



# CAMPUS SAFETY AND SECURITY

Annual Security and Fire Safety Report



Division of Student Life  
(914) 633-2360



August 2017

Dear Campus Community,

At Iona College, it is a priority to provide our students, faculty, staff, and visitors with a safe, secure place to live, learn and work. We have implemented many initiatives designed to promote the well-being and security of our campus community. Iona College is fortunate to have a very safe campus, and we all are responsible for working to maintain the high levels of comfort enjoyed by the Iona community.

While we are resolute in our mission to create and maintain a campus culture of safety, caring and cooperation, no community is immune from crime. Over the past decade, unfortunate and sometimes tragic incidents on college campuses has led to legislation that has led to the development and distribution of certain policies and data regarding campus safety, sexual assault prevention, drug-free schools, and other issues. Iona College and all other institutions of higher education must comply with this legislation. This booklet includes the information required by these statutes. Please read it carefully and direct any questions to the Vice Provost for Student Life, Director of Residential Life, or Director of Campus Safety and Security.

I hope the information in this report will enhance awareness and help everyone to stay safe while they live, learn, and prepare to “Move the World”.

Sincerely,



Denise Hopkins

Vice Provost for Student Life



# IONA COLLEGE

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## MISSION STATEMENT

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*Iona College is a caring academic community, inspired by the legacy of Blessed Edmund Rice and the Christian Brothers, which embodies opportunity, justice, and the liberating power of education.*

*Iona College's purpose is to foster intellectual inquiry, community engagement, and an appreciation for diversity.*

*In the tradition of American Catholic Higher Education, Iona College commits its energies and resources to the development of graduates recognized for their ethics, creativity, and problem solving abilities; their independent and adaptable thinking; their joy in lifelong learning; and their enduring integration of mind, body, and spirit.*

*(Adopted May 2, 2012)*

## **THE CAMPUS SECURITY ACT (also known as the Clery Act)**

The Campus Security Act requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements.
- Publish crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. (The statistics must be gathered from campus police or security, local law enforcement, and other College officials who have “significant responsibility for student and campus activities.”)
- Publish “timely warning” notices where a crime has occurred on or near campus that, in the judgment of the Director of Campus Safety & Security or Crisis Manager, constitutes an ongoing or continuing threat to members of the College community.
- Make available for public inspection a daily public crime log of “any crime that occurred on campus ... or within the patrol jurisdiction of the campus security department ... and is reported to the campus security department.”

The Department of Campus Safety & Security is responsible for preparing and distributing the annual report. The department works with other administrative departments and law enforcement agencies — such as the offices of the Vice Provost for Student Life, the New Rochelle Police Department, the New York City Police Department, and the Orangetown Police Department — to compile the information incorporated into the report.

We encourage members of the Iona community to use this report as a guide for safe practices on and off campus. The report is available on the Web at: <http://www.iona.edu/studentlife/safety/safety.pdf>. Each member of the Iona community receives an email that describes the report and provides its Web address. For more information, contact the Department of Campus Safety & Security at (914) 633-2245 or email [anavarrete@iona.edu](mailto:anavarrete@iona.edu) or [dmcleer@iona.edu](mailto:dmcleer@iona.edu)

### **Security of and Access to Campus Facilities**

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests. Iona College encourages an open environment with limited constraints to ensure the reasonable protection of all members of the community. Most campus facilities (except residence halls) are open during weekday business hours. Individuals who wish to access campus facilities during non-business hours or for special events should contact the Department of Campus Safety & Security.

Automated access control systems are also installed in the La Penta Student Union, Hynes Athletics Center, Ryan Library, Speech Clinic and McSpedon Hall (North Entrance).

### **Residence Hall Access**

All residence halls are equipped with an automated card access control system. Residence halls are accessible to current students and authorized staff and faculty via the system. Guests and other visitors may visit residence halls provided they have been authorized by the Residential Life office. The doors to all residence halls remain locked 24 hours a day and personnel is assigned to cover the front desk of each building lobby.

In addition to the automated card access control system, exterior doors in the residence halls are equipped with an alarm system. The Iona College Facilities Management Department maintains the alarms and works with the Office of Residential Life, and Campus Safety and Security Office for policy guidance.

