



# 2025 ANNUAL SECURITY AND FIRE SAFETY REPORT

(This annual report contains information for the 2025-2026 academic year and statistical information for calendar years 2022, 2023, and 2024)

Published: October 1, 2025

This Annual Security and Fire Safety Report applies to The Bronx, New Rochelle, Online and St. Lucia Campuses. All policy statements contained in this report apply to all campuses unless otherwise indicated.

In compliance with the Jeanne Clery Campus Safety Act (20 USC §1092(f), 34 CFR 668.46).

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# Introduction

## *A Word about the Preparation of Monroe University's Annual Security and Fire Safety Report*

### **Questions? Please contact:**

Christopher E. Barto  
Vice President, Compliance &  
Government Relations  
914-740-6590  
[cbarto@monroeu.edu](mailto:cbarto@monroeu.edu)

The University's Public Safety department ("Public Safety") compiles statistics for the annual report based on incidents reported directly to the local police, Public Safety, and other University officials with significant responsibility for student and campus activities.

The statistics represent activity both on campus and on public property adjacent to campus property.

Reported **On-Campus** offenses include all offenses within the campus area that occur in campus buildings or property, including residence halls. Incidents occurring in any campus building or on campus property that is not within the same reasonably contiguous geographic area of the campus are reported under **Non-Campus Building or Property**. Offenses occurring on public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus, are reported under **Public Property**.

All of the statistics are gathered, compiled, and reported to the University community via this report, which is published by the Office of Compliance. The University Compliance Officer submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The University (Public Safety) surveys the following offices for this report: Student Services, FYE, Residence Life, Athletics, and Student Activities.

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## Important Telephone Numbers

### *Monroe University Department of Public Safety:*

#### **24-Hour Contact Numbers:**

|                      |              |
|----------------------|--------------|
| BRONX Campus:        | 646-393-8495 |
| NEW ROCHELLE Campus: | 914-740-6854 |

#### **Local Law Enforcement:**

#### **Dial 911**

|                      |  |              |
|----------------------|--|--------------|
| BRONX Campus:        | <i>NYPD 52<sup>nd</sup> Precinct:</i>  | 718-220-5811 |
| NEW ROCHELLE Campus: | <i>New Rochelle Police Department:</i> | 914-654-2300 |

#### **Monroe University Health and Wellness Counseling Services:**

|                      |   |              |
|----------------------|---|--------------|
| BRONX Campus:        | <i>Student Health &amp; Wellness Services</i> | 646-393-8295 |
| NEW ROCHELLE Campus: | <i>Student Health &amp; Wellness Services</i> | 914-740-6420 |

#### **Rape or Crisis Programs:**

|               |                      |              |
|---------------|----------------------|--------------|
| BRONX Campus: | <i>Dove Program:</i> | 212-305-9060 |
|---------------|----------------------|--------------|

#### **Title IX Coordinators:**

|                         |                             |              |
|-------------------------|-----------------------------|--------------|
| BRONX Campus:           | <i>Jeannette Slim</i>       | 646-393-8547 |
| NEW ROCHELLE Campus:    | <i>Jamie Kopchynski</i>     | 914-740-6773 |
| Title IX Administrator: | <i>Christopher E. Barto</i> | 914-740-6590 |

The St. Lucia Campus does not have a Monroe University Department of Public Safety. Crimes should be reported to the Royal Saint Lucia Police Force by calling 999 for emergencies or +1 758-456-3637 for non-emergencies. Crimes should also be reported to the Director of Outreach and Special Programs at the St. Lucia Campus by calling 758-456-3200.

#### **To Report Security- or Fire-related Maintenance Concerns:**

|                      |              |
|----------------------|--------------|
| BRONX Campus:        | 646-393-8495 |
| NEW ROCHELLE Campus: | 914-740-6854 |
| St. Lucia Campus:    | 758-456-3200 |

## Reporting Crimes or Other Emergencies

Any member of the University community who is, or thinks they may be, the victim of a crime must report the incident to Public Safety. All members of the University community and all visitors are encouraged to accurately and promptly report potential criminal activity, suspicious behavior, and any emergencies on campus, on public property running through or immediately adjacent to the campus, or in other property that is owned or controlled by Monroe to the Office of Public Safety by calling 646-393-8495 for the Bronx campus or 914-740-6854 for the New Rochelle campus or 758-456-3200 for the St. Lucia Campus. For emergencies at St. Lucia members of the community should contact the Royal Saint Lucia Police Force by calling 999 or +1 758-456-3637 (non-emergencies).

Victims of crimes will be assisted in filing their complaints with the New York City or New Rochelle Police Departments. Public Safety will also assist the crime victim in obtaining medical and/or counseling services, if necessary. The University provides in-person and virtual professional counseling support for students through the Office of Health and Wellness. Please call or text the office at **646-413-3539** to schedule an appointment.

If a student is charged with a felony, the following guidelines apply:

- Regardless of the location of the incident or the identity of the victim, if a Monroe University student is charged, the University retains the prerogative to summarily suspend the student pending the outcome of the investigation. This action would be taken because of the potential threat the student poses to the Monroe community as stated in the Code of Conduct.
- After the case is adjudicated by outside authorities, the charges will then be reviewed under the University's Code of Conduct.

## *How to Report an Incident*

Members of the University community are asked to please promptly report criminal incidents, emergencies, and suspicious activity, including instances when the victim of a crime does not elect, or is unable to make, such a report. Public Safety will accept reports from students, staff, and faculty 24 hours a day, seven days a week. The campus emergency numbers are as follows:

### *Monroe University Department of Public Safety:*

#### **24-Hour Contact Numbers:**

BRONX Campus: 646-393-8495

NEW ROCHELLE Campus: 914-740-6854

Note: St. Lucia does not have a Department of Public Safety. Incidents may be reported to the Director of Outreach and Special Programs: 758-456-3200

### *Local Law Enforcement:*

BRONX Campus: *NYPD 52<sup>nd</sup> Precinct: 911 or 718-220-5811*

NEW ROCHELLE Campus: *New Rochelle Police Department: 911 or 914-654-2300*

St. Lucia Campus: *Royal Saint Lucia Police Force*: 1-758-456-3637 or 999

**The Bronx and New Rochelle Campuses: 911 should be used for all fire, medical, and police emergencies.**

**St. Lucia Campus: 999 should be used for police emergencies, and 911 should be used for fire and medical emergencies.**

Monroe University makes every effort to ensure that students and others can easily report criminal actions or emergencies that occur on or off campus. Incidents can be reported to a Public Safety officer located in King Hall (Bronx) or Allison Hall (New Rochelle), or any location where a Public Safety officer is posted. Incidents at St. Lucia may be reported to the Director of Outreach and Special Programs: 758-456-3200.

When reports are received, the following actions are taken:

- Students, faculty and staff are encouraged to report all crimes to the police and are assisted in doing so. Victims are referred to the appropriate offices/agencies on and off campus, including health/medical services and judicial affairs.
- A summary of reported incidents is sent to the appropriate Senior Vice President and Dean of the campus for review and follow-up with students.
- A summary of reported incidents concerning staff and faculty is sent to the appropriate administrative or academic departments for review and follow-up.

Public Safety distributes information on campus crime to the University community via campus email. In the event of serious crimes on or off campus, such as robbery or assault, safety alerts are immediately distributed to the University community. In addition, Public Safety analyzes the reports, compiles crime statistics, and develops strategies to reduce criminal incidents and enhance preventive measures.

### [Response to a Report](#)

Public Safety staff are available at these respective telephone numbers 24 hours a day to answer your calls. In response to a call, the Office of Public Safety will take the required action, either dispatching an officer or asking the victim to report to Public Safety to file an incident report. For incidents reported to the Royal Saint Lucia Police Force, an officer will be available to respond to your call upon calling 999 or 911 (emergency services), 24 hours a day to answer your calls. In response to a call, the Royal Saint Lucia Police Force will take the required action, either dispatching an officer or asking the victim to report to the Royal Saint Lucia Police Force to file an incident report. The Royal Saint Lucia Police Force will investigate a report when deemed appropriate. All reported crimes will be investigated by the University and may become a matter of public record. All Public Safety incident reports are forwarded to the respective Dean of Students/Student Affairs Office for review and referral for potential action, as appropriate. The Director of Public Safety will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Office of Student Affairs/Dean of Student (New Rochelle campus) or Office of Student Services

(Bronx campus) respectively. The information obtained by the Director of Outreach and Special Programs at St. Lucia will be forwarded to either the Bronx or New Rochelle contacts. If assistance is required from the NYPD or New Rochelle Police Department or the FDNY or New Rochelle Fire Department, Public Safety will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including Public Safety or a Title IX Coordinator, will offer the victim a wide variety of services.

### Reporting to Meet Disclosure Requirements

Members of the community are helpful when they immediately report crimes or emergencies to the Public Safety Department (Bronx Campus: 646-393-8495, New Rochelle Campus: 914-740-6854), the Royal Saint Lucia Police Force 999 and then report the crime to the Director of Outreach and Special Programs 758-456-3200 (this applies to the St. Lucia Campus only), and/or to a Primary Campus Security Authorities (CSAs)(for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notices, when deemed necessary. Monroe's Primary CSAs are as follows:

David Dimond  
Senior Vice President of Operations  
Milavec Hall - Executive Suite, 1st Floor  
370 Main Street  
New Rochelle, NY 10801  
Office: 914.740.6436  
Cell: 917.559.0322  
[ddimond@monroeu.edu](mailto:ddimond@monroeu.edu)

Christopher E. Barto, University Title IX Administrator  
Vice President, Compliance and Government Relations  
Milavec Hall - Executive Suite, 1<sup>st</sup> Floor  
370 Main Street  
New Rochelle, NY 10801  
Office: 914.740.6590  
Cell: 917.837.4627  
[cbarto@monroeu.edu](mailto:cbarto@monroeu.edu)

Paula Green  
Director of Public Safety  
Allison Hall - 1st Floor  
368 Main Street  
New Rochelle, NY 10801  
Office: 914-740-6612 or 914-740-6854  
[pgreen@monroeu.edu](mailto:pgreen@monroeu.edu)

Alex Canals  
Associate Vice President for Student Affairs and Dean of Students (NR Campus)  
Main Hall - 1<sup>st</sup> Floor  
434 Main Street  
New Rochelle, NY 10801  
Office: 914-740-6819  
[acanals@monroeu.edu](mailto:acanals@monroeu.edu)

Ted Goldstein  
Associate Vice President of Student Services (Bronx Campus)  
King Hall  
2501 Jerome Avenue - 1<sup>st</sup> Floor  
Bronx, NY 10468  
Office: 646.393.8304  
[tgoldstein@monroeu.edu](mailto:tgoldstein@monroeu.edu)

Jessica Pollas, LCSW LMSW  
Director of Clinical Services  
Main Hall - Student Services Office, 1st Floor  
434 Main Street  
New Rochelle, NY 10801  
Cell: 646-413-3539  
WhatsApp: 646-413-3539  
[jpollas@monroeu.edu](mailto:jpollas@monroeu.edu)

Luis Melendez  
Assistant Vice President of Athletics  
Milavec Hall - 2<sup>nd</sup> Floor  
370 Main Street  
New Rochelle, NY 10801  
Office: 914.740.6444  
[lmelendez@monroeu.edu](mailto:lmelendez@monroeu.edu)

David Spiegel  
Director of Athletics - Bronx Campus  
King Hall  
2501 Jerome Avenue -  
Office: 914-740-6856  
Cell: 646-941-3246  
[dspiegel@monroeu.edu](mailto:dspiegel@monroeu.edu)

Jeannette Slim, Bronx Title IX Coordinator  
Academic Advisor/DSO  
King Hall - Student Services Office, 1st Floor  
2501 Jerome Avenue  
Bronx, NY 10468  
Office: 646-393-8547  
[jslim@monroeu.edu](mailto:jslim@monroeu.edu)

Jamie Kopchynski, New Rochelle Title IX Coordinator  
Director, Office of Student Athletics  
Main Hall - Student Services Office, 1st Floor  
434 Main Street  
New Rochelle, NY 10801  
Office: 914.740.6773  
Cell: 332.268.0498  
[jkopchynski@monroeu.edu](mailto:jkopchynski@monroeu.edu)

Michele Charles  
Director of Outreach and Special Programs  
22F9+J96, Vide Boutielle Highway  
Castries, Bisee, St. Lucia  
Office: 758.456.3200  
[mcharles@monroeu.edu](mailto:mcharles@monroeu.edu)

### **Accurate and Prompt Reporting**

Members of the Monroe community are encouraged to accurately and promptly report crime and emergencies to the Office of Public Safety and the appropriate police agencies, including when the victim of a crime elects to, or is unable to, make such a report.

### **Professional and Pastoral Counselors**

Campus “Professional Counselors” and “Pastoral Counselors”, when acting as such, are not considered to be a campus security authority for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics.

#### *Professional Counselor*

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification.

#### *Pastoral Counselor*

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. Please note: Monroe does not employ any Pastoral Counselors.

In addition, pastoral counselors or professional mental health counselors as well as medical professionals are encouraged, if and when they deem it appropriate, to inform individuals they are counseling to report crimes on a voluntary and confidential basis for inclusion in the annual crime statistics. Students are informed that, if they wish, they can confidentially report an incident for inclusion in the statistical report to Public Safety or to a campus security authority at one of the offices listed above.

### **Safety-Related Policies**

#### *Access to Academic and Administrative Buildings*

During normal business hours the administrative and academic facilities at Monroe are open and accessible to students, staff, faculty, and visitors of the University. After normal business hours access to University facilities is limited to members of the Monroe community. All academic and administrative buildings are locked in the evening and on weekends, according to the scheduled use of the facilities. Access to these facilities is limited to Monroe students, faculty, and staff, as well as approved guests and visitors. Public safety officers conduct routine security and safety patrols of the academic and administrative buildings to monitor conditions and report any unusual circumstances (excluding St. Lucia as there is no Public Safety department at that campus).

#### *Access to Residence Halls*

Monroe University provides student housing in traditional-style residence halls, apartments, and suites. Monroe does not have student organization-sponsored off-campus locations

recognized by the institution (such as fraternity or sorority houses). Access to the residence halls is limited to Monroe students and their guests. Resident students must carry their Monroe University physical or digital ID at all times and swipe their card in a card-reader or enter their ID number in a digital keypad to enter most residence halls.

Monroe students visiting another residence hall must provide their Monroe ID and be signed in when entering. Persons who do not live on campus must provide a valid photo ID, register at the Public Safety desk, and be greeted by their host. Housing staff and Public Safety Officers monitor security in the residential facilities and encourage building residents to report suspicious or unusual activity.

Residence Halls are only available at the New Rochelle campus. The Bronx and St. Lucia Campuses do not have residence halls.

### *Maintenance Services*

The Facilities Department maintains the University buildings and grounds with an emphasis on safety and security. It responds immediately to reports of potential safety and security hazards such as broken windows and locks. Public Safety assists Facilities personnel by reporting possible hazards. Community members are encouraged to report any possible hazards by calling The University's Public Safety office in the Bronx (646-393-8495) or New Rochelle (914- 740-6854) or to the Director of Outreach and Special Programs at St. Lucia (758-456-3200).

### *Public Safety at Monroe University*

The safety of the campus community is a 24-hour-a-day, 365-day-a-year operation.

Monroe University's Public Safety team is comprised of seasoned administrators and officers with considerable professional security and law enforcement experience and expertise.

All of Monroe University's Public Safety officers are licensed by the State of New York. These officers are not sworn and do not carry firearms, nor do they have police powers. Public Safety Officers can detain suspects until police arrival but have no power of arrest.

Public Safety Officers have the authority to enforce University policies.

The patrol jurisdiction of security officers is limited to any buildings or properties owned or leased and controlled by Monroe University.

All officers receive extensive yearly training in public and community relations, listening skills, sensitivity and diversity, report writing, patrol techniques, and fire prevention and control.

Public Safety maintains a close working relationship with local, state, and federal law enforcement agencies, including the New York State Police, New York City and New Rochelle Police Departments; there is no written memorandum of understanding with these agencies regarding any topics, including the investigation of criminal incidents. Public Safety also does not have any written memorandum of understanding with the Royal Saint Lucia Police Force.

Public Safety personnel report all incidents requiring police assistance to the appropriate law enforcement agency and obtain any pertinent information from the

local police for the Annual Security and Fire Safety Report. Information is exchanged daily to ensure that the University is aware of all incidents that occur on or off-campus, in compliance with the Jeanne Clery Campus Safety Act.

The University recognizes that the key to public safety is awareness on campus. Information on safety awareness, campus security, and crime prevention is available at the offices of Public Safety (2501 Jerome Avenue / King Hall in the Bronx and 368 Main Street / Allison Hall in New Rochelle).

### *Security Awareness and Crime Prevention Programs*

The University:

- Presents crime prevention lectures and discussions for groups of any size.
- Presents orientation programs for first-year and new transfer students.
- Inspects Monroe University properties and promptly recommends repairs necessary to ensure safety and security.
- Requires its managers to walk through the campus to interact with students, observe conditions, and review lighting and other environmental concerns.
- Distributes information on crime prevention to the community.
- Public Safety personnel patrol the campus on foot and in standard patrol vehicles. Public Safety personnel patrol academic and residential buildings.

The Director of Public Safety urges the campus community to take advantage of the various services offered by Public Safety. These services include student escorts, campus transportation, victim assistance, residential security, lost and found, medical transportation (if needed), campus patrols, and crime information.

During the 2024-2025 academic year, Monroe offered approximately 45 crime prevention, safety and security awareness programs. Topics such as fire safety, personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

Our crime prevention and security awareness programs encourage students and employees to be responsible for their own security and generally the awareness of safety for others. Participants in these programs are asked to be alert, security-conscious and involved and are advised to contact Public Safety to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at 914-740-6854.

### *Monitoring and Recording of Criminal Activity by Students at Noncampus locations of Recognized Student Organizations*

Monroe does not have officially recognized student organizations that own or control housing facilities outside of the University core campus. Therefore, local PD is not used to monitor and record criminal activity since there are no Noncampus locations of student organizations.

### *Timely Warnings/Safety Alerts*

To help prevent crimes or serious incidents, Public Safety, in conjunction with other departments on campus and local police departments, issues safety alerts in a timely manner to notify community members about certain crimes in and around our community.

Members of the community who know of a crime or other serious incident are to report it as soon as possible to Public Safety so that a safety alert can be issued, if warranted.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- A string of Burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another;
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger Monroe community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Title IX Administrator, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Senior Vice President of Operations, or his or her designee in his or her absence.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Timely Warning Notices are typically written and distributed by the Senior Vice President of Operations, the Vice President of Public Affairs, the Vice President of Compliance and Government Relations, or the Director of Public Safety.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

In the event that a serious crime within the Clery Geography (On Campus, Public Property and Noncampus property), that, in the judgment of the Senior Vice President of Operations, the Vice President of Public Affairs, the Vice President of Compliance and Government Relations, the Director of Public Safety, the Director of Information Technology, or the Director of Residence Life, constitutes a serious or continuing threat that may impact the University community, they will issue a timely warning notice. Depending on the circumstances, a timely warning may be disseminated by using one or a combination of the following: notice of the crime is e-mailed to all persons with a Monroe University e-mail account or posted in academic buildings and residence halls.

### *Distribution of Safety Alerts*

The University distributes safety alerts in various ways. Depending on the circumstances, a timely warning may be disseminated by using one or a combination of the following: e-mailed to all persons with a Monroe University e-mail account; and/or posted in academic buildings and residence halls. A supplemental text message may be sent to the campus community encouraging them to check their emails to read the warning that was distributed. Ultimately, the primary method that will be used to distribute timely warnings will be via email.

Safety Alerts will not contain any information regarding the identity of the victim.

### *Emergency Notifications*

**In the event of an emergency, contact Public Safety immediately:**

**-Bronx Campus: 646-393-8495**

**-New Rochelle: 914-740-6854**

**At St. Lucia for emergencies contact the Royal Saint Lucia Police Force by dialing 999. Then, as soon as practicable, please contact the Director of Outreach and Special Programs at 758-456-3200.**

If the Senior Vice President of Operations, the Vice President of Public Affairs, the Vice President of Compliance and Government Relations, the Director of Public Safety, the Director of Information Technology, or the Director of Residence Life confirms, sometimes in conjunction with other University administrators, local first responders, Public Health Officials and/or the National Weather Service, that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, the Senior Vice President of Operations, the Vice President of Public Affairs, the Vice President of Compliance and Government Relations, the Director of Public Safety, the Director of Information Technology, or the Director of Residence Life, will immediately notify the campus community, which includes students, faculty, and staff or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

Monroe University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of Public Safety and/or senior administration, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

If necessary, Public Safety will contact local police to share pertinent information about the emergency with the larger community. The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the Monroe University homepage and/or social media.

Monroe utilizes the Regroup Mass Notification® (“Regroup”) system as one of several means to disseminate emergency information to the campus community in the event of an emergency.

Our Campus Alert Protocol utilize the following methods of communication:

- Mass email communication
- Regroup to send a text and/or voice message to the phone number and/or email address supplied by the campus community member.
- An alert posted on [www.monroeu.edu](http://www.monroeu.edu).
- A public address/fire system will broadcast emergency information.
- If any these systems fail or the University deems it appropriate, in person communication may be used to communicate an emergency.

| <b>System to use</b>       | <b>Primary Message Creator</b> | <b>Backup Message Creator(s)</b>               | <b>Authority for approving &amp; sending messages</b> | <b>Primary Message Sender/Distributor</b> | <b>Backup Message Sender(s)/Distributor(s)</b> |
|----------------------------|--------------------------------|--|---|---|--|
| Email                      | SVP of Operations              | VP of Public Relations                         | SVP of Operations                                     | SVP of Operations                         | VP of Public Relations                         |
|                            |                                | OR   | OR  |   | OR   |
|                            |                                | VP of Compliance & Government Relations<br>N/A | VP of Compliance & Government Relations<br>N/A        |   | VP of Compliance & Government Relations        |
|                            |                                |  |   |   | OR<br>Director of Public Safety                |
| Regroup Mass Notification® | SVP of Operations              | VP of Public Relations                         | SVP of Operations                                     | SVP of Operations                         | VP of Public Relations                         |
|                            |                                | OR   | OR  |   | OR   |
|                            |                                | VP of Compliance & Government Relations        | VP of Compliance & Government Relations               |   | VP of Compliance & Government Relations        |
|                            |                                |  |   |   | OR<br>Director of Public Safety                |

Current students, faculty, and staff are automatically enrolled in our emergency text

and voice messaging system and are strongly encouraged to keep their contact information up to date.

The content of the message will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community and will direct them to where they can receive additional information.

Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

The Campus Alert Protocol is used in emergencies when there is imminent danger to the health, safety, or well-being of the entire Monroe community that has not been contained or controlled, and an immediate response is required by members of the community.

