

Sexual Misconduct Policies & Procedures For Students and Employees

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I. Definitions

- **Affirmative consent** is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
 - Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
 - Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 - Consent may be initially given but withdrawn at any time.
 - 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 the lack of consciousness or being asleep, being involuntarily restrained, or if an 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.
 - Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
 - When consent is withdrawn or can no longer be given, sexual activity must stop.
- **Confidentiality:** Confidentiality is limited to someone who, by law, can keep information confidential (i.e., licensed counselors, and medical professionals).
- **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.
- **Dating Violence:** Any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

- **Domestic Violence:** Any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.
- **Privacy:** Information communicated to mandatory reporters (i.e., the Title IX Coordinator, all faculty members, and most staff members), will be kept *private*, but not confidential, and is shared only with employees who need to be involved in responding to or addressing a report.
- **Sexual Assault:** is any physical sexual act or acts committed against a person's will and consent or when a person is incapable of giving active consent, incapable of appraising the nature of the conduct, or incapable of declining participation in, or communicating unwillingness to engage in, a sexual act or acts. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as **“rape,”** whether forcible or non-forcible, **“date rape”** and **“acquaintance rape.”** Nothing contained in this definition shall be construed to limit or conflict with the sex offenses enumerated in Article 130 of the New York State Penal Law, which shall be the guiding reference in determining if alleged conduct is consistent with the definition of sexual assault.
- **Stalking:** is intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.

More detailed definitions can be found in New York State Penal Law §§ 120.45 to 120.60.

New York State Article 129-B

Also known as "Enough is Enough," is new legislation signed into law by governor Cuomo in July of 2015. The law is intended "to combat sexual assault on college and university campuses statewide. The new law requires all colleges to adopt a set of comprehensive procedures and guidelines, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement to ensure the safety of all students attending colleges in New York State."

Violence Against Women Act

St. Paul's School of Nursing is committed to maintaining a healthy and safe learning environment that promotes responsibility and respect in matters of sexual conduct. Since Title IX/VAWA offenses are a violation of trust and respect they are prohibited and will not be tolerated. This policy applies to academic, educational, co-curricular, and off-campus conduct. Title IX/VAWA offenses include: sexual harassment, rape and sexual assault, domestic violence, dating violence and stalking. St. Paul's School of Nursing will support and assist victims of sexual violence by directing them to community resources for medical care, counseling and to local law enforcement including assisting in initiating legal proceedings in family court or civil court. St. Paul's School of Nursing will investigate student complaints, and a student who has committed a Title IX offense will be subject to the school's Disciplinary Action Policy which could result in dismissal from school. The Disciplinary Action Policy can be found at page 40 and the Termination or Expulsion Policy can be found at page 40 of this Catalog. St. Paul's School of Nursing will provide students with educational materials on Title IX/VAWA to promote prevention and awareness. Ongoing prevention and awareness campaigns will occur during the year.

If a student is a victim of a Title IX/VAWA offense, the student is urged to seek immediate medical assistance as necessary, and to report the incident to the 112th Precinct New York City police at: (718) 520-9311 or the State Police at: (844) 845-7269. A written notification in the form of Victim's Bill of Rights will be provided concerning his or her rights and options. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action. A student who is a victim of sexual violence involving a student at St. Paul's School of Nursing or an employee is urged to make a complaint to the Title IX Coordinator, David Goldizen either, by phone at (718) 357-4571, or by email at dgoldizen@stpaulsschoolofnursing.edu. Victim support and community resources are available even if the victim does not report to the police or make a complaint. If a student has knowledge of an incident of sexual violence involving a fellow student, he/she should report the facts to the Title IX Coordinator or the local police. Retaliation against an individual who reports a crime; brings a complaint; pursues legal action; participates in an investigation; or, is a witness in any proceeding is prohibited and will not be tolerated by St. Paul's School of Nursing. Should a victim of sexual violence request confidentiality, St. Paul's School of Nursing will honor the request to the extent possible and allowed by law. St. Paul's School of Nursing will not disclose the name of the victim of sexual violence unless required by law or with permission of the victim.

Title IX Coordinator – St. Paul’s has designated David Goldizen, as its full time Title IX Coordinator. Mr. Goldizen can be contacted at: by phone at (718) 357-4571, or by email at dgoldizen@stpaulsschoolofnursing.edu. The Title IX coordinator’s responsibilities include coordinating St. Paul’s compliance with Title IX, and other applicable nondiscrimination laws and regulations. This includes coordinating St. Paul’s grievance procedures for resolving Title IX complaints. The Title IX Coordinator, and her designees (if any), receive annual training on: (1) issues related to sexual assault, relationship violence, and stalking, (2) how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability, (3) how to conduct investigations of sexual violence, (4) the effects of trauma, (5) impartiality, (6) the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and (7) St. Paul’s policies and procedures, and other issues.

II. Prohibited Acts

The St. Paul’s School of Nursing (St. Paul’s) strictly prohibits all Sexual Offenses. In the event that a Sexual Offense does occur, St. Paul’s takes the matter very seriously. St. Paul’s Sexual Offense Policies & Procedures are available to all students and employees, and are applicable to any conduct that has a reasonable connection to St. Paul’s. St. Paul’s will apply the provisions of this policy regardless of whether the Sexual Offense occurs on campus, off campus, or while a student or employee is participating in a clinical or externship. When the Sexual Offense involves students or employees from two or more institutions, St. Paul’s will work collaboratively with the other institutions to address the Sexual Offense, provided that the collaboration complies with the Family Educational Rights Privacy Act (“FERPA”).

III. Non-discrimination

St. Paul’s School of Nursing does not discriminate on the basis of sex, sexual orientation, age, disability, race, creed, color, national origin, or religion in its admission to St. Paul’s School of Nursing or treatment in its programs, activities, advertising, training, placement, or employment. David Goldizen, The Director of Student Services at St. Paul’s School of Nursing in Queens, New York is the Coordinator of Title IX, the Education Amendments Act of 1972, which prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance. All inquiries or complaints under the sex discrimination, sexual harassment or sexual violence provisions of Title IX should be directed to the Title IX Coordinator, David Goldizen at 97-77 Queens Blvd, Rego Park, NY 11374 at (718) 357-4571, or by email at dgoldizen@stpaulsschoolofnursing.edu. The College’s Consumer Information Guide contains more detailed information about the St. Paul’s School of Nursing Title IX grievance procedures. The Consumer Information Guide is available online at: <http://www.stpaulsnursing.edu/info/>

The Title IX Coordinator must act equitably and promptly to resolve complaints and should provide a response within seven working days.

