

IONA

CAMPUS SAFETY AND SECURITY



OFFICE
OF
STUDENT DEVELOPMENT
(914) 633-2360

**STUDENT DEVELOPMENT TELEPHONE NUMBERS
ON THE NEW ROCHELLE CAMPUS**

Athletics	(914) 633-2305
Campus Ministries	(914) 633-2632
Campus Safety and Security	(914) 633-2245
Career Services	(914) 633-2462
Counseling Services	(914) 633-2038
Health Services	(914) 633-2548
Residential Life	(914) 633-2336
Student Development	(914) 633-2360

**OTHER IMPORTANT TELEPHONE NUMBERS
ON THE NEW ROCHELLE CAMPUS**

Emergency Police/Fire/Ambulance	911
Local Police, Non-Emergency	(914) 654-2300
Campus Security Emergency	(914) 633-2560

**IMPORTANT TELEPHONE NUMBERS
AT THE ROCKLAND GRADUATE CENTER**

Iona College at Blue Hill	(845) 620-1350
Emergency Police/Fire/Ambulance	911
Local Police, Non-Emergency	(845) 359-3700

August 2005

Dear Student:

The Iona College community has always been characterized by its consistent concern for the welfare of the students, faculty, staff and friends who contribute so much to campus life. Providing a safe environment and caring for those in need of assistance has always been among the priorities of everyone associated with Iona.

While no institution can be isolated from the ills of the larger society, Iona has been fortunate that it can continue to provide an environment conducive to study and rewarding work. This can be attributed to the initiatives which have resulted in policies and procedures designed to maintain a safe and secure campus.

Over the course of the last few years, unfortunate and sometimes tragic incidents on college campuses have led to legislation which requires the development and distribution of certain policies regarding campus safety, sexual assault prevention, drug-free schools and other related issues, if these policies did not already exist. Iona College and all other institutions of higher education must comply with this legislation.

This booklet contains the information required by these statutes. Please read it carefully and direct any questions you might have to the Vice Provost for Student Development, Director of Residential Life, or the Director of Campus Safety and Security.

Once again, we are pleased with the community environment we have created at Iona College. We hope these policies will help everyone maintain this standard.

Sincerely,



Charles J. Carlson

Vice Provost for Student Development

Iona College



Mission Statement

Iona College is a diverse community of learners and scholars dedicated to academic excellence in the tradition of the Christian Brothers and American Catholic higher education. We commit ourselves to education within the rich heritage of these legacies, especially intellectual inquiry and the values of justice, peace and service.

Iona College graduates will be sought after because they will be:

- ethical and skilled decision-makers and problem solvers motivated to leadership, service and civic responsibility;
- independent thinkers informed and enriched by a liberal arts education;
- lifelong learners skilled in and adaptable to new information and technologies; and
- individuals who integrate the spiritual, intellectual, civic, emotional and physical dimensions of their lives.

The Iona College Community will achieve these goals by dedicated teaching, internships, creative research and scholarship, intensive career counseling and by student/faculty/staff/administrator participation in the many centers of excellence at Iona College.

(Adopted: December 13, 2001)

POLICY STATEMENTS

POLICY ON A DRUG-FREE COMMUNITY

Iona College recognizes its duty to uphold existing state and federal laws and inform students and staff about the Drug-Free Schools and Communities Act of 1989. This law, with which the College intends to comply fully, was designed to prevent the illegal use of drugs and the abuse of alcohol by students and staff. Iona is a drug-free school and workplace and the College cannot protect any member of the community who violates the law. This represents the complete policy on a Drug-Free Community.

Accordingly, any person discovered on campus by College officials who illegally possesses marijuana, hallucinogens, or any other drugs proscribed by state or federal laws will be subject to sanctions up to and including dismissal from the College. In every case, the drugs found will be turned over to the appropriate governmental authorities, and the person reported to the appropriate governmental authorities. It is a violation of the College Code of Conduct to fail to comply with the College's regulations and state and federal laws governing the possession, distribution and/or use of illegal drugs. Any student arrested by any governmental authority in connection with the illegal possession or use of drugs will be subject to disciplinary action pursuant to the judicial procedures of the College as contained in the Student Handbook.

Should guests, or anyone purporting to be a guest of students, or of anyone else in the College community be actively engaged in the sale, barter, exchange, or distribution of an illegal drug on campus, the College will take immediate action by notifying the appropriate governmental authorities. Since the College does not consider itself a "sanctuary" outside the law for its own students, faculty or staff, neither can it be a place of refuge for persons not part of the College community.

New York State penal law states that it is illegal for: persons under the age of 21 to purchase or possess alcoholic beverages with the intent to consume; individuals under the age of 21 to purchase or attempt to purchase an alcoholic beverage through fraudulent means; individuals to furnish alcohol to anyone under 21 years of age; individuals to sell, deliver, or give away alcoholic beverages to any intoxicated person or any person under the influence of alcohol regardless of the age of the person; and/or individuals to drive while impaired or intoxicated.

The following information is presented to familiarize students and staff with the institutional policies related to the use of alcoholic beverages on campus.

1. It is a violation of the College Code of Conduct to fail to comply with the College's regulations and the laws of the State of New York governing the possession, distribution, and consumption of alcohol. The Code of Conduct is contained in the Student Handbook.
2. Alcohol is not permitted in any residence hall owned or leased by the College, nor is it permitted at any athletic event held on or off campus.
3. All campus events at which alcohol will be served must be registered by submitting a completed space reservation form to the Department of Campus Safety and Security and by making an appointment with the Director of Student Development. The director will evaluate requests for events involving alcohol based on the requirements of New York law and College policies and procedures.
4. Advertising for events at which alcoholic beverages will be consumed must comply with the publicity procedures contained in the Student Handbook, whether the event is held on or off campus.
5. Alcoholic beverages may only be served on campus by the College Food Service. Students are not permitted to purchase or receive beer, wine, wine coolers or liquor from any outside vendor or person, and bring these products to a campus event. Groups that hold an event must purchase a temporary liquor license and must assume the cost for this license.
6. A reasonable quantity of an attractive variety of non-alcoholic beverages must be available from the same location as alcoholic beverages. A variety of food and snacks must also be available for the duration of an event that includes serving alcohol.
7. Only students who are over 21 years of age may participate in a College event at which alcohol is served. It is the responsibility of the sponsoring organization to ensure that all those who enter are over 21. All students must have a valid ID card to gain admittance, and the College Food Service reserves the right to request a second form of photographic identification when it is deemed necessary.
8. It is required that the moderator of the sponsoring organization and a member of the Department of Campus Safety and Security be present in the room during the event. A member of the Student Development staff may substitute for the moderator upon the request of the sponsoring organization.
9. Alcoholic beverages may not be brought into or removed from the immediate area in which a College-sponsored event is occurring. Alcoholic beverages may not be removed from any area in which a registered event is occurring.

10. The service of alcohol must be terminated at least one-half hour prior to the conclusion of any event which is at least two hours in duration. No event at which alcohol is served may exceed four hours and the event must end no later than 1:00 am.
11. "Bring your own bottle" (BYOB) affairs are not permitted at any time. "All you can drink" parties and events for which the admission charge includes the unlimited availability of alcohol are prohibited.

Federal law makes it a criminal offense to manufacture, distribute, dispense or possess with intent to manufacture, distribute or dispense, or simply possess a controlled substance. See Title 21 U.S. Code 801, et seq. Controlled substances are defined by the schedules contained in 812 of Title 21 of the U.S. Code. New York State penal law makes it a criminal offense to possess, possess with intent to sell, or actually sell various drugs. The drugs to which this law applies include marijuana and those listed in the schedules contained in the New York State Public Health Law, 3306 thereof. See Penal Law Articles 220 and 221.