In short, the system is used to distribute information regarding emergencies that dictate immediate action by those who receive the message. Some examples of this would be a fire or chemical spill or an ongoing criminal incident that requires community members to act to secure their safety. Public Safety managers are trained to assess situations when Monroe's Campus Alert Protocol may be activated. This training includes identifying which populations of the campus community are to be notified, the content of the notification, and how to initiate the Campus Alert Protocol to communicate with the Monroe Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

If the Campus Alert Protocol has been activated, members of the community are asked to follow the directions provided in the message. These messages will follow the procedures outlined in the Emergency Response Plan. Therefore, it is important to review the emergency response and evacuation procedures. An all-clear message will indicate that the emergency is over.

### *Emergency Response & Evacuation Procedures*

Monroe maintains Emergency Response information that outlines responsibilities of campus units during emergencies. That information outlines incident priorities, campus organization and specific responsibilities of particular units or positions.

University units are responsible for developing emergency response and continuity of operations for their areas and staff. Campus emergency management provides resources and guidance for the development of this information. Emergencies occurring on campus should be reported to the Office of Public Safety.

We are currently reviewing our Emergency Response information in an effort to

develop a comprehensive Emergency Response Plan that will be tested and updated on a regular basis. Announced and unannounced emergency response tests, are conducted as well, as described below.

Emergency response and evacuation procedures will be disseminated to the Monroe community annually in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act. In addition, Public Safety will document each test including a description of the exercise, the date the test was held, the time the test started and ended, and whether the test was announced or unannounced.

Records of each test will be maintained by the Senior Vice President of Operations.

### *General Evacuation Procedures*

Public Safety officers decide whether immediate evacuation is necessary. Evacuees will be moved to a staging area where University personnel will conduct a census to establish that the evacuation is complete.

### **General Evacuation**

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify the Department of Public Safety (Bronx Campus: 646-393-8495, New Rochelle Campus: 914-740-6854) Police Emergency or dial 911. St. Lucia should contact the Royal Saint Lucia Police Force or dial 999 and then notify the Director of Outreach and Special Programs at 758-456-3200.

1. Remain Calm
2. Do NOT use Elevators, Use the Stairs.
3. Assist the physically impaired. If he/she unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform Public Safety or the responding Fire Department of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

### **Shelter-in-Place Procedures -What it Means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their directions.

## How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, the Department of Public Safety, Residence Life staff members, other University employees, Local PD, or other authorities utilizing the University’s emergency communications tools.

## How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (Residence Hall staff, faculty, or other staff) to call the list in to Public Safety so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

## *Evacuation of Individuals with Physical Disabilities*

Public Safety officers will assist individuals with physical disabilities in an evacuation, making every attempt to lead them to safety. Hearing-impaired students have TTY phone capability in their residence hall rooms, and the fire alarm system is connected to strobe lights.

In an emergency, call Public Safety on your campus – in the **BRONX** at **646-393-8495** or in **NEW ROCHELLE** at **914-740-6854** – or call **911** to tell them where you are and what assistance is needed. For emergencies at St. Lucia contact the Royal Saint Lucia Police Force at 999, and the notify the Director of Outreach and Special Programs 758-456-3200.

Students with a disability that could impair their ability to perform any of the above evacuation procedures, must adhere to the following:

- Inform Public Safety or the Office of Disabilities Services of their circumstances upon arrival to campus and request a meeting to discuss any special emergency response accommodations needed.

## *Office of Disabilities Services:*

Bronx/New Rochelle/St. Lucia/Online: 646-393-8228

- If they are a residential student, contact their Resident Assistant to confirm inclusion on the master list of all resident students requiring assistance during a building evacuation (maintained by the Office of Residence Life)
- Notify professors that assistance will be needed if an evacuation is declared.

### *Short-Term/Medium-Term/Long-Term Evacuations*

- **Short-Term:** When residential students must occupy temporary quarters for a relatively short, predictable period of time, they will be moved to lounges in the nearest safe residence hall. If residence hall lounges are not available, students will be moved to lounges in the nearest non-residence hall building. Emergency workers and/or University personnel will provide services as needed (medical care, food, hygiene, etc.).
- **Medium-Term:** The University will use the MAC (Monroe Athletic Complex) as a housing area when lounge space is insufficient to handle the number of evacuees. Proper bedding will be provided with the help of Facilities. Students will be housed in lounges and other public spaces on campus that can accommodate them satisfactorily. Students will be assigned to available spaces in the residence halls.

When it is impossible to predict how long students will have to occupy alternative quarters, the University will take the same steps as for a medium-term evacuation, unless a substantial part of the campus is under an evacuation order. If evacuees must be moved off campus, the University will coordinate transportation.

### *Daily Crime Log*

The Public Safety maintains a daily crime log that records all reported crimes, and other serious incidents that occur on campus, in a non-campus building or property, on public property, or within the department's patrol jurisdiction.

The daily crime log is available for public inspection at the Office of Public Safety: King Hall Lobby (2501 Jerome Avenue) on the Bronx campus and Allison Hall Lobby (368 Main Street) on the New Rochelle campus. The daily crime log is also accessible for all campuses, including St. Lucia at: [https://docs.google.com/spreadsheets/d/e/2PACX-1vTWZEdIsttORhjKx7yomeV\\_G9FUGvzi6qe8if7RiO6ZRpZnAlkg5x\\_drphjPjaUswzK3WXSrLbiBpy-/pubhtml?gid=1104797161&single=true](https://docs.google.com/spreadsheets/d/e/2PACX-1vTWZEdIsttORhjKx7yomeV_G9FUGvzi6qe8if7RiO6ZRpZnAlkg5x_drphjPjaUswzK3WXSrLbiBpy-/pubhtml?gid=1104797161&single=true).

### *Campus Sex Crimes Prevention Act - Sex Offender Registration*

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community of where law enforcement agency information provided by a state concerning registered sex offenders may be obtained.

It also requires sex offenders already 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, volunteers services or is a student.

The New York State Division of Criminal Justice Services maintains the state's Sex Offender Registry, which contains information about individuals convicted of certain sex offenses. This information is available by calling 518-457-9847 or visiting <https://www.criminaljustice.ny.gov/>.

*St. Lucia* does not currently maintain a publicly accessible sex offender registry like those found in the United States or other jurisdictions. You can contact the Civil Status Section from the Ministry of Home Affairs and National Security in Castries to request information by visiting in-person at the Martex Building, Brazil Street, Castries, Saint Lucia, or by calling (758) 453-2485 or (758) 468-7017.

### Hazing Policy Statements

The Stop Campus Hazing Act (SCHA), signed into law on December 23, 2024, amends section 485(f) of the Higher Education Act, otherwise known as the Jeanne Clery Campus Safety Act (Clery Act).

Monroe University is committed to fostering a safe, respectful, and inclusive environment for all members of its community. Hazing in any form is contrary to the University's values and Monroe prohibits students, employees, officers, contractors, and volunteers from engaging, or attempting to engage in Hazing. In accordance with the federal definition of hazing under the Stop Campus Hazing Act of 2024, the University defines Hazing as:

1. any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—
  - a. is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization and
  - b. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including –
    - i. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
    - ii. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
    - iii. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
    - iv. causing, coercing, or otherwise inducing another person to perform sexual acts;
    - v. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
    - vi. any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and

- vii. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.
2. Hazing also involves any other activity not addressed by (1) of this definition that is expected of someone joining or participating in a student organization that humiliates, degrades, abuses, or endangers them, regardless of a person's willingness to participate.

For purposes of the University's Hazing policy, the phrase "student organization" means "an organization at Monroe University (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government or any other student organization affiliated with the University) in which two or more of the members are students enrolled at the University." While student organizations that are not recognized or established by the University are not subject to the University's disciplinary jurisdiction, individuals who engage in violations of the Code of Conduct outlined in the University's Hazing policy will be held accountable regardless of whether the student organization in which the Hazing activities occurred is recognized or established by the institution.

Any student organization recognized or established by the University that is found to be responsible for violating the University's Hazing policy will be recorded in the Campus Hazing Transparency Report. However, all reports of hazing involving student organizations that occur in the University's Clery Geography will be included in the crime statistics regardless of whether the organization is established or recognized by the institution.

The University reserves the right to hold a sub-group of an organization accountable for Hazing policy violations, rather than the entire student organization, when circumstances reasonably indicate a sub-group, not the entire student organization, committed a Hazing policy violation. For example, affinity groups or position groups within an athletic team that meet the definition of student organization may be held accountable for Hazing in lieu of the entire athletic team.

While each report will be evaluated on a case-by-case basis, the University generally considers the following non-exhaustive criteria when determining whether conduct might reasonably be associated with a student organization:

- Whether the alleged incident occurred at or in connection with an organization-sponsored event or activity or at an event or activity
- Whether the alleged incident involved a significant number of members;
- Whether the organization's leaders and/or members are alleged to have encouraged, consented, or failed to stop the alleged behavior;
- The affiliations and alleged involvement of individuals, including alums, in the incident; and
- Whether actions or lack of actions by the student organization contributed to the incident.

#### How to Report Hazing

Incidents of Hazing should be reported to the Department of Public Safety and/or the Office of Student Affairs/Dean of Student (New Rochelle campus) or Office of Student Services (Bronx campus) respectively as follows:

Department of Public Safety - New Rochelle Campus  
Paula Green  
Director of Public Safety  
Allison Hall - 1st Floor  
368 Main Street  
New Rochelle, NY 10801  
Office: 914-740-6612 or 914-740-6854  
pgreen@monroeu.edu

Department of Public Safety - Bronx Campus  
Tomas Diaz  
Assistant Director of Public Safety  
King Hall  
2501 Jerome Avenue - 1st Floor  
Bronx, NY 10468  
Office: 646.393.8495  
tdiaz@monroeu.edu

Alex Canals  
Associate Vice President for Student Affairs and Dean of Students (NR Campus)  
Main Hall - 1st Floor  
434 Main Street  
New Rochelle, NY 10801  
Office: 914-740-6819  
acanals@monroeu.edu

Ted Goldstein  
Associate Vice President of Student Services (Bronx Campus)  
King Hall  
2501 Jerome Avenue - 1st Floor  
Bronx, NY 10468  
Office: 646.393.8304  
tgoldstein@monroeu.edu

Students and employees at St. Lucia can report incidents to either the Bronx or the New Rochelle campus.

Any incident involving an in-progress crime or emergency should be reported immediately to the local law enforcement agency with jurisdiction by dialing 911.

Reports can be made in person, by phone or by email using the contact information above.

At this time Monroe does not have a self-reporting or anonymous reporting mechanism for individuals to report hazing.

#### Process Used to Investigate Hazing Reports

Upon receipt of a report alleging Hazing, the Associate Vice President of Student Affairs/Dean of Students (New Rochelle campus) or the Associate Vice President of Student Services (Bronx campus), or designee, will review the report and determine if the alleged behavior, as described in the report, would constitute Hazing as defined by the University. The Associate Vice President of Student Affairs/Dean of Students

(New Rochelle campus) or the Associate Vice President of Student Services (Bronx campus), or designee, will also determine which University official(s) or office(s) have jurisdiction over the respondent(s). As it relates to the University's Hazing policy, the term "respondent" refers to a student, a recognized or registered student organization, or an employee who is alleged to have engaged in Hazing.

The Associate Vice President of Student Affairs/Dean of Students (New Rochelle campus) or the Associate Vice President of Student Services (Bronx campus), or designee, is empowered to take reasonable steps to obtain additional information that may be necessary to determine if a policy violation has been alleged or to determine if an investigation is warranted. The Associate Vice President of Student Affairs/Dean of Students (New Rochelle campus) or the Associate Vice President of Student Services (Bronx campus) may consult with applicable University officials when determining which individual(s) or office(s) have jurisdiction over the respondent(s). When determining jurisdiction, the Associate Vice President of Student Affairs/Dean of Students (New Rochelle campus) or the Associate Vice President of Student Services (Bronx campus), or designee, will consider:

- the nature of the alleged conduct,
- the circumstances of the report, and
- whether the respondent is a person or student organization subject to the University's Code of Conduct standards.

These factors will also inform whether the procedures outlined in the Student Code of Conduct will be utilized to resolve the alleged misconduct. Allegations of Hazing involving a student or a student organization that is officially recognized by, or registered with, the University will be resolved using the procedures outlined in the Student Code of Conduct. Allegations involving other respondents will be resolved using the policies and procedures applicable to the respondent's status.

#### *Interim Action*

In response to the report, the Associate Vice President of Student Affairs/Dean of Students (New Rochelle campus) or the Associate Vice President of Student Services (Bronx campus) or designee, may impose an interim administrative action on a respondent prior to the resolution when a threat of imminent harm to persons or property exists, and/or there is potential for significant disruption to the community that exists during the course of investigation. If the respondent is an employee, the applicable University official(s) may impose interim administrative action consistent with the policies and procedures applicable to the employee.

Interim action is not a sanction. It is taken in an effort to protect the safety and well-being of individuals and the University community. Interim administrative action is preliminary in nature; it is in effect only until there is a resolution of the matter. The respondent may challenge the interim action in writing to the next level of conduct authority within five (5) days of the imposition of the interim action. The interim action will be in effect during the challenge.

#### *Investigation*

If an investigation is warranted, the Associate Vice President of Student Affairs/Dean of Students (New Rochelle campus) or the Associate Vice President of Student Services (Bronx campus) or designee, shall appoint one or more investigators to conduct a prompt, thorough, and impartial investigation. External investigators may be appointed at the discretion of the Associate Vice President of Student Affairs/Dean

of Students (New Rochelle campus) or the Associate Vice President of Student Services (Bronx campus). Reports of alleged Hazing that also allege violations of the University's Sexual Misconduct Policy will be coordinated between the Associate Vice President of Student Affairs/Dean of Students (New Rochelle campus) or the Associate Vice President of Student Services (Bronx campus), or designee), and the Title IX Administrator to determine the appropriate investigation and/or resolution procedures.

The respondent (typically the president for a registered/recognized student organization, or its equivalent for an established organization) will be sent a written notice of the allegations by way of their University supplied e-mail account. If the student organization has a national or oversight entity, that entity may be apprised of the University's investigation at the discretion of the Associate Vice President of Student Affairs/Dean of Students (New Rochelle campus) or the Associate Vice President of Student Services (Bronx campus). The national or oversight entity cannot speak on behalf of or represent the student organization.

Reasonable efforts will be made to complete the investigation in a timely manner. Typically, the University will aim to complete an investigation into allegations of Hazing within 45 business days of providing written notice of the investigation to the respondent, though investigations may extend beyond 45 business days as circumstances require.

During the investigation, the respondent will be provided with an opportunity to: provide information through an in person or virtual interview, submit a written account, provide the names of incident witnesses for possible interviews with the investigator(s), provide witness statements, and provide any documentation that may be relevant to the facts of the allegations. However, the investigator(s) may consider information from any sources the investigator(s) deem relevant and credible. The investigator(s) will make reasonable efforts to obtain relevant supporting documentation related to the allegations from other University official(s) or available resources.

Upon completion of the investigation, the investigator(s) will prepare an investigation report. The investigation report will summarize the information gathered and include detailed findings-of-fact regarding the behaviors in question.

The investigator(s) will submit an investigation report to the appropriate University official(s) with jurisdiction over the respondent(s). The applicable official(s) will determine whether the respondent(s) violated the University's Hazing policy using the resolution procedures applicable to the respondent(s). If the respondent(s) are found to have violated the University's Hazing policy, the applicable official(s) will impose appropriate sanctions.

All respondents will be informed, in writing, of the University's findings and any sanctions imposed. Any opportunity for the respondent to appeal will follow the relevant policies and procedures applicable to the respondent.

Respondents who violate the University's Hazing policy will be subject to conduct sanctions, which may include probation, loss of privileges, loss of recognized/registered status, mandatory training or education, suspension, expulsion, administrative leave, or termination. Respondents can also face sanctions

under other University policies as well as criminal or civil penalties imposed under applicable law.

For any Hazing incidents reported to have occurred at the St. Lucia Campus, depending where the incident was reported (The Bronx or New Rochelle), will determine the process followed.

#### Information Regarding Applicable Local, State, and Tribal Laws on Hazing

In addition to the University's Hazing policy, members of the campus community should be aware of applicable jurisdictional laws pertaining to Hazing.

##### *Local Laws*

There are no applicable local laws relating to Hazing in the University's jurisdiction.

##### *NY State Law*

New York Anti-Hazing Law:

Penal Law § 120.16 Hazing in the first degree.

A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.

Hazing in the first degree is a class A misdemeanor.

Penal Law § 120.17 Hazing in the second degree.

A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person.

Hazing in the second degree is a violation.

St. Lucia does not have applicable state laws relating to Hazing in the University's jurisdiction.

##### *Tribal Laws*

There are no applicable Tribal laws relating to Hazing in the University's jurisdiction.

#### Campus Hazing Transparency Report

As required by the Stop Campus Hazing Act, the University publishes a Campus Hazing Transparency Report that summarizes findings concerning student organizations established or recognized by the University that have been found responsible for violating the University's Hazing policy. The Transparency Report will be updated to include new findings of organizational responsibility no less than twice annually following a final determination that a student organization has violated the University's Hazing policy. The first Transparency Report will be published by December 23, 2025, unless no organizations have been found responsible for Hazing at that time, as the University is not required to publish a Transparency Report until a student organization has been found responsible for violating the University's Hazing policy on or after July 1, 2025.

Each entry published to the Transparency Report will include, at a minimum, the following information:

- the name of the student organization;
- a general description of the violation that resulted in a finding of responsibility;
- whether the violation involved the abuse or illegal use of alcohol or drugs;
- the findings of the institution (i.e., the rationale for finding the organization responsible for Hazing);
- any sanctions placed on the student organization; and
- the dates on which—
  - the incident was alleged to have occurred,
  - the investigation into the incident was initiated,
  - the investigation ended with a finding that a Hazing violation occurred, and
  - the student organization was provided notice that the incident resulted in a Hazing violation.

The Transparency Report will be found at: <https://www.monroeu.edu/info/public-safety-department>. On this page, the University also publishes additional information, including:

- A statement notifying the public of the availability of Hazing statistics that are published in the Annual Security and Fire Safety Report;
- Information about the institution's policies relating to Hazing; and
- Information on applicable local, State, and Tribal laws regarding Hazing.

#### Hazing Prevention and Awareness Programs

The University provides Hazing prevention and awareness education that is informed by research, campus-wide in scope, and designed to reach all students, staff, and faculty. Programs address various topics, including:

- the University's definition of Hazing, including a clear statement that the University prohibits Hazing;
- the definition of Student Organization, as it applies to the University's Hazing policy;
- how to report Hazing;
- the process the University will use to investigate reports of Hazing;
- information on applicable local, State, and Tribal laws regarding Hazing; and
- primary prevention strategies intended to stop Hazing before it occurs (including programs for student organization leaders, advisors, student athletes, and coaches that emphasize healthy group dynamics and awareness of hazing warning signs).

Monroe is developing these programs as part of the University's efforts to establish a comprehensive strategy to prevent incidents of Hazing before they occur. These programs are intended to also raise awareness about the University's Campus Hazing Transparency Report that summarizes findings concerning student organizations established or recognized by the University that have been found responsible for violating the University's Hazing policy.

Specifically, the University provides Hazing prevention and awareness programs to students via our education and awareness online learning portal from Vector

Solutions with some content specifically for student athletes.

Additionally, the University provides Hazing prevention and awareness programs to employees via our education and awareness online learning portal from Vector Solutions. Monroe will develop programs as well for student organization advisors, coaches, and athletic administrators.

### *Missing Student (Resident Students)*

Monroe University will investigate any report of a missing student living in one of the University's residence halls. Public Safety and the Office of Residence Life work in tandem should a report be received.

All students residing in a campus residence hall are requested to complete a Confidential Contact Information form, available upon check-in to their residence hall. The resident student is asked to identify the name and contact number of the individual(s) to be contacted in the event the student is determined to be missing, as set forth below. When students are informed of their option to provide a confidential contact, they are advised that this contact information is registered confidentially and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation, and authorized Monroe University officials, including Public Safety officers.

The University understands that students may stay outside of the residence halls voluntarily. As such, the presence or location of resident students is not routinely monitored by Resident Assistants or other University staff.

If a student intends to leave his or her residence hall for an extended period of time, the student is strongly encouraged to advise the residence hall staff before leaving to avoid the student being reported "missing".

In the event that there is reason to believe a resident student is missing, all reasonable efforts will be made to locate the student to determine his or her state of health and well-being. These efforts, which are done in conjunction with Public Safety, include, but are not limited to, checking the student's room, speaking with friends and/or roommates, checking ID access, locating the resident student's vehicle, and calling the student's cell phone number or other known contact.

Students are advised that, in the event a student under 18 years of age and not emancipated, Monroe University must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, students are also advised that, in addition to notifying any additional contact person designated by the student. Students are advised that, for all missing students, Monroe will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

If a student has been missing for 24 hours, students, employees, or other individuals are to contact the Office of Residence Life at **914-740-6459** or Public Safety at **914-740-6854** (NEW ROCHELLE). The Office of Residence Life will refer all missing student reports immediately to Public Safety.

Suspected missing students should be reported immediately to the Public Safety Office.

If Public Safety determines that a resident student is absent without explanation for 24 hours, staff from Public Safety and/or Residence Life will contact the resident's designated Confidential Contact within 24 hours.

For any resident student under the age of 18 and who is not emancipated, Monroe University will notify a custodial parent or guardian, in addition to any other individual designated on the Confidential Contact Information form, within 24 hours after the time the resident student is determined to be missing by Public Safety.

Public Safety will continue to investigate, utilizing established investigative procedures in collaboration with staff from Residence Life, other campus offices and local law enforcement agencies.

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, Public Safety will inform the appropriate law enforcement agency and/or contact the student's parent or legal guardian. In all cases where Public Safety determines that a student is missing, Public Safety will notify the appropriate law enforcement agency within 24 hours.

*Note: The missing student's section does not apply to The Bronx or St. Lucia Campuses as those campuses do not have on-campus student housing/residential facilities.*

#### *(HEOA) Notification to Victims of Crimes of Violence*

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

#### *Alcoholic Beverages*

Monroe University encourages and sustains an academic environment that respects individual freedoms and promotes the health, safety, and welfare of all community members. Monroe University is a **dry, drug, and smoke-free** campus. Monroe University prohibits the unlawful possession, use, consumption, manufacture, sale or distribution of alcoholic beverages, which are not permitted on property owned, leased, or controlled by Monroe University.

Monroe University's Public Safety Office strictly enforces all local, state, and federal alcohol laws, including prohibition on underage drinking. Individuals found to be in violation of these laws may be referred to local police authorities.

#### *Illegal Drugs*

Monroe University prohibits the unlawful possession, use, consumption, manufacture, sale, or distribution of illegal drugs on campus. Campus Public Safety is responsible for reporting these violations of Federal and State drug laws for enforcement by the local police department.

Any person found responsible for illegal possession, distribution, sale, or consumption of any controlled substance is subject to disciplinary action by the University and may be referred to local police authorities. Under federal and New York State laws, these violations may result in penalties ranging from fines to imprisonment.

### *Drug/Alcohol Education Programs*

The Office of Residence Life (914-740-6459) serves as a resource to all Monroe University students regarding issues related to drug and alcohol intervention and education. The University requires students who are referred through the conduct system for these types of violations to participate in various alcohol or drug education programs.