IV. Procedure for Responding to a Sexual Offense

If you believe you are the victim of a Sexual Offense, you should follow the following procedures:

Get to a safe place. CONTACT LAW ENFORCEMENT: 112th Precinct New York City police at: (718) 520-9311 or State Police: 844-845-7269. Officers of those agencies are trained to

respond to the needs of a victim of a Sexual Offense. They can also make you aware of support and advocacy services and advise you about reporting procedures and requirements.

- A. **Seek immediate medical assistance.** If a student is a victim of a Title IX/VAWA offense, the student is urged to seek immediate medical assistance as necessary, and to report the incident to the 112th Precinct New York City police at: (718) 520-9311 or the State Police at: (844) 845-7269. A written notification in the form of Victim's Bill of Rights will be provided concerning his or her rights and options. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action.

A student who is a victim of sexual violence involving a student at St. Paul's School of Nursing or an employee is urged to make a complaint to the Title IX Coordinator, David Goldizen either, by phone at (718) 357-4571, or by email at dgoldizen@stpaulsschoolofnursing.edu. David Goldizen can help with:

- Reporting offenses to proper local law enforcement.
- Preserving evidence that may assist in obtaining a protection order or prove an offense occurred.
- Receiving appropriate counseling referral information.
- Applying for protective orders.
- Changing academic schedule as a result of a protective order.
- Both accuser and accused having same opportunities during a disciplinary hearing.
- Both the accuser and the accused receiving the outcome of a disciplinary hearing at the same time.

Victim support and community resources are available even if the victim does not report to the police or make a complaint. If a student has knowledge of an incident of sexual violence involving a fellow student, he/she should report the facts to the Title IX Coordinator or the local police. Retaliation against an individual who reports a crime; brings a complaint; pursues legal action; participates in an investigation; or, is a witness in any proceeding is prohibited and will not be tolerated by St. Paul's School of Nursing.

Students are encouraged to SEEK MEDICAL ASSISTANCE: Evidence can be collected only in the first 72 hours following an assault. Seeking medical assistance does not mean you have to report a crime.

NYU Langone at Columbus Medical Address
97-85 Queens Blvd, Rego Park, NY 11374
Phone :(718) 261-9100

Forest Hills Hospital
102-01 66th Rd, Forest Hills, NY 11375
Phone :(718) 830-4000

Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Contact the resources above for testing for STIs and the availability of emergency contraception.

Should a victim of sexual violence request confidentiality, St. Paul's School of Nursing will honor the request to the extent possible and allowed by law. St. Paul's School of Nursing will not disclose the name of the victim of sexual violence unless required by law or with permission of the victim. Victim support and community resources are available even if the victim does not report to the police or make a complaint. If a student has knowledge of an incident of sexual violence involving a fellow student, he/she should report the facts to the Title IX Coordinator or the local police.

More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

C. Preserve Evidence. We encourage you to take steps to preserve any and all evidence when a Sexual Assault occurs, and seek a sexual assault forensic examination as the evidence collected may be necessary to prove that the offense took place and/or to obtain a protective order. Be aware that the location of the offense, your clothing, and your person may be considered a "crime scene," and as such, a source of evidence. The location of the incident should be safe guarded and the victim should avoid washing, douching, using the toilet or changing clothes prior to a medical/legal exam. To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

D. Report the incident. St. Paul's encourages, but does not require, victims, survivors, complainants, claimants, and witnesses with victim status of Sexual Offenses (reporting individuals) to report the incident to one or more of the following resources:

1. First, you may (but are not required to) report a Sexual Offense to local law enforcement (such as the New York City Police Department or the New York State Police), for the sole purpose of documentation. You may also (but are not required to) report it to local law enforcement and/or State Police so that they may investigate the matter and identify an offender. You may contact local and state law enforcement as follows:

112th Precinct New York City police at: (718) 520-9311
State Police: 844-845-7269

If you want or need assistance in notifying the local Police Departments or State Police, you should contact St. Paul's Title IX Coordinator or any available administrator who will assist you in doing so. St. Paul's Title IX Coordinator can be contacted either **by phone** at (718) 357-4571, or by email at dgoldizen@stpaulsschoolofnursing.edu.

If you choose to contact law enforcement, you may have the further option to (but are not required to) pursue the case through the criminal justice system, where you will be assisted by the District Attorney's office, the local or state Police Department and the support and advocacy services of your choice.

2. Second, you may (but are not required to) report the Sexual Offense to the St. Paul's Title IX Coordinator. This may trigger the judicial process of St. Paul's, which may result in the removal of the offender from the campus. It also assists St. Paul's in complying with Federal requirements for reporting offenses occurring on campus. You may (but are not required to) report Sexual Offenses anonymously to St. Paul's, preserving your privacy and only reporting the particulars of the incident.

When you first disclose an incident to a representative of St. Paul's, you will be presented with (1) a copy of this policy, (2) a written explanation of your rights and options, whether the incident occurred on or off-campus, and (3) the following information: "You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution."

You will have the right to emergency access to the Title IX Coordinator or another appropriate official who has been designated by the Title IX Coordinator to provide emergency assistance (the "Designee"). The Designee may be an official of St. Paul's or an official of an off campus resource. The Title IX Coordinator or Designee will be available upon the first instance of disclosure by a reporting individual to provide immediate information and assistance regarding

- A. options to proceed, including other reporting options;
- B. where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible; and
- C. the criminal justice process, including that it utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. The Title IX Coordinator or Designee will also explain whether he or she is authorized to offer you confidentiality or privacy, and will inform you about other reporting options.