The possible sanctions for the violation of federal and state law depend upon the particular offense violated. The various offenses are premised on aggravating factors which include the type and quantity of drugs involved. Depending upon the particular aggravating circumstances involved, violations of said law could result in sanctions from a monetary fine to life imprisonment.

It is a violation of New York State Penal Law 240.40 for a person to appear in public under the influence of narcotics or a drug other than alcohol to the degree that he or she may endanger himself or herself or other persons or property, or annoy persons in the vicinity. A violation of this law could result in imprisonment up to 150 days.

It is a violation of New York State Penal Law 260.20 (2) for a person to give or sell an alcoholic beverage to a person less than 21 years old. A violation of this law could result in imprisonment for up to three months.

Any person who operates, drives, or is in control of a motor vehicle while intoxicated (DWI) or impaired (DWAI) is in violation of Section 1192 of the Vehicle and Traffic Law and if found guilty, is subject to fines, imprisonment, and license suspension or revocation. The penalties for DWI and DWAI related to this section are as follows:

Violation	Mandatory Fine (1)	Maximum Jail Term	Mandatory Drivers License Action (2)
Driving While Intoxicated (DWI) .08 BAC	\$500-\$1,000	1 year	Revoked for at least six months
Second DWI Violation in 10 years (E Felony)	\$1,000-\$5,000	4 years	Revoked at least one year
Third DWI Violation in 10 years (D Felony)	\$2,000-\$10,000	7 years	Revoked at least one year
Driving While Ability Impaired (DWAI)	\$300-\$500	15 days	Suspended for 90 days
Second DWAI Violation in 5 years	\$500-\$750	30 days	Revoked at least six months
Zero Tolerance Law	\$125 civil penalty and \$100 fee to terminate suspension	None	Suspended for six months
Second Zero Tolerance Law	\$125 civil penalty and \$100 re-application fee	None	Revoked for 1 year or until age 21
Chemical Test Refusal	\$300 civil penalty \$350 for commercial drivers	None	Revoked for at least six months
Chemical Test Refusal within five years of previous DWI-related charge	\$750 civil penalty	None	Revoked for at least 1 year

(continued on page 7)

Violation	Mandatory Fine (1)	Maximum Jail Term	Mandatory Drivers License Action (2)
Chemical Test Refusal -Zero Tolerance Law	\$300 civil penalty and \$50 re-application fee	None	Revoked for at least 1 year
Chemical Test Refusal Second or subsequent ZeroTolerance Law	\$750 civil penalty and \$50 re-application fee	None	Revoked for at least 1 year
Driving under The Influence (out of state)	N/A	N/A	Revoked at least 90 days .If less then 21 years of age, revoked at least 1 year.
Driving under The Influence (out of state) with any previous alcohol-drug violation	N/A	N/A	Revoked at least 90 days .If less then 21 years of age, revoked at least 1 year or until age 21 (longest term).

A drug is a chemical substance that has an effect upon the body or mind. Alcohol is defined as a drug. Drugs and alcohol are capable of impairing judgment and physical capacity and diminishing individual performance in activities of family living. Problems associated with inappropriate use of drugs and alcohol are complex in nature. One class of drugs is the sedative-hypnotic which relaxes the central nervous system. These include alcohol, barbiturates, tranquilizers (depressants), marijuana and hashish.

Alcohol is chemically known as ethyl alcohol, C_2H_5OH , a colorless liquid, and medically is a depressant drug that slows the activity of the brain and spinal cord. Like any drug that affects the mind, alcohol has the potential to be abused.

CRIMINAL SANCTIONS

Criminal classifications and penalties for narcotics, other controlled substances and marijuana

[Source: New York State Penal Law, Sec. 220 and 221]

		A- I FELONY 15 to 25 yrs. min. life term max.	A- II FELONY 3 to 8-1/2 yrs. min. life term max.	B FELONY 1 to 8-1/2 yrs. min. 3 to 25 yrs. max.	C FELONY up to 15 yrs. in prison	D FELONY up to 7 yrs. in prison	E FELONY up to 4 yrs. in prison	MISDEMEANOR up to 1 yr. in jail or \$1000 fine	B MISDEMEANOR up to 3 months in jail or \$500 fine
Narcotic Drugs*	POSSESSION	4 oz. or more	2 oz. or more	1/2 oz. or more	1/2 oz. or more			any amount	
	SALE	2 oz. or more	1/2 oz. or more	any amount					
Narcotic Preparations**	POSSESSION				2 oz. or more	1/2 oz. or more		any amount	
	SALE				any amount				
Methadone	POSSESSION	5,760 mg. or more	2,880 mg. or more		360 mg. or more			any amount	
	SALE	2,880 mg. or more	360 mg. or more		any amount				
Marijuana+	POSSESSION				more than 10 lb.	more than 16 oz.	more than 8 oz.	more than 2 oz.	more than 25 gms.
	SALE				more than 16 oz.	more than 4 oz.	more than 25 gm.	***25 gms. or less	****2 gms. or less
Concentrated Cannabis	POSSESSION				1 oz. or more	1/2 oz. or more		any amount	
	SALE				any amount				
Stimulants (Amphetamines and others)	POSSESSION		10 gm. or more	5 gm. or more	1 gm. or more			any amount	
	SALE		5 gm. or more	1 gm. or more		any amount			
Methamphetamine	POSSESSION		2 oz. or more		1/2 oz. or more			any amount	
	SALE		1/2 oz. or more	1/2 oz. or more		any amount			
Lysergic Acid Diethylamide (LSD)	POSSESSION		25 mg. or more	5 mg. or more	1 mg. or more			any amount	
	SALE		5 mg. or more	1 mg. or more		any amount			
Undiluted Phencyclidine (PCP)	POSSESSION				2500 mg. or more	500 mg. or more	100 mg. or more	any amount	
	SALE			1 mg. or more	500 mg. or more	any amount			
Hallucinogens (STP or DOM, others of amphetamine type)	POSSESSION		625 mg. or more	125 mg. or more	25 mg. or more			any amount	
	SALE		125 mg. or more	25 mg. or more		any amount			
Hallucinogenic Substances++	POSSESSION		25 gm. or more	5 gm.	1 gm.			any amount	
	SALE		5 gm. or more	1 gm. or more		any amount			
Dangerous Depressants #	POSSESSION				10 oz. or more			any amount	
	SALE				10 oz. or more	any amount			
Depressants (Meprobamate and others)	POSSESSION				2 lb. or more			any amount	
	SALE				2 lb. or more	any amount			

Notes:

*Heroin, opium, cocaine, certain morphine compounds and other drugs.
 **Commercial preparations with lower concentrations of opium, codeine, other.
 ***with consideration
 ****without consideration

+Marijuana Reform Act of 1977 has classified possession of lesser amounts of marijuana, up to 25 gm. (about 1/2 of an ounce or 25-30 cigarettes), as a violation; penalties range from \$100 to \$250 fine and/or up to 15 days in jail, depending on whether it is first, second, or third offense.
 ++Peyote, mescaline, others in Schedule C, but not LSD, concentrated cannabis or listed above.
 #Barbital, phenobarbital, methaqualone, and others.

