination with the Vice President of Student Affairs or a designated Human Resources representative, as applicable.

Either party has the right to end the informal resolution process at any time prior to finalizing an informal resolution agreement.

Any agreement reached through informal resolution must be acceptable to both parties and the University. If a resolution is reached, the parties will be notified in writing, and a written memorandum will memorialize the agreed upon resolution. Both parties must provide their voluntary, written consent before an informal resolution agreement is finalized. Once finalized, the obligations in the agreement will be binding and the allegations of Sexual Misconduct (and for Title IX Sexual Harassment matters, the

Title IX Formal Complaint) will be deemed resolved. Once finalized, this memorandum will be maintained for seven (7) years, in compliance with recordkeeping requirements outlined in Section X.I.

Information learned as a direct result of the informal resolution process will not be documented in an investigatory report or subsequent adjudication. Information learned from another source, however, will not be excluded from an investigatory report or subsequent adjudication merely because it was discussed or raised during the informal resolution process. The staff or faculty member conducting the informal resolution process is precluded from participating as a witness in the investigation or participating as a witness or presenter in a subsequent adjudication. Violations of informal resolution agreements will be referred for discipline or other appropriate action in accordance with Mercy University's policies and collective bargaining agreements.

#### C. Title IX Sexual Harassment Grievance

Only in Title IX Sexual Harassment matters will grievance hearings be convened. Mercy will appoint a Hearing Officer, who is specially trained annually on the relevant law and this Policy.

The Hearing Officer will decide whether the respondent is responsible for the alleged Policy violation(s). Hearings will be scheduled promptly (including during the summers) at a convenient time for all parties.

The Hearing Officer will not participate in a case if they have been involved in the investigation, will be participating in the hearing as a witness or if they have a direct interest in the outcome of the matter. The Hearing Officer will not participate in the hearing if they have previously participated in a case involving the same parties.

#### D. Appeals for Title IX Sexual Harassment and Non-Title IX Sexual Misconduct

Appeals are permitted in both Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters. The University shall convene a three-person Appeals Panel, with each Panel member being specially trained annually on the relevant law and this Policy.

A party may appeal the Hearing Officer's or University's determination of responsibility and/or the penalty imposed on the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the hearing, which could affect the outcome of the matter;
3. The Title IX Director, investigator or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
4. The disproportionate nature of the penalty.

The Appeal Panel may modify the penalty or remand the matter for a new hearing in Title IX Sexual

Harassment matters or re-review in Non-Title IX Sexual Misconduct matters.

Parties intending to appeal under this section must send a written Notice of Appeal to the Title IX Director within fifteen (15) days after the delivery of the written determination of responsibility. The Title IX Director will notify the non-appealing party in writing within five (5) days of receipt of the Notice of Appeal and will provide the hearing recording to the relevant parties in a timely manner. The non-appealing party has fifteen (15) days from receipt of the Notice of Appeal to submit a response as well.

The Appeal Panel will review the hearing materials and written submissions of the parties. The Appeal Panel will issue a written decision that indicates the final outcome and rationale for that decision within fifteen (15) days of receipt of the non-appealing party's written submission or failure to provide a submission. The written decision will be provided simultaneously to both parties.

#### E. Conflict/Bias

If a party believes that any individual involved in the investigation, resolution, grievance or appeals process has a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter, either party may make a request to have that conflicted individual removed from the process. Requests for removal must be made in writing within five (5) days of the notification that the individual is to be involved and include a detailed description of the conflict.

Requests for removal of the Hearing Officer or a member of the Appeals Panel must be made at least one (1) day before any hearing. All requests for removal must be directed to the Title IX Director. After receiving a request for removal, the Title IX Officer will ask the individual with the alleged conflict to provide a short, written response to the request for removal and consider that response before making a determination. If a conflict exists, the Title IX Director will take immediate steps to replace that investigator, informal resolution facilitator or Panel member to ensure an impartial and fair process.

#### F. Hearing Recording

The University shall make a recording of each hearing by some means such as a stenographic transcript, an audio recording, or the equivalent. No other recording of the proceedings is permitted. A respondent who has been found responsible after a hearing is entitled upon request to a copy of such a record without cost upon the condition that it is not to be disseminated except to the respondent's advisor. In the event of an appeal, the parties will be provided a copy of such a record without cost, upon the condition that it is not to be disseminated except to their advisors.

The parties are prohibited from recording any part of the investigation and grievance process and from unauthorized copying of documents or materials, as well as unauthorized posting, distribution or otherwise sharing of said recordings, documents, or materials to anyone other than family, an advisor or legal counsel. Copying includes but is not limited to audio or video recording, streaming, photographing, scanning, transcribing, or any other form that conflicts with the spirit of this directive. Allegations of non-compliance under this Section will be reviewed by the Office of Student Affairs, or Human Resources, as appropriate, and may result in disciplinary action.

#### G. Student Respondent Withdrawal Before Allegations are Resolved

When a student respondent withdraws from the University with a Sexual Misconduct investigation or adjudication pending, the respondent will be barred from returning until the investigation and/or adjudication is complete, or the allegations are otherwise resolved. If the respondent fails to appear at a subsequent hearing, the University may proceed in absentia, and any decision and sanction shall be binding, pending appeal.

The University must place a notation on the respondent's transcript that the respondent "withdrew with conduct charges pending." If the respondent is subsequently found not responsible at a hearing, the transcript notation will be removed. If the respondent is subsequently found responsible at a hearing and the penalty is either suspension or expulsion, the transcript notation will be adjusted in accordance with Section H below.

#### H. Transcript Notations

When a student respondent is found responsible and the penalty is either suspension or expulsion, the University must place a notation on the respondent's transcript stating that respondent "was suspended/expelled after a finding of responsibility for a code of conduct violation."