### **Security Considerations in the Maintenance of Campus Facilities**

Iona College is committed to campus safety and security. The Department of Campus Safety & Security conducts routine checks of lighting on campus during regularly assigned patrol duties. If lights are not working, officers will initiate an immediate work order, which is acted upon by the Facilities Management Department, usually by the next business day. We encourage community members to report any instances of inadequate lighting to the Facilities Department at (914) 633-2454.

The Department of Campus Safety & Security and the Facilities Management Department work together to identify inoperative locking mechanisms, and work to immediately correct these conditions. Maintenance personnel are available to respond to calls for service regarding unsafe facility conditions, or for personal safety and property protection. These conditions also may include unsafe steps or handrails, unsafe roadways on campus, and unsecured equipment.

Solicitation is prohibited on the Iona College campus without prior approval.

## 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, by 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 will not 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 Code of Conduct to fail to comply with the College's regulations and state and federal laws governing the possession, distribution and use of illegal drugs. This includes any paraphernalia used to assist in the possession, distribution or use of illegal drugs either on or off campus. Any student arrested by any governmental authority in connection with illegal possession or use of drugs will be subject to disciplinary action pursuant to the judicial procedures of the College as contained in this 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.

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 US Code 801, et. seq. Controlled substances are defined by the schedules contained in 812 of Title 21 of the US 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.

**The College complies with the Higher Education Reauthorization Act Section 484(r) which states:  
(r) Suspension of eligibility for drug-related offences.**

(1) IN GENERAL: A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified in the following table:

**If convicted of an offense involving:**

**The possession of a controlled substance: Ineligibility period is:**

- First offense ..... 1 year
- Second offense ..... 2 years
- Third offense..... Indefinite

**The sale of a controlled substance: Ineligibility period is:**

- First offense ..... 2 years
- Second offense ..... Indefinite

(2) REHABILITATION: A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if:

- a. the student satisfactorily completes a drug rehabilitation program that:
  - (i) complies with such criteria as the Secretary shall prescribe in regulations for purposes of this paragraph; and
  - (ii) includes two unannounced drug tests;
- b. the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe in regulations for purposes of subparagraph (A)(i); or
- c. the conviction is reversed, set aside, or otherwise rendered nugatory.

(3) DEFINITIONS: In this subsection, the term “controlled substance” has the meaning given the term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

The College does report, in the published annual crime statistics, the number of drug and alcohol related incidents and fatalities that occur on campus (as defined in section 485(f)(6)), or as part of any of the institution’s activities; and that are reported to campus officials; as well as reporting the number and type of sanctions described in paragraph (1) (E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution’s campus or as part of any of the institution’s activities.

**Alcohol and Other Drugs Counseling:**

Students who violate the College’s Alcohol and Other Drug Policy are referred to the Coordinator of Alcohol and Other Drug Education (AODE) Services. The Coordinator meets with students to provide mandated assessment and educational services. Students first have an individual session with the Coordinator to assess the nature and degree of their substance use. Those students, who are first time violators of College policy, are referred to the CHOICES program. Following their assessment session, they are scheduled to attend an educational seminar, which highlights the risks of binge drinking and illicit drug use, and encourages students to adopt healthier behaviors. Students who are repeat offenders of College policy, or whose violation was particularly egregious, are referred to the BASICS program. Following their assessment session, they are scheduled for a second individual session with the Coordinator. This second session is used to provide students with the following: individualized feedback about the nature and risks of their substance use, how their behavior compares to the norm at Iona, and how to adopt safer strategies and avoid alcohol and other drug-related consequences. Students referred to either the CHOICES or BASICS programs are invited to engage in ongoing counseling specific to substance use with the Coordinator, should they so choose.