HEALTH RISKS

Controlled Substances – Uses & Effects

DRUGS CSA SCHEDULES	TRADE OR OTHER NAMES	MEDICAL USES	DEPENDENCE Physical	DEPENDENCE Psychological	TOLERANCE	DURATION (Hours)	USUAL METHODS OF ADMINISTRATION	POSSIBLE EFFECTS	EFFECTS OF OVERDOSE	WITHDRAWAL SYNDROME	
NARCOTICS											
Opium	II III IV	Dover's Powder, Paregonic Parapectolin	Analgesic, Antidiarrheal	High	High	Yes	3-6	Oral, smoked	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating
Morphine	II III	Morphine, MS-Contin, Roxanol, Roxanol-SR	Analgesic, Antitussive	High	High	Yes	3-6	Oral, smoked, injected			
Codeine	II III IV	Tylenol w/ Codeine, Empirin w/ Codeine, Robitussen A-C, Fiorinal w/ Codeine	Analgesic, Antitussive	Moderate	Moderate	Yes	3-6	Oral, injected			
Heroin	I	Diacetylmorphine, Horse, Smack	None	High	High	Yes	3-6	Injected, sniffed, smoked			
Hydromorphone	II	Dilaudid	Analgesic	High	High	Yes	3-6	Oral, injected			
Moperidine (Pethidine)	II	Demerol, Mepergan	Analgesic	High	High	Yes	3-6	Oral, injected			
Methadone	II	Dolophine, Methadone, Methadose	Analgesic	High	High – Low	Yes	12-24	Oral, injected			
Other Narcotics	I II III IV	Numorphan, Percoden, Percocet, Tylox, Tussionex, Fentanyl, Darvon, Lomotil, Talwin	Analgesic, Antidiarrheal, Antitussive	High – Low	High – Low	Yes	Variable	Oral, injected			
DEPRESSANTS											
Chloral Hydrate	IV	Noctec	Hypnotic	Moderate	Moderate	Yes	5-8	Oral	Slurred speech, disorientation, drunken behavior with odor of alcohol	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Barbiturates	II III IV	Amytal, Butisol, Florinal, Lotusate, Nembutal Seconal, Tuinal, Phenobarbital	Anesthetic, Sedative, Anticonvulsant, Hypnotic, Veterinary, Euthanasia Agent	High – Mod.	High – Mod.	Yes	1-16	Oral			
Benzodiazepines	IV	Ativan, Dalmane, Diazepam, Librium, Xanax, Serax, Valium, Tranxene, Verstran, Versad, Halcion, Paxipam	Antianxiety, Anticonvulsant, Sedative, Hypnotic	Low	Low	Yes	4-8	Oral			
Methaqualone	I	Quaalude	Sedative, Hypnotic	High	High	Yes	4-8	Oral			
Glutethimide	III	Doriden	Sedative, Hypnotic	High	Moderate	Yes	4-8	Oral			
Other Depressants	III IV	Equanil, Noludex, Placidyl, Valmid	Antianxiety, Sedative, Hypnotic	Moderate	Moderate	Yes	4-8	Oral			
STIMULANTS											
Cocaine	II	Coke, Flake, Snow, Crack	Local Anesthetic	Possible	High	Yes	1-2	Sniffed, smoked, injected	Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite	Agitation, increase in body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
Amphetamines	II	Biphentamine, Delcobese, Desoxym, Dexedrine, Obetrol	Attention Deficit Disorders, Narcolepsy, Weight Control	Possible	High	Yes	2-4	Oral, injected			
Phenmetrazine	II	Preludin	Weight Control	Possible	High	Yes	2-4	Oral, injected			
Methylphenidate	II	Ritalin	Attention Deficit Disorders, Narcolepsy	Possible	Moderate	Yes	2-4	Oral, injected			
Other Stimulants	III IV	Adipex, Cylert, Didrex, Ionamin, Mellat, Plagline, Sanorex, Tenuate, Tepanil, Prelu-2	Weight Control	Possible	High	Yes	2-4	Oral, injected			
HALLUCINOGENS											
LSD	I	Acid, Microdot	None	None	Unknown	Yes	8-12	Oral	Illusions and hallucinations, poor perception of time and distance	Longer, more intense "trip" episodes, psychosis, possible death	Withdrawal syndrome not reported
Mescaline and Peyote	I	Mexc, Buttons, Cactus	None	None	Unknown	Yes	8-12	Oral			
Amphetamine Variants	I	2,5 DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB	None	Unknown	Unknown	Yes	Variable	Oral, injected			
Phencyclidine	II	PCP, Angel Dust, Hog	None	Unknown	High	Yes	Days	Oral, smoked, injected			
Phencyclidine Analogues	I	PCP, PCPy, TCP	None	Unknown	High	Yes	Days	Smoked, oral, injected			
Other Hallucinogens	I	Butotenine, Ibogaine, DMT, DET, Psilocybin, Psilocyn	None	None	Unknown	Possible	Variable	Smoked, oral, injected, sniffed			
CANNABIS											
Marijuana	I	Pot, Acapulco Gold, Grass, Hooper, Sensimillia, Thai Sticks	None	Unknown	Moderate	Yes	2-4	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disoriented behavior	Fatigue, paranoia, possible psychosis	Insomnia, hyperactivity, and decreased appetite occasionally reported
Tetrahydrocannabinol	I II	THC, Marinol	Cancer Chemotherapy, Antinausant	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish	I	Hash	None	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish Oil	I	Hash, Oil	None	Unknown	Moderate	Yes	2-4	Smoked, oral			

Alcohol is ingested orally, and the average 150 lb. person can consume one drink in 1½ hours with little or no accumulation of alcohol in the blood. One drink means the equivalent to 12 oz. of beer, 5 oz. of wine, or 1½ oz. of hard liquor. The legal age for sale and consumption of alcohol is 21 in the State of New York.

Alcohol abuse results in harm or danger to the drinker or other people. The heavy costs of alcohol abuse include drinking and automobile crashes, homicides, arrests, accidents, and loss of productivity, plus the hidden cost of broken families, poor health and alcoholism.

About one in 11 drinkers become an alcoholic who has lost control over his or her drinking, resulting in personal, job and family problems. Continued heavy drinking can affect your health and can result in permanent damage. Malnutrition, cancer, heart disease, brain damage, and ulcers can be a direct result of prolonged, excessive drinking.

Barbiturates and tranquilizers (central nervous system depressants) can cause intoxication and produce such signs as tremors of the hands, lips and tongue, confusion, poor judgment and poor muscular coordination, drowsiness, slurred speech and constricted pupils.

Marijuana and hashish alter mood and perception and produce anxiety, euphoria, talkative behavior, floating feelings and hunger. They interfere with memory, intellectual performance and can impair concentration. Long-term, regular marijuana smoking causes irritation of the respiratory tract and can produce lung disease and possible damage to the heart and immune system.

Nicotine acts as a stimulant on the heart and nervous system. When tobacco smoke is inhaled the immediate effects on the body are a faster heartbeat and elevated blood pressure. Young smokers may experience shortness of breath and nagging cough. Some long-term effects of smoking cigarettes are emphysema, chronic bronchitis, coronary heart disease and lung cancer.

Caffeine, one of the oldest and most widely used stimulants, is found in coffee, tea, some soft drinks, and some cold medications. Dependence on caffeine generally develops in habitual users, with headaches being the most common symptom of withdrawal.

Cocaine, whether it is smoked (crack), injected or snorted, is risky in all forms. Physical effects include dilated pupils, increased blood pressure, heart rate, breathing and body temperature, and restlessness and anxiety.

Amphetamines increase alertness and activity and are often referred to as speed, uppers, pep pills and diet pills. Mood swings, irritability, nervousness, and muscle pain are some of the effects of continued use. Eventually, hallucinations, paranoia, convulsions, brain damage, heart problems, and death can occur.

Hallucinogens (psychedelics) include PCP, LSD and mescaline. Hallucinogens temporarily distort reality, cause visual hallucinations, perceptual distortion and psychotic experiences and, sometimes, depression and flashbacks.

Dependency causes the deterioration of the moral, physical and intellectual fiber of an individual, and abuse impairs the user's health, emotional well-being, family life, job performance and friendships. The College is aware of the stresses associated with daily living, and strongly urges that the entire College community meet these stresses by participating in healthy behaviors. It is the goal of the College to assist in this endeavor by creating an environment that promotes and reinforces healthy and responsible living.