The Title IX Coordinator will generally be available for emergency access on weekdays between the hours of 9am to 5pm, at the following: David Goldizen, either by phone at (718) 357-4571, or by email at dgoldizen@stpaulsschoolofnursing.edu

Be aware that certain St. Paul's officials with significant responsibility for student and employee activities may be required by law to disclose the occurrence of the event. If you make a report to an official who is required by law to disclose the occurrence of the event, but you request confidentiality, the Title IX coordinator will evaluate the confidentiality request, by weighing the request against St. Paul's obligation to provide a safe, non-discriminatory environment for all members of its community. If it is determined that the incident must be disclosed, your name will be kept confidential, and you will be offered privacy to the greatest extent possible. If it is determined that the incident must be kept confidential, ST. PAUL'S will still assist with academic, housing, transportation, employment, and other reasonable and available accommodations.

Even St. Paul's officers and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. Your identity will remain private at all times if you wish to maintain privacy.

St. Paul's will make every effort to ensure that you are asked to describe the incident to as few representatives of St. Paul's as possible, and are not required to unnecessarily repeat a description of the incident..

4. In addition, you may confidentially disclose the Sexual Offense and obtain services from the state or local government.

5. You can also make an anonymous report to a confidential hotline provided by New York State agencies and not-for-profit entities. These hotlines include:

- New York State Domestic and Sexual Violence Hotline: 1-800-942-6906.
- The National Domestic Violence Hotline: 1-800-799-7233.
- The National Sexual Assault Hotline: 1-800-656-4673.
- Safe Horizon Hotlines: 800-621-4673 (domestic violence), 866-689-4357 (victims of other crimes), 1-212-227-3000 (rape & sexual assault victims).
- Holistic Mental Health Counseling Center: 718-733-9664

6. Lastly, if the accused is an employee of St. Paul's, you can report the Sexual Offense to St. Paul's Human Resources Associate, or request that another employee assist in reporting to the Human Resources Associate. St. Paul's encourages the victims of Sexual Offenses to report the incidents, in any of the manners described above. However, again, victims are not required to report the offense to, or to seek assistance from St. Paul's, law enforcement, or campus authorities.

St. Paul's will not pressure any student or employee to disclose a crime or violation, or to participate in the judicial, conduct, or criminal justice processes.

Reporting an incident does not:

- obligate the victim to prosecute;
- subject the victim to inappropriate scrutiny or judgment by the person receiving the report; or
- suggest in any way that the victim is at fault for the crime or violation, or should have acted in a different manner to avoid the crime or violation.

Reporting the incident does:

- ensure that a victim of a Sexual Offense receives necessary medical testing and treatment;
- provide the opportunity for collection of evidence critical to a prosecution, which cannot be obtained later;
- ensure that the victim has knowledge of and access to professional, confidential counseling from a counselor specifically trained in the areas of Sexual Offenses.

E. Request to File Student Conduct Charges. If the accused or respondent is a student, you may request that St. Paul's file student conduct charges against the accused or respondent. All students have the right to request that St. Paul's bring student conduct charges against another student. Requests to file charges should be prepared in writing and directed to the Title IX Coordinator, by email at dgoldizen@stpaulsschoolofnursing.edu

or via letter addressed to David Goldizen, Title IX Coordinator, St. Paul's School of Nursing, at 97-77 Queens Blvd, Rego Park, NY 11374 at (718) 357-4571.

St. Paul's retains the right to determine whether to actually file the charges against the accused or respondent. St. Paul's can initiate charges or choose not to initiate them when evidence does or does not merit doing so, in conformity with state and federal law, St. Paul's Student Code of Conduct, and other St. Paul's policies.

Students that are seeking to file charges must make a complaint to the Title IX Coordinator, David Goldizen either, by phone at (718) 357-4571, or by email at dgoldizen@stpaulsschoolofnursing.edu.

Conduct proceedings are governed by the procedures set forth in the Student Handbook as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

Throughout conduct proceedings, the respondent and the reporting individual will have:

- The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
- The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- When the accused is not a student but is a member of the institution's community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and rules and policies of the institution
- The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay
- The right to offer evidence during an investigation and to review available relevant evidence in the case
- The right to present evidence and testimony at a hearing, where appropriate.

- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
- The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.
- The reporting individual has the right to withdraw a complaint or involvement from the institution process at any time

You should be aware that there are significant differences between St. Paul's disciplinary system and the criminal justice system, because they have different, important goals. In the criminal justice system, prosecutors pursue cases when they believe there is sufficient evidence to prove, beyond a reasonable doubt, that an individual has committed a criminal act. A person who is convicted of a crime will face criminal penalties, such as incarceration, probation, or the imposition of a fine. St. Paul's disciplinary process seeks to determine whether an individual has violated college policy. In this process, a preponderance of the evidence standard of proof is used to determine responsibility. A person who is found to have violated St. Paul's policy may be suspended, expelled or otherwise restricted from full participation in the St. Paul's community.

SUSPENSION is a period of time to be determined by the Campus President during which the student is removed from classes until the terms of the suspension are met. If the terms of the suspension are not met, the student will be dismissed from the program. A student may be placed on suspension at any time during the program.

PROBATION is a trial period of attendance during which the student must improve attendance, grades, or conduct. If the student does not improve as required, the student will be dismissed from the program.

DISMISSAL means that the student has been expelled from the School.

The student will be notified in person and in writing, within three business days of the incident being reported to the Campus President, of the selected sanction, together with his or her right to appeal the decision.

F. Seek an Order of Protection /or No Contact Order.

1. Orders of Protection

Victims of Sexual Offenses may have a right to obtain a court order to protect themselves from the perpetrators. St. Paul's will enforce all applicable no contact orders, restraining orders, and similar lawful orders issued by a criminal, civil, or tribunal court, to the extent required by law.

An order of protection is issued by the court to limit the behavior of someone who harms or threatens to harm another person. It is used to address various types of safety issues, including, but not limited to situations involving domestic violence. Family Courts, criminal courts, and Supreme Courts can all issue orders of protection. An order of protection may direct the offending person not to injure, threaten or harass you, your family, or any other person(s) listed in the order.

A Family Court order of protection is issued as part of a civil proceeding. Its purpose is to stop violence within a family, or within an intimate relationship, and provide protection for those individuals affected. All Family Court proceedings are confidential. To obtain an order of protection in the Family Court, your relationship to the other person must fall into one of the following categories: (1) current or former spouse, (2) someone with whom you have a child in common, (3) a family member to whom you are related by blood or marriage, or (4) someone with whom you have or have had an "intimate relationship." An intimate relationship does not have to be a sexual relationship. A relationship may be considered intimate depending on factors such as how often you see each other, or how long you have known each other. After a petition is filed, the court will decide if it is an intimate relationship.