AODE Services also provides voluntary, ongoing alcohol and other drug counseling, in addition to the brief intervention services described above. Students are referred by a variety of student services offices across the campus, including but not limited to Residential Life, Student Retention, Off-Campus Housing, and the Office of Student Development. Some students choose to engage in voluntary counseling following the completion of a CHOICES or BASICS referral, while others seek out the services provided by AODE because of concerns they have about their substance use or the use of a loved one. Those students who engage in ongoing counseling related to their substance use have the opportunity to:

- reflect on their substance use and its function in their lives
- examine a variety of factors which influence their use and are also impacted by their use such as: family, social relationships, trauma, stress, psychological disorders, medical/physical health issues, educational/academic problems, etc.
- develop a plan to increase healthier behaviors to improve overall wellness
- obtain support in executing their wellness plan, as well as, during times of struggle.

- \* Counseling services provided by this office are confidential and within the parameters of the ethical guidelines required of mental health professionals.
- \*\* Students who may benefit from more intensive substance treatment are referred to outside treatment providers, as appropriate.
- \*\*\* The Coordinator provides consultation to parents with concerns about their student's substance use, within the confines of confidentiality, as appropriate.

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
Violation	Mandatory Fine (1)	Maximum Jail Term	Mandatory Drivers License Action (2)
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
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 Zero Tolerance 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 than 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 than 21 years of age, revoked at least 1 year or until age 21 (longest term).

It is a violation of New York State Penal Law 260.20 (d) (4) 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 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 listed in the preceding chart.



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<sub>2</sub>H<sub>5</sub>OH, 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.

Alcohol is ingested orally and the average 150 lb person can consume one drink in 1 1/2 hours with no or little accumulation of alcohol in the blood. One drink means the equivalent to 12 oz. of beer, 5 oz. of wine, or 1 1/2 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 and 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 alcoholics who have lost control over their 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 a 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 wellbeing, family life, job performance and friendships. Iona 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 have 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 the 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.

## CRIMINAL SANCTIONS

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

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

		<b><i>A I - Felony</i></b> 15 to 25 yrs. min. life term max.	<b><i>A II - Felony</i></b> 3 to 8-1/2 yrs. min. life term max.	<b><i>B - Felony</i></b> up to 25 yrs. in prison
<b>Narcotic Drugs*</b>	Possession	4 oz. or more	2 oz	1/2 oz
	Sale	2 oz. or more	1/2 oz. or more	any amount
<b>Narcotic Preparations **</b>	Possession			
	Sale			
<b>Methadone</b>	Possession	5,760 mg. or more	2,880 mg. or more	
	Sale	2,880 mg. or more	360 mg. or more	
<b>Marijuana +</b>	Possession			
	Sale			
<b>Concentrated Cannabis</b>	Possession			
	Sale			
<b>Stimulants (Amphetamines and others)</b>	Possession		10 gm. or more	5 gm. or more
	Sale		5 gm. or more	1 gm. or more
<b>Methamphetamine</b>	Possession		2 oz. or more	
	Sale		1/2 oz. or more	1/2 oz. or more
<b>Lysergic Acid Diethylamide (LSD)</b>	Possession		25 mg. or more	5 mg. or more
	Sale		5 mg. or more	1 mg. or more
<b>Undiluted Phencyclidine (PCP)</b>	Possession			
	Sale			1 mg. or more
<b>Hallucinogens (STP or DOM, others of amphetamine type)</b>	Possession		625 mg. or more	125 mg. or more
	Sale		125 mg. or more	25 mg. or more
<b>Hallucinogenic Substances **</b>	Possession		25 mg. or more	5 gm. or more
	Sale		5 gm. or more	1 gm. or more
<b>Dangerous Depressants #</b>	Possession			
	Sale			
<b>Depressants (Meprobamate and others)</b>	Possession			
	Sale			

#### Notes:

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

<b>C - Felony</b> up to 15 yrs. in prison	<b>D - Felony</b> up to 7 yrs. in prison	<b>E - Felony</b> up to 4 yrs. in prison	<b>Misdemeanor</b> up to 1 yr. in jail or \$1000 fine	<b>B - Misdemeanor</b> up to 3 months in jail or \$500 fine
1/2 oz. or more			any amount	
2 oz. or more	1/2 oz. or more		any amount	
any amount				
360 mg. or more			any amount	
any amount				
more than 10 lb.	more than 16 oz.	more than 8 oz.	more than 2 oz.	more than 25 gms.
more than 16 oz.	more than 4 oz.	more than 25 gms.	*** 25 gms. or less	**** 2 gms. or less
1 oz. or more	1/2 oz. or more		any amount	
any amount				
1 gm. or more			any amount	
	any amount			
1/2 oz. or more			any amount	
	any amount			
1 mg. or more			any amount	
	any amount			
2500 mg. or more	500 mg. or more	100 mg. or more	any amount	
500 mg. or more	any amount			
25 mg. or more			any amount	
	any amount			
1 gm.			any amount	
	any amount			
10 oz. or more			any amount	
10 oz. or more	any amount			
2 lb. or more			any amount	
2 lb. or more	any amount			

+ 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.