As a condition of employment, and in compliance with the Drug-Free Workplace Act of 1988, Iona College employees will abide by the terms of this policy. The use of narcotics, controlled substances and the abuse of alcohol has been a significant problem to business, employees, students and society in general. These substances, when used in the work environment, threaten the safety, morale, productivity and public image of both the employee and the College. Consequently, the College, in furtherance of the Federal Drug-Free Workplace Act, has established the following policy regarding controlled substances and alcohol:

1. The unauthorized use, possession, unlawful manufacturing, distribution, dispensation, or being under the influence of any controlled substance, narcotic and/or alcohol while on the College premises is strictly prohibited.
2. An employee will notify the College, in writing, of any criminal drug statute conviction for a violation occurring on campus no later than five days after a conviction.
3. In the event the College receives notification from an employee or otherwise of a conviction as described above, the College may take appropriate personnel action against an employee, including termination.
4. In addition to suspension of pay, the College may require an employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.
5. No individual will be hired by the College if it is known that he or she uses, unlawfully manufactures, distributes, dispenses, or promotes, the use of narcotics, controlled substances or the abuse of alcohol.

Campus Ministries, Campus Safety and Security, Counseling Services, Health Services, Residential Life, and/or Student Development offer resources, workshops, counseling, and/or referrals for members of the College community regarding substance use and abuse.

Informational pamphlets and handouts are available and workshops, which are open to students, faculty, and staff, provide educational information and encourage preventative attitudes and healthy behaviors. Topics include: creating social alternatives to alcohol-related activities; learning to manage stress without alcohol or drugs; recognizing the warning signs of substance abuse in self and others; intervening when friends or family members appear to be engaged in alcohol or substance abuse; and understanding issues of adult children of alcoholics.

Some of the outside counseling services and agencies are listed below:

SELF-HELP

Drug and Alcohol Abuse Hotline	(914) 591-4357
Alcoholics Anonymous	(914) 949-1200
Al-Anon	(914) 946-1748
Alcohol/Drug Hotline	(800) 280-2977
Cocaine Hotline	(800) 662-HELP

DETOX PROGRAMS

New York United Hospital	Port Chester	(914) 934-3000
St. Johns Riverside Hospital	Yonkers	(914) 964-7527
Westchester Medical Center	Valhalla	(914) 493-7000

INPATIENT REHAB

New York Hospital-Cornell Medical Center	(914) 682-9100
(Westchester Division)	

OUTPATIENT COUNSELING

New York Hospital-Cornell Medical Center	(914) 682-9100	
(Westchester Division)		
St. Vincent's Hospital	Harrison	(914) 967-6500 x5261
New York United Hospital Clinic	New Rochelle	(914) 235-6633
Phelps Memorial Hospital ATS	Ossining	(914) 944-5220
St. Johns Riverside Hospital	Yonkers	(914) 964-7527

Yonkers General Hospital ATS	Yonkers	(914) 965-9800
The Maxwell Institute	Tuckahoe	(914) 337-6033
Pelham Guidance Council	Pelham	(914) 738-0530
Renaissance Project	New Rochelle	(914) 235-8048
Daytop	Hartsdale	(914) 682-7733

REFERRAL RESOURCES

Youth Advocate Program	Hastings-on-Hudson	(914) 478-2471
Alcohol Council of Greater New York	Manhattan	(212) 252-7022
Pelham Guidance Council	Pelham	(914) 738-0530

IONA COLLEGE SEXUAL HARASSMENT POLICY

DIVISION I. SEXUAL HARASSMENT

Section 1. RATIONALE

a. Sexual harassment is illegal and will not be tolerated by Iona College. It subverts the mission of the College and threatens the careers, educational experience, and well-being of students, faculty, administrators, and staff. Sexual harassment or discrimination has no place within the College. In both obvious and subtle ways, sexual harassment is destructive to individual students, faculty, administrators, staff, and the academic community as a whole. When, through fear of reprisal, a student, staff member, administrator, or faculty member is subject to, submits to, or is pressured to submit to unwanted sexual attention, the College’s ability to carry out its mission is undermined.

b. Sexual harassment is especially serious when it threatens relationships between teacher and student or supervisor and subordinate. In such situations, sexual harassment exploits unfairly the power inherent in a faculty member’s or supervisor’s position. Through grades, wage increases, recommendations for graduate work, promotion, and the like, a teacher or supervisor can have a decisive influence on a student’s, staff member’s, administrator’s, or faculty member’s career at the College and beyond.

c. While sexual harassment most often takes place in situations of power differential between the persons involved, the College also recognizes that sexual harassment may occur between persons of the same College status. The College will not tolerate behavior between or among members of the College community that creates an unacceptable working, educational, or social environment.

Section 2. PROHIBITED ACTS

No member of the College community shall engage in sexual harassment. Sexual harassment is unacceptable because it may interfere with a person's sense of dignity and well-being in the community. The determination of what constitutes sexual harassment will vary with the particular circumstances, but it may be described generally as unwanted sexual behavior, such as physical conduct or verbal comments, jokes, questions, or suggestions, when:

- a. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program, or activity;
- b. submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual; or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive environment for work or learning.

Section 3. EXAMPLES OF SEXUAL HARASSMENT

Examples of the verbal or physical conduct prohibited by Section 2 above include, but are not limited to:

- a. physical assault or battery;
- b. direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- c. direct propositions of a sexual nature;
- d. a pattern of conduct (not legitimately related to the subject matter of a course if one is involved) which causes discomfort or humiliation or both, that includes one or more of the following: i) comments of a sexual nature; or ii) sexually explicit statements, questions, jokes, or anecdotes; or
- e. A pattern of conduct which causes discomfort or humiliation, or both, to a reasonable person at whom the conduct was directed and which includes one or more of the following: i) unnecessary touching, patting, hugging, or brushing against a person's body; ii) remarks of a sexual nature about a person's clothing or body; iii) remarks about sexual activity or speculation about previous sexual experience; or iv) repeated and unwanted staring.

DIVISION II. IMPLEMENTATION AND EDUCATIONAL PROGRAMS

Section 1. EDUCATION AS A KEY ELEMENT OF THE COLLEGE POLICY

Educational efforts are essential to the establishment of a campus milieu that is as free as possible of sexual harassment and in which high standards of conduct in consensual relationships are observed. There are at least four goals to be achieved through education:

1. ensuring that all victims (and potential victims) are aware of their rights;
2. notifying individuals of conduct that is proscribed;
3. informing all members of the College community about the proper way to respond to complaints about violations of this policy; and
4. helping educate all members of the College community about the problems this policy addresses.

Section 2. PREPARATION AND DISSEMINATION OF INFORMATION

The College shall distribute copies of this policy to all current and future members of the College community. A copy of the sexual harassment policy will be included in student orientation materials. In addition, copies of that policy will be made continuously available at appropriate campus locations.

The Sexual Harassment Committee of the College is charged with arranging training sessions for persons who are likely to receive complaints that this policy has been violated, including, but not being limited to, such persons as resident advisers, academic advisers, college deans, and administrative personnel. Academic deans are encouraged to provide training sessions for full-time and adjunct faculty.