To start a proceeding in Family Court, you need to file a form called a Family Offense petition. You can contact the Family Court in your county for help completing and filing the petition. Contact information for the Family Court is as follows:

Queen County Family Court
Address 151-20 Jamaica Ave, Jamaica, NY 11432

Phone: (718) 298-0197

You may also wish to speak with an attorney or domestic violence advocate before filing. A criminal court order of protection is issued as a condition of a defendant's release and/or bail in a criminal case. A criminal court order of protection may only be issued against a person who has been charged with a crime.

St. Paul's will provide reporting individuals assistance in obtaining an order of protection. The following individuals can be contacted for assistance in obtaining or understanding an Order of Protection:

David Goldizen
Title IX Coordinator
(718) 357-4571
dgoldizen@stpaulsschoolofnursing.edu

St. Paul's will provide the accused or respondent and the reporting individual a copy of any order of protection or equivalent that St. Paul's receives. St. Paul's will also provide the accused or respondent and the reporting individual an opportunity to meet or speak with a representative of St. Paul's, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person or persons. St. Paul's will provide the accused or respondent and the reporting individual an explanation of the consequences of violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension. ST. PAUL'S will also call on and assist local law enforcement in effecting an arrest when an individual violates an order of protection.

2. No Contact Orders

a. Mandatory No Contact Orders

When a student is accused of a Sexual Offense, St. Paul's is automatically required to issue a mandatory "no contact order" to protect you from the respondent or accused. This "no contact order" is a St. Paul's document that does not have the legal effect of an order of protection, which is obtained through a court.

Under the no contact order:

- (1) the accused's continued intentional contact with the reporting individual is a violation of St. Paul's policy that is subject to additional conduct charges; and
- (2) if the accused or respondent and a reporting individual observe each other in a public place, it is the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. This may include establishing a schedule of attendance for the accused or respondent to access certain locations at St. Paul's, such as academic buildings, libraries, athletics or fitness facilities, and dining halls.

Responsibility to stay away falls upon the person subject to the no contact order ("covered person"), not the protected individual. A covered person may be a respondent or accused or a third party who is the subject of a no contact order. If the covered person and protected person are in the same

place accidentally, it is incumbent upon the covered person to remove himself or herself in a reasonable time and manner.

Upon request, both the accused (or respondent) and the reporting individual are entitled to a prompt review, reasonable under the circumstances, of the need for and terms of the mandatory no contact order, including potential modification, in which they are allowed to submit evidence in support of their requests. Requests to review a mandatory no contact order should be submitted to: the Title IX Coordinator, David Goldizen either, by phone at (718) 357-4571, or by email at dgoldizen@stpaulsschoolofnursing.edu.

If a request for review is received from one party, the other party will be notified of the request for review. The Vice President for Student Life will issue a determination in response to the request, and notify both parties of the determination.

A No-Contact Order is in place until further notice, and is in effect until dismissed by the Title IX Coordinator. The administration and dismissal of the No-Contact Order can be addressed as part of the standard grievance process as covered in the student catalog. All concerns about the No-Contact Order must be submitted in writing to the Title IX Coordinator for immediate review. Responses will be issued to the student in writing within the standard grievance process time period.

b. Non-Mandatory No Contact Orders

When a “no contact order” is not mandatory, you can still ask St. Paul’s to issue a “no contact order” to protect you from the respondent or accused. To make a request to impose a St. Paul’s “no contact order,” you can contact the Title IX Coordinator, David Goldizen either, by phone at (718) 357-4571, or by email at dgoldizen@stpaulsschoolofnursing.edu.

G. Initiate Legal Proceedings.

You may have the right to initiate legal proceedings. St. Paul’s serves as a resource to students in initiating these proceedings. However, St. Paul’s is not required to bring actions on behalf of reporting individuals, provide or pay for attorneys, or provide direct support. Local resources may be able to help you initiate legal proceedings, however.

These resources may provide services with or without cost. The resources include the following:

Queens County Bar Association
9035 148th St, Jamaica, NY 11435
Business Phone: (718) 291-4500
Website: <http://qcba.org/>

H. Receive Other Intervention Services.

St. Paul’s recommends that reporting individuals seek the assistance of trained professionals in the aftermath of a Sexual Offense, and will assist reporting individuals to receive this assistance.

St. Paul's has also entered into collaborative partnerships with community-based organizations (including rape-crisis centers, domestic violence shelters, and assistance organizations), to refer students for assistance or make services available to students. These helpful service providers may be able to provide helpful services (such as counseling, victim advocacy, and visa/immigration assistance), including the following:

Program/Entity Contact Information

New York State Office for the Prevention of Domestic Violence -518-457-5800

New York State Coalition Against Sexual Assault – 518-482-4222

NYU Langone at Columbus Medical Address
97-85 Queens Blvd, Rego Park, NY 11374
Phone :(718) 261-9100

Forest Hills Hospital
102-01 66th Rd, Forest Hills, NY 11375
Phone :(718) 830-4000

A number of resources are also available through the New York State Office of Victim Services (OVS). OVS can be contacted by phone at 1-800-247-8035. OVS resources can also be accessed at the following website: <https://ovs.ny.gov>.

I. Right to Withdraw. You have the right to withdraw your report and/or to withdraw from involvement in St. Paul's investigation of the complaint at any time. If you choose to withdraw, however, St. Paul's may still have obligations to investigate and/or take actions under state or federal law. If St. Paul's continues an investigation or takes action after you withdraw, you have the right to participate as much or as little as you wish.

V. Policy for Alcohol and/or Drug Use Amnesty for Students

The School is a drug-free environment. The use, possession, or distribution of alcoholic beverages or illegal chemical substances on campus is prohibited. Upon enrollment, the student signs a statement indicating understanding of and intent to abide by the School's Drug Free Program.

A student who violates this policy will be dismissed from the School without recourse, and reported to local law enforcement.

In regards to the Drug Free School Policy and Program, the School reserves the right to administer random drug testing and/or reasonable suspicion testing of its students. Students in violation of the Drug Free School Policy will be dismissed and will not be eligible for readmission.