In addition, students with drug/alcohol violations are subject to increasingly serious sanctions including: counseling, disciplinary warning/probation, residence hall removal, suspension or expulsion. Monroe's Office of Counseling Services is available for individual confidential counseling with students who may be experiencing problems with alcohol and/or drug use. Students may then be referred to outside Counseling Services for a formal assessment and follow-up treatment plan.

Proactive measures taken by the Student Service Offices include distributing informational literature to students and student leaders relating to the topic of drug and alcohol use and collaborating with other departments within the University to support ongoing educational efforts and nonalcoholic social programs for the entire student body.

In addition to addressing issues relating to alcohol and drug use during the University's New Student Orientation program, the Office of Residential Life sponsors many alcohol-free social programs throughout the academic year for the students who reside on campus. Each Resident Assistant is encouraged and guided to host educational seminars related to the topic of drugs and alcohol abuse for the students they oversee.

### *Drug Free Schools and Communities Act*

In compliance with the Drug Free Schools and Communities Act, Monroe University publishes information regarding the University's prevention programs related to drug and alcohol abuse prevention which include standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution-associated activities; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for Monroe students and employees. A complete description of these topics, as provided in the University's annual notification to students and employees, is available online at:

[https://www.monroeu.edu/sites/default/files/documents/2020/04/02/monroe\\_college\\_drug\\_and\\_alcohol\\_prevention\\_policy.pdf](https://www.monroeu.edu/sites/default/files/documents/2020/04/02/monroe_college_drug_and_alcohol_prevention_policy.pdf).

### *Drug and Alcohol Amnesty Policy*

The health and safety of every student at Monroe University is of utmost importance.

Monroe University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Monroe University strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials.

A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Monroe University's officials or law enforcement will not be subject to Monroe University's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Nothing in this section shall be construed to limit an institution's ability to provide amnesty in additional circumstances.

### *Students' Bill of Rights*

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Decide about whether to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. 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;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;

9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

### *PREVENTION PROGRAMS AND INSTITUTIONAL DISCIPLINARY PROCEDURES ADDRESSING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING*

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Acts of sexual violence, assault or abuse such as rape, acquaintance rape, or other forms of nonconsensual sexual activity, as well as Domestic Violence, Dating Violence and Stalking are prohibited at Monroe University. Such acts are criminal behaviors and create an environment contrary to the goals and missions of the University. It is important for members of the campus community to be aware that there can be serious legal consequences for certain sexual conduct. Toward that end, Monroe University issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

In a campus setting, sexual assault often occurs when one or both parties are under the influence of alcohol or other drugs. Therefore, it is important to understand that intercourse or other sexual activity with a person who is unable to give free and full consent (e.g., because of intoxication, substance abuse, or intimidation) may constitute sexual assault or rape.

Furthermore, the offender's use of a mind-altering substance does not in any way diminish his or her responsibility for abusive behavior. There are several measures that you can take to reduce your chances of being a victim of sexual assault. (See **Safety Tips**, page 86.)

#### **Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

**Domestic Violence:** The State of New York Penal Code defines domestic violence as follows: as a pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetuated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. Acts of domestic violence can potentially be violations of sections of the New York Penal Code including harassment, assault, and aggravated sexual abuse. See [www.nycourts.gov](http://www.nycourts.gov) for additional information.

**Domestic Violence (St. Lucia):** [The Saint Lucia Domestic Violence Act](#) defines domestic violence as:

“Domestic violence” in relation to a person

- (a) Means an action which harms, injures or endangers health, safety, life, limb or well-being, whether mental or physical
- (b) Includes
  - a. Threats of physical abuse,
  - b. Physical abuse,
  - c. Threats of sexual abuse,
  - d. Sexual abuse,
  - e. Emotional abuse,
  - f. Verbal abuse,
  - g. Psychological abuse,
  - h. Coercion,
  - i. molestation,
  - j. arbitrary deprivation of liberty
  - k. Forced confinement
  - l. Economic abuse,
  - m. Intimidation,
  - n. Harassment,
  - o. Stalking or cyberstalking,
  - p. Damage to, destruction or deprivation of property, or
  - q. Entry into the applicant's residence without consent, where the parties do not share the same residence.

“Domestic relationship” means relations between an applicant and a respondent where the applicant and respondent -

- (a) Are or were married under any law, custom or religion;
- (b) Are or were cohabitants;
- (c) Are the parents of a child or are persons who have or had parental responsibility for the child, whether or not at the same time;
- (d) Are family members related by consanguinity, affinity, or adoption;
- (e) Are family members related by affinity where the cohabitants referred to under paragraph (b) were married;
- (f) Are or were in an engagement, dating or visiting relationship;
- (g) Share or shared the same household or resident; or
- (h) Are in or have been in a relationship determined by the court to be a domestic relationship.

“Victim” means a person who alleges to have been subjected to an act of domestic violence.

“Respondent” means a person

- (a) Who is or has been in a domestic relationship with the applicant; and
- (b) Against whom the applicant has applied for or obtained a protection order.

“Cohabitant” means a person who resides or resided with another person as a couple although not married to each other.

**Dating Violence:** The State of New York does not have a definition of dating violence. Dating partners are covered by the State’s domestic/family violence laws.

**Dating Violence (St. Lucia):** Saint Lucia does not have a definition of dating violence as dating partners fall within their domestic/family violence laws.

**Sexual Assault:** The State of New York Penal Code defines sexual assault (including any sex offenses which relate to sexual abuse, rape, fondling, incest, and statutory rape) as follows:

Aggravated Sexual Abuse in the Fourth Degree: A person is guilty of aggravated sexual abuse in the fourth degree when he or she inserts (1) a foreign object in the vagina, urethra, penis, rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or (2) a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Third Degree: A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Second Degree: A person is guilty of aggravated sexual abuse in the second degree when he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person (1) by forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the First Degree: A person is guilty of aggravated sexual abuse in the first degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person (1) by forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Criminal Sexual Act in the Third Degree: A person is guilty of criminal sexual act in the third degree when he or she engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than seventeen years old; (2) being twenty-one years old or more, with a person less than seventeen years old; (3) with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal Sexual Act in the Second Degree: A person is guilty of criminal sexual act in the second degree when he or she engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than fifteen years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

Criminal Sexual Act in the First Degree: A person is guilty of criminal sexual act in the first degree when he or she engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than eleven years old; or (4) who is less than thirteen years old and the actor is eighteen years old or more.

Family or Household Member and Intimate Relationship: Under New York Criminal Procedure Law Section 530.11, members of the same family or household with respect to a proceeding in the criminal courts shall mean the following: (1) persons related by consanguinity or affinity; (2) persons legally married to one another; (3) persons formerly married to one another regardless of whether they still reside in the same household; (4) persons who have a child in common, regardless of whether such persons have been married or have lived together at any time; and (5) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors the court may consider in determining whether a relationship is an “intimate relationship” include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”.

Forcible Touching: A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose (1) forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or (2) for the purpose of gratifying the actor's sexual desire; (3) subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York State or any of its political subdivisions. For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

Immediate Family: Immediate family means the spouse, former spouse, parent, child, sibling, or any other person who regularly resides or who has regularly resided in the household of a person.

Lack of Consent: Whether or not specifically stated, it is an element of every sexual act committed without consent of the victim. Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than seventeen years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

Persistent Sexual Abuse: A person is guilty of persistent sexual abuse when he or she commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten-year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of the above mentioned crimes or any

offense defined in this article, of which the commission or attempted commissions thereof is a felony.

Rape in the Third Degree: A person is guilty of rape in the third degree when he or she (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old; (2) being twenty-one years old or more, engages in sexual intercourse with another person less than seventeen years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the Second Degree: A person is guilty of rape in the second degree when he or she (1) being eighteen years old or more, engages in sexual intercourse with another person less than fifteen years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

Rape in the First Degree: A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person (1) by forcible compulsion; or (2) who is incapable of consent by reason of being physically helpless; or (3) who is less than eleven years old; or (4) who is less than thirteen years old and the actor is eighteen years old or more. Sexual Misconduct: A person is guilty of sexual misconduct when he or she (1) engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

Sexual Abuse in the Third Degree: A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old; and (2) such other person was more than fourteen years old and (3) the defendant was less than five years older than such other person.

Sexual Abuse in the Second Degree: A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than seventeen years old; or (2) less than fourteen years old.

Sexual Abuse in the First Degree: A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty-one years old or older.

**Sexual Assault (St. Lucia)**: [The Saint Lucia Chapter 3.01 Criminal Code](#) defines sexual assault (to include rape, fondling, incest, and statutory rape) as:

**123. RAPE**

(1) Any person who has sexual intercourse with another—

(a) without the consent of that other; or

(b) without believing that the other consents to such intercourse or is reckless as to whether the other person consents or not,

commits the offence of rape and is liable on conviction on indictment to imprisonment for life.

- (2) For the purposes of subsection (1), consent is not considered to have been obtained where the complainant submits or does not resist by reason of—
- (a) the application of force to the complainant or to any other person;
  - (b) threats or fear of the application of force to the complainant or to any other person;
  - (c) the personation of the spouse of the complainant;
  - (d) false and fraudulent representations as to the nature of the act;
  - (e) the use of the accused's position of authority over the complainant;
  - (f) the administration to the complainant of a drug, matter or thing, with intent to stupefy or overpower the complainant or causing the complainant to take the same with intent to stupefy or overpower the complainant; or
  - (g) intimidation of any kind.
- (3) A husband commits the offence of rape where he has sexual intercourse with his wife without her consent by force, fear or the use of a drug or thing with intent to stupefy or overpower her, where there is in existence in relation to them—
- (a) a decree nisi of divorce or nullity granted under the Divorce Act;
  - (b) a decree of judicial separation granted under the Civil Code;
  - (c) a separation agreement or where the parties are in fact separated; or
  - (d) a peace binding order or an order for the husband not to molest his wife or have sexual intercourse with her including a protection order from the Family Court.
- (4) The provisions of subsection (3) apply with the necessary modifications to a wife who commits the offence of rape.
- (5) A husband or wife who commits the offence of rape is liable on conviction to imprisonment for 14 years.
- (6) A person under the age of 12 years is deemed incapable of committing the offence of rape.

#### 124. UNLAWFUL SEXUAL CONNECTION

- (1) A person commits the offence of unlawful sexual connection with another person if that person has sexual connection with that other person— (a) (b) (c)
- (a) without the consent of the other person;
  - (b) without believing that the other person consents to that sexual connection;
  - (c) with the consent of the other person if the consent is—
    - (i) obtained from a person under the age of 16 years,
    - (ii) extorted by threats or fear of bodily harm to that other person or any other person, or by threats or fear of the application of force to that other person or any other person,
    - (iii) obtained by impersonating the spouse of that other person,
    - (iv) obtained by false and fraudulent representations as to the nature of the act,
    - (v) obtained by the use of the accused's position of authority over that other person;
  - (d) by the administration to that other person of a drug, matter or thing, with intent to stupefy or overpower that other person or causing that other person to take the same with intent to stupefy or overpower that other person.
- (2) In subsection (1) "sexual connection" means—
- (a) the introduction, to any extent, into the vagina or the anus of the person of—
    - (i) any part of the body of any other person, or
    - (ii) any object held or manipulated by any other person, otherwise than for bona fide medical purposes;
  - (b) connection between the mouth or tongue of the person and any part of the genitalia of any other person.
- (3) A person who commits the offence of unlawful sexual connection is liable on conviction on indictment—
- (a) to imprisonment for 14 years; or

- (b) to imprisonment for life where the sexual connection is as described in subsection (2)(a)(ii),
- unless the Court is of the opinion that, having regard to the particular circumstances of the offence or of the offender, including the nature of the conduct constituting the offence, the offender should not be sentenced to imprisonment.
- (4) A husband commits the offence of unlawful sexual connection with his wife without her consent where there is in existence in relation to them—
  - (a) a decree nisi of divorce or nullity granted under the Divorce Act;
  - (b) a decree of judicial separation under the Civil Code;
  - (c) a separation agreement; or
  - (d) an order for the husband not to molest his wife or have sexual intercourse with her.
- (5) The provisions of subsection (4) apply with the necessary modifications to a wife who commits the offence of unlawful sexual connection.
- (6) Except for subsections (4) and (5), it is a defence to a charge under this section if the person charged proves that—
  - (a) the other person consented; and
  - (b) the person charged—
    - (i) was not more than 21 years of age at the time of the commission of the offence and has not been previously charged with the same or similar offence, and
    - (ii) had reasonable cause to believe and did believe that the other person was 16 years of age or more.
- (7) Subsection (6) shall not apply if it is proved that—
  - (a) consent was obtained in the manner specified in section 124(1)(c)(ii) to (v);
  - (b) the offence was committed under section 124(1)(d); or
  - (c) the other person is under the age of 12 years.

## 125. INDUCING SEXUAL INTERCOURSE OR SEXUAL CONNECTION BY FORCE, DURESS, ETC.

- (1) A person commits an offence if that person induces another person to have sexual intercourse or unlawful sexual connection with any person—
  - (a) by force or duress;
  - (b) by false or fraudulent representation as to the nature of the act; or
  - (c) by administering, to that other person, or by causing that other person to take, any drug, matter or thing with intent to stupefy or overpower that person.
- (2) A person who commits an offence under subsection (1) is liable on conviction on indictment to imprisonment for 14 years.

### *Statutory Rape*

## 126. SEXUAL INTERCOURSE WITH A PERSON UNDER 12

- (1) A person who has sexual intercourse with another who is under the age of 12 years, whether or not the other person consented and whether or not the first-mentioned person believes that the other person is 12 years of age or more, commits an offence and is liable on conviction on indictment to imprisonment for life.
- (2) If a marriage is declared invalid by a Court of competent jurisdiction the invalidity does not make a person guilty of an offence under this section because that person has sexual intercourse with a person who he or she believes to be his or her spouse, and has reasonable cause for the belief.

## 127. SEXUAL INTERCOURSE WITH A PERSON BETWEEN 12 AND 16

- (1) A person who has sexual intercourse with another person who—
  - (a) is not the spouse of the first-mentioned person; and

- (b) is 12 years of age or more but has not attained the age of 16 years, commits an offence and is liable on conviction on indictment to imprisonment for 15 years.
- (2) It is a defence to a charge under this section if the person charged proves that—
  - (a) the other person consented; and
  - (b) the person charged—
    - (i) was not more than 21 years of age at the time of the commission of the offence and has not been previously charged with the same or similar offence, and
    - (ii) had reasonable cause to believe and did believe that the other person was 16 years of age or more.
- (3) Subsection (2) shall not apply if it is proved that the consent was obtained by false or fraudulent representation as to the nature of the act.
- (4) Except as provided in subsection (2), it is no defence to a charge under this section that the person consented or that the person charged believed that the person was 16 years of age or more.
- (5) If a marriage is declared invalid by a Court of competent jurisdiction the invalidity does not make a person guilty of an offence under this section because that person has sexual intercourse with a person who he or she or she believes to be his or her or her spouse, and has reasonable cause for the belief.

#### 128. SEXUAL INTERCOURSE WITH AN ADOPTED MINOR, ETC.

- (1) An adult commits an offence if the adult has sexual intercourse with a minor who— (a) (b) is the adult's adopted child, step-child, foster child, ward or dependant; or not being the adult's adopted child, step-child, foster child, ward or dependant is at the time of the intercourse living with the adult as a member of the family or is under the adult's care or protection.
- (2) It is immaterial that the sexual intercourse referred to under subsection (1) occurred with the consent of the minor.
- (3) A person who commits an offence under subsection (1) is liable on conviction—
  - (a) if the minor is under the age of 12 years to imprisonment for life; or
  - (b) if the minor is 12 years of age or more to imprisonment for 25 years.
- (4) An adult is not guilty of an offence under subsection (1) if the minor is the spouse of the adult.
- (5) If a marriage is declared invalid by a Court of competent jurisdiction the invalidity does not make a person guilty of an offence under this section because that person has sexual intercourse with a person who he or she believes to be his or her spouse, and has reasonable cause for the belief.

#### 129. SEXUAL INTERCOURSE WITH A MINOR EMPLOYEE

- (1) An adult who has sexual intercourse with a minor who—
  - (a) is employed by the adult;
  - (b) receives wages or salary directly or indirectly from the adult,commits an offence and is liable on conviction on indictment to imprisonment for 25 years.
- (2) An adult is not guilty of an offence under subsection (1) if the minor is the spouse of the adult.
- (3) If a marriage is declared invalid by a Court of competent jurisdiction the invalidity does not make a person guilty of an offence under this section because that person has sexual intercourse with a person who he or she believes to be his or her spouse, and has reasonable cause for the belief.

### *Fondling*

#### 130. INDECENT ASSAULT

(1) Any person who indecently assaults another commits an offence and is liable on conviction—

- (a) on indictment to imprisonment for 15 years, if committed on a person under the age of 12 or on summary conviction to imprisonment for 5 years;
- (b) on indictment to imprisonment for 10 years, if committed on a person of 12 years of age or more but who has not yet attained the age of 16 years or on summary conviction to imprisonment for 5 years; or
- (c) on indictment to imprisonment for 7 years, if committed on a person who is 16 years of age or more or on summary conviction to imprisonment for 3 years.

(2) A person under the age of 16 years cannot in law give any consent which would prevent an act being an assault for the purposes of this section.

(3) In this section “indecent assault” means an assault accompanied by words or circumstances indicating an indecent intention.

#### 131. INDECENT ACT

A person who, in any place, for a sexual purpose or sexual gratification exposes his or her genital organs to a minor commits an offence and is liable on conviction on indictment to imprisonment for 10 years.

### *Incest*

#### 157. INCEST

(1) Incest A person commits incest who, knowing that another person is by blood relationship his or her parent, child, brother, sister, grandparent or grandchild, as the case may be, has sexual intercourse or sexual connection with that person.

(2) A person who commits incest commits an indictable offence and is liable to imprisonment for a term not exceeding 14 years.

(3) No accused shall be determined by a Court to have committed an offence under this section if the accused was under restraint, duress or fear of the person with whom the accused had the sexual intercourse at the time the sexual intercourse occurred.

(4) In this section, “brother” and “sister”, respectively, include half brother and half sister.

158. ATTEMPT TO COMMIT INCEST A person who attempts to commit an offence under section 157 is liable on conviction on indictment to imprisonment for 5 years.

**Stalking:** The State of New York Penal Code defines stalking as follows:

Stalking in the Fourth Degree: A person is guilty of stalking in the fourth degree when he or she intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct: (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person’s place of employment or business, and the actor was previously clearly informed to cease that conduct.

**Stalking in the Third Degree:** A person is guilty of stalking in the third degree when he or she (1) commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

**Stalking in the Second Degree:** A person is guilty of stalking in the second degree when he or she (1) commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, sligshot, slungshot, shiriken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being twenty-one years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

**Stalking in the First Degree:** A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she: (1) intentionally or recklessly causes physical injury to the victim of such crime; or (2) commits a class A misdemeanor, or a class E felony, or a class D felony.

**Stalking (St. Lucia):** Saint Lucia does not have a definition of stalking. However, Saint Lucia's Domestic Violence Act defines "stalking" as repeatedly following, pursuing or accosting a person.

**Consent:** The State of New York Penal Code defines consent, in relation to sexual activity, as follows:

Consent to sexual activity is defined as a knowing, voluntary, and mutual decision made by all participants through clear and ongoing words or actions. New York's laws, particularly Penal Law § 130.05, emphasize that consent must be an affirmative and clear agreement, not inferred from silence or a lack of resistance. Consent can be withdrawn at any time if clearly communicated. See "Lack of Consent" above for further information.

Monroe University does not have a separate or distinct definition of consent that differs from

that of New York State.

**Consent (St. Lucia):** [The Saint Lucia Chapter 3.01 Criminal Code](#) defines consent as:

- Consent is not considered to
  - have been obtained where the complainant submits or does not resist by reason of—
    - a) the application of force to the complainant or to any other person;
    - b) threats or fear of the application of force to the complainant or to any other person;
    - c) the personation of the spouse of the complainant;
    - d) false and fraudulent representations as to the nature of the act;
    - e) the use of the accused's position of authority over the complainant;
    - f) the administration to the complainant of a drug, matter or thing, with intent to stupefy or overpower the complainant or causing the complainant to take the same with intent to stupefy or overpower the complainant; or
    - g) intimidation of any kind.
- Consent by Deceit or Duress Void
  - Consent is void if it is obtained by means of deceit or duress.
- Consent Void by Incapacity
  - Consent is void if the person giving it is—
    - under 7 years of age; or
    - by reason of mental disorder or of any other permanent or temporary incapacity, whether from intoxication or any other cause, unable to understand the nature and consequences of the act to which he or she consents.
- Consent by Mistake of Fact
  - Consent is of no effect if it is given by reason of a mistake of fact.
- Consent by Exercise of Undue Authority
  - Consent is void if it is obtained by the undue exercise of any official, parental, or other authority; and if such authority is exercised otherwise than in good faith for the purposes for which it is allowed by law.
- Consent by Person in Authority Not Given in Good Faith
  - Consent given on behalf of a person by his or her parent, guardian, or any other person authorised by law to give or refuse consent on the person's behalf, is void if it is given otherwise than in good faith for the benefit of the person on whose behalf it is given.
- Exercise of Authority
  - For the purposes of provisions of this Part relating to consent, exercise of authority is not limited to exercise of authority by way of command, but includes influence or advice purporting to be used or given by virtue of an authority.
- Explanation of Authority
  - Consent is deemed to have been obtained by means of deceit, duress, or undue exercise of authority, or to have been given by reason of a mistake of fact, if it would have been refused but for such deceit, duress, exercise of authority, or mistake of fact, as the case may be.
- Use of Force, Where Person Unable to Consent
  - Where a person is intoxicated or insensible, or is from any cause unable to give or withhold his or her consent, any force used in good faith and without negligence for purposes of medical or surgical treatment, or otherwise for his or her benefit is justifiable, unless the person authorised by him or her or by law to give or refuse such consent on his or her behalf objects to the use of such force.
- Revocation Annuls Consent
  - A person may revoke any consent which he or she has given for the use of force against him or her, and the use of force cannot be justified after the revocation of consent.
  - Despite subsection (1) the consent given by a husband or wife at marriage for purposes

of the marriage cannot be revoked until the parties are divorced or separated by a judgment or decree of a competent Court.

### *Important Information for Survivors of a Sexual Assault*

The safety and well-being of any student following a Sexual Assault, Domestic Violence, Dating Violence & Stalking incident are of paramount importance.

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at a hospital certified by the New York State Department of Health as a Sexual Assault Forensic Examiner (SAFE) Center of Excellence, which offer a victim-centered approach to acute health care for sexual assault patients.

The SAFE Centers listed below provide sexual assault patients with:

- Sensitive, victim-centered, medical and forensic health care performed by a specially trained Sexual Assault Forensic Examiner (SAFE).
- Care that is timely, compassionate, and patient-centered, in a designated and appropriately equipped private room.
- Assurance about the quality of collection, documentation, preservation and custody of physical evidence by utilizing a trained and New York State Department of Health certified sexual assault forensic examiner to perform exams. These examiners are available to provide expert testimony if patients choose to report crimes to law enforcement.
- Psycho-social and legal support by a specially trained Rape Crisis Advocate or Counselor.
- Reliable referrals to mental and physical health care and follow-up services.