For expulsion cases, after four years from the date of the conclusion of the disciplinary proceeding, or one year after the conclusion of any suspension (whichever is shorter), the respondent has the right to request that a transcript notation from a finding of responsibility be removed. However, in cases where a student respondent was expelled as a result of a Clery Act crime of violence (20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII)) including but not limited to sexual assault, the notation will not be removed. If a finding of responsibility is vacated for any reason, the notation must be removed.

#### I. Recordkeeping

All records related to the University's response to allegations of Sexual Misconduct must be maintained for 7 years from the last action on a matter unless such records must be maintained for a longer period of time pursuant to Mercy's Records Retention and Disposition Schedule.

These records include: records of any actions, including any supportive measures or accommodations taken in response to allegations of Sexual Misconduct; investigation records, materials, and documents; determinations regarding responsibility and disciplinary sanctions; remedies provided to a complainant designed to restore or preserve equal access to Mercy's education program or activity; any appeals and the result; any informal resolution and the result; and any recordings or transcripts of hearings. Mercy's Records Retention and Disposition Schedule requires that student disciplinary records be maintained permanently.

### XI. Procedures for Title IX Sexual Harassment Matters

The following procedures apply only to Title IX Sexual Harassment matters.

#### A. Requirement of a Title IX Formal Complaint

The Title IX Director will determine if the initial allegations that were reported meet the criteria of a Title IX Formal Complaint, which is required to initiate a grievance process or resolution.

A Title IX Formal Complaint is a document filed by a complainant or signed by the Title IX Director alleging Title IX Sexual Harassment (as defined in Section III) against a respondent and requesting that the University investigate the allegations. The Title IX Director may sign a Title IX Formal Complaint with or without a complainant's desire to participate in a grievance process. A Title IX Formal Complaint may be a physical document, email, or electronic submission through a campus online form, so long as it contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint.

If the initial allegations that were reported do not meet the criteria of a Title IX Formal Complaint, the Title IX Director will contact the complainant to explain how to file a Title IX Formal Complaint and notify them that a Title IX Formal Complaint is required to resolve the allegations. If no Title IX Formal Complaint is received within a reasonable time, the Title IX Director may administratively close the matter. A complainant may file a Title IX Formal Complaint at any time thereafter.

#### B. Initiation of Title IX Grievance Procedure

Upon receipt of a Title IX Formal Complaint, the Title IX Director will notify the known parties that the University is commencing a Title IX grievance procedure. The notice will be in writing and will include the following:

1. Mercy's Policy on Sexual Misconduct;
2. Notice of the allegations, including sufficient details known at the time notice is sent, including the date, time and location of the alleged behavior, the identity of the parties and the specific act or acts that are alleged to violate the Policy's prohibition of Title IX Sexual Harassment, defined in Section III;
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
4. A statement that the allegations outlined in the notice may not be the final allegations considered by the University, and notice that if the University decides to investigate additional allegations, the University will provide notice of the additional allegations in a timely manner and with sufficient time for the parties to prepare for any hearing;
5. Notice that the parties may have an advisor of their choice, who may be an attorney, throughout the process;
6. Notice that parties may inspect and review evidence;
7. Notice that the parties are entitled to written notice of the date, time, location, participants and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate in any hearing, investigative interview, or meeting;
8. Notice that the burden of proof and the burden of gathering evidence sufficient to reach

- a determination regarding responsibility rest on the University and not on the parties;
- 9. Mercy's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process, as defined in Section VII.J.; and
- 10. Mercy's prohibition on retaliation, as defined in Section III.

This notice will be provided at least five (5) days before any initial interview unless a party consents to a shorter period.

#### C. Informal Resolution

A Title IX Formal Complaint may be resolved through an informal resolution process (Section X.B.)

#### D. Dismissal of Title IX Formal Complaint Prior to Resolution

1. **Mandatory Dismissals:** If, at any time after receipt of a Title IX Formal Complaint, it becomes clear that the allegations, if true, do not meet the definition of Title IX Sexual Harassment, the Title IX Director must dismiss the Title IX Formal Complaint.
2. **Discretionary Dismissals:** The Title IX Director may dismiss a Title IX Formal Complaint, or any allegations therein, if:
  - a. The complainant notifies the Title IX Director in writing that the complainant would like to withdraw the Title IX Formal Complaint or any allegations therein;
  - b. The respondent is no longer enrolled or employed by Mercy; or
  - c. Specific circumstances exist that prevent the University from gathering evidence sufficient to reach a determination as to the Title IX Formal Complaint or allegations therein.
3. **Process following dismissal of Title IX Formal Complaint:** Upon mandatory or discretionary dismissal of a Title IX Formal Complaint, the Title IX Director must determine whether the allegations will proceed as a Non-Title IX Sexual Misconduct matter. The parties will be notified of the dismissal in writing and provided an opportunity to appeal, as discussed in Section XI.
4. This notice will include:
  - a. The basis for the dismissal;
  - b. Whether the allegations will proceed as a Non-Title IX Sexual Misconduct matter; and
  - c. The parties' right to appeal the dismissal and the procedures to do so.

#### E. Appeal of Dismissal of a Title IX Formal Complaint

Either party may appeal the dismissal of a Title IX Formal Complaint on the following grounds:

1. A procedural irregularity affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the dismissal was made, that could affect the outcome of the matter; and/or
3. The Title IX Director, investigator(s), or decision-maker(s) had a conflict of interest or bias for or

against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeals under this section must be directed to the Director of Human Resources (if the complainant is an employee) or Vice President for Student Affairs (if the complainant is a student) in writing within five (5) days after the delivery of the written dismissal notice. The Director of Human Resources or Vice President of Student Affairs, or their designee will notify the non-appealing party in writing within five (5) days of the receipt of any appeal under this Section and will notify the non-appealing party of their opportunity to submit a written statement in support of, or challenging the dismissal of the Title IX Formal Complaint, due within five (5) days after the delivery of written notice. The Director of Human Resources or Vice President of Student Affairs, or their designee, will issue a written decision describing the result of the appeal and the rationale for the result within fifteen (15) days of the receipt of the appeal or within fifteen (15) days of the receipt of the opposing party's submission, whichever is longer. The written decision will be provided simultaneously to both parties.