IONA COLLEGE SEXUAL HARASSMENT PROCEDURES

I. DEFINITIONS

a. **APPEAL:** Appeal means the request by the complainant or respondent to have a review of the determination of the hearing board.

b. **APPEALS BOARD:** Appeals board means the representatives of Iona College who have been delegated authority to decide if the hearing board made a prejudicial error.

c. **COLLEGE:** College means any reference to Iona College.

d. **COMPLAINANT:** Complainant means any employee or student of Iona College who makes an allegation of sexual harassment.

e. **COMPLAINT:** Complaint means any allegation by the complainant of sexual harassment which would be prohibited by the Iona College Sexual Harassment Policy, Title VII of the Civil Rights Act, Title IX of the Educational Amendments of 1972, the 1980 implementing regulation, and any memorandum, directives, guide-

lines, or subsequent federal or New York State legislation regarding sexual harassment that may be issued or enacted.

f. **CORRECTIVE ACTION:** Corrective action means any sanction imposed by the president of the College, or the president’s designee.

g. **DETERMINATION:** Determination means the written advisory decision of the hearing board regarding the validity of the complaint.

h. **HEARING BOARD:** Hearing board means the representatives of Iona College who have been delegated authority to make an advisory determination as to the validity of a complaint at the formal hearing level.

i. **OMBUDSPERSON:** Ombudsperson means the employee designated to coordinate Iona College’s effort to comply with the Iona College Sexual Harassment Policy, Title VII of the Civil Rights Act, Title IX of the Educational Amendments of 1972, the 1980 implementing regulation, and any memorandum, directives, guidelines, or subsequent federal or New York State legislation regarding sexual harassment that may be issued or enacted.

j. **PREJUDICIAL ERROR:** Prejudicial error means an error substantially affecting the outcome of a hearing.

k. **PREPONDERANCE OF THE EVIDENCE:** Preponderance of the evidence means that the evidence must convince the trier of fact that the existence of the fact in question is more probable than not.

l. **REPLY:** Reply means the answer of the complainant or respondent to the claims made in an appeal.

m. **RESPONDENT:** Respondent means any employee or student of Iona College alleged to be responsible for committing an act of sexual harassment.

n. **RESPONSE:** Response means the respondent’s written answer to the allegations of sexual harassment in the complaint.

o. **SEXUAL HARASSMENT COMMITTEE:** Sexual Harassment Committee is the Iona College Committee appointed by the president of the College, or the president’s designee, to monitor the effectiveness of the Iona College Sexual Harassment Policy and Procedures and to carry out the educational responsibility of the College in implementing the policy. The Sexual Harassment Committee shall consist of eight members: four faculty members, two administrators, one staff member, and one student. The Sexual Harassment Committee shall elect its own chairperson.

p. **WORKING DAY:** Working day means every day excluding Saturday, Sunday, and holidays recognized by Iona College.

II. FILING OF A COMPLAINT

a. **ELIGIBILITY FOR FILING:** Any student or employee of the College may file a sexual harassment complaint under this procedure.

b. **PRECOMPLAINT MEETINGS:** Normally, a person considering filing a sexual harassment charge will contact the ombudsperson to discuss the matter. However, it is possible that the potential complainant might first consult with some other appropriate person on campus (including, but not limited to, a faculty member, academic adviser, dean, administrative supervisor, campus minister, counselor, or residence hall adviser).

c. **REFERRAL TO OMBUDSPERSON:** It is the responsibility of the person consulted about a sexual harassment charge to refer the potential complainant to the ombudsperson.

d. **INITIAL MEETING WITH THE OMBUDSPERSON:** At the first meeting between the complainant and the ombudsperson, the ombudsperson will:

1. inform the complainant of the options within the College and outside of the College for pursuing a sexual harassment charge; and

2. give the complainant a copy of the Iona College Sexual Harassment Policy and Procedures.

A written record will be made for the ombudsperson's file.

e. **INTERNAL OPTIONS AVAILABLE TO THE COMPLAINANT:** The complainant is not required to decide on a course of action at the initial meeting with the ombudsperson. However, the complainant must eventually decide to:

1. discontinue participating in the internal process;

2. file an informal complaint with the ombudsperson and request an informal mediation; or

3. file a formal complaint with the ombudsperson and request a formal hearing.

f. **COMPLAINT FORMS:** Informal and formal complaint forms will be available from the ombudsperson. The complaint forms should include the name and home or school address of the complainant and the respondent, the nature and date of the alleged act of sexual harassment, and the signature of the complainant. The complaint may also include the remedy sought by the complainant.

g. **TIME LIMIT FOR FILING A COMPLAINT:** The complainant must file an informal or formal complaint with the ombudsperson within 180 actual days of the occurrence of the alleged act of sexual harassment by the accused. If the complainant initially files an informal complaint within the above time limit and the mediation of that complaint is unsuccessful, the complainant may then file a formal complaint. The subsequent filing of the formal complaint will be deemed to be timely (even if it is submitted to the ombudsperson after the 180 day time limit has expired) so long as the other requirements herein have been satisfied.

III. PROCESSING OF AN INFORMAL COMPLAINT

a. **NOTIFICATION OF THE RESPONDENT:** Within one week of the filing of an informal complaint with the ombudsperson, the ombudsperson will contact the respondent in order to:

1. give the respondent a copy of the informal complaint that has been filed by the complainant; and
2. give the respondent a copy of the Iona College Sexual Harassment Policy and Procedures.

A written record will be made for the ombudsperson's file.

b. **INFORMAL RESPONSE TO AN INFORMAL COMPLAINT:** The respondent will have one week to file a written response to the informal complaint with the ombudsperson. The response should indicate the respondent's willingness or unwillingness to participate in an informal mediation process. A copy of the response will be given to the complainant by the ombudsperson.

c. **WILLINGNESS OF RESPONDENT TO PARTICIPATE IN AN INFORMAL MEDIATION PROCESS:** If the ombudsperson receives a written response from the respondent indicating that the respondent will participate in the informal mediation process, the ombudsperson will have one week to convene the informal mediation.

d. **INFORMAL MEDIATION PROCESS:** In many instances, an informal mediation process can be useful in resolving perceived and actual instances of sexual harassment or unprofessional conduct. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it. Consequently, the ombudsperson is encouraged to be flexible in arranging an informal mediation process which will best meet the needs of each individual case. In some instances, the ombudsperson may find it appropriate to meet with the complainant and respondent separately, together, or in the presence of some other appropriate member of the College community. The informal mediation process may continue for as long as the ombudsperson, complainant, and respondent are willing. No informal resolution may be imposed on either the complainant or the respondent without both parties consenting to the resolution.

e. **RESOLUTION OF COMPLAINT AS A RESULT OF INFORMAL MEDIATION:** If the informal mediation results in a resolution agreed to by the complainant and the respondent, the ombudsperson will prepare a memorandum indicating the terms of the resolution and the need, if any, for follow up by the ombudsperson. The complainant and the respondent must meet with the ombudsperson within one week of the close of the informal mediation process in order to sign the memorandum. The complainant and respondent will each receive a copy of the memorandum. The original will be retained in the ombudsperson's permanent file.

f. **FAILURE TO ACHIEVE MUTUAL AGREEMENT TO A RESOLUTION OF A COMPLAINT AS A RESULT OF INFORMAL MEDIATION:** If the informal mediation fails to produce a resolution mutually agreed to by the complainant and the respondent, the ombudsperson will prepare a memorandum indicating that the informal mediation was not successful and send copies by certified mail (return receipt requested) to the complainant and the respondent. The complainant and the respondent must meet (either together or individually) with the ombudsperson within one week of receipt of the copies of that memorandum in order to sign the original memorandum confirming that mediation was not possible. The original memorandum with the signatures of the ombudsperson, complainant, and respondent will be retained in the ombudsperson's permanent file.

g. **UNWILLINGNESS OF RESPONDENT TO PARTICIPATE IN AN INFORMAL MEDIATION PROCESS:** If the ombudsperson does not receive an informal response from the respondent or receives an informal response indicating that the respondent is unwilling to participate in the informal mediation process, the ombudsperson will immediately send letters by certified mail (return receipt requested) to the complainant and the respondent informing each that there will be no informal mediation. The letter will also indicate that the complainant has one week upon receipt of the certified letter to:

1. inform the ombudsperson whether he or she intends to continue participating in the College process;
2. file a written formal complaint with the ombudsperson and request a formal hearing (this will be allowed even if the 180 actual day time limit had expired before the unsuccessful mediation process was completed); or
3. inform the ombudsperson whether he or she intends to reserve the right to file a written formal complaint. (This will only be allowed if a subsequent formal complaint is filed with the ombudsperson within 180 days of the alleged sexual harassment by the complainant.)