Bronx SAFE Locations:

- North Central Bronx Hospital (HHC), 3424 Kossuth Avenue and East 210th Street, Bronx, NY 10467
- Lincoln Medical and Mental Health Center (HHC), 234 East 149th Street, Bronx, NY 10451
- Jacobi Hospital (HHC), 1400 Pelham Parkway S, Bronx, NY 10461

Westchester SAFE Location:

- Westchester Medical Center, 100 Woods Road, Valhalla, NY 10595

To find additional New York SAFE Hospital Locations visit:

[https://profiles.health.ny.gov/hospital/designated\\_center/SAFE+Designated+Hospital](https://profiles.health.ny.gov/hospital/designated_center/SAFE+Designated+Hospital)

In New York and in St. Lucia evidence may be collected even if you choose not to make a report to law enforcement<sup>1</sup>. New York requires healthcare providers to offer patients an initial forensic exam for sexual assault evidence preservation and to inform them that the state's Office of Victim Services (OVS) is responsible for storing unreported evidence kits for 20 years, without requiring the victim to report the assault to law enforcement. At the time of evidence collection, all hospitals must obtain patient consent to either transfer evidence to the Office of Victim Services' storage facility or release evidence to law enforcement. Victims do not have to report to law enforcement to have an exam, and the cost of such an exam can be

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<sup>1</sup> Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

billed directly to OVS. An advocate from a local rape crisis or victim assistance organization can explain options and offer support. In St. Lucia, sexual assault forensic exams are offered to victims at the following medical facilities: OKE Universal Hospital (formerly Victoria Hospital) in Castries, St. Jude Hospital in Vieux Fort, and Gros Islet Polyclinic in Gros Islet. Medical staff may notify the Royal Saint Lucia Police Force Vulnerable Persons Team, but victims can decline to speak with the officers.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections.

Survivors of sexual assault, Domestic Violence, Dating Violence & Stalking are encouraged to take the following actions immediately:

2. Go to a safe place.
3. Contact or have a friend contact **Public Safety on the Bronx Campus at 646-393-8495 or the New Rochelle Campus at 914-740-6854 or contact the Director of Outreach and Special Programs at St. Lucia 758-456-3200.** Public Safety (for the Bronx and New Rochelle) or the Director of Outreach and Special Programs (for St. Lucia) will assist you in reporting the crime to the police and in getting medical and counseling services.

Additional support and help is available through:

*Rape or Crisis Programs:*

- *NYS Domestic and Sexual Violence Prevention Hotline: 1.800.942.6906*
- *New York State Police, Campus Sexual Assault Victims Unit: 1.844.845.7269*

**BRONX Campus:**

- *Bronx DA's Office, Crime Victims Assistance Unit: 718.590.2114*
- *Kingsbridge Heights Community Center - Changing Futures Program: 718.884.0700 x100*
- *Safe Horizon - NYC: 1.800.621.HOPE (4673) - Bronx Family Justice Center*
- *Domestic & Other Violence Emergencies (DOVE) Program @ NY Presbyterian: 212-305-9060*

**NEW ROCHELLE Campus:**

- *Westchester Community Opportunity Program (WestCOP), Victim Assistance Services: 855.827.2255 / 914.345.3111*
- *Westchester Hispanic Coalition / Make the Road: 1.844.926.6627 (844.YA.NO.MAS)*

**ST. LUCIA Campus:**

- *St. Lucia Crisis Centre (24-hour): +1.758.453.6848*
- *Women's Support Center: Dial 202*

- *Raise Your Voice Saint Lucia Inc.: +1.758 487.2329*
- 4. Do not touch any evidence or straighten up the area where the assault occurred.
- 5. It is strongly recommended that survivors of a sexual assault do not shower, bathe, douche, brush your teeth, use mouthwash, comb your hair or change your clothes, as these actions will destroy evidence of the attack.
- 6. It is strongly recommended that you go to a hospital emergency room. Public Safety will assist. Medical evidence for use in a criminal prosecution of a criminal offense is collected at the hospital.
- 7. NOTE: You are NOT obligated to press charges just because you consent to this procedure; however, this evidence is very important should you later decide to prosecute. Public Safety or the police will provide transportation if needed. Bring a full change of clothing because the clothes you were wearing at the time of the attack may be kept as evidence.

### *Crisis Management Team*

Crisis Management Team members respond to crisis incidents reported to Public Safety, including incidents of sexual abuse. Members of the team include the following or their designated representative:

- Senior Vice President of Operations
- Vice President, Compliance and Government Relations
- Director of Public Safety
- Director of Clinical Services, Office of Counseling Services
- Executive Director, Health and Wellness & 504 Disability Services
- Associate Vice President for Student Affairs and Dean of Students, Bronx Campus
- Associate Vice President for Student Affairs/Dean of Students, New Rochelle Campus
- Director of Residence Life
- Title IX Coordinators

A member of the Crisis Management Team will inform the survivor of the following:

- Counseling services are available, both on and off campus.
- Medical services are available off campus.
- Options are available regarding reporting the case to the proper authorities, both on campus and to local police.
- Assistance will be provided in notifying these authorities, if such assistance is needed.

### *Reporting Sex Offenses*

To report a sexual offense, including domestic violence, dating violence, sexual assault, or stalking to Monroe University, please contact the Title IX Coordinator Public Safety, or any administrator.

### *Title IX Coordinators:*

|                         |                             |                     |
|-------------------------|-----------------------------|---------------------|
| BRONX Campus:           | <i>Jeannette Slim</i>       | <b>646-393-8547</b> |
| NEW ROCHELLE Campus:    | <i>Jamie Kopchynski</i>     | <b>914-740-6773</b> |
| Title IX Administrator: | <i>Christopher E. Barto</i> | <b>914-740-6436</b> |

Students and employees at the St. Lucia campus or enrolled fully Online can report incidents to

either the Bronx or the New Rochelle campus contacts.

To notify local law enforcement to file a complaint against the perpetrator, contact:

|                      |  |   |
|----------------------|--|---|
| BRONX Campus:        | <i>NYPD 52<sup>nd</sup> Precinct:</i>  | <b>718-220-5811</b><br><br>Address: 3016<br>Webster Ave, Bronx,<br>NY 10467<br><br>Website:<br><a href="https://www.nyc.gov/site/nypd/bureaus/patrol/precincts/52nd-precinct.page">https://www.nyc.gov/site/nypd/bureaus/patrol/precincts/52nd-precinct.page</a>                              |
| NEW ROCHELLE Campus: | <i>New Rochelle Police Department:</i> | <b>914-654-2300</b><br>Address: City Hall, 475<br>North Ave #2, New<br>Rochelle, NY 10801<br><br>Website:<br><a href="https://www.newrochelleny.com/police">https://www.newrochelleny.com/police</a>  |
| ST. LUCIA Campus     | <i>Royal Saint Lucia Police Force</i>  | <b>+1 758-456-3637</b><br>22C7+86Q, Castries,<br>St. Lucia<br><br>Website:<br><a href="https://www.govt.lc/ministries/home-affairs-and-national-security/royal-saint-lucia-police-force">https://www.govt.lc/ministries/home-affairs-and-national-security/royal-saint-lucia-police-force</a> |

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. The NYPD-52<sup>nd</sup> Precinct or New Rochelle Police Department (NRPD) may also be reached directly by calling the above number or visiting in person at the above address. Additional information about the NYPD-52<sup>nd</sup> Precinct or NRPD may be found online at the above websites. A report can be filed with the local police in the precinct or with officers who arrive on scene at a reported incident.

A complaint may also be filed through Monroe University's Disciplinary Procedure (outlined below). Sexual assault survivors may pursue one, both, or neither of these options. Monroe Public Safety Staff or Title IX Coordinators will assist you in contacting local law enforcement to file a complaint.

#### **Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

### **Accommodations and Protective Measures Available for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Monroe University will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact one of our Title IX Coordinators or the Title IX Administrator via email, phone, or in-person at follows:

Jeannette Slim, Bronx Title IX Coordinator  
Academic Advisor/DSO  
King Hall - Student Services Office, 1<sup>st</sup> Floor  
2501 Jerome Avenue  
Bronx, NY 10468  
Office: 646-393-8547  
[jslim@monroeu.edu](mailto:jslim@monroeu.edu)

Jamie Kopchynski, New Rochelle Title IX Coordinator  
Director, Office of Student Athletics  
Main Hall - Student Services Office, 1<sup>st</sup> Floor  
434 Main Street  
New Rochelle, NY 10801  
Office: 914.740.6773  
Cell: 332.268.0498  
[jkopchynski@monroeu.edu](mailto:jkopchynski@monroeu.edu)

Christopher E. Barto, University Title IX Administrator  
Vice President, Compliance and Government Relations  
Milavec Hall - Executive Suite, 1<sup>st</sup> Floor  
370 Main Street  
New Rochelle, NY 10801  
Office: 914.740.6590  
Cell: 917.837.4627  
[cbarto@monroeu.edu](mailto:cbarto@monroeu.edu)

If the victim wishes to receive assistance in requesting these accommodations, she or he may contact one of our Title IX Coordinators or the Title IX Administrator as outlined above or may also contact the Office of Counseling Services or the Department of Public Safety via email, phone, or in-person as follows:

Office of Counseling Services  
Jessica Pollas, LCSW LMSW  
Director of Clinical Services  
Main Hall - Student Services Office, 1<sup>st</sup> Floor  
434 Main Street  
New Rochelle, NY 10801  
Cell: 646-413-3539  
WhatsApp: 646-413-3539  
[jpollas@monroeu.edu](mailto:jpollas@monroeu.edu)

Department of Public Safety  
Paula Green  
Director of Public Safety  
Allison Hall - 1<sup>st</sup> Floor  
368 Main Street  
New Rochelle, NY 10801  
Office: 914-740-6612 or 914-740-6854  
[pgreen@monroeu.edu](mailto:pgreen@monroeu.edu)

Sexual assault survivors may also contact any of the above individuals to request that Monroe issue a mutual “no contact order” barring the alleged perpetrator from contacting them while an investigation is pending. Such an order will be issued at the sole discretion of the Monroe administrators.

Sexual assault survivors may also pursue a request for restraining orders, orders of protection, or similar lawful orders from civil or criminal court.

***Rights of Victims and the Institution'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 the Institution***

**University-Issued “No Contact” Orders**

Monroe University may issue an institutional mutual no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

## **New York State Issued Orders of Protection**

Monroe University complies with New York State law in recognizing orders of protection. Any person who obtains an order of protection from New York or any reciprocal state (a valid order or protection from any other U.S. state, territory, or tribal court) should provide a copy to the Department of Public Safety and the Office of the Title IX Administrator. A complainant may then meet with Public Safety to develop a Safety Action Plan, which is a plan for Public Safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, changing housing accommodations, changing classroom location or allowing a student to complete assignments from home. The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

## **What is an Order of Protection in New York State?**

In New York State 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 safety issues, including domestic violence. It can be issued for civil, family, and criminal complaints.

## **What does an order of protection do?**

An order of protection can order someone not to injure, threaten or harass you, your family, or any other people listed in the order. For example, it can order someone to:

- have no contact with you, your family, household members, or your children, regardless of their age (see: [Melanie's Law](#))
- move out of your home
- follow custody orders for shared children
- pay you child support
- not own or have access to guns

An order of protection must be served to the person it is being filed against in order for it to be valid and enforceable.

## **Different Types of Orders of Protections in New York and Where Can I Get Them?**

You can get an order of protection from a Family Court, a court that hears criminal cases, or a Supreme Court. Some jurisdictions also have specific courts for cases involving domestic violence. Some courts may allow you to file motions and attend hearings remotely.

### **Family Court**

Family Court issues orders of protection as part of a civil, non-criminal, case. You start the case by filing a Family Offense Petition. If you need to file for an order of protection outside of family court business hours, local town and city courts can issue temporary orders for family court. You will still need to go to family court after when it is open.

### **Criminal Court**

A criminal court generally issues a criminal order of protection as a condition of release and/or bail in a criminal case against the accused person. A criminal court order of protection can only be issued against a person who has been charged with a crime. In these cases, the district attorney can request an order of protection for the victim. If the district attorney is not present, for example in arraignments after hours, you may request the arresting officer to request the judge to issue one on your behalf.

## Supreme Court

The Supreme Court can issue orders of protection during a divorce case. You ask the court for an order of protection during the divorce case by making a [Motion or Order to Show Cause](#). You can also ask the Judge for an order of protection on your court date. The judge decides whether to issue the order of protection and what terms and conditions will be included in the order.

## Integrated Domestic Violence Court (IDV)

An IDV court hears cases in their jurisdiction that involve both family and criminal complaints and can issue protective orders as well.

## What are the differences between family and criminal orders of protection?

| Family Court  | Criminal Court   |
|---|--|
| You must be present in court and participate.                                       | The District Attorney may be able to handle the case without you if there is other evidence of the crime.  |
| You can decide to stop the case by withdrawing your petition during the case.       | You can't stop the case if you decide you no longer want to continue. Only the District Attorney can withdraw the case.  |
| The case is between you and the person who did harm, also known as the respondent.  | Criminal charges must be filed by the police or District Attorney.<br>The case is between the People of the State of New York and the defendant. The defendant is charged with crimes. |
| The case can result in a final order of protection that the respondent must follow. | The case can result in a final order of protection. The case can also result in criminal convictions.  |
| Requires a lower level of proof ("preponderance of the evidence").                  | Requires a higher level of proof ("beyond a reasonable doubt").  |
| Records are private, but the courtrooms are open to the public.                     | Records and courtrooms are open to the public.   |

More info on NY State issued Orders of Protection can be found at:

<https://opdv.ny.gov/orders-protection>.

## Tribal Court Issued Orders of Protection

Indian Nation Tribal Courts may also issue Orders of Protection. There are many different tribal court jurisdictions in the United States - a listing on known jurisdictions and contact information is available at the Tribal Court Clearinghouse: <https://www.tribal-institute.org/lists/justice.htm>.

Information on Native American Services available through the NY State Office of Children and Family Services is available at: <https://ocfs.ny.gov/programs/nas/>.

## St. Lucia Protection Orders

A victim may make an ex parte (an application made to the court without notice to the respondent) application to the court in the prescribed form for an interim protection order on the grounds that the respondent has committed; has threatened to commit; has attempted to

commit; or is likely to commit an act of domestic violence.

A person with material interest for the victim or if the victim is a child or dependent of a victim, resides or resided with the victim, relies on the person for his/her welfare, and is in the custody of the Director of Human Services, they can apply for a protection order on the victim's behalf. The person making an application on behalf of the victim shall obtain the prior written consent of the victim except where the victim is a child or by reason of mental disorder or any other temporary or permanent incapacity, whether from intoxication or any other cause, is unable to understand the nature and consequences of the act to which he/she consents.

The types of protection orders available include:

- Interim Protection Orders: Temporary protection while awaiting a hearing and valid until the court decides on a final protection order.
- Final Protection Order: Is a long-term protection order after a court hearing that can last up to 3 years, and renewable upon application.

An application must specify:

- the facts on which the application is based
- the nature of the interim protection order applied for
- the name of the police station closest to the victim's place of residence

The application must be accompanied by:

- an affidavit provided by the victim
- a police complaint
- any other document in support of the application.

The court will consider various information to grant an interim protection order. If the Court is satisfied that the Respondent has committed, has attempted to commit, has threatened to commit, or is likely to commit an act of domestic violence, the Court shall issue an interim protection order against him/her. Where the applicant and respondent are parties to civil or criminal proceedings the Court may grant an interim protection order without an application being made to the Court.

The Court may grant an interim protection order for a period not exceeding twenty-eight (28) days. An interim protection order is automatically extended for a further period of fifteen (15) days where the Court is unable to hear and determine the proceedings for a final protection order before the expiration of the twenty-eight (28) day period.

A respondent may, on being served with an interim protection order and notice of proceedings of a final protection order, file an affidavit with the Court by the date specified in the notice of proceedings for the final protection order.

Where a notice of proceedings for a final protection order is served on the respondent and the respondent fails to appear in person on the date and time fixed for that matter, the Court may, in the absence of the respondent:

- proceed to hear and determine the matter
- issue a warrant for the respondent to be arrested and brought before the Court
- adjourn the matter
- grant a final protection order.

### *Preserving Evidence*

Sexual assault survivors are reminded of the importance of preserving evidence necessary for the proof of an offense. Time is a critical factor for evidence collection.

Sexual assault survivors should not shower or bathe, use the toilet, or change clothing, if possible. All clothing worn at the time of the assault should be placed in a paper bag – *do not use a plastic bag*.

The location where the offense took place should be left as it was at the time the incident occurred.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

### *Counseling Services*

Counseling services are available through Monroe University and local support agencies.

The University provides in-person and virtual professional counseling support for students through the **Office of Counseling Services**. Please call or text the office at **646-413-3539** to schedule an appointment. Monroe personnel can also assist sexual assault survivors in connecting with local community-based support services that can provide additional resources.

### **Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant<sup>2</sup> and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the Department of Public Safety or local law enforcement. Students should contact one of our Title IX Coordinators or the Title IX Administrator via email, phone, or in-person at follows:

Jeannette Slim, Bronx Title IX Coordinator  
Academic Advisor/DSO  
King Hall - Student Services Office, 1st Floor  
2501 Jerome Avenue  
Bronx, NY 10468

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<sup>2</sup> EDITORIAL NOTE – NOT FOR PUBLICATION IN ASR: This document will use “victim” and “complainant” and “perpetrator” and “accused party” interchangeably. Each institution needs to use language consistent with their institutional policies.

Office: 646-393-8547  
jslim@monroeu.edu

Jamie Kopchynski, New Rochelle Title IX Coordinator  
Director, Office of Student Athletics  
Main Hall - Student Services Office, 1st Floor  
434 Main Street  
New Rochelle, NY 10801  
Office: 914.740.6773  
Cell: 332.268.0498  
jkopchynski@monroeu.edu

Christopher E. Barto, University Title IX Administrator  
Vice President, Compliance and Government Relations  
Milavec Hall - Executive Suite, 1st Floor  
370 Main Street  
New Rochelle, NY 10801  
Office: 914.740.6590  
Cell: 917.837.4627  
cbarto@monroeu.edu

Employees should contact the Office of Human Resources via email, phone, or in-person as follows:

Rena Prashad  
Vice President, People and Culture  
Huguenot Center, 4<sup>th</sup> Floor  
145 Huguenot Street  
New Rochelle, NY 10801  
Office: 914.740.6468  
[rprashad@monroeu.edu](mailto:rprashad@monroeu.edu)

Kerry Wirsing  
Executive Director, Human Resources  
Huguenot Center, 1st Floor  
145 Huguenot Street  
New Rochelle, NY 10801  
Office:  
[kwirsing@monroeu.edu](mailto:kwirsing@monroeu.edu)

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, below are the procedures that the University will follow:

| Incident Being Reported | Procedure Institution Will Follow  |
|-------------------------|--|
| Sexual Assault          | Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care<br>Institution will assess immediate safety needs of complainant<br>Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department |

| Incident Being Reported | Procedure Institution Will Follow  |
|-------------------------|--|
|                         | <p>Institution will provide complainant with referrals to on and off campus mental health providers</p> <p>Institution will assess need to implement interim or long-term protective measures, if appropriate.</p> <p>Institution will provide the victim with a written explanation of the victim's rights and options</p> <p>Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</p> <p>Institution will provide written instructions on how to apply for Protective Order</p> <p>Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</p> <p>. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</p> <p>. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</p> <p>. Institution official receiving the report will forward the report to the Title IX Coordinator in accordance with the institution's policy and procedure</p> |
| <b>Stalking</b>         | <p>Institution will assess immediate safety needs of complainant</p> <p>Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</p> <p>Institution will provide written instructions on how to apply for Protective Order</p> <p>Institution will provide written information to complainant on how to preserve evidence</p> <p>Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</p> <p>Institution will provide the victim with a written explanation of the victim's rights and options</p> <p>Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</p> <p>Institution official receiving the report will forward the report to the Title IX Coordinator in accordance with the institution's policy and procedure</p>   |
| <b>Dating Violence</b>  | <ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> </ol>  |

|                          |  |
|--------------------------|--|
|                          | <ol style="list-style-type: none"> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> <li>8. Institution official receiving the report will forward the report to the Title IX Coordinator in accordance with the institution's policy and procedure</li> </ol>   |
| <b>Domestic Violence</b> | <ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> <li>8. Institution official receiving the report will forward the report to the Title IX Coordinator in accordance with the institution's policy and procedure</li> </ol> |

### On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Monroe University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

| ON-CAMPUS            | Type of Services Available                             | Service Provider                       | Contact Information                               |
|----------------------|--|--|---|
| Counseling           | Students: Personal Counseling & Psychological Services | Monroe's Office of Counseling Services | 646-413-3539                                      |
| Health               | N/A  | N/A                                    | N/A   |
| Mental Health        | Students: Psychological Services                       | Monroe's Office of Counseling Services | 646-413-3539                                      |
| Victim Advocacy      | Students: Support and Referrals                        | Monroe's Title IX Coordinators         | Bronx: 646-393-8547<br>New Rochelle: 914-740-6773 |
| Legal Assistance     | N/A  | N/A                                    | N/A   |
| Visa and Immigration | Students:  | Monroe's                               | 914-740-6464                                      |

| ON-CAMPUS             | Type of Services Available                                    | Service Provider                      | Contact Information                               |
|-----------------------|---|---------------------------------------|---|
| Assistance            | Maintaining Status, CPT Assistance                            | International Student Services Office |   |
| Student Financial Aid | Students: Financial Aid Counseling and Application Assistance | Monroe's Office of Financial Aid      | Bronx: 646-393-8400<br>New Rochelle: 914-740-6849 |

| OFF CAMPUS                      | Type of Services Available                                       | Service Provider  | Contact Information                                |
|---------------------------------|--|---|--|
| Counseling                      | Trauma-Informed Counseling Services                              | Safe Horizon  | 1-800-621-HOPE (4673)                              |
| Health                          | Health Services  | *Students: Mt. Sinai Adolescent Health Center (up to age 26)<br>*Employees: Cigna Health          | *212-423-3000<br>*800-244-6224                     |
| Mental Health                   | Services for all forms of Stress, Trauma, Depression and Anxiety | NYC 988 & NYS Be Well Programs  | Call or Text 988                                   |
| Victim Advocacy                 | Victim Advocacy & Support Services                               | *Kingsbridge Heights Community Center<br>* Westchester Community Opportunity Program (WestCOP)    | *718-884-0700 x100<br>*855-827-2255 / 914-345-3111 |
| Legal Assistance                | Assistance with Orders of Protection and Filing Criminal Charges | *NYS Domestic and Sexual Violence Prevention<br>*Bronx DA's Office, Crime Victims Assistance Unit | *Hotline: 1-800-942-6906<br>* 718-590-2114         |
| Visa and Immigration Assistance | Legal Immigration Advice & Counsel                               | Jesse Ruhl, Attorney SEVIS Education & Consulting, LLC  | 215-300-1507                                       |
| Student                         | Students:  | U.S.  | 800-433-3243                                       |

| OFF CAMPUS            | Type of Services Available             | Service Provider                               | Contact Information   |
|-----------------------|--|--|---|
| Financial Aid         | Federal Financial Aid Information      | Department of Education                        |   |
| Student Financial Aid | Students: NY Financial Aid Information | NY State Higher Education Services Corporation | 888-697-4372<br><a href="https://www.hesc.ny.gov/about/contact-us">https://www.hesc.ny.gov/about/contact-us</a> |

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> - Rape, Abuse and Incest National Network

<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office for Civil Rights

*Note: The resources listed apply to St. Lucia students and employees (where applicable). See additional resources on page 44-45.*

### Confidentiality

Victims may request that directory information on file with the University be withheld by request to the Office of the Registrar at 646-393-8312 or [registrar@monroeu.edu](mailto:registrar@monroeu.edu).

Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Campus Safety Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

### *Monroe University Grievance Procedure and Disciplinary Action*

Members of the University community believing they may been the victim of domestic violence, dating violence, stalking, or sexual assault may elect to pursue disciplinary action against the perpetrator or perpetrators through Monroe University’s Title IX Grievance Procedure.

## Adjudication of Violations

The Title IX Grievance Procedure is designed to provide a prompt, fair, and impartial initial investigation and final resolution into alleged misconduct. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within the timeframe specified in each policy the institution maintains. However, each procedure allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. The investigation is conducted by Monroe officials who receive annual training from the SUNY Student Conduct Institute (SUNY SCI) on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing that protects the safety of victims and promotes accountability.

Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited, other than in a disciplinary hearing proceeding, to speaking privately to their advisee during any such meeting or proceeding but may not present evidence or otherwise participate in the interview or meeting. During a Hearing, the advisor will be permitted to cross-examine witnesses and address the Hearing Officer in connection with that cross-examination but will not otherwise be permitted to address the Hearing Officer. A party may request a brief recess to consult with their advisor, which may be granted at the discretion of the Investigator or Hearing Officer. An advisor who is disruptive and fails to comply with the participation boundaries may be removed from any meeting, interview or hearing and may be barred from future meetings, interviews or hearing in the matter.
5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

Whether or not criminal charges are filed, the university<sup>3</sup> or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee):

## *Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking*

Monroe's Sexual Misconduct Policy is applicable to students and employees accused of domestic violence, dating violence, sexual assault, and stalking.

### **1. *How to File a Disciplinary Complaint Under this Policy***

In any instance of sexual misconduct, including domestic violence, dating violence, sexual assault, or stalking, a student has the right to report the incident Monroe University, to campus security, to local law enforcement, to the State police, to any combination of these authorities, or to not report the incident at all. Formal reports to initiate a disciplinary complaint can be made to your campus Title IX Coordinator in-person, via email, or via the online incident report form. The Online Incident Report Form is accessible at:

[https://www.monroeu.edu/sites/default/files/documents/2020/08/04/IncidentReportForm\\_071520.pdf](https://www.monroeu.edu/sites/default/files/documents/2020/08/04/IncidentReportForm_071520.pdf)

Incidents can also be disclosed to Monroe University employees other than the Title IX Coordinator, if the student prefers to do so. All employees are required to notify the Title IX Coordinator when an incident of sexual misconduct is disclosed to them, in order to protect the safety of other people on campus and so that the Title IX Coordinator can reach out to the student to offer help, support, and information about filing a formal report if the student desires. While these University employees cannot offer confidentiality, they promise to maintain the privacy of information shared.

A full copy of the University Sexual Misconduct Policy is available at:  
<https://www.monroeu.edu/info/title-ix-and-sexual-misconduct-policies>

For the purposes of this Title IX Grievance Process, “formal complaint” means a document - including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment prohibited by Title IX against a Respondent about conduct within Monroe University’s education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator with a written complaint describing the facts alleged. Complainants are only able to file a Title IX Formal Complaint if they are currently participating in, or attempting to participate in, the education programs or activities of Monroe University, including as an employee. The University reserves the right, at its sole discretion, to utilize the Investigation and Adjudication Procedures for Prohibited Behavior Other than Title IX Sexual Harassment to address complaints from complainants who are not currently participating or attempting to participate in the education programs or activities of Monroe College.

The Title IX Coordinator may determine a Formal Complaint is necessary even if the complainant chooses not to file the complaint, in which case Monroe University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued pursuant to these procedures. The factors considered when determining whether the Title IX Coordinator will file a Formal Complaint without the cooperation of the Complainant may be found above.

## ***2. How the University Determines Whether This Policy will be Used***

### **Assessing Title IX Jurisdiction & Dismissal**

#### **1. Mandatory Dismissal**

The Title IX Coordinator or his designee will review the formal complaint to determine whether the jurisdiction is appropriate under the Title IX procedure. In so doing, the Title IX Coordinator will assess whether:

1. The conduct is alleged to have occurred in the United States;
2. The conduct is alleged to have occurred in Monroe College's education program or activity; and
3. If proven, the alleged conduct would constitute Sexual Harassment Prohibited by Title IX as defined by the Department of Education.

If all of the elements are met, Monroe University will investigate the allegations in accordance with the Title IX procedure. If all of the elements are not met, then the Title IX Coordinator must issue a Notice of Dismissal from the Title IX procedure. The Notice of Dismissal will be sent to the Complainant(s) and Respondent(s) either simultaneously with or after the Notice of Allegations.

#### **2. Discretionary Dismissal**

The Title IX Coordinator may dismiss a formal complaint or any allegations therein at any time if:

1. The complainant notifies the Title IX Coordinator in writing of a desire to withdraw the allegations;
2. The respondent is no longer enrolled as a student or employed by Monroe University;
3. The institution determines in its discretion that it will be unable to gather evidence sufficient to reach a determination due to specific circumstances outside the control of the parties or Monroe University.

Each party will have an opportunity to appeal a dismissal determination in accordance with the procedure listed under Title IX Appeals below.

If a complaint is dismissed from the Title IX procedure, the Title IX Coordinator may refer the complaint to be addressed under the Investigation and Adjudication Procedures for Prohibited Conduct Other than Title IX Sexual Harassment (referenced below).

## ***3. Steps in the Disciplinary Process***

### **Assessing Title IX Jurisdiction & Dismissal**

#### **Mandatory Dismissal**

The Title IX Coordinator or his designee will review the formal complaint to determine whether the jurisdiction is appropriate under the Title IX procedure. In so doing, the Title IX Coordinator will assess whether:

1. The conduct is alleged to have occurred in the United States;
2. The conduct is alleged to have occurred in Monroe University's education program or activity; and

3. If proven, the alleged conduct would constitute Sexual Harassment Prohibited by Title IX as defined by the Department of Education.

If all of the elements are met, Monroe University will investigate the allegations in accordance with the Title IX procedure. If all of the elements are not met, then the Title IX Coordinator must issue a Notice of Dismissal from the Title IX procedure. The Notice of Dismissal will be sent to the Complainant(s) and Respondent(s) either simultaneously with or after the Notice of Allegations.

### **Discretionary Dismissal**

The Title IX Coordinator may dismiss a formal complaint or any allegations therein at any time if:

1. The complainant notifies the Title IX Coordinator in writing of a desire to withdraw the allegations;
2. The respondent is no longer enrolled as a student or employed by Monroe College;
3. The institution determines in its discretion that it will be unable to gather evidence sufficient to reach a determination due to specific circumstances outside the control of the parties or Monroe University.

Each party will have an opportunity to appeal a dismissal determination in accordance with the procedure listed under Title IX Appeals below.

If a complaint is dismissed from the Title IX procedure, the Title IX Coordinator may refer the complaint to be addressed under the Investigation and Adjudication Procedures for Prohibited Conduct Other than Title IX Sexual Harassment.

### **Consolidation of Complaints**

The Title IX Coordinator or designee may consolidate multiple cases and/or incidents to resolve as a single case through the formal resolution process when the cases arise out of the same set of facts and circumstances, including situations where:

- There are allegations from multiple complainants against the same respondent;
- There are allegations from the same complainant against multiple respondents that arise out of the same set of facts and circumstances;
- The respondent has filed a complaint against the complainant.

### **Notice of Allegations**

The Title IX Coordinator will draft and provide the Notice of Allegations to the Complainant(s) and Respondent(s) as soon as practicable after receiving a Formal Complaint of the allegations, absent extenuating circumstances. The notifications will be sent to the parties' institutional email accounts if they are students or employees or by other reasonable means if they are neither students nor employees.

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

#### **a. Contents of Notice**

The Notice of Allegations will include the following:

- Notice of Monroe University's Title IX Grievance Procedure and a hyperlink to a copy of the process.

- Notice of the allegations potentially constituting covered sexual harassment, including sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting Title IX sexual harassment; and the date and location of the alleged incident, if known.
  - A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
  - A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source.
  - A statement that Monroe University prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

#### **b. Updated Notice**

In some instances, additional allegations may arise during the course of the investigation that were not known at the time the Notice of Allegations was issued. In the event that occurs, Monroe University may elect to add those allegations to the existing investigation. If so, the institution will notify the parties of the additional allegations by their institutional email accounts or other reasonable means.

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

#### **Notice of Meetings and Interviews**

Monroe University will provide written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party expected to attend, with sufficient time for the party to prepare to participate.

#### **Advisors of Choice**

The Parties may each be accompanied during any meeting, interview, or hearing by a single advisor of their choice, who may be an attorney. Other than at the hearing, advisors may speak privately to their advisee during any such meeting or proceeding but may not present evidence or otherwise participate in the interview or meeting.

During a Hearing, the advisor will be permitted to cross-examine witnesses and address the Hearing Officer in connection with that cross-examination but will not otherwise be permitted to address the Hearing Officer. A party may request a brief recess to consult with their advisor, which may be granted at the discretion of the Investigator or Hearing Officer. An advisor who is disruptive and fails to comply with the participation boundaries may be removed from any meeting, interview or hearing and may be barred from future meetings, interviews or hearing in the matter.

Provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules, Monroe University will engage in best efforts to accommodate the advisors' schedules. The determination of what is reasonable shall be made

by the Title IX Coordinator or designee. Monroe University will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by Monroe University.

### **Voluntary Informal Resolution**

In certain circumstances, it may be possible for a formal complaint to be resolved through informal resolution. Monroe University offers a mediated resolution option for parties, in which the Title IX Coordinator will appoint a mediator, who will suggest a resolution to the parties, which they may accept or reject. Monroe University reserves the right to determine that informal resolution is not appropriate in any given circumstance. Informal resolution is not available for cases involving an allegation that an employee sexually harassed a student.

Prior to beginning the informal resolution process, the parties must voluntarily provide written consent to participate, acknowledging that: (1) once a resolution is agreed upon, the parties will be precluded from resuming a formal complaint arising from the same allegations, absent exceptional circumstances; (2) at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and (3) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Monroe University will not compel any party to engage in mediation or require the parties to have direct contact with one another. Participation in the informal resolution procedure is voluntary, and either party can request to discontinue the informal resolution process at any time. Once a resolution is mutually agreed upon, the complaint will be deemed resolved.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Records relating to informal resolutions may also be placed in the personnel files of employee complainants and respondents. Statements made by either party during the course of the informal resolution process are considered confidential and inadmissible in any investigation or hearing, regardless of the outcome of the informal resolution process.

### **Process Free from Bias or Conflict of Interest**

Both the Complainant and the Respondent have the right to have a fair and impartial investigation, determination and appeal. If either party has any reason to believe that the Investigator, the Title IX Coordinator, or any of the Hearing or Appeals Officers has a conflict of interest or would otherwise be unable to be fair and impartial, the concerned party should submit a letter explaining the basis for their concern.

- Regarding the Investigator, Appeal Officer, or Hearing Officer, to the Title IX Coordinator; and
- Regarding the Title IX Coordinator to Title IX Administrator.

The other party will be provided with a copy of the letter and will have an opportunity to respond. Based upon those submissions and any independent inquiry the decision-maker may choose to make, if it is determined that a conflict of interest exists, another individual will be appointed to take on the role of the conflicted person. If it is found that no conflict of interest exists, the individual will continue in their role. Concerns regarding conflicts of interest should be raised as soon as they are identified and whenever possible before the allegedly conflicted person renders a determination, for example, prior to the submission of the investigative report, the Hearing Officer's determination, or the appeal decision.

## **Investigation**

The Title IX Coordinator working with the appropriate Monroe University office will assign an Investigator. The Investigator will direct the investigative process and confer with the Title IX Coordinator as appropriate. The investigation will be prompt, thorough, and impartial.

There will be no Retaliation against any individual for filing a Complaint and/or for assisting, testifying, or participating in the investigation of a Complaint.

All Complaints will be kept private and disclosed only to the extent necessary for a thorough investigation.

Each party will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

The Investigator will take the following steps:

- Thoroughly review the Complaint and all supporting documentation and evidence.
- Interview both the Complainant(s) and the Respondent(s).
- Give both parties the opportunity to identify witnesses and provide relevant documentary and physical evidence. (This may include, but is not limited to, texts, emails, photos, social media posts, voicemail messages, etc.)
- The Investigator will contact witnesses who may have relevant information and engage in good faith efforts to meet with the witnesses. If a witness is not cooperative, the Investigator will not unreasonably delay the investigation.
- The Investigator has the discretion to identify and interview witnesses who were not identified by any party.
- The Investigator has the discretion not to interview a suggested witness where none of information the party indicates that the witness can share would be relevant in the Investigator's judgment.
- Exclude from consideration information about the romantic or sexual history of either the Complainant or the Respondent, except as to prove that someone other than the respondent committed the conduct alleged by the complainant or with respect to the parties shared sexual history when offered to prove consent. If either party offers such information, the other will have the right to respond.
- Exclude from consideration medical records and information, including mental health history or treatment, absent a waiver from the individual who is the subject of the medical record.
- Exclude from consideration information protected under a legally recognized privilege such as the attorney-client privilege unless the person holding such privilege has waived the privilege.

## **Parties' Review of Investigative Materials**

Once the investigation has concluded, the Investigator, in conjunction with the Title IX Coordinator or designee, shall gather all evidence that is directly related to the allegations. Unless otherwise prohibited by law, the Title IX Coordinator or designee shall make electronic copies of the evidence available to the parties and their advisors. Given the confidential nature of the materials and proceeding, the parties and their advisors will be required to sign a non-disclosure agreement not to disseminate any of the evidence subject to inspection and review and not to use the evidence for any purpose other than the Title IX Grievance Process. Any violation of the non-disclosure agreement may result in additional misconduct charges against a party, a report to an attorney's professional licensing board, or other legal action.

The parties may then review the information gathered. Both will have an opportunity to respond in writing to this information within [seven] business days.

### **Investigative Report**

The Investigator will consider the parties' responses in completing the final investigative report, which will compile all relevant evidence. The report will be provided to the parties no later than ten business days before any hearing on the formal complaint and before any pre-hearing meeting. The final investigative report will be redacted for information that is irrelevant or privileged. Unless otherwise prohibited by law, the Title IX Coordinator or designee shall make electronic copies of the evidence available to the parties and their advisors. The parties shall have the opportunity to provide any written response to the investigative report to the Title IX Coordinator within five business days of receipt. The parties may request to review the other party's written response statements once they have been submitted.

If at any stage following the submission of the parties' responses new evidence directly related to the allegations is gathered, it will be shared with the parties and their advisors in line with the parameters set forth above. The parties will have an opportunity to submit an additional written response within a time frame determined by the Title IX Coordinator or designee. The parties may request to review the other party's written response statements once they have been submitted, but they will not be permitted to submit any further written response.

### **When Parties Decline to Participate**

If the Complainant or the Respondent chooses not to cooperate in the investigation, the Investigator will still complete the investigation and prepare a formal report based solely upon the information available. No adverse inference will be made as a result of a Complainant or

Respondent's decision not to participate in the investigation.

If the Complainant chooses to withdraw the Complaint prior to the completion of the investigation, the Title IX Coordinator or designee will determine whether to continue to pursue the Complaint considering the factors outlined above.

### **Hearing**

Prior to taking any disciplinary action with respect to Title IX Sexual Harassment, Monroe University will hold a live hearing. The parties cannot waive the right to a live hearing. The live hearing may be conducted with all parties physically present in the same physical location, or, at the Title IX Coordinator's discretion, any or all parties, witnesses, and/or other participants may appear at the live hearing virtually through a remote conferencing platform. This technology will enable participants simultaneously to see and hear each other. In the event of technological difficulties outside the parties' control, Monroe University may delay or adjourn a hearing. Any party who wishes to participate remotely may submit such a request to the Title IX Coordinator with an explanation for the request.

Monroe University may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, Monroe University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

The hearing will be recorded through audio recording. That recording or transcript will be made available to the parties for inspection and review, provided that they and their advisors have signed a non-disclosure agreement not to disseminate the hearing [recording/transcript] or use it for any purpose other than the Title IX grievance process. Any violation of the non-disclosure

agreement may result in additional misconduct charges against a party, a report to an attorney's professional licensing board, or other legal action.

The deliberations of the Hearing Officer(s) will not be recorded.

### **Evidence Not Previously Disclosed**

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Hearing Officer(s) will consider this request and determine (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of meeting this burden by the preponderance of the evidence.

If the Hearing Officer determines that this standard is met, then the parties will be granted a reasonable period of time to review the evidence or prepare for questioning of the witness.

### **Who can attend the Hearing?**

The Hearing is a private proceeding, and only the following individuals are permitted to participate:

- Complaint(s) and advisor(s)
- Respondent(s) and advisor(s)
- Hearing Officer(s)
- Title IX Coordinator or designee
- Witnesses (only while they are being questioned)
- College employees needed to provide technological support/assistance.
- Stenographer (if the hearing is being transcribed)

### **Hearing Procedures**

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- The Hearing Officer(s) will begin the hearing by establishing the rules and expectations for the hearing;
- Each party will have an opportunity to give an opening statement. The statement will be presented by the party, not the party's advisor;
- The Hearing Officer(s) will ask questions of the Parties;
- After the Hearing Officer(s) questions a party, the other party's advisor will have an opportunity to cross-examine;
- The Hearing Officer will ask questions of each witness;
- After the Hearing Officer questions each witness, the parties' advisors will be given the opportunity to cross-examine that witness. The advisor of the party who suggested the witness will cross-examine that witness last.
- The Hearing Officer will have the authority to stop the proceedings at any time, including to ask additional follow-up questions during cross-examination, to enforce the rules of decorum, or for any other reason.

- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Hearing Officer(s).
- Monroe University will not threaten, coerce, intimidate or discriminate against any party in an attempt to secure the party's participation.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions.
- Prior to the conclusion of the hearing, the parties may each make an impact statement.

### **The Hearing Officer(s)**

- All Hearing Officers have received training on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The Hearing Officer(s) will not have any bias for or against either party or any other conflict of interest.
- Neither the Title IX Coordinator, the Investigator, nor any parties' advisor can serve as a Hearing Officer.

### **Advisor of Choice**

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their advisor appear at the hearing, Monroe University will provide an advisor to appear on behalf of the non-appearing party.

### **Live Cross-Examination**

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

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

The Hearing Officers may ask, but cannot require, the parties to submit questions for witnesses in advance of the hearing.

### **Review of Hearing [Transcript/Recording]**

The [recording/transcript] of the hearing will be available for review by the parties within [7]

business days, unless there are any extenuating circumstances. The [recording/transcript] of the hearing will not be provided to parties or advisors of choice.

#### **4. *Anticipated Timelines***

Absent extenuating circumstances, the Hearing Determination will be issued within ten business days of the completion of the Hearing. A request for appeal must be submitted within five (5) Business Days of receipt of the Hearing Officer's decision. The non-appealing party will be given an opportunity to review the written appeal and submit a written response not to exceed ten (10) pages within five (5) business days. The Appeals Panel will render a written decision on the appeal to all parties within twenty-one (21) Business Days from receipt of the request for appeal. In cases of Sexual Assault, Domestic Violence, Dating Violence or Stalking, if neither party submits a written appeal within five (5) Business Days of receipt of the Hearing Officer's decisions, the Title IX Coordinator, as appropriate, will provide the parties with written notification that the Hearing Officer's decision is final. In cases involving all other kinds of alleged Title IX Sexual Harassment, the decision will be deemed final upon expiration of the period of time to appeal and no written notice will be provided.

#### **5. *Decision-Making Process***

##### **General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

Decision-makers shall not draw inferences regarding a party or witness's credibility based on the party or witness's status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

The weight given to any evidence will not vary based upon whether it is inculpatory or exculpatory (i.e. tending to prove or disprove the allegations).

Unless barred by the cross-examination requirements, a witness's testimony regarding indirect knowledge of the facts at issue will be considered, but will generally be accorded less weight than testimony regarding direct knowledge of specific facts that occurred.

Title IX regulations require that Monroe University allow parties to call "expert witnesses" for direct and cross examination. Monroe University does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be cross-examined, the Hearing Officer will afford greater weight to the testimony of fact witnesses than to the non-factual testimony of the expert or to the expert's testimony that is not directed to the specific facts of the case.

Where a party or witness's conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Hearing Officer may draw an adverse inference as to that party or witness's credibility.

## **1. Contents of Hearing Determination**

The Hearing Officer(s) will issue a written determination simultaneously to all parties through their institutional email account, or other reasonable means as necessary. Absent extenuating circumstances, the Determination will be issued within ten business days of the completion of the Hearing. The Determination will include:

1. A recitation of the allegations potentially constituting Title IX Sexual Harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which provisions of this policy, if any, the respondent has or has not violated.
5. For each allegation:
  - i. A statement of, and rationale for, a determination regarding responsibility;
  - ii. A statement of, and rationale for, any disciplinary sanctions being imposed on the respondent; and
  - iii. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to Monroe University's education program or activity will be provided to the complainant; and
6. The procedures and permitted grounds for the complainant and respondent to appeal (described below in "Appeal").

### **i. Appeal**

If a Respondent or Complainant does not accept the findings of the Hearing Officer(s), the party may request an appeal through the following procedures. The request for appeal must be submitted within five (5) Business Days of receipt of the Hearing Officer's decision.

Appeals are not intended to be full re-hearings or the basis for a new investigation of the Complaint. The Appeals Panel may accept or modify the original decision. Appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. The Appeal Panel's decision to deny a requested outcome on appeal is final.

The ONLY grounds for appeal are as follows:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal that could have affected the outcome of the matter;

The Title IX Coordinator, Investigator(s), or Hearing Officer(s) had a conflict of interest or bias for or against an individual party.

Any party who files an appeal must do so in writing to the Title IX Coordinator. The request for appeal will then be forwarded to an appointed Appeals Panel of three for review. The non-appealing party will be given an opportunity to review the written appeal and submit a written response not to exceed ten (10) pages within five (5) business days. The Appeal Panel's determination need not be unanimous but, at least two of the panel members must agree on the outcome.

If the Appeals Panel determines that a procedural error occurred, they may return the original

Complaint to the Hearing Officer with instructions to reconvene to remedy the error. The results of a reconvened hearing cannot be appealed.

In rare cases, where the error cannot be remedied by the original Hearing Officer(s) (as in cases of bias), the Appeals Panel may order a new Hearing with a new Hearing Officer(s) appointed by the Title IX Coordinator as appropriate. The results of a new hearing with a new Hearing Officer(s) can be appealed once on the grounds for appeal listed above.