# Barbitol, phenobarbitol, methaqualone, and others.

## HEALTH RISKS

### Controlled Substances – Uses & Effects

Drugs CSA Schedules		Trade or Other Names	Medical Uses	Dependence Physical	Dependence Psychological
<b>NARCOTICS</b>					
Opium	II, III, IV	Dover's Powder, Paregonic Parapectolin	Analgesic, Antidiarrheal	High	High
Morphine	II, III	Morphine, MS-Contin, Roxanol, Roxanol-SR	Analgesic, Antitussive	High	High
Codeine	II, III, IV	Tylenol w/ Codeine, Empirin w/ Codeine, Robitussin A-C, Fiorinal w/ Codeine	Analgesic, Antitussive	Moderate	Moderate
Heroin	I	Diacetylmorphine, Horse, Smack	None	High	High
Hydromorphone	II	Dilaudid	Analgesic	High	Yes
Moperidine (Pethidine)	II	Demerol, Mepergan	Analgesic	High	High
Methadone	II	Dolophine, Methadone, Methadose	Analgesic	High	High – Low
Other Narcotics	I, II, III, IV	Nunormphan, Percoden, Percocet, Tylox, Tus-sionex, Fentanyl, Darvon, Lomotil, Talwin		High – Low	High – Low
<b>DEPRESSANTS</b>					
Chloral Hydrate	IV	Noctec	Hypnotic	Moderate	Moderate
Barbiturates	II, III, IV	Amytal, Butisol, Florinal, Lotusate, Nembutal, Seconal, Tuinal, Phenobarbital	Anesthetic, Sedative, Anticonvulsant, Hypnotic, Veterinary, Euthanasia Agent	High – Mod.	High – Mod.
Benzodiazepines	IV	Ativan, Dalmane, Diazepam, Librium, Xanax, Serax, Valium, Tranxex, Verstran, Versad, Halcion, Paxipam	Antianxiety, Anticonvulsant, Seda-tive, Hypnotic	Low	Low
Methaqualone	I	Quaalude	Sedative, Hypnotic	High	High
Glutethimide	III	Doriden	Sedative, Hypnotic	High	Moderate
Other Depressants	III, IV	Equanil, Noludex, Placidyl, Valmid	Antianxiety, Sedative, Hypnotic	Moderate	Moderate
<b>STIMULANTS</b>					
Cocaine	II	Coke, Flake, Snow, Crack	Local Anesthetic	Possible	High
Amphetamines	II	Biphetamine, Delcobese, Desoxym, Dex-edrine, Obetrol	Attention Deficit Disorders, Narco-lespy, Weight Control	Possible	High
Phenmetrazine	II	Preludin	Weight Control	Possible	High
Methylphenidate	II	Ritalin	Attention Deficit Disorders, Narcolepsy	Possible	Moderate
Other Stimulants	III, IV	Adipex, Cylert, Didrex, Ionamin, Mellat, Plag-line, Sanorex, Tenuate, Tepanil, PreLU-2	Weight Control	Possible	High
<b>HALLUCINOGENS</b>					
LSD	I	Acid, Microdot	None	None	Unknown
Mescaline and Peyote	I	Mexc, Buttons, Cactus	None	None	Unknown
Amphetamine Variants	I	2.5 DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB	None	Unknown	Unknown
Phencyclidine	II	PCP, Angel Dust, Hog	None	Unknown	High
Phencyclidine Analogues	I	PCP, PCPy, TCP	None	Unknown	Unknown
Other Hallucinogens	I	Butotenine, Ibogaine, DMT, DET, Psilocybin, Psilocyn	None	None	Unknown
<b>CANNABIS</b>					
Marijuana	I	Pot, Acapulco Gold, Grass, Hooper, Sensimilia, Thai Sticks	None	Unknown	Moderate
Tetrahydrocannabinol	I, II	THC, Marinol	Cancer Chemotherapy, Antinausant	Unknown	Moderate
Hashish	I	Hash	None	Unknown	Moderate
Hashish Oil	I	Hash, Oil	None	Unknown	Moderate