IV. PROCESSING OF A FORMAL COMPLAINT

a. **FILING OF A FORMAL COMPLAINT:** The formal complaint must be filed by the complainant with the ombudsperson. If the complainant had filed an informal complaint against the respondent which was not resolved, the complainant may file the same, or an amended, statement of allegations in the formal complaint.

b. **NOTIFICATION OF THE RESPONDENT:** The ombudsperson, upon the timely receipt of a formal complaint and request for a formal hearing by the complainant, will send a copy of that complaint by certified mail (return receipt requested) to the respondent. If the complainant had not previously filed an informal complaint regarding this same allegation of sexual harassment against the

respondent, the ombudsperson will send the respondent a copy of the Iona College Sexual Harassment Policy and Procedures. The ombudsperson will also be available to meet with the respondent to discuss the complaint and the College's policy and procedures.

c. **RESPONSE TO FORMAL COMPLAINT:** The respondent will have one week upon receipt of the formal complaint to file a written response with the ombudsperson. The response should include a confirmation or denial of the allegations in the complaint; an indication of the extent to which the complaint has merit; and an acceptance or rejection of any remedy sought by the complainant. Upon receipt of the response, the ombudsperson will send a copy of the response to the complainant by certified mail (return receipt requested).

d. **FAILURE TO RESPOND TO FORMAL COMPLAINT:** The failure of the respondent to respond to a formal complaint will not result in the termination of the formal hearing process.

e. **SUSPENSION OF FORMAL HEARING PROCESS:** The College may suspend the formal hearing process if there is any pending civil and/or criminal litigation in a related matter involving the parties.

f. **FORMATION AND CONSTITUTION OF A HEARING BOARD:** Upon receipt of a formal complaint and request for a formal hearing by a complainant, the ombudsperson will immediately contact the chairperson of the Sexual Harassment Committee to arrange for the calling together of a hearing board. The hearing board will be chosen by the chairperson of the Sexual Harassment Committee from among the members of the Sexual Harassment Committee and a rotating pool of 48 members of the College community. The ombudsperson will arrange for each member of the pool to participate in at least one annual training session in the law of sexual harassment and the Iona College Sexual Harassment Policy and Procedures.

The hearing board pool shall consist of 12 faculty members, 12 administrators, 12 staff members, and 12 students. The provost shall make appointments to the pool based on nominations of faculty and students by the academic deans and of administrators and staff members by the administrative officers. In each instance, an attempt should be made to gender balance the appointments.

The hearing board for a specific case will consist of five members:

- 1 member of the Sexual Harassment Committee (who will serve as the chairperson of the hearing board);
- 1 member of the pool who is a peer of the complainant;
- 1 member of the pool who is a peer of the respondent; and
- 2 members of the pool who are neither peers of the complainant nor peers of the respondent.

The hearing board should not consist of more than three members of the same sex.

Students may only be selected to serve on hearing boards in which the complainant or the respondent is a student. The ombudsperson and the chairperson of the Sexual Harassment Committee may not serve on a hearing board.

The chairperson of the Sexual Harassment Committee will exclude from the hearing board any member of the pool who is not impartial with regard to the parties to a particular hearing or who has specific knowledge of the case in question.

g. **SCHEDULING OF HEARING:** The ombudsperson shall set the date for the formal hearing to be held no more than three weeks after the ombudsperson's receipt of the complainant's formal complaint. It is the responsibility of the ombudsperson to notify the complainant and respondent as to the time and place of the formal hearing.

h. **WITNESS LISTS:** Two working days prior to the hearing, the complainant and the respondent will provide the ombudsperson with a list of the witnesses who will be called to testify at the hearing. The ombudsperson will immediately make each list available to the other party. Subsequent amendments to the witness lists will only be allowed at the discretion of the chairperson of the hearing board.

i. **DOCUMENTS AVAILABLE TO HEARING BOARD:** Prior to commencement of the formal hearing, each member of the hearing board will be provided with a copy of the formal complaint, the formal response, and the witness lists.

j. **PERSONS PRESENT AT THE FORMAL HEARING:** The formal hearing will be closed to the public. The people who may be present at the hearing are: the complainant; the respondent; the members of the formal hearing board; the stenographer; and the witnesses called by the complainant and respondent. Each witness will be allowed to be present in the hearing room only while he or she is giving testimony. In addition, the complainant and the respondent may each have present at the hearing one other person (who may act as an adviser but who will not be allowed to actively participate in the hearing).

All persons who attend the hearing will be instructed by the chairperson of the hearing board as to the importance of confidentiality.

k. **PROCEDURES GOVERNING THE CONDUCT OF THE FORMAL HEARING:** The specific details for the conduct of a particular formal hearing shall be made by the hearing board. However, the formal hearing must be conducted as expeditiously and fairly as possible. In addition, each hearing must comply with the following requirements:

1. **RECORD OF THE PROCEEDING:** A stenographic transcript will be made to provide a permanent record of the proceeding.
2. **OPENING STATEMENTS:** The formal hearing will begin with an opening statement by the chairperson of the hearing board. The complainant and the respondent will then have the opportunity to make opening statements.

3. WITNESSES: The complainant, respondent, and hearing board will have the right to call such witnesses as they deem necessary to develop the facts pertinent to the case.
4. QUESTIONING OF WITNESSES: Formal rules of evidence shall not be applied at the formal hearing. The complainant, respondent, and the members of the hearing board will have the right to ask questions of any person participating in the hearing.
5. CLOSING STATEMENTS: After all witnesses have been fully questioned, the complainant and then the respondent will have the opportunity to make closing statements.
6. BURDEN OF PROOF: The complainant has the burden of proving his or her complaint by the preponderance of the evidence.
7. ISSUES AND OBJECTIONS ARISING DURING THE FORMAL HEARING: All decisions as to any issues and objections arising during the formal hearing, including, but not limited to, whether a potential witness may testify, whether certain documents and other real evidence are admissible, and whether certain questions are appropriate shall be made by the chairperson of the hearing board after consultation with the other members of the hearing board.

l. DETERMINATION BY HEARING BOARD: The hearing board will begin its deliberations in private after the closing statements have been made. The determination that sexual harassment has occurred will be made if four of the five hearing board so find. A written statement of the determination and a copy of the stenographic record of the hearing will be given to the president of the College, or the president's designee, within one week of the end of the formal hearing. Any member of the hearing board may write a supporting or dissenting position letter which will accompany the majority determination.

m. FINAL DECISION AND CORRECTIVE ACTION: The president of the College, or the president's designee, will have two weeks to review the stenographic record and the determination of the hearing board and to issue a final decision which will include any corrective action which will be taken by the College.

n. NOTIFICATION AND RECORD KEEPING: The president of the College, or the president's designee, will send copies of the hearing board's determination and the president's, or the president's designee's, final decision by certified mail (return receipt requested) to the complainant and the respondent. Additional copies will be given to the ombudsperson and the appropriate dean or administrator for the complainant and the respondent and will become part of the permanent files of the complainant, the respondent, and the ombudsperson.