The Title IX Director must wait until an appeal under this section is decided before taking any further action as a Non-Title IX Sexual Misconduct matter.

#### F. Formal Resolution and Investigation

##### 1. Rights of the Parties

When a Title IX Formal Complaint proceeds to formal resolution and investigation, the parties have the following rights in addition to those outlined in Section X.A.:

- a. To have the Title IX Formal Complaint investigated, resolved and/or adjudicated by individuals who receive training as required by federal regulation;
- b. To an evaluation of all relevant evidence, including both inculpatory and exculpatory evidence and credibility determinations that are not based on a person's status as a complainant, respondent, or witness;
- c. To receive reasonable advance written or electronic notice of allegations, including the date, time, location, and general description of the allegations, as well as the specific conduct rule or law violated and the possible sanction;
- d. To exclude questions and evidence about their own sexual predisposition or prior sexual behavior, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent (complainant only);
- e. To the exclusion (including the University's access, consideration, disclosure or other use) of a party's records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains the party's voluntary, written consent;
- f. To offer evidence during the investigation, including both fact and expert witnesses and

- other inculpatory and exculpatory evidence;
- g. To an investigative report that fairly summarizes relevant evidence;
- h. To inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Title IX Formal Complaint, including inculpatory or exculpatory evidence whether obtained from a party or other source, consistent with FERPA and other law; and to submit a written response within ten (10) days of receiving said evidence and to have that written response considered by the Title IX Director prior to the investigative report being finalized;
- i. To review the investigative report at least ten (10) days prior to any hearing and to respond in writing prior to a hearing or other time of determination regarding responsibility; and
- j. To a live hearing and cross examination; Mercy will provide an advisor to any party who does not have one, for the limited purpose of conducting cross examination at a hearing.

## 2. Investigation

The Title IX Director is responsible for conducting investigations in a prompt, thorough, and impartial manner. Whenever an investigation is conducted, the Title IX Director must:

- a. Inform the parties that a Title IX grievance procedure and investigation is being commenced and their rights during such investigation, as outlined in Sections X and XI;
- b. Coordinate investigative efforts with other appropriate offices;
- c. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties; and
- d. Interview witnesses who might reasonably be expected to provide information relevant to the allegations and review relevant documents and evidence.

The University must make reasonable efforts to ensure that the investigation is carried out within a reasonably prompt timeframe. While some allegations may require more extensive investigation, when possible, the investigation of a Title IX Formal Complaint must be completed within one hundred-twenty (120) days of receipt of the Title IX Formal Complaint (including the evidence review process, completion of the investigative report and report review process, as discussed below).

If there is a delay in completing the investigation, the Title IX Director must notify the parties in writing and indicate the reason for the delay. The Title IX Director should also note the reason for the delay and the projected timeline for completing the investigation in their case file. The reason for extension of the time frame of an investigation may include, but is not limited to: compliance with a request by law enforcement; a limited accommodation for the availability of parties, their advisors and witnesses; students on leave; exam periods, school breaks or vacations; and accounting for the complexities of a specific investigation, including the number of witnesses and volume of information provided by the parties.

## 3. Post-Investigation Review of Relevant Documents and Materials

Prior to the completion of the investigative report (discussed below), the Title IX Director will send the parties (either in hard copy or electronic form) all of the relevant documents and materials gathered during the investigation that are directly related to the allegations raised in the Title IX Formal Complaint. These materials include any evidence upon which the Title IX Director does not intend to rely when making a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or another source. The parties may submit a written response, due within ten (10) days after the materials are provided, which will be considered by the Title IX Director prior to finalizing the investigative report.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. The parties will have access to use and refer to these documents and materials during a hearing.

#### 4. Investigative Report

Upon completion of the investigation, the Title IX Director must prepare an investigative report, which will fairly summarize all relevant evidence gathered during the investigation. The investigative report must include:

- a. Procedural history of the case;
- b. Alleged Policy violations;
- c. A list of individuals interviewed;
- d. A list of exhibits;
- e. A list of additional documents and materials (not included as an exhibit) obtained as part of the investigation and directly related to the allegations, including inculpatory or exculpatory evidence; and
- f. A summary of party and witness statements and other relevant evidence, including a summary of relevant evidence pertaining to each allegation.

#### 5. Review of Investigative Report

Upon completion of the investigative report, and at least ten (10) days prior to any hearing, the Title IX Director will send the report to each party (and the party's advisor, if applicable) for their review and written response. A party's written response to the report is due within ten (10) days after the report is provided and will be shared with the Hearing Officer and the other party prior to a hearing.

#### G. Live Hearing

Following the completion of the investigation and investigative report, all Title IX Sexual Harassment matters will proceed to a live hearing. The same process and procedures will apply regardless of whether the respondent is a student or employee, although specific information regarding employee penalties is included in Sections XI and XII.

When possible, the live hearing must be completed within sixty (60) days after completion of the investigation. Live hearings pursuant to this section may be conducted with all parties physically present

in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to see and hear each other simultaneously.

1. Pre-Hearing Procedures

a. Referral for Hearing

Following the conclusion of the investigative process, the Title IX Director will notify the following parties that the matter is ready for a hearing before the Hearing Officer:

- i. For student respondents: the Office of Student Affairs.
- ii. For employee respondents: the Office of Human Resources.