The Appeals Panel may in their discretion suspend any sanctions imposed by the Hearing Officer during the pendency of the appeal and/or any new Hearing of the original Complaint.

The Appeals Panel will render a written decision on the appeal to all parties within twenty-one (21) Business Days from receipt of the request for appeal. The decision on appeal, which will include the rationale for the decision, will be delivered to the parties simultaneously via their institutional email account or other reasonable means.

In cases of Sexual Assault, Domestic Violence, Dating Violence or Stalking, if neither party submits a written appeal within five (5) Business Days of receipt of the Hearing Officer's decisions, the Title IX Coordinator, as appropriate, will provide the parties with written notification that the Hearing Officer's decision is final. In cases involving all other kinds of alleged Title IX Sexual Harassment, the decision will be deemed final upon expiration of the period of time to appeal and no written notice will be provided.

#### **6. *Standard of Evidence/Proof***

Monroe College uses the preponderance of the evidence standard. This means that the Hearing Officer assesses whether it is more likely than not that a violation of the Policy occurred.

#### **7. *Possible Sanctions***

The following possible sanctions may be imposed as a result of a Student Conduct Hearing and/or an Appeal. The following outcomes may also be considered, along with other options not listed here, as potential outcomes for the Informal Resolution Process. In addition, if at any point (whether during or prior to any such hearing) a student's presence on campus creates a threat to the health, safety, and/or well-being of other students or other members of the College community, Monroe University reserves the right to immediately remove on an interim basis that student from campus until the time of the Student Conduct Hearing and/or Appeal.

The following list of possible consequences/sanctions is not exhaustive, and these consequences/sanctions may be imposed singularly or in any combination. Different and/or additional consequences or sanctions may be imposed by a Student Conduct Hearing panel and/or Appeal panel as the panel members may deem appropriate.

- No Consequences/Sanctions: Where the Student Conduct Hearing panel (and/or the Appeal Hearing panel, in the event an appeal is sought) determines that a student is 'not responsible', the student conduct charges against the student will be dismissed.
- Verbal Warning: A discussion with the student about the incident, with no written notification issued.
- Written Warning: A written notice to the student stating that his/her conduct is in violation of University regulations and that the continuation of said conduct during a stated period of time may be cause for more serious disciplinary action, such as community service, probation, or suspension.

- Counseling and/or Training: A requirement that a student undergo appropriate counseling and/or training in order to remain a member of the University community.
- Restitution: Financial reimbursement for damages to property.
- Community Service: A stated number of hours, set in writing, of donated service commensurate with the conduct violation.
- 'No Contact' Order: An order from the University requiring the student to stay away from the victim for a stated period of time. Students' academic schedules may also be amended.
- Disciplinary Probation: A stated period of time, set in writing, during which the student is expected to demonstrate appropriate conduct as a member of the University community. Failure to demonstrate appropriate conduct may subject the student to further consequences/sanctions, such as community service and/or suspension.
- Residence Hall Suspension: A stated period of time, set in writing and not to exceed one academic year, during which the student is excluded from living in and/or visiting the campus residence halls. Upon the expiration of the suspension period, the student may be subjected to a probation period during which the student is expected to demonstrate appropriate conduct as a member of the College community. During residence hall suspension, a student may or may not also be concurrently suspended from classes and/or campus activities.
- Disciplinary Suspension: A stated period of time, set in writing and not to exceed one academic year, during which the student is excluded from classes and/or campus activities. Upon the expiration of the suspension period, the student may be subjected to a probation period during which the student is expected to demonstrate appropriate conduct as a member of the University community. When the student's punished conduct involves certain types of violence, this sanction automatically results in a Transcript Notation sanction.
- Residence Hall Expulsion: Permanent termination of privileges to live and/or visit the campus residence halls.
- Disciplinary Dismissal from the University (Expulsion): Permanent termination of status as a student of the University. When the student's punished conduct involves certain types of violence, this sanction automatically results in a Transcript Notation sanction.
- Transcript Notation: Where a student is found 'responsible' for a violation involving certain types of violence, including sexual assault, dating violence, domestic violence and stalking, and is then subjected to either suspension or expulsion from the University, the student's transcript will automatically receive a notation stating "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," as appropriate. Where a student withdraws from the University while such charges are pending, the student's transcript will receive a notation stating "Withdrew with conduct charges pending." Transcript notations regarding expulsion, withdrawal, and suspension shall be permanent.
- Other consequences and/or sanctions as deemed appropriate by the Student Conduct Hearing panel and/or Appeal Hearing panel.

## ***8. Range of Protective Measures Available to a Victim Alleging Misconduct***

### **Protective Measures**

Supportive measures are neither disciplinary, nor punitive. They are intended to provide support and facilitate access to Monroe University's education program and activity. Complainants who report allegations that could constitute Sexual Harassment Prohibited by Title IX are entitled to receive supportive measures from Monroe College regardless of whether they choose to file a formal complaint. These supportive measures may include, as appropriate:

- counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

*Request for Review and Modification:* Student Complainants and Respondents may request review and modification of any supportive measure(s) that directly impacts them, including review of the need for and terms of the measure(s), by submitting a request in writing to the Title IX Coordinator along with any evidence they wish to present. In the event the measure impacts the other party, they will be given an opportunity to state their position and present evidence as appropriate. The Title IX Coordinator or designee will review the submissions and make a determination.

Because Monroe University is under a continuing obligation to address the issue of Sexual Violence campus-wide, reports of Sexual Violence (including non-identifying reports) will also prompt Monroe University to consider broader remedial action - such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

## **Removal of Respondent from Monroe University Community**

### **Emergency Removal of Student-Respondent**

Monroe University may remove a student-respondent from Monroe University's program or activity on an emergency basis, where Monroe University determines, after an individualized analysis, that the individual poses an immediate threat to the physical health or safety of any student or other individual arising out of the allegations of Title IX Sexual Harassment, justifying removal.

If Monroe University determines such removal is necessary, the respondent will be provided notice and an opportunity to request review and modification of the decision immediately following the removal, as set forth above.

### **Administrative Leave**

Monroe University may place a non-student employee respondent on administrative leave during the Title IX Grievance Process.

## **INVESTIGATION AND ADJUDICATION PROCEDURES FOR SEXUAL MISCONDUCT CONDUCT OTHER THAN TITLE IX SEXUAL HARASSMENT WHERE RESPONDENT IS A STUDENT OR EMPLOYEE.**

### ***1. How to File a Disciplinary Complaint Under this Policy***

#### **Reporting**

Monroe University will not tolerate the sexual harassment. The purpose of this policy is to ensure that students and employees of the University are free from sexual harassment in their educational programs, in the workplace or at any other location where University-sponsored

activities occur, since such conduct may be unlawful and negatively affect individuals and the wider University community. If you believe that you or another Monroe community member is being sexually harassed by a supervisor, employee, student, vendor, or other third-parties with whom you interact as part of your educational program and/or job, you are directed to bring the matter to University Administration's attention immediately in the manner set forth below.

Please note: All employees have a duty to report any instances of sexual harassment, whether the harassment is directed toward them or another employee, and whether committed by a supervisor, fellow employee, or non-employee. If you feel that you have been subjected to sexual harassment, or if you witness conduct that you believe is sexual harassment, report the matter immediately to your immediate supervisor. If you are not sure to whom you should speak about an issue of sexual harassment, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be sexual harassment, immediately contact a Title IX Coordinator, the Title IX Administrator, or Human Resources to ensure that an investigation is promptly conducted.

Monroe University has designated Title IX Coordinators who are responsible for receiving reports and complaints of sex discrimination and sexual misconduct, including but not limited to sexual harassment, sex assault, stalking, and relationship violence. Title IX Coordinators and the Title IX Administrator accept reports from both students and employees, as well as from third parties. For students who are under age 18, students' parents (or legal guardians) are entitled to submit an incident report on their behalf. For students who are aged 18 or older, Monroe University will accept reports from parents/guardians, however, the University is limited to communicating information to parents/guardians pertaining to student disciplinary matters only to the extent authorized by the student and/or as authorized by law.

In any instance of sexual misconduct, including domestic violence, dating violence, sexual assault, or stalking, a student or employee has the right to report the incident to Monroe University, to campus security, to local law enforcement, to the State police, to any combination of these authorities, or to not report the incident at all. Formal reports to initiate a disciplinary complaint can be made to your campus Title IX Coordinator in-person, via email, or via the online incident report form. The Online Incident Report Form is accessible at:

[https://www.monroeu.edu/sites/default/files/documents/2020/08/04/IncidentReportForm\\_071520.pdf](https://www.monroeu.edu/sites/default/files/documents/2020/08/04/IncidentReportForm_071520.pdf)

Incidents can also be disclosed to Monroe University employees other than the Title IX Coordinator, if the student or employee prefers to do so. All employees are required to notify the Title IX Coordinator when an incident of sexual misconduct is disclosed to them, in order to protect the safety of other people on campus and so that the Title IX Coordinator can reach out to the student or employee to offer help, support, and information about filing a formal report if the complainant desires. While these University employees cannot offer confidentiality, they promise to maintain the privacy of information shared.

A full copy of the University Sexual Misconduct Policy is available at:

<https://www.monroeu.edu/info/title-ix-and-sexual-misconduct-policies>

## ***2. How the University Determines Whether This Policy will be Used***

Monroe University will examine the criteria for Title IX Jurisdiction outlined above in Section 2 of the "Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking" to determine if jurisdictional criteria have been met. If not and/or the complaint is dismissed from the Title IX procedure, the Title IX

Coordinator may refer the complaint to be addressed under these Investigation and Adjudication Procedures for Prohibited Conduct Other than Title IX Sexual Harassment.

### ***3. Steps in the Disciplinary Process***

#### **Investigation**

If appropriate, the Title IX Coordinator will conduct an investigation into the incident reported. Individual who have reported an incident of sexual misconduct - whether done so privately, confidentially, or anonymously - have the option of requesting that the University not conduct an investigation; however, under certain circumstances, Monroe University may determine that an investigation is necessary to protect the health and safety of other individuals and the larger community. When the University determines that an investigation is necessary, the individual who submitted the incident report will be notified in writing. Students or employees who have anonymously submitted a report regarding an incident of sexual misconduct should be aware that their anonymity may inhibit Monroe University's ability to conduct a full investigation of the incident and/or communicate with the complainant regarding actions taken.

Any investigation conducted will be done so in a fair, impartial, thorough, and timely manner by appropriately trained individuals. Prior to commencing an investigation, the Title IX Coordinator will issue written notice to the accused individual (and to the reporting individual, if known) stating the allegation made.

If, upon completion of the investigation, the Title IX Coordinator determines that a violation of Monroe University's Sexual Misconduct Policy has occurred, the Title IX Coordinator will initiate the University's Formal Disciplinary Process against the accused individual, unless the Title IX Coordinator has otherwise determined that the Informal Resolution Process would be an appropriate and effective method for addressing the misconduct in question.

If the Title IX Coordinator determines that pursuing the University's Formal Disciplinary Process is not warranted, the Title IX Coordinator will issue simultaneous written notification to both the accused individual and the reporting individual (if known) stating the reason for dismissal of the complaint. Complaints (or any portion or allegation comprising a complaint) may be dismissed by the Title IX Coordinator for reasons including (but not limited to): (i) withdrawal of the complaint (or any portion or allegation comprising a complaint) by the reporting individual; (ii) lack of University jurisdiction over the accused individual due to non-enrollment, non-employment, or other non-affiliation between the University and the individual; (iii) specific circumstances that prevent the University from gathering evidence sufficient to reach a determination regarding the complaint or the allegations therein.

When an individual commits or is believed to have committed sexual misconduct - whether committed against a student or employee, other member of the campus community, or non-member of the campus community - the individual will likely face conduct charges and be subjected to Monroe University's Formal Disciplinary Process, which is described below. In certain cases, the University's Informal Resolution Process may also be available to the parties in place of using the Formal Disciplinary Process, when all involved parties mutually agree and so long as the Title IX Coordinator deems it appropriate.

#### **Notification of Conduct Charges**

The Title IX Coordinator will file conduct charges against the accused individual (respondent) and schedule a Student Conduct Hearing on the alleged violation, to be held at a campus location and date determined by the Title IX Coordinator. When the Title IX Coordinator files

conduct charges against a respondent, the Title IX Coordinator will promptly notify such individual in writing of the specific violation in question, the date on which the violation allegedly occurred, possible consequences and/or sanctions against the respondent for such violation, information regarding how the respondent can dispute the violation alleged (including the date, time, and location of a Conduct Hearing at which the respondent will be entitled to present evidence), and what (if any) temporary measures will be imposed upon the respondent while the Conduct Hearing is in progress (e.g., temporary removal). The reporting individual (if known) will similarly receive written notice with this same information. The date selected by the Title IX Coordinator will be timely in that it will provide an accused individual with a reasonable amount of time to prepare for the Conduct Hearing while also not constituting an unreasonable delay in resolving the charges. When an alleged violation involves more than one accused respondent, or when more than one violation is alleged to have been committed by a respondent, the Title IX Coordinator may determine, in his/her discretion, to schedule separate Conduct Hearings, as appropriate. The written notices will also notify the accused respondent and reporting complainant of their right to be accompanied at the Conduct Hearing by an advisor of choice.

### **Formal Disciplinary Process**

Monroe University's Formal Disciplinary Process consists of a Conduct Hearing at which all involved individuals will have an opportunity to state their version of the alleged incident, present evidence, and share testimony from themselves or witnesses. Both the complainant and respondent are entitled to appeal the outcome of the Conduct Hearing, if desired. All individuals designated by Monroe University to implement its Formal Disciplinary Process - including but not limited to the Title IX Coordinator, panel of decisionmakers, and other relevant officials - are appropriately trained in adjudicating sexual misconduct matters and the University's policies and procedures.

Either party is entitled to request remote attendance at a hearing via virtual technology; the technology used must enable all hearing participants to see, hear, and speak in real-time. If the accused respondent fails to or declines to attend the Conduct Hearing, the Conduct Hearing will be held without the accused respondent present and the panel may reach a decision of 'responsible' and impose consequences and/or sanctions even in the accused respondent's absence.

### **Conduct Hearing**

The Conduct Hearing will be conducted in a fair, impartial, and thorough manner. The Conduct Hearing will be presided over by a Hearing Panel comprised of impartial individuals selected by the Title IX Coordinator. At the Conduct Hearing, the Title IX Coordinator or designee is responsible for stating the allegations, stating the policy violation in question, and presenting evidence and findings from the investigation conducted that the accused individual did commit the policy violation in question. Reporting individuals are entitled to (but are never required to) attend or participate in a Conduct Hearing.

All accused individuals are entitled to a presumption of 'not responsible' (not guilty), and all processes will be conducted in a fair, impartial, thorough, and timely manner. The Title IX Coordinator, or another designated official, will present the University's case, including a statement of the allegations at hand, the University's investigatory findings, the specific policy provision the alleged conduct violates, and any relevant testimony and/or evidence. When the Title IX Coordinator has concluded the case presentation, the accused individual will have an opportunity to present his/her version of events, including their own testimony, testimony by witnesses, and other evidence. If the reporting individual has elected to participate in the hearing, the reporting individual will then have the option (but is not

required) to present a statement of his/her own, and may present any additional testimony or evidence that has not already been presented. The Title IX Coordinator will ensure that a full and fair record of the hearing has been preserved and will be maintained for the parties to reference.

The Hearing Panel will subsequently deliberate the matter (either upon conclusion of the hearing or at another reasonably prompt time). The panel will render a decision as to whether the accused respondent is 'responsible' (guilty) or 'not responsible' (not guilty) for the violation and will impose consequences and/or sanctions on an accused respondent found 'responsible', if appropriate. The panel will issue to the Title IX Coordinator a written report setting forth these determinations, as well as the panel's rationale for such decisions. The Title IX Coordinator will then issue written notice to all parties simultaneously of the Conduct Hearing panel's decision regarding the accused student's responsibility and the imposed consequences/sanctions (if any), including the rationale in support of such consequences/sanctions. This written notice will be provided to the accused individual in writing within five days of the Conduct Hearing. The reporting individual will receive a written copy of the same information on the same day as the accused student.

Both the accused individual (and the reporting individual, if participating in the Formal Disciplinary Process) are entitled to appeal a finding of responsibility and/or a sanction imposed (or both), if desired. In addition to the written notification of the panel's decision and the imposed consequences/sanctions (if any), any accused individual found 'responsible' will also receive written notice regarding his/her right to appeal the panel's decision and/or any imposed consequences/sanctions. Likewise, the reporting individual will receive a written copy of the same information on the same day as the accused individual.

An accused individual found 'responsible' may commence his/her appeal by following the procedures described in the paragraphs titled 'Appeals Process' below. An appeal may also be commenced by the reporting individual (if they participated in the Formal Hearing Process) by following the same procedures. In the event an appeal is requested, the Conduct Hearing panel's decision will be protected from public release by the University until the Appeals Process is complete and final, unless the law requires otherwise; however, the individuals involved may choose whether or not to discuss or disclose the outcome of the Conduct Hearing.

If a individual does not commence an appeal within the required timeframe (i.e., 10 business days from receiving written notification of the Conduct Hearing panel's decision), then the Conduct Hearing panel's decision will be final.

### **Advisors**

Parties are entitled to be accompanied throughout hearing proceedings by an advisor of their choice from the Monroe University community. In cases of sexual assault, domestic violence, dating violence and stalking, the advisor may be an attorney.

Advisors may sit with parties during all portions of hearing proceedings, and parties may confer with their advisor before, during, and after proceedings. Advisors are not allowed to directly participate at any point during the proceedings. Any arguments or evidence presented during a hearing must be presented by the individual himself/herself. All participation by parties and their advisors will be subject to University rules for hearing procedures and decorum, as applicable. In the event a party cannot attend a proceeding or a portion thereof, the advisor is not allowed to attend or participate on the individual's behalf.

### **Qualifications**

All individuals designated by Monroe University to implement its Formal Disciplinary Process and/or who are otherwise involved throughout the Formal Disciplinary Process - including but not limited to the Title IX Coordinator, the hearing panel and/or appeal panel, and other relevant officials - are appropriately trained in adjudicating sexual misconduct matters and the University's policies and procedures. All such individuals are similarly trained to serve in an impartial manner without bias or conflicts of interest. Any concerns regarding impartiality should be discussed with the Title IX Coordinator (or, alternately with the Title IX Administrator).

### **Recordkeeping**

In cases of alleged sexual assault, domestic violence, dating violence, or stalking, a full and fair record of the Conduct Hearing will be preserved and maintained by the University for seven years. For all hearings, the University is required to create either an audio-visual record or a transcript of proceedings. Parties are entitled to inspect and review their hearing records, subject to reasonable limitations by the University as to time and nature of access.

### **Appeals Process**

If a Respondent or Complainant does not accept the findings of the Hearing Officer(s), the party may request an appeal through the following procedures. The request for appeal must be submitted within five (5) Business Days of receipt of the Hearing Officer's decision.

Appeals are not intended to be full re-hearings or the basis for a new investigation of the Complaint. The Appeals Panel may accept or modify the original decision. Appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. The Appeal Panel's decision to deny a requested outcome on appeal is final.

The ONLY grounds for appeal are as follows:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal that could have affected the outcome of the matter;
- The Title IX Coordinator, Investigator(s), or Hearing Officer(s) had a conflict of interest or bias for or against an individual party.

Any party who files an appeal must do so in writing to the Title IX Coordinator. The request for appeal will then be forwarded to an appointed Appeals Panel of three for review. The non-appealing party will be given an opportunity to review the written appeal and submit a written response not to exceed ten (10) pages within five (5) business days. The Appeal Panel's determination need not be unanimous but, at least two of the panel members must agree on the outcome.

If the Appeals Panel determines that a procedural error occurred, they may return the original Complaint to the Hearing Officer with instructions to reconvene to remedy the error. The results of a reconvened hearing cannot be appealed.

In rare cases, where the error cannot be remedied by the original Hearing Officer(s) (as in cases of bias), the Appeals Panel may order a new Hearing with a new Hearing Officer(s) appointed by the Title IX Coordinator as appropriate. The results of a new hearing with a new Hearing Officer(s) can be appealed once on the grounds for appeal listed above.

The Appeals Panel may in their discretion suspend any sanctions imposed by the Hearing Officer during the pendency of the appeal and/or any new Hearing of the original Complaint.

The Appeals Panel will render a written decision on the appeal to all parties within twenty-one (21) Business Days from receipt of the request for appeal. The decision on appeal, which will include the rationale for the decision, will be delivered to the parties simultaneously via their institutional email account or other reasonable means.

In cases of Sexual Assault, Domestic Violence, Dating Violence or Stalking, if neither party submits a written appeal within five (5) Business Days of receipt of the Hearing Officer's decisions, the Title IX Coordinator, as appropriate, will provide the parties with written notification that the Hearing Officer's decision is final. In cases involving all other kinds of alleged Title IX Sexual Harassment, the decision will be deemed final upon expiration of the period of time to appeal and no written notice will be provided.

### **Informal Resolution Process**

There may be times when a reporting individual wishes to report certain types of sexual misconduct for action by Monroe University but does not wish to participate in the University's Formal Disciplinary Process (i.e., an investigation and, if appropriate, a hearing) or is not interested in the potential outcomes prescribed under the Formal Disciplinary Process. In these cases, the involved parties have the option of mutually agreeing to instead participate in the University's Informal Resolution Process, rather than the Formal Disciplinary Process. The Informal Resolution Process is only appropriate for certain types of misconduct, and the Title IX Coordinator reserves the discretion to deny any request to engage in the Informal Resolution as an alternative to the Formal Disciplinary Process; this determination is not subject to appeal. The Informal Resolution Process is never available for the following types of misconduct:

- Any allegation of a University employee sexually harassing a student
- Any allegation in which there is a grave, ongoing, imminent, and/or immediate threat of harm or safety risk to the campus or to any individual
- Any allegation for which the accused individual is a repeat offender
- Any allegation in which the alleged misconduct is sufficiently grave in nature that informal resolution would not be appropriate

Either party can propose that a matter be resolved through the Informal Resolution Process; no party is ever required to participate, and the process is only available if all involved parties voluntarily agree to participate. Each party will be required to provide their consent in writing. The involved parties may elect to participate in the Informal Resolution Process at any time, even if they have already moved forward with the Formal Disciplinary Process. Similarly, parties may choose to stop participating at any time up until the process officially concludes. The Title IX Coordinator may likewise determine at any time that the Informal Resolution Process is not an appropriate method for resolving a given matter and may instead require that the matter be resolved through the University's Formal Disciplinary Process; this determination is not subject to appeal.

The informal resolution process will be conducted by an impartial facilitator chosen by the University who is appropriately trained to handle sexual misconduct matters and engage in the method of resolution provided. Informal resolution can take a variety of forms. Monroe University offers several options for informal resolution. Outcomes will vary depending on the type of informal resolution that is chosen. The parties must mutually agree on the type of informal resolution to be used.