Additional information is included in the School's Consumer Information Guide, available online at <http://www.stpaulsnursingedu.info/>

VI. Immediate Consequences Following a Report of a Sexual Offense

A. Mandatory No Contact Order for Accused Students

As discussed above, when the accused or respondent is a student, St. Paul's will issue a mandatory "no contact order" mandating that (1) the accused's continued intentional contact with the reporting individual is a violation of St. Paul's policy that is subject to additional conduct charges; and (2) if the accused or respondent and a reporting individual observe each other in a public place, it is the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual.

B. Mandatory Interim Suspension for Accused Students

When the accused or respondent is a student determined to present a continuing threat to the health and safety of the community, the accused or respondent will be subject to an interim suspension pending the outcome of a judicial or conduct process. Upon request, St. Paul's will provide both the accused or respondent and the reporting individual a prompt review, reasonable under the circumstances, of the need for and terms of a mandatory interim suspension, including potential modification, in which they are allowed to submit evidence in support of their request. Requests to review a mandatory interim suspension should be submitted to the Title IX Coordinator, David Goldizen by email at dgoldizen@stpaulsschoolofnursing.edu. If a request for review is received from one party, the other party will be notified of the request for review. The Title IX Coordinator will issue a determination in response to the request, and notify both parties of the determination.

C. Mandatory Interim Measures for Accused Non-Students

When the accused or respondent is not a student, but is a member of St. Paul's community and presents a continuing threat to the health and safety of the community, St. Paul's will subject the accused or respondent to interim measures in accordance with applicable employee handbooks, and rules and policies of St. Paul's.

D. Additional Interim Measures and Accommodations

St. Paul's will offer reasonable and available interim measures and accommodations that effect changes in academic, housing, employment, transportation or other applicable arrangements in order to help ensure safety, prevent retaliation, and avoid an ongoing hostile environment, consistent with St. Paul's policies and procedures. These interim measures may include:

- support services (victim advocacy, housing assistance, academic support, counseling, health and mental health services, legal assistance);
- changing work assignments and situations (for employees);
- changing course schedules, assignments, or test schedules (for students);
- no contact orders or targeted interventions;
- providing increased monitoring, supervision, or security; and/or
- providing an escort.

To make a request for reasonable and available interim measures and accommodations, you can contact the Title IX Coordinator, David Goldizen either, by phone at (718) 357-4571, or by email at dgoldizen@stpaulsschoolofnursing.edu. St. Paul's is obligated to comply with a student's reasonable request for a living and/or academic situation changes following an alleged Sexual Offense.

St. Paul's will protect the confidentiality of accommodations or protective measures provided to a complainant or accuser, to the extent that doing so will not impair St. Paul's ability to provide the accommodations or protective measures. The complainant or accuser will be informed before St. Paul's shares any personally identifying information that St. Paul's believes is necessary to provide an accommodation or protective measure. If this occurs, the complainant or accuser will be told what information will be shared, with whom it will be shared, and why it will be shared.

Upon request, St. Paul's will provide both the accused or respondent and the reporting individual a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects him or her, in which he or she is allowed to submit evidence in support of his or her request. In the event that an accommodation or interim measure granted to or against one party impacts another party, both the directly impacted party and the secondarily impacted party may request a review of the terms or totality of the accommodation and/or measure by St. Paul's and may submit information as to the reasoning for requesting a change.

Requests to review interim measures and accommodations should be submitted to the Title IX Coordinator, David Goldizen either, by phone at (718) 357-4571, or by email at dgoldizen@stpaulsschoolofnursing.edu, Human Resources Associate, Sandra Baines at sbaines@stpaulsschoolofnursing.edu, or (718)517-8947 (for employees). If a request for review is received from one party, the other party will be notified of the request for review. The Title IX Coordinator or Human Resources Associate will issue a determination in response to the request, and notify both parties of the determination.

VII. Investigation and Disciplinary Procedures for Sexual Offense Cases

When St. Paul's becomes aware of a Sexual Offense by or against an employee or student or that has a reasonable connection to St. Paul's, it will take prompt and appropriate action.

The Title IX Coordinator will make an initial assessment regarding the validity of any information received about the incident. This initial determination will be made within five (5) business days of St. Paul's becoming aware of the suspected Sexual Offense. If St. Paul's determines that an investigation is required, it must seek consent from reporting individuals prior to conducting an investigation. If a reporting individual does not consent to St. Paul's request to initiate an investigation, the Title IX Coordinator will weigh the request against St. Paul's obligation to provide a safe, nondiscriminatory environment for all members of its community.

St. Paul's will honor a request to decline to consent to an investigation, unless St. Paul's determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community, based on the Title IX Coordinator's consideration of factors that include, but are not limited to, the following:

1. Whether the accused has a history of violent behavior or is a repeat offender;
2. Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
3. The increased risk that the accused will commit additional acts of violence;
4. Whether the accused used a weapon or force;
5. Whether the reporting individual is a minor; and

6. Whether the institution possesses other means to obtain evidence such as security footage, and
7. Whether available information reveals a pattern of perpetration at a given location or by a particular group.

If the Title IX Coordinator determines that the request to decline to consent to an investigation can be honored, St. Paul's will still assist with academic, housing, transportation, employment, and other reasonable and available accommodations.

If the Title IX Coordinator determines that a request to decline to consent to an investigation cannot be honored, and an investigation is necessary, St. Paul's must notify the reporting individuals and take immediate action as necessary to protect and assist them.

When an investigation is commenced, and the accused is a student, the student must be informed, as promptly as possible, of (1) the specific rule, rules, laws, and/or code of conduct provisions alleged to have been violated; (2) the date, time, location and factual allegations concerning the violation; (3) in what manner the specific rule, rules or laws are alleged to have been violated, and (4) the sanction or sanctions that may be imposed on the respondent based upon the outcome of any judicial or conduct process.

Within ten (10) business days of determining that an investigation is necessary, the Title IX Coordinator, or other trained investigator who does not have a conflict of interest, will promptly initiate a fair, complete, thorough, and impartial investigation that provides a meaningful opportunity to be heard. Like the Title IX Coordinator, any other designated investigator must be annually trained on: (1) issues related to sexual assault, relationship violence, and stalking, (2) how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability, (3) how to conduct investigations of sexual violence, (4) the effects of trauma, (5) impartiality, (6) the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made, and (7) St. Paul's policies and procedures, and other issues.