The Title IX Director will facilitate the scheduling of the hearing. The Title IX Director will determine an appropriate physical location (if applicable) for the hearing on a case-by-case basis. After the hearing is scheduled, the Office of Student Affairs or Office of Human Resources will coordinate the hearing, including, for example, providing a location, facilitating a remote platform, recording the hearing, and arranging for presenters and advisors, as needed.

b. Issuance of Notice of Hearing

The Title IX Director will issue the Notice of Hearing to both parties, which will include the date, time and location of the hearing and notice of the allegations identified in the investigative report. The Notice of Hearing must be sent by both first-class mail (or overnight mail) to the physical address or P.O. box address appearing on the records of the University and email using the party's Mercy email address, and any other email address known to the University. Notice of at least seven (7) days will be provided.

The parties are permitted one adjournment each, for a reasonable amount of time under the circumstances, without specifying a reason. Additional requests for an adjournment must be made at least five (5) days prior to the hearing date and shall be granted or denied at the discretion of the Hearing Officer. If either party fails to respond to the notice, appear on the adjourned date, or request an extension, the University may proceed without their presence, and any determinations of responsibility will be final, subject to appeal.

The Notice of Hearing must contain the following:

- i. A Complete and itemized statement of the allegations against the respondent, including the policy the respondent is charged with violating, and the possible penalties for such a violation;
- ii. A statement that the parties have the right to attend and participate fully in the hearing including the right: to present their side of the story; to present witnesses and evidence on their behalf; to be represented by an advisor (who may be an attorney, at their own expense) and if the respondent or the complainant does not have an advisor at the hearing, the University must provide an advisor for the limited purpose of cross examination; for their advisor to cross-examine witnesses presenting evidence; for the respondent to remain silent without assumption of responsibility; and

- iii. A warning that anything said may be used at a non-University hearing (for example, as part of a criminal case).
- iv. Review of Evidence before Hearing

At least five (5) days prior to the commencement of a hearing, the University will provide the parties and their advisors:

- i. A list of documents or other tangible evidence that the University intends to use at the hearing. In the event the University intends to use documents or other tangible evidence at the hearing that was not provided to the parties during the investigation phase the University must provide those materials to the parties and their advisors at least five (5) days prior to commencement of a hearing; and
- ii. A copy of the other party's written response to the investigative report.

At least five (5) days prior to the commencement of a hearing the University will provide the Hearing Officer the following:

- i. The investigative report, including exhibits; and
- ii. The parties' written responses to the investigative report.

#### H. Hearing Procedures

All hearings pursuant to this Policy are closed hearings, meaning that participation and observation is limited to the parties, their advisors, witnesses, the Hearing Officer, the University presenter, and any University staff required to coordinate the hearing.

##### 1. Roles and Responsibilities

- a. The participants at the hearing are the University, the Respondent, and the complainant.
- b. Hearing Officer

The Hearing Officer, discussed in Section X.C, serves as the decision-maker at the hearing. Prior to the hearing, the Hearing Officer will review the investigative report, exhibits and the parties' written responses to the investigative report. During the hearing, the Hearing Officer will listen to the testimony, review, and consider evidence and ask questions of the witnesses. After the hearing, the Hearing Officer will consider all of the information and evidence reviewed, make a decision as to responsibility and penalty (if applicable) and issue a written determination of responsibility.

At the commencement of the hearing, the Hearing Officer must inform the parties of the charges, the hearing procedures, and their rights. The Hearing Officer must then ask the respondent to state whether they are responsible or not responsible for the conduct. The Hearing Officer shall exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant. The Hearing Officer must rule on the admissibility of evidence and must exclude irrelevant questioning, testimony, and evidence.

- c. University Presenter

The University will be represented by a presenter. Each academic year, the Vice President of Student Affairs must appoint/identify one or more University employee(s) to serve as presenters for hearings against student respondents involving their campuses. Similarly, the Director of Human Resources must appoint/designate employees to serve as presenters against employee respondents.

d. Advisors

The parties may be accompanied by an advisor of their choice (who may be an attorney) for the purposes of conducting cross-examination. In the event a party does not have an advisor present at the hearing, the University must provide an advisor for the limited purpose of conducting cross-examination on behalf of that party. A party's advisor may also assist and advise that party during meetings and hearings but may not speak on behalf of the party or otherwise participate in the meeting or hearing.

Advisors must treat all hearing participants, including the Hearing Officer, parties, and witnesses, with respect and according to the decorum guidelines (in Appendix C of this Policy), which shall be provided to each party prior to the hearing. Any party intending to appear with an attorney must give the University five (5) days' notice of the attorney's name and contact information.

2. Responsibility Phase

The University bears the burden of proving the allegations by a preponderance of the evidence.

a. Presentation of Evidence

Evidence will be presented in the following order: University, complainant and respondent. The parties have an equal opportunity to present relevant evidence, including fact and expert witnesses and other inculpatory and exculpatory evidence to the Hearing Officer. If a party submits documentary evidence during a hearing that was not previously shared during the investigation, the chairperson may, at the request of any other party grant an adjournment of the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

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 questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Questions and evidence of the mental health diagnosis and/or treatment of any party may not be introduced, unless that party provided their voluntary and written consent for such materials to be made part of the investigation and the information is directly related to the allegations raised in the Title IX Formal Complaint.

b. Cross Examination

Each party's advisor will be permitted to ask the other party and any witnesses all

relevant questions and follow-up questions, including those challenging credibility. A party may not conduct cross-examination personally but must do so through their advisor. In the event a party does not have an advisor and the case proceeds to a hearing, the University must provide an advisor for the limited purpose of conducting cross-examination on behalf of that party. All advisors must follow the decorum guidelines, which shall be provided to each party prior to the hearing.