V. PROCESSING OF AN APPEAL

a. **RIGHT OF APPEAL:** If the complainant or respondent is dissatisfied with the determination of the hearing board, he or she may appeal that determination to the appeals board. Such an appeal must be made in writing to the ombudsperson within one week of the receipt of the certified letter containing the determination of the hearing board and final decision of the president or his designee. The appeal must briefly state the basis for the dissatisfaction. The appeal process may not be used to reconsider the facts but only to determine if there has been a prejudicial error in applying the Iona College Sexual Harassment Policy and Procedures at the formal hearing.

b. **NOTIFICATION TO PARTY NOT FILING AN APPEAL:** Upon the timely receipt of the appeal request, the ombudsperson will send a copy of the appeal request to the other party. Upon receipt of that notification, that party will then have one week to file a written reply with the ombudsperson.

c. **FORMATION AND CONSTITUTION OF APPEALS BOARD:** The appeals board will consist of one member of the Sexual Harassment Committee (who will serve as the chairperson of the appeals board) and two members of the trained pool (described in IV (f) above) who will be selected by the chairperson of the Sexual Harassment Committee. The appeals board will consist of one peer of the complainant, one peer of the respondent, and one person who is neither a peer of the complainant nor a peer of the respondent. The appeals board should have no more than two members of the same sex. Members of the appeals board may not have served on the formal hearing board.

d. PROCEDURES GOVERNING CONDUCT OF THE APPEALS PROCESS:

1. **INFORMATION SUPPLIED TO APPEALS BOARD:** The ombudsperson will supply the appeals board with copies of the complaint, the response, the stenographic recording of the hearing, the determination of the board, the final decision of the president, the appeal, and the reply.

2. **TIME AND MANNER OF THE APPEALS HEARING:** The ombudsperson will arrange for the appeals board to conduct the appeals hearing within one week of the deadline for filing the reply. The complainant and the respondent will be given an opportunity to present one half hour each of oral arguments to the appeals board in support of their appeal and reply. The appeals board will then consider the materials submitted by the ombudsperson.

e. **DECISION OF THE APPEALS BOARD:** The decision of the appeals board will be submitted in writing to the president of the College, or the president's designee, and the ombudsperson within one week of the end of the appeals hearing. If the appeals board determines that there was no prejudicial error, it will affirm the hearing board's determination. However, if the appeals board deter-

mines that there had been a prejudicial error committed by the hearing board, the appeals board will remand the case to the ombudsperson for a new hearing. If the case is remanded, a new hearing board will be formed and scheduled to hear evidence, in accordance with the requirements contained in Section IV, within one week of the receipt of the decision of the appeals board by the ombudsperson.

f. **NOTIFICATION OF THE DECISION OF THE APPEALS BOARD:** The president of the College, or the president's designee, will send a copy of the decision of the appeals board by certified mail (return receipt requested) to the complainant and the respondent. Copies of the decision will also be sent to all parties who received copies of the determination of the hearing board in order to be placed in the permanent files of the complainant, the respondent, and the ombudsperson.

g. **FINALITY OF DECISION OF APPEALS BOARD:** The decision of the appeals board will constitute the final determination as to whether the formal hearing was conducted with prejudicial error.

VI. GENERAL PROVISIONS

a. **WAIVER OF TIME REQUIREMENTS:** The waiver of time requirements throughout this process may be made at the sole discretion of the ombudsperson in those instances where the ombudsperson has concluded that to follow the time requirements would be impossible or would result in unfairness. The ombudsperson may also waive the time requirements in those instances where the complainant and the respondent mutually consent to the waiver.

b. **PROHIBITION OF RETALIATION:** No person shall be subject to discharge, suspension, discipline, harassment, or any form of discrimination for having utilized or assisted others in the utilization of this sexual harassment complaint process.

c. **AVAILABILITY OF OTHER PROCEDURES:** These Sexual Harassment Procedures are primarily designed to handle personal sexual harassment complaints initiated by individual members of the College against other members of the College. This procedure does not preclude the College itself from initiating actions under other appropriate procedures.

POLICY ON CAMPUS SAFETY AND SEXUAL ASSAULT PREVENTION INFORMATION

Iona College informs students and employees about the Student Right to Know and Campus Security Act (CSA) of 1990 and related amendments which have been added to the education laws of New York State since 1990. These laws, with which the College intends to comply fully, were designed to create an advisory committee on campus safety, and prepare and disseminate an annual security report for the state and federal government and other interested parties. The report includes a description of policies related to campus safety and statistics concern-

ing specific crimes reported to campus security authorities or local police agencies. These laws are also designed to establish a campus sexual assault program to prevent sex offenses, develop procedures to follow when a sex offense occurs, and distribute sexual assault prevention information to members of the community. It also includes other information for educating students and staff about campus safety. Counseling Services, Health Services, Residential Life, Campus Safety and Security, and/or Student Development are available to the victims of any type of crime.

Rape and sexual assault are violent crimes in which another individual subjects a person to involuntary sexual contact. Women in their late teens and early twenties are particularly vulnerable to being victimized in this way.

On college campuses, the most common form of sexual assault is “acquaintance rape,” in which the victim knows the assailant. Because the victim is familiar with the assailant, she (or he) may be more trusting and less vigilant in the company of this person. Among college students acquaintance rape often takes place in connection with alcohol and drug use. Female college students are also particularly vulnerable to being victimized by so called “date rape drugs,” which are more fully discussed below.

If you or someone you know is sexually victimized, it is extremely important that the incident be reported to Campus Safety and Security and to the local police department. It is equally important that the victim immediately go to the nearest hospital emergency room to be examined for health and physical injury concerns, so that physical evidence can be gathered. It is therefore important that the victim not shower or discard clothing worn during the assault. Note that none of these activities mean that the victim must press charges. However, these actions will strengthen the legal position of the victim, if and when charges are filed. In assisting the victim of a sexual assault, a sensitive, non-judgmental attitude is the most helpful.

The following safety tips are designed to assist in your personal safety:

- * Do not go off with or accept rides from an individual that you have just met.
- * Avoid isolated areas when you are alone or on a first date. Ideally, go out with another couple.
- * Set clear limits with your partner and be sure that both of you are comfortable with these guidelines.
- * If you feel that your safety is being compromised, attempt to attract attention. Do not be embarrassed to cause a scene.
- * If you are drinking alcohol, drink responsibly. People may attempt to encourage you to drink more, and your judgment could become impaired.

- * Never leave your drink unattended at a party or a bar. Always be safety conscious and familiarize yourself with the statutes of rape and sexual assaults.
- * In accordance with New York State law, you must be 21 years old or older to drink.

“Date rape” drugs are narcotics that are added to a beverage to induce confusion, loss of control, and sedative effects in a potential victim for the purpose of sexual assault. The victim normally will have minimal recollection of what occurred while under the influence of this drug. Therefore, the victim could be taken advantage of by the offender. It is recommended that you go out with a group of friends, stay together throughout the night, and leave together. The most common “date rape” drugs are Rohypnol (“Roofies”) and Gamma-hydroxybutyrate (GHB).

If you believe that you have been victimized by use of a “date rape” drug, follow the suggestions noted above. Also, do not discard the beverage and its container, as they will potentially provide important evidence.

A full discussion of “acquaintance rape” and “date rape” drugs may be found in the Iona College Student Handbook.

The cooperation and involvement of students and employees in a campus safety program are important. All members of the College community are asked to assume responsibility for their own personal safety and the security of their personal belongings, by taking simple, common sense precautions. Further information regarding personal safety, which includes fire, first aid, and the reporting of any and all unusual occurrences or irregularities, is available in the Offices of Campus Safety and Security, and Student Development. Several important crime prevention techniques are:

1. Walk or study with friends.
2. Avoid being alone in buildings on the grounds.
3. Notify someone in authority when you will be working in any building after hours or on weekends.
4. Report any suspicious persons or activity to campus security or the administrator in charge of a facility or program.
5. Keep doors locked at all times.