If the Title IX Coordinator is implicated in the report, the President will be responsible for designating another trained investigator to conduct the investigation. If it would be inappropriate for the Title IX Coordinator or President to designate another trained investigator to conduct the investigation, then the Area Manager will make this designation.

The standard of evidence used to evaluate a report of a Sexual Offense by or against an employee or student is a "preponderance of the evidence." Under this standard, a determination must be made on the basis of whether it is more likely than not that the accused student or employee violated the Sexual Offense Policies & Procedures for Students and Employees

- In investigating the complaint, the Title IX Coordinator or other trained investigator shall:
- a. Meet with the appropriate individuals and review all appropriate records that bear on the case.
 - b. Provide the accuser and the accused with copies of the Sexual Offense Policies & Procedures for Students and Employees.
 - c. Discuss the allegations in the complaint with the accuser and accused at separate meetings, and provide the accuser and accused with equal opportunities to identify

witnesses and present evidence supporting their respective positions at these meetings.

- d. Provide the accuser and the accused with the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action. An attorney for either the accuser or the accused, however, may be present but may not have a speaking role during such meeting, conference, hearing, or other procedural action.
- e. Where the reporting individual or accused are students, provide the students with:
 - A. reasonable advance written or electronic notice of any meeting they are required to attend, and are eligible to attend,
 - B. an opportunity to submit evidence during an investigation concerning a report of a Sexual Offense, and
 - C. the opportunity to exclude (1) their own prior sexual history with persons other than the other party in the conduct process and (2) their own mental health diagnosis and/or treatment from the Title IX Coordinator or other investigator's consideration when determining responsibility. (However, the Title IX Coordinator or other investigator may consider past findings of a Sexual Offense when determining the sanction to be imposed).

6. Attempt, where appropriate, to resolve the complaint by exploring and suggesting possible solutions to the problem with all involved parties, provided, however, that the complainant or accuser will not be required to participate in mediation with the accused.

7. (If the preceding step does not resolve the problem), make and transmit a preponderance of the evidence determination in the matter of the allegation of the Sexual Offense to the accused, accuser, and the Title IX Coordinator.

The time necessary to complete an investigation will vary depending upon the facts of a particular case. In most cases, investigations will be completed within 60 days of receipt of a report. The Title IX Coordinator or other trained investigator who conducted the investigation shall prepare written findings of fact and recommendations, with respect to whether it is more likely than not that the Sexual Offense occurred, appropriate disciplinary actions, if any, and/or other appropriate remedial measures.

Once the investigation is complete, the parties will be informed, in writing, of the outcome within two (2) business days of the issuance of the determination. When the victim or accused is a student, this written notice will include the result of the investigation, any recommended sanctions, the rationale for the result and any recommended sanctions, the findings of fact, and a notification if conduct charges will be pursued and/or continued. Delivery of this outcome will not be delayed to either party, and should occur as nearly simultaneously as possible, without unnecessarily bringing those in conflict into close proximity to each other. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

If the Title IX Coordinator or other trained investigator concludes that the accused student or employee did not violate the Sexual Offense Policies & Procedures for Students and Employees, St. Paul's will not pursue discipline against the student or employee. The parties will be informed of their potential rights to exercise a request for an appeal of the determination, if applicable. Pursuant to the Student Code of Conduct, available via the Student Catalog located at:

http://www.stpaulsnursingedu.info/Portals/0/ComplianceFiles/St_Paul_Queens_Catalog.pdf if the Title IX Coordinator or other trained investigator determines that a student did not violate St. Paul's Sexual Offense Policies & Procedures For Students and Employees, the reporting individual has the right to appeal the Title IX Coordinator's finding of no violation to an Appellate Committee within two (2) business days of the decision.

If the Title IX Coordinator or other trained investigator concludes that it is more likely than not that the accused student or employee violated the Sexual Offense Policies & Procedures for Students and Employees, St. Paul's will take the matter very seriously, and will pursue (or continue to pursue) internal disciplinary proceedings against the accused or respondent. The Title IX Coordinator will refer the matter to the Human Resources Associate (for employees) to determine whether to pursue disciplinary charges, within five (5) business days of the investigator's determination. The disciplinary proceedings will then be commenced within 15 business days of the decision to pursue disciplinary charges.

Information regarding internal disciplinary proceedings for students can be found in the Student Code of Conduct, located in the student catalog

http://www.stpaulsnursingedu.info/Portals/0/ComplianceFiles/St_Paul_Queens_Catalog.pdf.

Information regarding internal disciplinary proceedings for employees can be found in the Employee Handbook.

Internal disciplinary proceedings where a student or employee is accused of a Sexual Offense are fair and impartial, include timely notice of meetings and timely and equal access to information and evidence that will be used, and are conducted by unbiased decision makers who have no conflict of interest. The proceedings are completed within a reasonably prompt, designated timeframe.

However, the timeframe may be extended for good cause upon written notice to the accuser and accused. The proceedings provide students with the opportunity to present evidence and testimony at a hearing.

Following any internal disciplinary proceeding for cases of Sexual Offense, the victim and accused will be provided with simultaneous written notice of the result of the proceeding, including any sanctions imposed, and the rationale for the result and sanctions. When the victim or accused in an internal disciplinary proceeding for a Sexual Offense is a student, the student will also receive written notice of the findings of fact. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

All parties will also be informed of their potential rights to exercise a request for an appeal of the disciplinary determination under the Student Code of Conduct or Employee Handbook. Pursuant to the Student Code of Conduct, all students have a right to an appeal any final disciplinary determination by a Student Conduct Board to an Appellate Board within two (2) business days of the decision. Unless otherwise required by law, St. Paul's will protect all information obtained about students during the course of the disciplinary process from public release, until the Appeals Board makes a final determination.

Discipline for incidents of Sexual Offense may take a variety of forms, depending upon the circumstances of a particular case. The disciplinary sanctions which may be imposed on students

who have been found responsible for committing any of the Sexual Offenses are the following: warning, disciplinary probation, loss of privileges, fines, restitution, sanctions, parental/guardian notification, residence hall suspension, residence hall expulsion, short-term college suspension, long-term college suspension, administrative suspension, expulsion, revocation of degree, withholding degree, prohibition of professional practice, and mandatory assessment/counseling. The disciplinary sanctions which may be imposed on employees who have been found responsible for committing any of the Sexual Offenses are the following: verbal warning, written reprimand, mandatory training session, no contact order, suspension without pay, termination, and/or termination.