#### ***4. Anticipated Timelines***

Absent extenuating circumstances, the Hearing Determination will be issued within ten business days of the completion of the Hearing. A request for appeal must be submitted within five (5) Business Days of receipt of the Hearing Officer's decision. The non-appealing party will be given an opportunity to review the written appeal and submit a written response not to exceed ten (10) pages within five (5) business days. The Appeals Panel will render a written decision on the appeal to all parties within twenty-one (21) Business Days from receipt of the request for appeal. In cases of Sexual Assault, Domestic Violence, Dating Violence or Stalking, if neither party submits a written appeal within five (5) Business Days of receipt of the Hearing Officer's decisions, the Title IX Coordinator, as appropriate, will provide the parties with written notification that the Hearing Officer's decision is final.

#### ***5. Decision-Making Process***

##### **General Considerations for Evaluating Testimony and Evidence**

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

Decision-makers shall not draw inferences regarding a party or witness's credibility based on the party or witness's status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

The weight given to any evidence will not vary based upon whether it is inculpatory or exculpatory (i.e. tending to prove or disprove the allegations).

Unless barred by the cross-examination requirements, a witness's testimony regarding indirect knowledge of the facts at issue will be considered, but will generally be accorded less weight than testimony regarding direct knowledge of specific facts that occurred.

Where a party or witness's conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Hearing Officer may draw an adverse inference as to that party or witness's credibility.

#### ***6. Standard of Evidence***

When implementing the Formal Disciplinary Process, the University is determining whether an individual is "responsible" or "not responsible" for an alleged violation of University policies. At all times, the burden is on the University to establish that the alleged violation of this policy was committed by the accused student in question - this is not the responsibility of the reporting individual, nor is the burden on the accused student to prove that he/she did not do something. The standard of evidence required in both the Student Conduct Hearing and in the Appeal Hearing, if one is sought, is a preponderance of evidence. 'Preponderance of evidence' means that the relevant Hearing Panel must decide in favor of the party that, as a whole, has the stronger evidence that the violation was or was not committed, however slight the edge over the other party's evidence may be. 'Preponderance of evidence' is sometimes

described as ‘more likely than not’ or ‘51% probability’. The evidence should be sufficient to incline a fair and impartial mind to one side of the issue over the other, but it is not necessary for that mind to be completely free from all reasonable doubt. ‘Preponderance of evidence’ is a different and lesser standard of evidence than that used in criminal proceedings; rather, it is the standard of evidence often used in civil court proceedings.

## ***7. Possible Sanctions***

The following possible sanctions may be imposed as a result of a Conduct Hearing and/or an Appeal. The following outcomes may also be considered, along with other options not listed here, as potential outcomes for the Informal Resolution Process. In addition, if at any point (whether during or prior to any such hearing) an individual’s presence on campus creates a threat to the health, safety, and/or well-being of other members of the University community, Monroe University reserves the right to immediately remove on an interim basis that individual from campus until the time of the Conduct Hearing and/or Appeal.

The following list of possible consequences/sanctions is not exhaustive, and these consequences/sanctions may be imposed singularly or in any combination. Different and/or additional consequences or sanctions may be imposed by a Conduct Hearing panel and/or Appeal panel as the panel members may deem appropriate.

- No Consequences/Sanctions: Where the Conduct Hearing panel (and/or the Appeal Hearing panel, in the event an appeal is sought) determines that a respondent is ‘not responsible’, the conduct charges against the respondent will be dismissed.
- Verbal Warning: A discussion with the respondent about the incident, with no written notification issued.
- Written Warning: A written notice to the respondent stating that his/her conduct is in violation of University regulations and that the continuation of said conduct during a stated period of time may be cause for more serious disciplinary action, such as community service, probation, or suspension.
- Counseling and/or Training: A requirement that an individual undergo appropriate counseling and/or training in order to remain a member of the University community.
- Restitution: Financial reimbursement for damages to property.
- Community Service: A stated number of hours, set in writing, of donated service commensurate with the conduct violation.
- Mutual ‘No Contact’ Order: An order from the University requiring the individual to stay away from the victim for a stated period of time. Students’ academic schedules may also be amended.
- Disciplinary Probation: A stated period of time, set in writing, during which the individual is expected to demonstrate appropriate conduct as a member of the University community. Failure to demonstrate appropriate conduct may subject the individual to further consequences/sanctions, such as community service and/or suspension.
- Residence Hall Suspension: A stated period of time, set in writing and not to exceed one academic year, during which the student is excluded from living in and/or visiting the campus residence halls. Upon the expiration of the suspension period, the student may be subjected to a probation period during which the student is expected to demonstrate appropriate conduct as a member of the University community. During residence hall suspension, a student may or may not also be concurrently suspended from classes and/or campus activities.
- Disciplinary Suspension: A stated period of time, set in writing and not to exceed one academic year, during which the student is excluded from classes and/or campus activities. Upon the expiration of the suspension period, the student may be subjected to a probation period during which the student is expected to demonstrate appropriate conduct as a

member of the University community. When the student's punished conduct involves certain types of violence, this sanction automatically results in a Transcript Notation sanction.

- Residence Hall Expulsion: Permanent termination of privileges to live and/or visit the campus residence halls.
- Disciplinary Dismissal from the University (Expulsion): Permanent termination of status as a student and/or employee of the University. When the student's punished conduct involves certain types of violence, this sanction automatically results in a Transcript Notation sanction.
- Transcript Notation: Where a student is found 'responsible' for a violation involving certain types of violence, including sexual assault, dating violence, domestic violence and stalking, and is then subjected to either suspension or expulsion from the University, the student's transcript will automatically receive a notation stating "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," as appropriate. Where a student withdraws from the University while such charges are pending, the student's transcript will receive a notation stating "Withdrew with conduct charges pending." Transcript notations regarding expulsion, withdrawal, and suspension shall be permanent.
- Other consequences and/or sanctions as deemed appropriate by the Conduct Hearing panel and/or Appeal Hearing panel.

Please note: Any employee who engages in inappropriate conduct deemed to be sexual harassment, or who otherwise violates this policy, will be subject to disciplinary action, up to and including termination of employment. It is unlawful and against the University's policy to retaliate against an employee for making a sexual harassment complaint or for cooperating in an investigation of a sexual harassment complaint; such retaliation is also grounds for disciplinary action, up to and including termination.

## ***8. Range of Protective Measures Available to a Victim Alleging Misconduct***

### **Supportive Measures, Protections, and Campus Accommodations**

Monroe University is prepared to offer you certain supportive measures, protections, and reasonable campus accommodations.

Below is a list of protections and campus accommodations that may be available, if appropriate. To request any of the below measures, protections, and/or accommodations, please contact your campus Title IX Coordinator. The Title IX Coordinator will then make the necessary arrangements, including coordinating with other campus offices as needed, in order to maintain your privacy. Upon request, both the accused and the reporting individual will have the opportunity to provide their perspective on the need for any interim measure or accommodation that affects him/her, the terms of such measure or accommodation, and the potential for modifying such measure or accommodation, and will be allowed to submit evidence in support of their view.

- Having the University issue a 'no contact' order against the accused individual
  - A 'no contact' order requires the accused to leave a public place where both the accused and the reporting individual are present. The accused is not allowed to contact or speak with the reporting individual. If necessary, the University may establish a schedule for the accused and the reporting individual to access University buildings and property at separate times. Violating the 'no contact' order could subject the accused to additional consequences and/or the involvement of law enforcement.

- Upon request, both the accused and the reporting individual will have the opportunity to provide their perspective on the need for a 'no contact' order, the terms of any 'no contact' order issued, and the potential for modifying the 'no contact' order, and will be allowed to submit evidence in support of their view.
- Assistance from University officials in obtaining an order of protection or restraining order from law enforcement against an individual.
  - Orders of protection and restraining orders are similar to 'no contact' orders, except that they are imposed by the local police, not by the University.

If an accused individual violates an order of protection or restraining order, they could be arrested. The University reserves the right to impose consequences on accused individuals who violate orders of protection and restraining orders, such as imposing additional conduct charges and/or subjecting the accused to interim suspension.

- Assistance from University campus security in calling on & assisting law enforcement in effecting an arrest when the accused individual violates an order of protection.
- Having an accused individual subjected to interim removal or other appropriate interim measures when he/she poses an immediate threat to the health and safety of any individual or to the University community.
  - Determinations of whether an individual poses an immediate threat to the health and safety of the University community are made by Monroe University administration. In making such determinations, the University acts in good faith and takes into consideration:
    - The nature of the allegation in question
    - Subsequent behavior occurring after the allegation
    - The potential risk of harm or disruption to the campus community and the reporting individual
    - Other relevant factors, such as whether the alleged behavior represents an escalation in behavior from past incidents, the possession and/or use of a weapon, and whether alternatives to interim removal are available
  - When the threat posed implicates mental health issues, the individual will be required to provide the University with documentation from an appropriate healthcare provider in order to return to campus. Additional safety precautions may also be taken where the University deems it necessary.
  - When certain crimes occur in certain areas on and/or near campus that represent a serious or continuing threat to the campus community, Monroe University is obligated under federal law to issue a timely warning, in order to protect the safety of others. Crimes triggering a timely warning might include, for example, a rapist who is still present on campus. When a timely warning is issued, the warning will never identify any victims or reporting individuals.
- Obtaining reasonable and available interim measures and accommodations for changes in an individual's academics, housing, employment, transportation, or other arrangements in order to help ensure safety, prevent retaliation, and avoid a hostile environment, such as:
  - Changes to class schedule

- Changes to work schedule
- Changes in dormitory assignment
- Assistance finding alternate transportation
- Assistance finding alternate housing
- Other protections, services, and accommodations that may be appropriate.

Monroe University's Title IX Policy can be found here:

<https://www.monroeu.edu/info/title-ix-and-sexual-misconduct-policies>

### *Educational Programs*

Primary prevention and awareness programs to increase understanding and knowledge about rape, acquaintance rape, and other forcible and non-forcible sex offenses, including dating violence, domestic violence, stalking, and sexual assault, are conducted for new students during their orientation programming; they are also conducted in the residence halls throughout the academic year. These programs are open to the entire University community.

Other programs on sexual assault are offered throughout the year. The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and that:

- Reiterate the University's prohibition on domestic violence, dating violence, sexual assault and stalking
- Provide the definition of these crimes (domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions) as well as consent in reference to sexual activity in New York state
- The institution's definition of consent AND the purposes for which that definition is used. Note: Monroe University does not have a separate or distinct definition of consent that differs from that of New York State. We will provide the New York State definition of consent.
- Deliver safe and positive options for bystander intervention; and
- Help the University community reduce personal risk and help each other do so by teaching how to recognize the warning signs of abusive behavior and how to avoid potential attacks.

Information regarding:

- procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in "Procedures Victims Should Follow if a Crime

of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)

- how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
- options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

The programs also provides an overview of the University’s procedure for disciplinary action in the case of violations of its sexual harassment and misconduct policy. The New York Police Department and other subject matter experts are invited to provide sexual assault education and information programs to students and employees.

### ***Primary Prevention and Awareness Programs***

Monroe University offers opportunities for the community to participate in programming, initiatives and strategies that support sexual misconduct (including domestic violence, dating violence, sexual assault and stalking) prevention and awareness. These endeavors are offered to all new and returning students and employees. Please see chart below for a listing of endeavors, inclusive of the targeted demographics.

Specifically, the University offered the following **primary prevention and awareness programs** for all **incoming students** in the 2024-2025 Academic Year:

| Name of Program  | Date Held  | Location Held   | Which Prohibited Behavior* Covered? |
|--|--|---|-------------------------------------|
| Orientation Programs, by entering Cohort                                 | Various Dates at the Start of Fall, Winter, and Spring Terms | In-Person on New Rochelle and Bronx Campuses and Virtually                | DoV, DaV, SA, & S                   |
| New Athlete Title IX and Enough is Enough (EIE) Workshop                 | August 26, 2024  | Gaddy Hall, 380 Main Street, New Rochelle, NY 10801                       | DoV, DaV, SA, & S                   |
| University-Wide EIE & TIX Sexual Assault Awareness & Prevention Workshop | May 21, 2025   | King Hall - FYE Lounge, 2501 Jerome Avenue, Bronx, NY 10468 and Virtually | DoV, DaV, SA, & S                   |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following **primary prevention and awareness programs** for all **new employees** in the 2024-2025 Academic Year:

| Name of Program  | Date Held    | Location Held   | Which Prohibited Behavior* Covered? |
|--|--------------|---|-------------------------------------|
| NY State Required Annual Sexual Harassment Training                      | After Hired  | Virtual Program   | DoV, DaV, SA, & S                   |
| University-Wide EIE & TIX Sexual Assault Awareness & Prevention Workshop | May 21, 2025 | King Hall - FYE Lounge, 2501 Jerome Avenue, Bronx, NY 10468 and Virtually | DoV, DaV, SA, & S                   |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

### ***Ongoing Prevention and Awareness Campaigns***

Monroe University offers opportunities for the community to participate in programming, initiatives and strategies that support sexual misconduct (including domestic violence, dating violence, sexual assault and stalking) prevention and awareness. These endeavors are offered to all current students and employees. Please see chart below for a listing of endeavors, inclusive of the targeted demographics.

The University offered the following **ongoing awareness and prevention programs** for **students** in the 2024-2025 Academic Year:

| Name of Program   | Date Held       | Location Held   | Which Prohibited Behavior* Covered? |
|---|-----------------|---|-------------------------------------|
| Title IX and Enough is Enough (EIE) Training Workshop for RAs, RDs, and Student Activities Coordinators | August 22, 2024 | Gaddy Hall, 380 Main Street, New Rochelle, NY 10801                       | DoV, DaV, SA, & S                   |
| University-Wide EIE & TIX Sexual Assault Awareness & Prevention Workshop                                | May 21, 2025    | King Hall - FYE Lounge, 2501 Jerome Avenue, Bronx, NY 10468 and Virtually | DoV, DaV, SA, & S                   |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

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The University offered the following **ongoing awareness and prevention programs** for **employees** in the 2024-2025 Academic Year:

| Name of Program  | Date Held                              | Location Held   | Which Prohibited Behavior* Covered? |
|--|--|---|-------------------------------------|
| NY State Required Annual Sexual Harassment Training                      | Once Annually with Proof of Completion | Virtual Program   | DoV, DaV, SA, & S                   |
| University-Wide EIE & TIX Sexual Assault Awareness & Prevention Workshop | May 21, 2025                           | King Hall - FYE Lounge, 2501 Jerome Avenue, Bronx, NY 10468 and Virtually | DoV, DaV, SA, & S                   |

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

### *Bystander Intervention Options*

The University stresses to the campus community that personal safety is paramount when considering whether to intervene in a situation. Bystanders are encouraged to call Public Safety in any such situation where assistance is needed.

- **Direct:** Address the situation directly. Use this when the person that you're trying to stop is someone who knows and trusts you. Consider other intervention methods when drugs or alcohol are being used.
- **Distract:** Distract either person in the situation to intervene. Interject yourself into a conversation where another person seems unsafe.
- **Delegate:** Find others who can help you to intervene in the situation. This might include asking a friend to distract one person in the situation while you distract the other to separate the individuals, or asking someone to go sit with them and talk.
- **Delay:** You may not be able to do something right in the moment. If you're feeling unsafe or if you're unsure whether or not someone in the situation is feeling unsafe, you may just want to check in with the person. In this case, you can combine a distraction technique by asking the person to use the bathroom with you or go get a drink with you to separate them and then asking them, "Are you okay?"

The University also shares information from these bystander intervention resources:

Step Up: <http://www.stepupprogram.org>

Bystander Intervention Toolkit: <http://www.health.ny.gov/publications/2040.pdf>

RAINN: <https://www.rainn.org/articles/your-role-preventing-sexual-assault>

### **Risk Reduction**

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. **Lie**. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route**. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking**, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### *Student Services*

Related services available for students, as well as staff and faculty:

- Student Escorts:** Student escorts are available daily between dusk and dawn to walk or drive any member of the Monroe community to their car or residence hall. Escorts can be arranged by calling Public Safety (BRONX: **646-393-8495** / NEW ROCHELLE: **914-740-6854** / St. Lucia: Not applicable)
- Transportation:** The Monroe University shuttle bus is a free service for members of the University community needing to travel between the Bronx and New Rochelle campus. Schedules are available at the Public Safety Desk in all buildings (no transportation available for St. Lucia students).
- Campus Patrols:** Public Safety officers patrol the campus on foot, bicycles, and in standard patrol vehicles. Officers also patrol academic and residential buildings.
- Lost and Found:** There is a Lost and Found located in King Hall (Bronx) and Allison Hall (New Rochelle). St. Lucia does not have an office for Lost and Found but may contact the Director of Outreach and Special Programs for assistance. It is open 24 hours a day. Owners of missing items may call to inquire if their item was turned in. Recovered items may be claimed after proper identification has been produced. (BRONX: **646-393-8495** / NEW ROCHELLE: **914-740-6854** / St. Lucia: **758-456-3200**)

### *Victim Assistance*

Students, faculty, and staff are encouraged to report incidents of crime. Public Safety will assist in reporting incidents to the police, dealing with the court system, and obtaining medical, counseling and other necessary services. The Director of Outreach and Special Programs at St. Lucia will assist students or employees with reporting incidents to local police or to the University.

### *Residential*

All residence halls are staffed by Resident Assistants (current University students) 24 hours a day, seven days a week. Resident Assistants are trained at the beginning of each semester and receive refresher training during the semester.

### *Parking*

Monroe does not guarantee or reserve parking for residential students as very limited parking is available on a first-come, first-serve basis daily. Students with registered disabilities that necessitate a parking accommodation can obtain parking authorization from Monroe by presenting proper documentation to the Office of Disability Services.

## *Safety Tips for the University Community*

### *Residence Hall Safety Tips*

- Never leave a door propped open.
- Always lock your door when you leave your room and take your keys.
- Lock your door when you go to sleep.
- Identify visitors using the door viewer (peephole) before you let them in.
- Report any unusual telephone calls or behavior to Public Safety.
- If you do receive a telephone call from someone you do not know, never give out any personal information (room number, telephone number, last name, Social Security number, etc.) or information of someone you know.
- Report suspicious activity to Public Safety.

If you are assaulted, find a safe place and a friend, and call Public Safety at:

#### **24-Hour Contact Numbers:**

BRONX Campus: **646-393-8495**

NEW ROCHELLE Campus: **914-740-6854**

### *Vehicle Safety Tips*

- Always lock your vehicle.
- Do not leave valuables in your vehicle.
- Park in well-lit areas.

### *Personal Safety Tips*

- Travel on streets where there is pedestrian traffic.
- If possible, use the buddy system - don't walk alone - especially at night.
- Be aware of and alert to your surroundings.
- Do not leave valuables unattended.
- Use the University shuttle bus and escort service.

### *Social Situations*

- Before going on a date know the person's full name, address, and friends.
- Meet new acquaintances in public places.
- Do not rely on someone you just met for a ride home.
- If you begin to feel uncomfortable on a date, for any reason, remove yourself from that situation.
- Speak up! Communicate your wishes clearly. Don't let anyone assume your intentions.
- Assert yourself. Insist on being treated with respect.

### *Definitions of Reportable Crimes*

#### **Criminal Homicide**

- *Murder and non-negligent manslaughter:* The willful (non-negligent) killing of one human being by another.
- *Manslaughter by Negligence:* The killing of another person through gross negligence.

**Sexual Assault** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

### *Robbery*

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

### *Aggravated Assault*

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accomplished by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)

### *Burglary*

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

### *Motor Vehicle Theft*

The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.)

### *Arson*

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

### *Dating Violence*

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- the length of the relationship;
- the type of relationship; and
- the frequency of interaction between the persons involved in the relationship.

### *Domestic violence*

A felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim
- a person with whom the victim shares a child in common
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies under the Violence Against Women Act, or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

### *Stalking*

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

- i. For the purposes of this definition—
  - A) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
  - B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  - C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- ii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### *Hazing*

Hazing: (vi) The term 'Hazing', for purposes of reporting statistics on Hazing incidents that were reported to campus security authorities or local police agencies, means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—

- a. is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- b. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including -
  - i. whipping, beating, striking, electronic shocking, placing of a harmful substance

- on someone's body, or similar activity;
- ii. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- iii. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- iv. causing, coercing, or otherwise inducing another person to perform sexual acts;
- v. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- vi. any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
- vii. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

### *Hate Crimes*

The law requires the release of statistics by category of prejudice concerning the occurrence of hate crimes in the crime classifications listed in the preceding section and for other crimes involving bodily injury to any person in which the victim is selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, gender identity, national origin, or disability of the victim.

In August 2008 the Clery Act was amended to include the following additional crimes under the hate crimes category:

- **Larceny/Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property (Except "Arson"):** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### *Other Offenses*

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

included in this definition.)

*Drug Law Violations:* The violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivative (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

*Illegal Weapons Possession:* The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

### *Crime Statistics*

The following information was compiled by Monroe University's Department of Public Safety according to the reporting procedures outlined above. The 2025 Report includes statistics for 2022, 2023, and 2024.

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## The Bronx Campus

| Primary Crimes                    | Year | On Campus | Noncampus | Public Property | Total | Residential Facilities* |
|-----------------------------------|------|-----------|-----------|-----------------|-------|-------------------------|
| Murder/Non Negligent Manslaughter | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Manslaughter by Negligence        | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Rape                              | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Fondling                          | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Incest                            | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Statutory Rape                    | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Robbery                           | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Aggravated Assault                | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Burglary                          | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Motor Vehicle Theft               | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Arson                             | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |

| Arrests and Referrals for Disciplinary Action | Year | On Campus | Noncampus | Public Property | Total | Residential Facilities* |
|---|------|-----------|-----------|-----------------|-------|-------------------------|
| Liquor Law Violation Arrests                  | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Drug Law Violation Arrests                    | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Weapons Law Violation Arrests                 | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|   | 2022 | 0         | 0         | 0               | 0     | N/A                     |

| Arrests and Referrals for Disciplinary Action           | Year | On Campus | Noncampus | Public Property | Total | Residential Facilities* |
|---|------|-----------|-----------|-----------------|-------|-------------------------|
| Liquor Law Violation Referrals for Disciplinary Action  | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Drug Law Violation Referrals for Disciplinary Action    | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Weapons Law Violation Referrals for Disciplinary Action | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|   | 2022 | 0         | 0         | 0               | 0     | N/A                     |

| VAWA Offenses     | Year | On Campus | Noncampus | Public Property | Total | Residential Facilities* |
|-------------------|------|-----------|-----------|-----------------|-------|-------------------------|
| Domestic Violence | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Dating Violence   | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |
| Stalking          | 2024 | 0         | 0         | 0               | 0     | N/A                     |
|                   | 2023 | 0         | 0         | 0               | 0     | N/A                     |
|                   | 2022 | 0         | 0         | 0               | 0     | N/A                     |

*Note: The Bronx Campus does not have any on-campus student housing/residential facilities.*

### Hate Crimes

There were no reported Hate Crimes for calendar years 2022, 2023, or 2024.

### Unfounded Crimes

If a crime is reported as occurring On Campus, in On-campus Residential Facilities (if applicable), in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

There were zero (0) unfounded crimes in 2022, 2023, and 2024.