The College affirms the dignity of all persons who are victims of crime and recognizes each person’s right to privacy and confidentiality. If a student or employee is the victim of a sexual crime, he/she should immediately notify the appropriate official in the Offices of Counseling Services, Health Services, Residential Life, Campus Safety and Security, and/or Student Development, who will then

assist with making further notifications to the appropriate law enforcement authorities if the sexual assault victim wants a notification made. If a student or employee is the victim of a sexual crime (rape, acquaintance rape, or other sexual offenses) it is imperative not to shower, discard any clothing worn during the assault or do anything else which could destroy evidence. The police department and district attorney will need physical evidence to assist with their investigation and prosecution. The College will make every attempt to assist a sexual assault victim by providing options such as changing the academic and living arrangements precipitated by the offense.

Failure to comply with the College's regulations and the laws of the state of New York and/or the laws of the federal government governing crime and sexual assault constitutes a violation of the Code of Conduct which is contained in the Student Handbook. Violations are punishable by sanctions which have been imposed pursuant to the judicial procedures of the College. These sanctions include dismissal from the College and students may also be accountable to the appropriate law enforcement authorities. The College cannot protect any member of the College community who violates state or federal laws.

The definition of sex offenders under the State of New York Penal Code are as follows:

Sexual Misconduct (Class A Misdemeanor, up to 1 year in prison) has occurred when: (1) a male engages in sexual intercourse with a female without her consent; (2) a person engages in deviate sexual intercourse with another person without the latter's consent; or (3) a person engages in sexual conduct with an animal or a dead human body.

Rape in the Third Degree (Class E Felony, not to exceed 4 years in prison) has occurred when: (1) a person engages in sexual intercourse with another person to whom the actor is not married who is incapable of consent by reason of some factor other than being less than 17 years old; or (2) being 21 years old or more, he or she engages in sexual intercourse with another person to whom the actor is not married or is less than 17 years old.

Rape in the Second Degree (Class D Felony, not to exceed 7 years in prison) has occurred when a person being 18 years old or more engages in sexual intercourse with another person to whom the actor is not married and is less than 14 years old.

Rape in the First Degree (Class B Violent Felony, not to exceed 25 years in prison) has occurred when he or she engages in sexual intercourse with a another person: (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old.

Criminal Sexual Act in the Third Degree (Class E Felony, not to exceed 4 years in prison) has occurred when (1) He or she engages in oral sexual conduct or anal sexual conduct 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, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or (3) He or she engages in oral sexual conduct or anal sexual conduct 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 (Class D Felony, not to exceed 7 years in prison) has occurred when (1) Being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; (2) He or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section 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 (Class B Felony, not to exceed 25 years in prison) has occurred when he or she engages in oral sexual conduct or anal sexual conduct 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 Abuse in the Third Degree (Class B Misdemeanor, up to 3 months in prison) has occurred when a person subjects another person to sexual contact without the latter's consent; except that in 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 17 years old; and (2) such other person was more than 14 years old; and (3) the defendant was less than five years older than such other person.

Sexual Abuse in the Second Degree (Class A Misdemeanor, up to 1 year in prison) has occurred when a person 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 17 years old; or (2) is less than 14 years old.

Sexual Abuse in the First Degree (Class D Violent Felony, not to exceed 7 years in prison) has occurred when a person 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 11 years old.

Aggravated Sexual abuse in the fourth degree (Class E Felony, Not to exceed 4 years in prison) has occurred when 1. (a) He or she inserts a foreign object

in the vagina, urethra, penis or rectum 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 (b) He or she inserts a finger in the vagina, urethra, penis or rectum 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. (2) Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the third degree (Class D Felony, not to exceed 7 years in prison) has occurred when a person inserts a foreign object in the vagina, urethra, penis or rectum of another 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 second degree (Class C Felony, not to exceed 15 years in prison) has occurred when a person inserts a finger in the vagina, urethra, penis, or rectum 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 (Class B Felony, not to exceed 25 years in prison) has occurred when a person inserts a foreign object in the vagina, urethra, penis or rectum 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.

In accordance with the Campus Sex Crimes Prevention Act, information concerning registered sex offenders in New Rochelle may be obtained from the Criminal Investigation Unit of the New Rochelle Police Department. The New Rochelle Police Department is located at 475 North Avenue, New Rochelle, New York. A representative from the records department will be able to assist you between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding holidays. For more information please call (914) 654-2230.

The Offices of Counseling Services, Health Services, Residential Life, Campus Safety and Security, and/or Student Development distribute information and/or conduct discussions and workshops on personal safety and sexual assault for students and employees. These offices have also developed a network of community and mental health services for sexual assault victims. The purpose of this programming and referral system is to inform members of the College community regarding campus safety and security procedures and to assist the victims of sexual

assault. All members of the College community are encouraged to read all relevant information and attend workshops whenever and wherever possible.

CAMPUS SAFETY AND SECURITY POLICY ON REPORTING CRIMES

If you become the victim of a crime while at Iona College, you are encouraged to report it immediately to the Department of Campus Safety and Security. Prompt reporting and specific information will increase the chances of solving your case. When you call Campus Safety and Security at ext. 2560 or ext. 2245, please give your name, the location you are calling from, and a brief description of what occurred. If the person who committed the crime is still in the area, please let the dispatcher know. A Campus Safety Officer will be sent, and the New Rochelle Police will also be notified. The police will meet with you and obtain all of the necessary information in the case. If evidence from the crime is still intact, please do not move or destroy it. This is especially important in sexual assault cases. It is important to remember that showering, changing clothes, or grooming can destroy vital evidence.

Many students worry about reporting crimes to the Department of Campus Safety and Security and/or the police because they do not want to testify in a trial. Victims are nonetheless encouraged to contact Campus Safety so they can be informed about other services available (counseling services, medical treatment, etc.) that might lessen the trauma of the incident. If the victim does not wish to pursue criminal charges, their wishes will be respected.

Students who are victims of crimes may pursue another avenue through the Iona College student adjudication system. While this is not a substitute for the criminal justice system, it affords the students the opportunity to have their side heard in a less formal environment. This can be done in conjunction with criminal charges. If a student is found to have violated the College Code of Conduct, he or she may be subject to disciplinary action, up to and including expulsion from Iona College. Students interested in this course of action may call the Office of the Vice Provost for Student Development at ext. 2360, or obtain further information in the Iona College Student Handbook, or through the Department of Campus Safety and Security.

**Department of Campus Safety and Security
Crime Statistics for 2001 through 2003**

	2002		2003		2004	
	NR	RK	NR	RK	NR	RK
	I/A	I/A	I/A	I/A	I/A	I/A
Aggravated Assaults	0/0	0/0	0/0	0/0	0/0	0/0
Arson	0/0	0/0	1/0	0/0	0/0	0/0
Bias Incidents	0/0	0/0	0/0	0/0	0/0	0/0
Burglary	2/0	0/0	3/1	0/0	4/1	0/0
Drug Violations	6/10	0/0	14/21	0/0	7/12	0/0
Hate Crimes	0/0	0/0	0/0	0/0	0/0	0/0
Liquor Law Violations	0/0	0/0	52/73	0/0	38/50	0/0
Manslaughter	0/0	0/0	0/0	0/0	0/0	0/0
Motor Vehicle Thefts	0/0	0/0	1/1	0/0	3/0	0/0
Murder	0/0	0/0	0/0	0/0	0/0	0/0
Weapons Possession	0/0	0/0	0/0	0/0	0/0	0/0
Robbery	0/0	0/0	0/0	0/0	0/0	0/0
Robbery Adj. to campus	0/0	0/0	1/1	0/0	0/0	0/0
Sex Offenses: Forcible	0/0	0/0	0/0	0/0	0/0	0/0
Non-forcible	2/1	0/0	0/0	0/0	0/0	0/0
Total:	10/11	0/0	72/97	0/0	52/63	0/0

**CAMPUS: NR = New Rochelle RK = Rockland
I/A = Incidents/Arrests or Disciplinary Action**



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