	Tolerance	Duration (Hours)	Usual Methods of Administration	Possible Effects	Effects of Overdose	Withdrawal Syndrome
	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
	Yes	3-6	Oral, smoked, injected			
	Yes	3-6	Oral, injected			
	Yes	3-6	Injected, sniffed, smoked			
	3-6	3-6	Oral, injected			
	Yes	3-6	Oral, injected			
	Yes	12-24	Oral, injected			
	Yes	Variable	Oral, injected			
	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
	Yes	1-16	Oral			
	Yes	4-8	Oral			
	Yes	4-8	Oral			
	Yes	4-8	Oral			
	Yes	4-8	Oral			
	Yes	1-2	Sniffed, smoked, injected	Increased alertness, excitation, euphoria, increased pulse rate and blood pressure, insomnia, loss of appetite	Agitation, increase in body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
	Yes	2-4	Oral, injected			
	Yes	2-4	Oral, injected			
	Yes	2-4	Oral, injected			
	Yes	2-4	Oral, injected			
	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
	Yes	8-12	Oral			
	Yes	Variable	Oral, injected			
	Yes	Days	Oral, smoked, injected			
	Yes	Days	Smoked, oral, injected			
	Possible	Variable	Smoked, oral, injected, sniffed			
	Yes	2-4	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disoriented behavior	Fatigue, paranoia, possible psychosis	Insomnia, hyperactivity, and decreased appetite occasionally reported
	Yes	2-4	Smoked, oral			
	Yes	2-4	Smoked, oral			
	Yes	2-4	Smoked, oral			

Mission and 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

Alcoholics Anonymous.....	(914) 949-1200
Al-Anon .....	(914) 946-1748
Alcohol/Drug Hotline .....	(800) 280-2977
Cocaine Hotline.....	(800) 662-HELP
Suicide/Crisis Hotline .....	(800) 273-8255
Rape Crisis Hotline.....	(800) 656-4673

#### DETOX PROGRAMS

St. Johns Riverside Hospital ..... Yonkers .....	(914) 964-7537
Westchester Medical Center ..... Valhalla .....	(914) 493-7000

#### INPATIENT REHAB

New York Hospital-Cornell Medical Center (Westchester Division).....	(914) 682-9100
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#### OUTPATIENT COUNSELING

New York Hospital-Cornell Medical Center (Westchester Division).....	(914) 682-9100
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) 964-7537
The Maxwell Institute..... Tuckahoe .....	(914) 337-6033
Pelham Guidance Council..... Pelham .....	(914) 738-0530
Renaissance Project ..... New Rochelle.....	(914) 235-8048
Daytop..... Hartsdale .....	(914) 949-6640

#### 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
My Sister's Place .....	(800) 298-7233

## NONDISCRIMINATION STATEMENT

Iona College does not discriminate in its educational programs or activities on the basis of race, color, national or ethnic origin, ancestry, age, religion or religious creed, disability or handicap, sex or gender (including pregnancy, sexual harassment and other sexual misconduct including acts of sexual violence such as rape, sexual assault, sexual exploitation and coercion), gender identity and/or expression, sexual orientation, military or veteran status, genetic information, marital status political or social affiliation or any other characteristic protected under applicable federal, state or local law. Retaliation is also prohibited. Iona will comply with state and federal laws such as Title IX, Title VI and Title VII of the Civil Rights Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, and other similar laws that prohibit discrimination.

Unlawful discrimination has no place at Iona College and offends the College's core values which include a commitment to equal opportunity and inclusion. All Iona employees, faculty members, students and community members are expected to share this commitment.