Before a complainant, respondent, or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

### 3. Determination of Responsibility

Following the hearing, the Hearing Officer will determine whether there is a preponderance of evidence that the respondent violated the Policy, which may be based on information contained in the investigative report and the testimony and evidence presented at the hearing.

### 4. Penalty Phase

If a respondent is found responsible for violating this Policy, the Hearing Officer will determine the penalty to be imposed; except that if the respondent is a represented employee whose discipline is subject to a collective bargaining agreement, there will be no penalty phase, and a determination that the respondent is responsible will be referred for discipline under the applicable collective bargaining agreement.

Following the responsibility phase of the hearing, the complainant, respondent, and University, will have the opportunity to introduce evidence and make arguments related to what the appropriate penalty should be, in the event the respondent is found responsible for violating the Policy. The complainant, respondent and the University will also have the opportunity to introduce evidence of and comment on the respondent's character, including any past findings of responsibility for Domestic Violence, Stalking, Sexual Assault, or any other Sexual Misconduct, and submit a statement regarding the impact of the conduct.

The University may also introduce a copy of the respondent's previous disciplinary records, if any, provided the respondent was shown a copy of the records prior to the commencement of the hearing. The Hearing Officer will consider the disciplinary records, as well as any documents or character evidence introduced by the respondent, the complainant, or the University, in determining an appropriate penalty.

If either party chose not to participate in the responsibility phase of hearing, they still have the opportunity to introduce evidence and make arguments related to what the appropriate penalty should be and to provide or make an impact statement.

#### 5. Notice of Hearing Determination

The Hearing Officer will issue a written Determination of Responsibility, which must include the following:

- a. Identification of the allegations potentially constituting Sexual Misconduct;
- b. A description of the procedural steps taken from the receipt of the Title IX Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of this Policy to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- f. If a student respondent is found responsible, any disciplinary sanctions that will be imposed on the respondent or, if an employee is found responsible, a statement that the matter will be referred to the Director of Human Resources for discipline and, if applicable, under the applicable collective bargaining agreement;
- g. A statement of whether remedies designed to restore or preserve equal access to Mercy's education program or activity will be provided to the complainant; and
- h. Procedures and permissible bases for the parties to appeal.

The University will send the written determination of responsibility to the parties simultaneously, within fifteen (15) days of the conclusion of the hearing. The determination of responsibility will be sent by both first-class mail (or overnight mail) to the physical address or P.O. box address appearing on the records of the University (unless a party requests in writing prior to the conclusion of the hearing that a different address be used) and email using each party's Mercy email address, and any other email address provided to the University specifically for this purpose. In cases involving two or more complainants or respondents, the Hearing Officer has twenty (20) days from the conclusion of the hearing to send the decision. The decision is final subject to any appeal.

#### 6. Remedies for Complainants

In the event the respondent is found responsible for violating the Policy, the Title IX Director will implement remedies for the complainant, designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include a continuation of the same supportive measures and accommodations described in Section VIII, but need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

#### 7. Sanctions for Respondents

- a. Range of Sanctions for Students

Sanctions for student respondents range from a warning to suspension or expulsion from the University.

When a disciplinary hearing results in a penalty of expulsion or suspension for one term or more, the respondent must be barred from attendance at Mercy while the penalty is being served.

Students may also be subject to Mercy's Policy on transcript notations which is discussed in Section X.H.

b. Range of Sanctions for Employees

As discussed above in Sections XI and XII, there will be no penalty phase for employees who are subject to a disciplinary process contained in a collective bargaining agreement; instead, a determination that the respondent is responsible will be referred for discipline under the applicable collective bargaining agreement. For all other employees, sanctions range from a reprimand to suspension to termination of employment.

XII. Procedures for Non-Title IX Sexual Misconduct Matters

The following procedures will apply to Non-Title IX Sexual Misconduct matters:

When the University becomes aware that Sexual Misconduct may have been committed by or against a student, employee or contractor, vendor or visitor, the University must conduct an investigation unless the information provided is insufficient to permit an investigation or the complainant has requested that the University refrain from such an investigation and the University has determined that refraining from an investigation will not result in a continuing threat to the University community.

A. Rights of the Parties

Whenever an investigation of Non-Title IX Sexual Misconduct takes place, the parties have the rights described in Section X.

B. Informal Resolution

A Non-Title IX Sexual Misconduct matter may be resolved through an informal resolution process described in Section X.B.

C. Investigation and Findings

The Title IX Director is responsible for conducting an investigation in a prompt, thorough, and impartial manner. Whenever an investigation is conducted, the Title IX Director must:

1. Coordinate investigative efforts with other appropriate offices;
2. Provide the parties written notice that an investigation is being commenced, including notice of the allegations and sufficient details known at the time notice is sent, including the date, time and location of the alleged behavior and the specific act or acts that are alleged to violate the Policy's prohibition on Sexual Misconduct;
3. Interview witnesses who might reasonably be expected to provide information relevant to the allegations and review relevant documents and evidence. Both the complainant and respondent must be informed that they have the right to provide relevant documents and to propose witnesses whom they reasonably believe can provide relevant information. A

respondent employee who is covered by a collective bargaining agreement may consult with and have a union representative present at any interview of that employee conducted as part of such investigation; and

4. Create an investigative report that fairly summarizes relevant evidence and makes findings as to whether, in the investigator's opinion, there is a preponderance of evidence that the respondent is responsible for the allegation(s).

The University must make reasonable efforts to ensure that the investigation and resolution of allegations of Sexual Misconduct are carried out within reasonably prompt timeframes. While some allegations may require more extensive investigation, when possible, the investigation of allegations of Sexual Misconduct (including completion of the investigative report) must be completed within one hundred-twenty (120) days of the receipt of the allegations.