## New Rochelle Campus

| Primary Crimes                    | Year | On Campus | Noncampus | Public Property | Total | Residential Facilities* |
|-----------------------------------|------|-----------|-----------|-----------------|-------|-------------------------|
| Murder/Non Negligent Manslaughter | 2024 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Manslaughter by Negligence        | 2024 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Rape                              | 2024 | 1         | 0         | 0               | 1     | 1                       |
|                                   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Fondling                          | 2024 | 1         | 0         | 0               | 1     | 1                       |
|                                   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2022 | 1         | 0         | 0               | 1     | 1                       |
| Incest                            | 2024 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Statutory Rape                    | 2024 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Robbery                           | 2024 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Aggravated Assault                | 2024 | 0         | 0         | 3               | 3     | 0                       |
|                                   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Burglary                          | 2024 | 5         | 0         | 0               | 5     | 3                       |
|                                   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2022 | 2         | 0         | 0               | 2     | 2                       |
| Motor Vehicle Theft               | 2024 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Arson                             | 2024 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|                                   | 2022 | 0         | 0         | 0               | 0     | 0                       |

| Arrests and Referrals for Disciplinary Action | Year | On Campus | Noncampus | Public Property | Total | Residential Facilities* |
|---|------|-----------|-----------|-----------------|-------|-------------------------|
| Liquor Law Violation Arrests                  | 2024 | 0         | 0         | 0               | 0     | 0                       |
|   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Drug Law Violation Arrests                    | 2024 | 0         | 0         | 0               | 0     | 0                       |
|   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Weapons Law Violation Arrests                 | 2024 | 1         | 0         | 0               | 1     | 1                       |
|   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|   | 2022 | 0         | 0         | 0               | 0     | 0                       |

| Arrests and Referrals for Disciplinary Action           | Year | On Campus | Noncampus | Public Property | Total | Residential Facilities* |
|---|------|-----------|-----------|-----------------|-------|-------------------------|
| Liquor Law Violation Referrals for Disciplinary Action  | 2024 | 4         | 0         | 0               | 4     | 2                       |
|   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Drug Law Violation Referrals for Disciplinary Action    | 2024 | 11        | 0         | 0               | 11    | 11                      |
|   | 2023 | 4         | 0         | 0               | 4     | 4                       |
|   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Weapons Law Violation Referrals for Disciplinary Action | 2024 | 0         | 0         | 0               | 0     | 0                       |
|   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|   | 2022 | 0         | 0         | 0               | 0     | 0                       |

| VAWA Offenses     | Year | On Campus | Noncampus | Public Property | Total | Residential Facilities* |
|-------------------|------|-----------|-----------|-----------------|-------|-------------------------|
| Domestic Violence | 2024 | 3         | 0         | 0               | 3     | 3                       |
|                   | 2023 | 1**       | 0         | 0               | 1**   | 1**                     |
|                   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Dating Violence   | 2024 | 0         | 0         | 0               | 0     | 0                       |
|                   | 2023 | 0**       | 0         | 0               | 0**   | 0**                     |
|                   | 2022 | 0         | 0         | 0               | 0     | 0                       |
| Stalking          | 2024 | 1         | 0         | 1               | 2     | 1                       |
|                   | 2023 | 0         | 0         | 0               | 0     | 0                       |
|                   | 2022 | 0         | 0         | 0               | 0     | 0                       |

*\*Residential Facility crime statistics are a subset of the On Campus category, i.e., they are counted in both categories.*

*\*\*The On-Campus Dating Violence statistics changed from 1 to 0 and Domestic Violence changed from 0 to 1 for the 2023 calendar year. The Residential Facilities Dating Violence statistics changed from 1 to 0 and Domestic Violence changed from 0 to 1 for the 2023 calendar year. These statistics were modified as dating partners in the State of New York are covered under the State's domestic/family violence laws. Therefore, violence occurring between dating partners should be classified as Domestic Violence for Clery Act purposes.*

### Hate Crimes

There were no Hate Crimes reported for calendar years 2022, 2023, or 2024.

### Unfounded Crimes

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

There were zero (0) unfounded crimes in 2022, 2023, and 2024.

# St. Lucia Campus

| Primary Crimes                    | Year | On Campus | Noncampus | Public Property | Total | Residential Facilities* |
|-----------------------------------|------|-----------|-----------|-----------------|-------|-------------------------|
| Murder/Non Negligent Manslaughter | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Manslaughter by Negligence        | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Rape                              | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Fondling                          | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Incest                            | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Statutory Rape                    | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Robbery                           | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Aggravated Assault                | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Burglary                          | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Motor Vehicle Theft               | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Arson                             | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |

| Arrests and Referrals for Disciplinary Action | Year | On Campus | Noncampus | Public Property | Total | Residential Facilities* |
|---|------|-----------|-----------|-----------------|-------|-------------------------|
| Liquor Law Violation Arrests                  | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Drug Law Violation Arrests                    | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Weapons Law Violation Arrests                 | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |

| Arrests and Referrals for Disciplinary Action           | Year | On Campus | Noncampus | Public Property | Total | Residential Facilities* |
|---|------|-----------|-----------|-----------------|-------|-------------------------|
| Liquor Law Violation Referrals for Disciplinary Action  | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Drug Law Violation Referrals for Disciplinary Action    | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Weapons Law Violation Referrals for Disciplinary Action | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |

| VAWA Offenses     | Year | On Campus | Noncampus | Public Property | Total | Residential Facilities* |
|-------------------|------|-----------|-----------|-----------------|-------|-------------------------|
| Domestic Violence | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Dating Violence   | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |
| Stalking          | 2024 | 0         | N/A       | 0               | 0     | N/A                     |
|                   | 2023 | 0         | N/A       | 0               | 0     | N/A                     |
|                   | 2022 | 0         | N/A       | 0               | 0     | N/A                     |

*Note: The St. Lucia Campus does not have any on-campus student housing/residential facilities and does not have any noncampus locations.*

### Hate Crimes

There were no reported Hate Crimes for calendar years 2022, 2023, or 2024.

### Unfounded Crimes

If a crime is reported as occurring On Campus, in On-campus Residential Facilities (if applicable), in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

There were zero (0) unfounded crimes in 2022, 2023, and 2024.

*In accordance with the Higher Education Opportunity Act (HEOA) of 2008, Monroe University is required to provide two fire safety-related sources of information:*

## 1. Annual Fire Safety Report

Institutions with on-campus student housing facilities must publish an annual fire safety report that provides information on campus fire safety practices and standards.

Monroe University complies with this HEOA regulation by issuing each year the Monroe University Annual Security and Fire Safety Report. Information contained in this annual report includes: number and cause of fires at all on-campus student housing facilities; number of fire-related deaths; related injuries; value of fire-related property damage; information on evacuation procedures; fire safety education and training programs; fire safety systems in each student housing facility; number of regular mandatory supervised fire drills; and policies on portable electrical appliances, smoking and open flames.

Monroe University has residential facilities on the New Rochelle Campus only. Monroe University's The Bronx Campus and St. Lucia Campus do not have any on-campus student housing facilities/residential facilities. Therefore, this annual fire safety report section does not apply to The Bronx or St. Lucia campuses.

To report a fire *for inclusion in this report*, please contact Monroe Public Safety:

-NEW ROCHELLE Campus: **914-740-6854**

## 2. Daily Fire Log

The Public Safety Department maintains a daily fire log that records all reported fires that occur within on campus student housing facilities only. The fire log lists the nature, date, time, and general location of each fire occurring in on-campus student housing facilities.

The daily fire log is available for public inspection at the Public Safety office in Allison Hall (1<sup>st</sup> Floor), 368 Main Street on the New Rochelle campus only as The Bronx and St. Lucia campuses do not have any on-campus student housing facilities. Therefore, the University does not report fire statistics for The Bronx or St. Lucia campuses.

The University complies with this HEOA rule by including all fire-related incidents in the daily fire log. Please note that information regarding all residence hall fires and fire alarms are maintained in a database within Public Safety.

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### *Residence Hall Fire Safety Systems*

Monroe University has a total of four (4) on-campus student residence halls. Each residence hall is equipped with an interior fire alarm system with detection throughout the building, including smoke and heat detectors, and pull-box stations. Some residence halls are protected with a building fire sprinkler system.

| <b>Residential Facilities (Name and Address)</b>                       | <b>Fire Alarm Monitoring Done On Site</b> | <b>Partial Sprinkler System<sup>4</sup></b> | <b>Full Sprinkler System<sup>5</sup></b> | <b>Smoke Detection</b> | <b>Fire Extinguisher Devices</b> | <b>Evacuation Plans/Placards</b> | <b>Number of fire drills held during prior calendar year</b> |
|--|---|---|--|------------------------|----------------------------------|----------------------------------|--|
| Allison Hall<br>368 Main Street, New Rochelle, NY 10801                | Yes                                       | No  | Yes                                      | Yes                    | Yes                              | Yes                              | 3  |
| Gaddy Hall<br>380 Main Street, New Rochelle, NY 10801                  | Yes                                       | No  | Yes                                      | Yes                    | Yes                              | Yes                              | 3  |
| Locust Hall<br>16 Locust Avenue, New Rochelle, NY 10801                | Yes                                       | No  | Yes                                      | Yes                    | Yes                              | Yes                              | 3  |
| Stella Apartments<br>14 Le Count Place, New Rochelle, NY 10801         | Yes                                       | No  | Yes                                      | Yes                    | Yes                              | Yes                              | 0  |
| 33 Echo Residential Facility<br>33 Echo Avenue, New Rochelle, NY 10801 | Yes                                       | No  | Yes                                      | Yes                    | Yes                              | Yes                              | 1*   |

All fire safety and building access systems are monitored by Public Safety, 24 hours a day, and 365 days a year.

\*Please note, the 33 Echo Residential Facility was only utilized in fall 2024 - as such, one fire drill was conducted in that location during 2024.

### *Mandatory Supervised Evacuation/Fire Drills*

Monroe University conducts mandatory evacuation/fire drills during the calendar year. These evacuation drills are supervised by Public Safety and conducted with a team of University employees. The drills are intended to familiarize students, faculty and staff with emergency procedures and individual roles.

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<sup>4</sup> Partial Sprinkler System is defined as having sprinklers in the common areas only.

<sup>5</sup> Full Sprinkler System is defined as having sprinklers in both the common areas and individual rooms.

Public Safety performs three (3) evacuation/fire drills per year for each on-campus residential hall owned by Monroe, which is one per semester.

All academic and administrative buildings undergo three (3) evacuation/fire drills each year.

### *Residence Hall Health and Safety Inspections*

The Office of Residential Life and the Campus Facilities Department performs residential inspections throughout the year. These inspections are conducted to identify safety violations as well as conditions that may be detrimental to the health or well-being of the wider residential community.

Inspections include a visual examination of electrical cords, sprinkler heads, smoke detectors and other life safety systems. In addition, each room is examined for the presence of prohibited items such as candles, halogen lamps, unauthorized appliances, pets, etc. Rooms are also examined for evidence of prohibited activity such as smoking in the room, removal of door closers, unauthorized door locking or alarm mechanisms, removal of security screens or other equipment, tampering with life safety equipment, etc.

This inspection also includes a general assessment of cleanliness of the room, including food and waste storage. Conditions warranting follow-up are reported and documented. A re-inspection will follow. Residential Life staff members are expected to communicate with residents, apply sanctions that can range from fines to expulsion from housing, and document follow-up. Each resident's signature on the Residential Living Agreement, required in order to take occupancy, signifies their acceptance of and responsibility for abiding by residential and University policies as communicated through all institutional publications, websites, e-mail and other means.

Specific health and safety policies and procedures are outlined in the Residential Life Student Handbook, as well as the Monroe University Student Housing Agreement. Per the agreement, Residence Life staff and authorized University personnel may enter any room at any time for the purposes of inspection, establishment of order, maintenance, extermination, inventory correction, or cleaning, or in case of emergency or other reasonable purposes.

### *Education and Training Programs*

Fire safety training is provided at the start of each semester for students. Students, faculty and staff participate in evacuation fire drills throughout the year.

As per the current New York State Fire Code (NYSFC), information and training related to fire safety is presented to all students enrolled in higher education on an annual basis.

### *Fire Safety Policies for On-Campus Student Housing Facilities:*

Monroe University policies relating to fire safety are in accordance with New York State law and Westchester County ordinances.

The University's primary concern is maintaining the safety and well-being of the members of our community. New policies have been created and existing policies have been modified to ensure that Monroe University provides a safe environment and is in compliance with all New York State Fire Codes, as well as those of the City of New Rochelle and New York City Fire Departments.

Students must comply with the specific policies listed herein, as well as all other policies listed in The Residence Life Student Handbook, the University's guide to residential living.

Any violation of the following requirements is considered a violation of the Student Conduct Codes:

**a. *Door Chocking (Propping)***

A door leading out to a main hallway (common area), used as fire and/or smoke door, should not be chocked (propped) open, blocked or obstructed to prevent the normal self-closing operation of said door. [Ref; NYSFC F-703.2]

**b. *Electric Wall Outlets***

All electric cords from devices must be plugged directly into a wall outlet or an approved surge protector strip. All surge protector strips must be plugged directly into the wall outlet. No extension cords are permitted in residential halls. Furniture should not obstruct a wall outlet as to prevent an electrical plug from easily being removed from the outlet (without requiring that furniture be moved). [Ref; NYSFC F-605.5]

**c. *Items Suspended from Ceilings and Walls***

No items shall be suspended from the ceiling or within 24" of the ceiling as to obstruct or cover lighting, smoke detectors and/or sprinkler heads. [Ref; NYSFC - 901.6 and 805.1 and 315.2.1] No decorative, holiday, or theme lighting shall be placed/hung on or around doors or windows.

**d. *Decorations***

No tapestries or fabric items (including flags) shall be placed on the ceilings or walls of any room. Wall coverings may include pictures and posters, but may not exceed 50 percent of total wall space. Tapestries and/or fabric items (including doormats) shall not be placed in common areas. [Ref; NYSFC 304.1] No window curtains or valances are permitted to be hung in rooms/ suites/apartments.

e. *Natural Cut Trees*

No natural cut trees of any sort shall be erected in the common or living space of any residence hall [Ref; NYSFC 804.1.1] All students must comply fully with all fire safety regulations. Violations may result in monetary, educational, and/or conduct sanctions.

f. *Candles/Incense*

No candles (including those used “for decoration only”), incense, or anything that burns are permitted in residence halls. Open flames of any kind are not permitted in residence halls.

g. *Smoking*

Monroe University is a smoke-free environment in all buildings. There is no smoking or lighting of smoking-type products in any residence hall/room or facility, or within 20 feet of all building entrances/exits.

h. *Malicious False Alarms*

The alteration and/or destruction of fire safety equipment affects the safety of all members of the Monroe community. Malicious damage to any fire safety equipment, including fire extinguishers, exit signs, fire doors, emergency lighting and/or the activation of a fire pull station (when the threat of fire is not present), is a crime and will be prosecuted to the fullest extent of the law. All students must comply fully with all University fire safety regulations. Violations may result in monetary, educational, and/ or conduct sanctions.

i. *Refrigerator/Microwave*

Residents may not bring their own refrigerator for their residence hall room or suite. They must be rented directly from the University. Additionally, personal microwaves are prohibited in on-campus residence hall rooms and suites.

j. *Electrical Appliances Policy*

Due to safety issues, the following items are prohibited in the traditional residence halls: hot plates, electrical skillets, toaster ovens, toasters, hot oil popcorn poppers, halogen lights, sun lamps, electric heaters, refrigerators larger than five cubic feet, microwaves, electric grills, deep fryers, coffee makers, humidifiers, multiple outlets, extension cords and any other appliances deemed by the Office of Residential Life as inappropriate for residence hall use.

k. *Cooking Policy*

There is a \$100 fine, per appliance, for possession of prohibited cooking and/or electrical appliances in the residence halls. Any additional violation of this policy is grounds for further disciplinary action and/or fines. There are various food and beverage vending machines located in the lobbies or lounges of the residence halls. Report malfunctioning kitchen appliances or vending machines to the resident assistant.

## I. *Evacuation/Fire Alarms – What You Should Do*

Evacuation is necessary when any buildings fire alarm has been activated or the building becomes uninhabitable because of an event such as a fire, flooding, gas leak, contamination, pandemic flu, extreme weather conditions, or the loss of critical services. The response depends on the extent of the emergency. The Members of the University community must familiarize themselves with the evacuation routes posted in the buildings in which they live or those they use frequently. When an evacuation order is issued, impacted students, faculty, and staff must cooperate fully with Public Safety/emergency personnel.

Additionally, in the event of a fire:

- Don't panic. Stay calm.
- Take keys, wallets and essential belongings.
- If possible, wear weather-appropriate clothing.
- If a door feels hot, place a wet towel under it and DO NOT OPEN IT. Instead, open a window.
- Call Public Safety:  
  
BRONX Campus: 646-393-8495  
  
NEW ROCHELLE Campus: 914-740-6854  
  
St. Lucia: 999 (for emergencies) and then notify the Director of Outreach and Special Programs at 758-456-3200
- Alert emergency personnel by waving something from the window.
- If the hallway is filled with smoke, crouch down as low as possible (smoke rises) and hug the wall. Walls eventually lead to doors.
- Use the stairs only.
- Do NOT use elevators; elevators turn into chimneys when there is a fire.
- Close, but do NOT lock, doors.
- Provide assistance to those with physical disabilities.
- Evacuate in a safe and orderly fashion to the nearest staging area (as determined by University personnel) and await additional instructions.
- Move away from the building. Do not return to the building until instructed to do so by Public Safety or Residential Assistant (RA) staff member.
- Find an RA on duty for the purpose of letting someone know you have safely evacuated the building.

### *Plans for Improvement to Fire Safety*

The University does not have any planned improvements to our fire safety systems at this time, but will continue to ensure active maintenance and upkeep of our existing systems and equipment.

### *Fire Statistics Chart – Definitions and Interpretations*

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire-Related Deaths:** Any instance in which a person is killed because of a fire incident, including death resulting from a natural or accidental cause while involved in fire control or attempting a rescue, or a person escaping from the fire scene who dies within one year of injuries sustained because of a fire.

**Fire-Related Injuries:** Any instance in which a person is injured because of a fire, including an injury sustained from a natural or accidental cause. This includes first responders attempting to control the fire or attempting a rescue, or persons escaping from the fire scene.

Persons may include students, faculty, staff, visitors, firefighters, or any other individuals.

### *Value of Property*

The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul.

### *Evacuation*

**Procedures Posted:** When a fire alarm is activated, evacuation is mandatory. DO NOT use elevators; evacuate the building using the nearest available exit and proceed to the nearest staging area (as determined by University personnel) and await additional instructions.

### *Fire Alarms Monitored*

**by Public Safety:** Fire alarms are monitored 24 hours a day, seven days a week, within Public Safety.

### *Fire Safety Training*

**Programs Delivered:** Number of training programs delivered by responsible persons of authority within the University.

### *Buildings Equipped with Fire Alarm Systems and*

**Smoke Detectors:** Buildings that have functional fire alarm systems and smoke detectors installed. Please note: All residence halls are equipped with a functional fire alarm system and smoke detectors.

### *Buildings Protected with Automatic Sprinkler*

#### **System Throughout:**

Indicates an automatic sprinkler system protects all areas of a building.

Please note: All residence halls are equipped with sprinkler systems throughout.

Residence halls have wet-pipe automatic sprinkler systems.

### *Emergency Evacuation Drills (formerly known as Fire Drills):*

The number of supervised scheduled drills or actual events at campus residence halls that are facilitated and certified by Public Safety in cooperation with assigned University building personnel. Various drills are conducted throughout the year to familiarize students, faculty and staff with emergency procedures and individual roles. Each year Public Safety facilitates four emergency evacuation drills targeting all residence halls. All academic and administrative buildings undergo three emergency evacuation drills each year.

### *Fire Statistics*

#### **2024 Fire Statistics**

| <b>Residential Facilities (Name and Address)</b>                             | <b>Total Number of Fires in Each Building</b> | <b>Category and Cause of Fire</b> | <b>Number of Injuries That Required Treatment at a Medical Facility</b> | <b>Number of Deaths Related to a Fire</b> | <b>Value of Property Damage Caused by Fire (in USD)</b> |
|--|---|-----------------------------------|---|---|---|
| Allison Hall<br>368 Main Street,<br>New Rochelle, NY<br>10801                | 0   | N/A                               | N/A   | N/A                                       | N/A   |
| Gaddy Hall<br>380 Main Street,<br>New Rochelle, NY<br>10801                  | 0   | N/A                               | N/A   | N/A                                       | N/A   |
| Locust Hall<br>16 Locust Avenue,<br>New Rochelle, NY<br>10801                | 0   | N/A                               | N/A   | N/A                                       | N/A   |
| Stella Apartments<br>14 Le Count Place,<br>New Rochelle, NY<br>10801         | 0   | N/A                               | N/A   | N/A                                       | N/A   |
| 33 Echo Residential Facility<br>33 Echo Avenue,<br>New Rochelle, NY<br>10801 | 0   | N/A                               | N/A   | N/A                                       | N/A   |

### 2023 Fire Statistics

| Residential Facilities (Name and Address)                     | Total Number of Fires in Each Building | Category and Cause of Fire | Number of Injuries That Required Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire (in USD) |
|---|--|----------------------------|--|------------------------------------|--|
| Allison Hall<br>368 Main Street,<br>New Rochelle, NY<br>10801 | 0                                      | N/A                        | N/A  | N/A                                | N/A  |
| Gaddy Hall<br>380 Main Street,<br>New Rochelle, NY<br>10801   | 0                                      | N/A                        | N/A  | N/A                                | N/A  |
| Locust Hall<br>16 Locust Avenue,<br>New Rochelle, NY<br>10801 | 0                                      | N/A                        | N/A  | N/A                                | N/A  |

### 2022 Fire Statistics

| Residential Facilities (Name and Address)   | Total Number of Fires in Each Building | Category and Cause of Fire                          | Number of Injuries That Required Treatment at a Medical Facility | Number of Deaths Related to a Fire | Value of Property Damage Caused by Fire (in USD) |
|---|--|---|--|------------------------------------|--|
| Allison Hall<br>368 Main Street,<br>New Rochelle, NY<br>10801                         | 1                                      | Unintentional -<br>Electrical - Dryer<br>Overheated | 0  | 0                                  | \$1,000 - \$9,999                                |
| Gaddy Hall<br>380 Main Street,<br>New Rochelle, NY<br>10801                           | 0                                      | N/A   | N/A  | N/A                                | N/A  |
| Locust Hall<br>16 Locust Avenue,<br>New Rochelle, NY<br>10801                         | 1                                      | Unintentional -<br>Other - Burned<br>Bag            | 0  | 0                                  | \$0 - \$99                                       |
| 33 Echo<br>Residential Facility<br>33 Echo Avenue,<br>New Rochelle, NY<br>10801       | 0                                      | N/A   | N/A  | N/A                                | N/A  |
| 5 Franklin<br>Residential Facility<br>5 Franklin Avenue,<br>New Rochelle, NY<br>10801 | 0                                      | N/A   | N/A  | N/A                                | N/A  |