Any member of the Iona College community has the right to raise concerns or make a complaint regarding discrimination under this policy without fear of retaliation. Any and all inquiries regarding the application of this statement and related policies may be referred to:

Tracey Wilmot  
Director of Human Resources and Title IX Coordinator  
McSpedon Hall  
715 North Avenue  
New Rochelle, NY 10801  
(914) 633-2067  
twilmot@iona.edu

Dr. Michael Jordan  
Ombudsperson for Harassment and Discrimination  
Assistant Vice President for Academic Affairs  
McSpedon Hall  
715 North Avenue  
New Rochelle, NY 10801  
(914) 633-2206  
Mjordan@iona.edu

Marlin Thomas  
Coordinator/Compliance Officer Section 504 Americans with Disabilities  
Act of 1990  
Academic Resource Center, Amend Hall  
(914) 633-2226  
Mthomas@iona.edu

As set forth in our policies, individuals may also file complaints with administrative agencies such as the U.S. Department of Education, Office for Civil Rights ("OCR"). The contact information for the local office of OCR is Region II New York, Office for Civil Rights, U.S. Department of Health and Human Services, Jacob Javits Federal Building, 26 Federal Plaza - Suite 3312, New York, NY 10278 tel. (212) 264-3313. The email address for OCR is OCR.NewYork@ed.gov.

# IONA COLLEGE HARASSMENT AND DISCRIMINATION POLICY

Effective: November 2014\*

It is the policy of Iona College that no member of the College community shall engage in harassment and/or discrimination. The College will not tolerate behavior between or among members of the College community that creates an unacceptable working, educational, or social environment.

Harassment and discrimination are unacceptable because they interfere not only with an individual's educational or work performance, but also with a person's sense of dignity and well-being in the community. Sexual harassment is also covered in this definition. What constitutes harassment or discrimination will vary with the particular circumstances. Either type of activity may be described generally as verbal, physical, written, or other conduct that denigrates or shows hostility or aversion to an individual on the basis of gender, race, color, religion, age, national origin, ethnicity, veteran status,

sexual orientation, gender identity, marital status, disability or any basis prohibited by law when, from the standpoint of a reasonable person, such conduct is unwelcome and substantially interferes with an individual's work or school performance, creating an intimidating, hostile, or offensive working or learning environment even if the person engaging in the conduct does not intend to interfere, intimidate, or be hostile or offensive. In addition, the conduct must be sufficiently severe, persistent, or pervasive in that it creates a hostile or abusive educational or working environment.

It is important to note that a one-time incident may rise to the level of harassment if such conduct is sufficiently severe.

The Ombudsperson, Dr. Michael Jordan can be reached via phone at 914-633-2206, email at [mjordan@iona.edu](mailto:mjordan@iona.edu) or in person in the Office of the Provost on the first floor of McSpedon Hall. In the event that the Complainant or Respondent under this policy is the Ombudsperson, Dr. Michael Jordan, then the Complainant should contact Mr. Rick Palladino, Director of Libraries at 914-633-2351, email at [rpalladino@iona.edu](mailto:rpalladino@iona.edu) or in person at Ryan Library. This policy is available on the Iona College website, any such amendment or supplement to this policy will be available on [www.iona.edu](http://www.iona.edu).

\*In compliance with the Violence against Women Act of 2013, the Ombudsperson will refer all complaints related to sexual harassment and/or discrimination to Ms. Tracey Wilmot, Director of Human Resources and Title IX Administrator, for further investigation.

## DIVISION I. HARASSMENT AND DISCRIMINATION

### *Section 1. RATIONALE*

- a) Iona College complies with applicable provisions of state and federal law that prohibit discrimination in employment, in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity, age, marital status, service in the armed forces of the United States, or against qualified individuals with disabilities on the basis of disability.
- b) Harassment and discrimination will not be tolerated by Iona College. Such behavior subverts the mission of the College and threatens the careers, educational experience, and well-being of students, faculty, administrators, and staff. In both obvious and subtle ways, harassment and discrimination are 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 harassment or discrimination, the College's ability to carry out its mission is undermined. In addition, many forms of harassment have been recognized as violations of the civil rights laws by the federal courts, by the U.S. Equal Employment Opportunity Commission, by the New York State Division of Human Rights, and by the U.S. Department of Education.
- c) Harassment and discrimination are especially serious when they threaten relationships between teacher and student or supervisor and subordinate. In such situations, harassment and discrimination unfairly exploit the power inherent in a faculty member's or supervisor's position. Through grades or recommendations for graduate work, wage increases or promotions 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.
- d) While harassment and discrimination most often take place in situations where there is a power differential between the persons involved, the College also recognizes that harassment and discrimination may occur between persons of the same status.