If the investigation reveals that a Sexual Offense did occur, St. Paul's will take also take appropriate remedial measures necessary to end such conduct, prevent any such future conduct, and correct any personnel or academic decisions made which are related to the prohibited conduct. Remedies may include, but are not limited to, continuing or commencing any of the above-listed "interim measures." These remedies are separate from, and in addition to, any interim measures that may have been provided prior to the conclusion of the investigation. Such measures can be requested by a reporting individual or accuser, by contacting the Human Resources Associate (for employees) or the Title IX Coordinator (for students).

Engaging in a Sexual Offense may also lead to civil and/or criminal action under the New York State Penal Law. Any employee, who, in violation of St. Paul's policy, engages in a Sexual Offense, is acting outside the scope of his or her employment and may be personally liable for such actions and their consequences. In the event legal proceedings are commenced against such an employee, St. Paul's may decline to provide legal, financial, or other assistance.

In any proceeding brought against St. Paul's which seeks to vacate or modify a finding that a student engaged in Sexual Offense, St. Paul's:

- (1) will treat the name and identifying biographical information of any student as presumptively confidential, and
- (2) will not include this information in the pleadings and other papers in such proceeding absent a waiver or cause shown as determined by the court; and
- (3) will identify student witnesses only as numbered witnesses.

VIII. Notation on Student Transcripts for Crimes of Violence

If a student is suspended or expelled as a result of being found responsible for a Crime of Violence, St. Paul's must make a notation on the student's transcript that the student was "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." If a student withdraws from St. Paul's while such conduct charges related to crimes of violence are pending against the student, and declines to complete the disciplinary process, St. Paul's must make a notation on the student's transcript that he or she "withdrew with conduct charges pending."

These transcript notations can be appealed by contacting the Area Dean of Academics at cchnupp@edaff.com. Transcript notations for violence-related suspensions shall not be removed prior to one year after conclusion of the suspension. Transcript notations for violence-related expulsions shall never be removed from a student's transcript. A notation for an expulsion may not be removed via an appeal to St. Paul's. If a finding of responsibility is vacated for any reason,

however, the transcript notation must be removed. Further, if a court of competent jurisdiction vacates a finding of responsibility for a violation of college policy, the transcript notation memorializing that finding will also be vacated.

IX. Prohibition of Retaliation

It is a violation of federal and state law and this policy for any employee or student to retaliate against any student or employee for exercising any rights or responsibilities under the Violence Against Women Act, the Clery Act, and/or Title IX. This includes retaliating against a student or employee who reports a Sexual Offense in good faith, or furnishes information or participates in any manner in an investigation of such a report. Retaliation includes any conduct directed at someone because he or she engaged in such protected activity, which might deter a reasonable student or employee from making or supporting such a report.

Retaliation is unlawful and will not be tolerated. St. Paul's will protect students from retaliation by St. Paul's, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within St. Paul's jurisdiction. Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including, termination of employment and/or dismissal from St. Paul's.

Any employee or student who feels as though someone has subjected him or her to retaliation as a result of a report or participation into the investigation of a report should contact the Title IX Coordinator or other senior officer immediately.

X. Education and Training for Students and Employees

It is the policy of St. Paul's to offer multiple methods of educational programming to all students and employees each year to prevent Sexual Offenses. St. Paul's has adopted a comprehensive student onboarding and ongoing education campaign to educate members of St. Paul's community about Sexual Offenses, in compliance with applicable federal laws.

As part of this campaign, St. Paul's offers training to all first-year and transfer students, whether first-year or transfer, during the course of their onboarding, on the following topics, using a method and manner determined by St. Paul's:

1. St. Paul's prohibits sexual and interpersonal violence and will offer resources to any victims and survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the institution;
2. Relevant definitions including, but not limited to, the definitions of sexual assault, domestic violence, dating violence, stalking, confidentiality, privacy, and consent;
3. Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression;
4. The role of the Title IX Coordinator, and other relevant offices that address domestic violence, dating violence, stalking, and sexual assault prevention and response;
5. Awareness of violence, its impact on victims and survivors and their friends and family, and its long-term impact;
6. Bystander intervention and the importance of taking action to prevent violence when one can safely do so;

7. Risk assessment and reduction including, but not limited to, steps that potential victims, perpetrators, and bystanders can take to lower the incidence of violations, which may contain information about the dangers of drug and alcohol use, including underage drinking and binge drinking, involuntary consumption of incapacitating drugs and the danger of mislabeled drugs and alcohol, the importance of communication with trusted friends and family whether on campus or off campus, and the availability of institution officials who can answer general or specific questions about risk reduction; and
8. Consequences and sanctions for individuals who commit these crimes and code of conduct violations.

St. Paul's requires student leaders and officers of student organizations recognized by or registered with St. Paul's, as well as those seeking recognition by St. Paul's, to complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to receiving recognition or registration. St. Paul's will require each student-athlete to complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to participating in intercollegiate athletic competition. St. Paul's also offers specific training to international students, students who are also employees, leaders and officers of registered or recognized student organizations, and online and distance education students, and members of any high-risk populations, as determined by St. Paul's.