If there is a delay in completing the investigation, the Title IX Director must notify the parties in writing and indicate the reason for the delay. The Title IX Director should also note the reason for the delay and the projected timeline for completing the investigation in their case file. The reason for extension of the time frame of an investigation may include but is not limited to: compliance with a request by law enforcement; a limited accommodation for the availability of parties, their advisors and witnesses; students on leave; exam periods, school breaks or vacations; and accounting for the complexities of a specific investigation, including the number of witnesses and volume of information provided by the parties.

Upon completion of the investigation, the Title IX Director must prepare an investigative report, which will fairly summarize and evaluate relevant evidence gathered during the investigation. The investigative report will include:

1. Procedural history of the case;
2. Alleged Policy violations;
3. A list of individuals interviewed;
4. A list of exhibits;
5. Summary of party and witness statements and other relevant evidence;
6. Analysis of evidence, including credibility assessments; and
7. Factual findings regarding whether, in the investigator's opinion, there is a preponderance of evidence that the respondent is responsible for the allegation(s).

D. Action Following the Termination of an Investigation

1. Students

Within thirty (30) days following the termination of an investigation, the Title IX Director will summarize for the file the actions taken in response to the allegations and the basis on which the investigation was closed.

a. Complainant Appeal of Unsubstantiated Allegations

If the complainant is a student, the Title IX Director must provide the investigative

report to both parties within five (5) days of the completion of the report. If the allegations are unsubstantiated, in whole or in part, the student complainant has the right to appeal the Title IX Director's determination to the Appeals Panel. Appeals may be based on the following grounds:

- i. Procedural irregularity that affected the outcome of the matter;
- ii. New evidence that was not reasonably available at the time of the investigation, which could affect the outcome of the matter; or
- iii. The Title IX Director had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The complainant must submit their written appeal to the Title IX Director within fifteen (15) days after the delivery of the investigative report. The Title IX Director will provide the complainant's appeal to the respondent within five (5) days of submission. The respondent will have the opportunity to submit a written response to the appeal, due within fifteen (15) days after the delivery of the complainant's appeal.

The Title IX Director will convene the Appeals Panel. The Appeals Panel will review the investigative report, the complainant's appeal, and the respondent's response, if any. The Appeal Panel will issue a written decision within fifteen (15) days of receipt of the respondent's written submission or failure to provide a submission. The written decision will be provided simultaneously to both parties.

If the Appeals Panel grants the appeal, it may remand the matter for appropriate action, which may include, but is not limited to, the evaluation of new evidence or a new investigation.

Following the complainant's appeal, if any, the Title IX Director shall send the investigative report, as well as any decision on appeal, to the Vice President of Student Affairs. The University President must also be apprised of the outcome of any appeal. A copy of the report and any decision on appeal must be maintained in the files of the Title IX Director.

#### b. Action Against Student Respondents

Following receipt of the investigative report, the Vice President for Student Affairs when warranted by the facts, authorize such action as they deem necessary, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII.E. below, or for unsubstantiated findings, authorization to close the matter.

## 2. Employees

The Title IX Director must provide the investigative report to the Director of Human Resources. Following receipt of the investigative report, the Director of Human Resources must, when warranted by the facts, authorize such action as they deem necessary, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may

include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII.E. below, or for unsubstantiated findings, authorization to close the matter.

Within thirty (30) days following the termination of an investigation (for example, because it was resolved by informal resolution or the complainant withdrew cooperation), the Title IX Director will summarize for the file the actions taken in response to the allegations and the basis on which the investigation was closed.

#### E. Disciplinary Process and Procedures

##### 1. Disciplinary Action

The following procedures apply when the Vice President for Student Affairs or Director of Human Resources recommends that disciplinary action be commenced against a respondent student or employee for violations of this Policy:

###### a. Discipline Against Students

When the Vice President for Student Affairs recommends discipline against a student for violations of this Policy, the matter is referred to the Office of Community Standards and Student Conduct and action must be taken in accordance with the Judicial Process in the Student Handbook. Sanctions for student respondents range from a warning to suspension or expulsion from the University. When a finding results in a penalty of expulsion or suspension for one term or more, the respondent must be barred from attendance at Mercy while the penalty is being served. Students may also be subject to Mercy's policy on transcript notations, discussed in Section X.H.

###### b. Discipline Against Employees

In cases where the Director of Human Resources recommends discipline against an employee, the matter is referred for disciplinary action in accordance with any applicable University policies, rules, and collective bargaining agreements. Penalties for employees include, depending on the employee's title, reprimand, suspension, demotion, fine, or termination of employment following applicable disciplinary procedures.

For additional information on the disciplinary process in specific cases, parties should consult the Office of Human Resources to provide information. Respondents may also consult with their union representative, if any.

###### c. Action Against Visitors and Contractors

In cases where the person accused of Sexual Misconduct is not a Mercy student or employee, the University's ability to take action against the respondent is usually limited. However, the University will take appropriate actions within its control, such as restricting the visitor's access to campus. If the person accused is a contractor or vendor, Mercy may ask that that individual be removed from Mercy's account.

###### d. No Disciplinary Action

In cases where the Vice President for Student Affairs or the Director of Human Resources decides not to bring disciplinary action, the Title IX Director must inform the parties of that decision at the same time, in writing, and must offer any appropriate support services, including counseling, to both.

### XIII. University Obligations Under this Policy

In addition to addressing allegations of Sexual Misconduct, the University has the following obligations:

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

The Title IX Director, in coordination with the Office of Student Affairs, Office of Campus Safety, Office of Human Resources and other appropriate offices, is responsible for the wide dissemination of the following: (i) this Policy; (ii) Mercy's Notice of Non-Discrimination; (iii) the Title IX Director's name, phone number, office location, and email address and (iv) contact information for the Office of Campus Safety. Such dissemination includes posting the documents and information on the University website and including it in residence life materials and training and educational materials.