## ***Section 2. EXAMPLES OF HARASSMENT AND DISCRIMINATION***

Discrimination may be related to an employee's employment, hiring separation from employment, training or failure to train, including, but not limited to any claims for salary, bonuses, severance pay, vacation pay or any benefits under the Employee Retirement Income Security Act (ERISA). Sexual or other harassment or discrimination may be based on race, color, national origin, ancestry, pregnancy, religion, marital status, gender, sexual orientation, gender identity, citizenship status, medication condition or disability (as defined by the Americans with Disabilities Act, or any other state or local laws), age, or any other unlawful discrimination (under the Age discrimination in Employment Act as amended by the Older Workers Benefit Protection Act of 1990, Title VII of the Civil Rights Act of 1964, as amended or any other federal state, or local laws), or retaliation for any claim of discrimination.

Case law provides many examples of discrimination. All, however, can be summarized in the following manner: Disparate treatment resulting in discrimination occurs when an employer treats some individuals less favorably than other, similarly situated individuals because of their race, color, religion, sex, ancestry, pregnancy, marital status national origin, sexual orientation or gender identity. Thus, a Hispanic professor who has better credentials than a non-Hispanic professor, but was denied tenure while the non-Hispanic professor was granted tenure, will have a discrimination claim.

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

- a) Physical assault or battery;
- b) 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 harassing or discriminatory nature or ii) explicit harassing or discriminatory statements, questions, jokes, or anecdotes, include the displaying or distribution of jokes and/or sexually explicit pictures via e-mail;
- c) A pattern of harassing or discriminatory conduct which causes discomfort or humiliation, or both, to a reasonable person at whom the conduct was directed.

## **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 harassment and discrimination and in which high standards of conduct are observed. There are at least four goals to be achieved through education about discrimination and harassment:

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 to 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 harassment and discrimination policy will be included in student orientation materials. In addition, copies of that policy will be made continuously available at appropriate campus locations and on the College Web site.

The Ombudsperson is charged with overseeing and reviewing content for training sessions.

The College Provost has responsibility for providing training sessions for persons who are likely to receive complaints that this policy has been violated, including, but not being limited to, resident advisers, academic advisers, college deans, and administrative personnel. Faculty and staff are expected to attend training within one year of being hired and to attend refresher sessions with each five-year interval of employment, based on hire date. The training can be in person or online. Records of training will be maintained by the Provost's Office.

## **DIVISION III: HARASSMENT AND DISCRIMINATION COMPLAINT 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 harassment and/or discrimination.

- e. **COMPLAINT:** Complaint means any allegation, informal or formal, by the complainant of harassment, retaliation and/or discrimination which would be prohibited by the Iona College harassment and discrimination Policy, Title VII of the Civil Rights Act, Title IX of the Educational Amendments of 1972, the 1980 implementing regulation, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990 and any memorandum, directives, guidelines, or subsequent federal or New York state legislation regarding harassment and discrimination 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. **HARASSMENT AND DISCRIMINATION COMMITTEE:** Harassment and Discrimination 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 Harassment and Discrimination Policy. The Harassment and Discrimination Committee shall consist of eight members: four faculty members, two administrators, one staff member, and one student. The Harassment and Discrimination Committee shall elect its own chairperson.
- j. **OMBUDSPERSON:** Ombudsperson means the employee designated to coordinate Iona College's effort to comply with the Iona College Harassment and Discrimination Policy, Title VII of the Civil Rights Act, Title IX of the Educational Amendments of 1972, the 1980 implementing regulation, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990 and any memorandum, directives, guidelines, or subsequent federal or New York state legislation regarding harassment and discrimination that may be issued or enacted.
- k. **PREJUDICIAL ERROR:** Prejudicial error means an error substantially affecting the outcome of a hearing.
- l. **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.
- m. **REPLY:** Reply means the answer of the complainant or respondent to the claims made in an appeal.
- n. **RESPONDENT:** Respondent means any employee or student of Iona College alleged to be responsible for committing an act of harassment and/or discrimination.
- o. **RESPONSE:** Response means the respondent's written answer to the allegations of harassment and/or discrimination in the complaint.
- p. **WORKING DAY:** Working day means every day excluding Saturday, Sunday, and holidays recognized by Iona College.