St. Paul's offers general and specific training on each of the following topics to all students and employees:

1. St. Paul's policy prohibiting relationship violence, sexual assault, and stalking;
2. the definitions of "dating violence," "domestic violence," "sexual assault," and "stalking" under federal law, New York law, and St. Paul's policies;
3. the definition of "consent," in reference to sexual activity, under federal law, New York law, and The St. Paul's school policies;
4. a description of St. Paul's educational programs and campaigns to promote the awareness of relationship violence, sexual assault, and stalking;
5. procedures victims should follow if a crime of relationship violence, sexual assault, or stalking has occurred, including information about:
 - a) the importance of preserving evidence collected from a sexual assault forensic examination that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
 - b) how and to whom the alleged offense should be reported;
 - c) options about the involvement of law enforcement and campus authorities, including notification of the victim's option to: (i) notify proper law enforcement authorities, including on-campus and local police; (ii) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and (iii) decline to notify such authorities;
6. the rights of victims and St. Paul's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by St. Paul's;
7. information about how St. Paul's will protect the confidentiality of victims and other necessary parties, including how it will:
 - a. complete publicly available recordkeeping without including personally identifying information about the victim; and

- b. maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of St. Paul's to provide the accommodations or protective measures;
- 8. St. Paul's policy of providing written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid, and other services available for victims, both within St. Paul's and in the community; and
- 9. St. Paul's policy of providing written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
- 10. St. Paul's policy that, when a student or employee reports to St. Paul's that the student or employee has been a victim of relationship violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options;
- 11. a description of St. Paul's disciplinary proceedings regarding alleged incidents of relationship violence, sexual assault, or stalking, which:
 - a. include a prompt, fair, and impartial process from the initial investigation to the final result;
 - b. are conducted by officials who, at a minimum, receive annual training on the issues related to relationship violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - c. provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
 - d. do not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; and
 - e. require simultaneous notification, in writing, to both the accuser and the accused, of
 - i. the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
 - ii. the institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;
 - iii. any change to the result; and
 - iv. when such results become final.
- 12. information on how to prevent and identify sexual violence;
- 13. the potential for re-victimization by responders and its effect on students and employees;
- 14. the impact of trauma on victims;
- 15. the role alcohol and drugs can play in sexual violence incidents;
- 16. appropriate methods for responding to a student or employee who may have experienced sexual violence, including the use of nonjudgmental language;

17. reporting obligations, including what should be included in a report, any consequences for failing to report, and how requests for confidentiality should be treated;
18. protections against retaliation; and
19. other information to prevent violence, promote safety and reduce perpetration.

St. Paul's also offers training on bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of a Sexual Offense. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Additionally, all employees and students are offered information regarding risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

St. Paul's regularly assesses programs and policies established pursuant to federal and state law to determine effectiveness and relevance for students and employees.

XI. Public Awareness and Advocacy Events

As part of St. Paul's public awareness campaign, St. Paul's may from time to time schedule primary prevention, public awareness, and advocacy programs for students and employees

If an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public event, St. Paul's is not obligated to begin an investigation based on such information. However, St. Paul's may use the information provided at such an event to inform its efforts for additional education and prevention efforts.

XII. Sexual Offender Registry

The federal Campus Sex Crimes Prevention Act enacted in 2000 went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders required to register in a State to provide notice, as required under state law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. The New York State sex offender registry may be accessed at www.criminaljustice.state.ny.us/nsor/index.htm.

XIII. Memoranda of Understanding

St. Paul's has entered into memoranda of understanding with providers to:

1. provide sexual assault forensic examination to students; and
2. provide legal assistance to students (including both accused/respondents and reporting individuals).

St. Paul's has also executed memoranda of understanding in partnership with:

Rape Crisis Center:

Safe Horizons
63-49 Alderton Street, 2nd Floor
Rego Park, New York 10301
(718) 899-1233

Safe Horizons has agreed to provide at no cost to the student:

- Direct services for victims for rape and domestic violence
- Training for students and faculty
- 24 hour hotline
- Confidential crisis counseling, referral, medical and legal services

XIV. Climate Surveys

Commencing during the 2016 - 2017 school year, St. Paul's began conducting an anonymous survey of student and employees to examine

- (1) the prevalence and incidence of Sexual Offense,
 - (2) the perceptions of the campus climate,
 - (3) the general awareness and knowledge of students and employees about the provisions of the New York Enough is Enough law, and
 - (4) student experience with and knowledge of reporting and college adjudicatory processes.
- Participation in such climate survey shall be voluntary but is encouraged.

The climate survey was developed using standard and commonly recognized research methods, and includes questions covering the following topics:

1. the Title IX Coordinator's role;
2. campus policies and procedures addressing sexual assault;
3. how and where to report domestic violence, dating violence, stalking or sexual assault as a victim, survivor or witness;
4. the availability of resources on and off campus, such as counseling, health and academic the prevalence of victimization and perpetration of domestic violence, dating violence, stalking, or sexual assault on and off campus during a set time period;
5. bystander attitudes and behavior;
6. whether reporting individuals disclosed to the institution and/or law enforcement, experiences with reporting and institution processes, and reasons why they did or did not report;
7. the general awareness of the difference, if any, between the institution's policies and the penal law; and
8. general awareness of the definition of affirmative consent.

St. Paul's will take steps to ensure that answers to climate assessments remain anonymous and that no individual is identified. St. Paul's will publish an executive summary of the climate assessment survey results on St. Paul's website, provided that no personally identifiable information or information which can reasonably lead a reader to identify an individual is shared.

The survey is available at:

http://www.stpaulsnursingedu.info/Portals/0/ComplianceFiles/SPON_Queens_Climate_Survey_2017.pdf

XV. Annual Reporting

Reports of certain crimes occurring in specific geographic locations are included in St. Paul's annual security report (ASR), in an anonymized manner that identifies neither the specifics of the crime nor the identity of the reporting individual.

St. Paul's is obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual. A reporting individual shall not be identified in a timely warning.

FERPA allows St. Paul's to share information with parents when (i.) there is a health or safety emergency, or (ii.) when the student is a dependent on either parent's prior year federal income tax return. Generally, however, St. Paul's will not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual.

St. Paul's will annually report the following information about reports of domestic violence, dating violence, stalking and sexual assault to the New York State Education Department:

1. The number of such incidents that were reported to the Title IX Coordinator.
2. The number of reporting individuals who sought St. Paul's judicial or conduct process.
3. The number of cases processed through St. Paul's judicial or conduct process.
4. The number of respondents who were found responsible through St. Paul's judicial or conduct process.
5. The number of respondents who were found not responsible through St. Paul's judicial or conduct process.
6. A description of the final sanctions imposed by St. Paul's for each incident for which a respondent was found responsible through St. Paul's judicial or conduct process.
7. The number of cases in St. Paul's judicial or conduct process that were closed prior to a final determination after the respondent withdrew from St. Paul's and declined to complete the disciplinary process.
8. The number of cases in St. Paul's judicial or conduct process that were closed because the complaint was withdrawn by the reporting individual prior to a final determination