The 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 Misconduct at the time the report is made. It must also be distributed annually to all students, made available on the University's website, and posted in Mercy University residence halls.

#### B. Training and Educational Programming

Mercy is responsible for providing training to Title IX Directors, investigators, the Hearing Officer, Appeals Panel members, and anyone who facilitates informal resolutions.

The Title IX Director, in coordination with other applicable offices, including Campus Safety, Office of Human Resources and Office of Student Affairs, is responsible for ensuring that the University provides training to University employees on their obligations under this Policy; provides education on this Policy and on Sexual Misconduct (including Domestic Violence, Dating Violence, Stalking and Sexual Assault) to new and continuing students; and promotes awareness and prevention of Sexual Misconduct among all students and employees. Specific required trainings include the following:

- **Training for Responsible and Confidential Employees**  
The University must provide training to all employees who are required to report incidents of Sexual Misconduct under this Policy, as well as those employees who have been designated as confidential employees.
- **Training for Title IX Directors, Investigators, and Other Relevant Employees**  
Mercy will provide training on the topics below to Title IX Directors, investigators, Hearing Officers, and Appeals Panel members, and any person who facilitates an informal resolution process. Training for Title IX Directors, Hearing Officers, investigators, and Appeal Panel members will be at least annual.
  - a. The definition of Sexual Misconduct, including Sexual Harassment, Title IX Sexual Harassment, Dating Violence, Domestic Violence and Stalking;
  - b. How to conduct an investigation;
  - c. How to create an investigative report that fairly summarizes relevant evidence;

- d. The grievance process, including hearings, appeals and informal resolution processes, as applicable;
  - e. Impartiality, including avoiding prejudgment of the facts, conflicts of interest, and bias;
  - f. Relevance of questions and evidence, including the fact that sexual predisposition or prior sexual acts with individuals other than the parties are generally not relevant, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a determination regarding responsibility is made at the conclusion of the applicable processes;
  - g. The scope of the University's education programs and activities;
  - h. The effects of trauma;
  - i. Other relevant University policies and procedures; and
  - j. Any technology to be used at a live hearing.
- Student Onboarding and Ongoing Education  
The University shall adopt a comprehensive student onboarding and ongoing education campaign to educate students about Sexual Misconduct, including Domestic Violence, Dating Violence, Stalking, and Sexual Assault. During the student onboarding process, all new first-year and transfer students must receive training on this Policy and on a variety of topics relating to Sexual Misconduct. In addition, the University shall offer and administer appropriate educational programming to residence hall students, athletes, and student leaders. The University must also provide such educational programming to any other student groups which the University determines could benefit from education in the area of Sexual Misconduct. The University must also share information on Domestic Violence, Dating Violence, Stalking and Sexual Assault prevention with parents of enrolling students. See <https://www.mercy.edu/about/title-ix>
  - Campus Climate Assessments  
Mercy University must conduct, no less than every other year, a climate assessment to ascertain its students' general awareness and knowledge of Mercy's Policy and procedures regarding sexual misconduct, including but not limited to student experiences with and knowledge of reporting, investigation, and disciplinary processes. The assessment instrument must include all topics required to be included under applicable law, including Section 129-B of the New York State Education Law.

Mercy will publish the results of the surveys on its Title IX web page. The published results will not contain any information which would enable a reader to identify any individual who responded to the climate assessment.

#### XIV. Rules Regarding Intimate Relationships

##### A. Relationships Between Faculty or Employees and Students

Sexual activity or amorous or dating relationships ("intimate relationships"), even when apparently

consensual, are inappropriate when they occur between a faculty member or employee and any student for whom they have a professional responsibility. Those relationships are inappropriate because of the unequal power dynamic between students and faculty members and between students and employees who advise or evaluate them, such as athletic coaches or workplace supervisors. Such relationships necessarily involve issues of student vulnerability and have the potential for coercion. In addition, conflicts of interest or perceived conflicts of interest may arise when a faculty member or employee is required to evaluate the work or make personnel or academic decisions with respect to a student with whom they are having an intimate relationship.

Therefore, faculty members and other employees are prohibited from engaging in intimate relationships with students for whom they have a professional responsibility, including undergraduates and graduate students.

For purposes of this Section, professional responsibility for a student means responsibility over any academic matters, including teaching, counseling, grading, advising for a formal project such as a thesis or research, evaluating, hiring, supervising, coaching, making decisions or recommendations that confer benefits such as admissions, registration, financial aid, other awards, remuneration, or fellowships, or performing any other function that might affect teaching, research, or other academic opportunities.

#### B. Relationships Between Supervisors and Employees

Many of the concerns about intimate relationships between faculty members or employees and students also apply to relationships between supervisors and employees they supervise. Those relationships therefore are strongly discouraged. Supervisors must disclose any such relationships to their supervisors in order to avoid or mitigate conflicts of interest in connection with the supervision and evaluation of the employees with whom they have an intimate relationship.

Mitigation may involve the transfer of either the supervisor or employee, reassigning the responsibility to evaluate the employee to a different supervisor, or other appropriate action.

For purposes of this Section, supervising an employee means supervising in an employment setting, including hiring, evaluating, assigning work, or making decisions or recommendations that confer benefits such as promotions, raises or other remuneration, or performing any other function that might affect employment opportunities.

#### XV. Implementation

This Policy applies to Sexual Misconduct that is alleged to have occurred on or after August 14, 2020. Sexual Misconduct that is alleged to have taken place before the effective date of this Policy will be handled in accordance with the Mercy University Policy and Procedures Relating to Sexual Misconduct that was in effect at the time the behavior occurred.

Should any portion of the 2020 Title IX Regulations be stayed or held invalid by a court of law or should the Title IX Final Regulations be withdrawn or modified to not require the elements of this Policy, the

invalidated elements of this Policy will be deemed revoked as of the publication date of the opinion or order. Should this Policy's Title IX-specific procedures be revoked in this manner, any Sexual Misconduct covered under Section XI, including any elements of the process that occur after the revocation date if a case is not complete by that date of revocation, shall be investigated, resolved and/or adjudicated under Section XII without further action by Mercy.

## APPENDIX A

### Mercy University Student Bill of Rights

When reporting or responding to sexual misconduct, sexual violence, and/or relationship violence, all Mercy University 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 University;
- Participate in a University 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 University 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 University representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the University, any student the accused and/or respondent, and/or their friends, family, and acquaintances within the jurisdiction of the University;
- 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 University.

For additional information and a copy of the Mercy University Policy and Procedures Relating to Sexual Misconduct contact: [titleix.equity@mercy.edu](mailto:titleix.equity@mercy.edu), Office number: 914-674-7679, or visit [www.mercy.edu/about-mercy/title-ix](http://www.mercy.edu/about-mercy/title-ix).

## APPENDIX B

### MERCY UNIVERSITY 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 DIRECTOR

- Elizabeth Fanelli 914-674-7842  
Verrazano Hall, Room 106  
Dobbs Ferry Campus  
efanelli@mercy.edu or titleix.equity@mercy.edu

#### ON-CAMPUS CONFIDENTIAL RESOURCES

##### Mercy University Health and Wellness Office

- Dobbs Ferry Campus, Main Hall 123
- Bronx Campus, Room 2125
- Manhattan Campus, Room 341
- 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

- 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 161st 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 94th 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 168th 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 17th 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
- Rape, Abuse & Incest National Network (RAINN)  
24/7 Hotline: (800) 656-HOPE (4673), Spanish available

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 Director 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  
New York Office: (646) 428-3800  
New York Email: OCR.NewYork@ed.gov  
New York Location: 32 Old Slip – 26th Floor, Manhattan
- New York State Division of Human Rights  
One Fordham Plaza – 4th Floor, Bronx  
Main Number, Toll Free: (888) 392-3644  
TTD/TTY Number: (718) 741-8300  
Email: 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 – 5th floor, Manhattan

## APPENDIX C

### DECORUM POLICY FOR TITLE IX GRIEVANCE PROCESS HEARINGS

#### I. Rules of Decorum

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

1. Questions must be conveyed in a neutral tone.
2. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
3. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The advisor may not yell, scream, badger, or physically “lean in” to a party or witness’s personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Hearing Officer.
6. The advisor may not use profanity or make irrelevant personal attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
7. The advisor may not ask repetitive questions. This includes questions that have already been asked by the Hearing Officer, the advisor in cross-examination, or the party or advisor in direct testimony. When the Hearing Officer determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
8. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

#### II. Warning and Removal Process

The Hearing Officer shall have sole discretion to determine if the Rules of Decorum have been violated. The Hearing Officer will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the Hearing Officer shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the Hearing Officer removes a party’s advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at

the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance.

The Hearing Officer shall document any decision to remove an advisor in the written determination regarding responsibility.

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. Evidence of violation(s) of this agreement will be gathered by the Title IX Director, the Vice President for Student Affairs for cases involving students, Director of Human Resources for cases involving employees, or their designees. The advisor accused may provide an explanation or alternative evidence in writing for consideration by the Vice President for Student Affairs for cases involving students, or Director of Human Resources for cases involving employees, or their designees. Such evidence or explanation is due within fifteen (15) calendar days of receipt of a notice of a charge of re-disclosure or improper access to records. There shall be no right to a live hearing, oral testimony, or cross-examination. The Vice President for Student Affairs for cases involving students or Director of Human Resources for cases involving employees, or their designees shall consider the evidence under a preponderance of the evidence standard and issue a finding in writing and, if the finding is Responsible, shall include a Sanction. The finding shall be issued in writing to all Parties and Advisors (if there is a current case pending) within thirty (30) days unless extended for good cause. There is no appeal of this finding. In the event that an Advisor is barred permanently or for a term from serving in the role as Advisor in any future matter, they may request a review of that bar from the Vice President for Student Affairs for cases involving students or Director of Human Resources for cases involving employees or their designees no earlier than three-hundred and sixty-five (365) days after the date of the findings letter.

### III. Relevant Questions Asked in Violation of the Rules of Decorum

Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the decision-maker simply because of the manner it was delivered. Under that circumstance, the decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules). See, 85 Fed. Reg. 30331.

## MERCY UNIVERSITY WHISTLEBLOWER POLICY

### I. Policy

Mercy University 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 University expects all University community members to report conduct or suspected conduct that they in good faith believe may violate the law or University policy (“whistleblowers”) so that the University may investigate and take appropriate action. The University has established a confidential hotline 1-888-OK-MERCY (1-888-656-3729) for reporting violations. The University 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 University 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 University Policy

#### A. Who Should Report?

The following members of the Mercy University community are expected to report conduct that relates to the University and that they in good faith believe may violate federal, state, or local law or University policy (“violations”):

- Individuals who are paid by the University, including full-time and part-time faculty and staff;
- Consultants, vendors, and contractors doing business with the University;
- Individuals who perform services for the University as volunteers or otherwise assert association with the University, 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 University 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 University 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 University 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 University'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 University 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 University for investigation. For example, the 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 University 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 University 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 University policies, procedures, bylaws or collective bargaining agreements, or severance of the relationship with the University. In some circumstances, civil and/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 University that is illegal, fraudulent or in violation of any University 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 University policies, procedures, bylaws or collective bargaining agreements, or severance of the relationship with the University.

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 University website and shall be distributed to all new and current employees, board of trustees, officers, students, and volunteers who provide substantial services to the University 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.