## ***II. FILING A COMPLAINT***

- a. **ELIGIBILITY FOR FILING:** Any student or employee of the College may file a harassment and discrimination complaint under this procedure.
- b. **PRECOMPLAINT MEETINGS:** Normally a person considering whether to bring a harassment and discrimination 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). Nothing in this Policy requires a Complainant to contact the Respondent before making a complaint.
- c. **REFERRAL TO OMBUDSPERSON:** It is the responsibility of the person consulted about a harassment and discrimination 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 harassment and discrimination charge.
  2. Give the complainant a copy of the Iona College Harassment and Discrimination Policy and Procedures.
  3. A written record will be made for the Ombudsperson's file of the complaint, which will be started upon notification of a potential complaint.
- 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 harassment and discrimination, 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 harassment and discrimination 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 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 Harassment and Discrimination Policy and Procedures.
  3. 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 harassment and discrimination 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 them 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 harassment and discrimination by the complainant.)

#### ***IV. PROCESSING 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 harassment and discrimination against the respondent, the Ombudsperson will send the respondent a copy of the Iona College Harassment and Discrimination Policy and Procedure. The Ombudsperson will also be available to meet with the respondent to discuss the complaint and the College's policy and procedure.
- 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 Harassment and Discrimination Committee to arrange for the calling together of a hearing board. The hearing board will be chosen by the chairperson of the Harassment and Discrimination Committee from among the members of the Harassment and Discrimination 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 Harassment and Discrimination and the Iona College Harassment and Discrimination Policy and Procedure.

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 Harassment and Discrimination Committee who will serve as the chairperson
- 1 member of the pool who is a peer of the complainant
- 1 member of the pool who is a peer of the respondent
- 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 Harassment and Discrimination Committee may not serve on a hearing board.

The chairperson of the Harassment and Discrimination 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, the respondent, and the formal hearing board. 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 harassment and discrimination have 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 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 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. 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 Harassment and Discrimination Policy and Procedure 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 Harassment and Discrimination 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 Harassment and Discrimination 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. No new evidence may be introduced during the appeals process.

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 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 determines 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 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 harassment and discrimination complaint process.
- c. **AVAILABILITY OF OTHER PROCEDURES:** This Harassment and Discrimination Procedure is primarily designed to handle personal harassment and discrimination 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.

On January 22, 2014 President Barack Obama stated, "*Sexual violence is more than just a crime against individuals. It threatens our families, it threatens our communities; ultimately, it threatens the entire country. It tears apart the fabric of our communities*" as he was establishing the White House Task Force to Protect Students From Sexual Assault. There was a mandate to strengthen federal enforcement efforts and provide schools with additional tools to help combat sexual assault on their campuses. Iona College is committed to complying with all applicable state and federal law to provide a safe environment for members of our community and visitors to our campus.

## **POLICY ON SEXUAL MISCONDUCT**

### **I. NOTICE OF NON-DISCRIMINATION AND POLICY STATEMENT**

The health, safety, and well being of all members of Iona College (the "College") community are the College's primary concerns. In accordance with Title IX of the Education Amendments of 1972 ("Title IX"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), as amended by the Violence Against Women Act/Campus Sexual Violence Act ("Campus SaVE Act"), and Article 129-B of the New York State Education Law, the College is committed to providing a safe community, free from all forms of sex discrimination, including sexual misconduct. In accordance with Title IX, the College does not discriminate on the basis of sex in its education programs and activities. Under Title IX, discrimination on the basis of sex includes sexual harassment and sexual violence.

The College will not tolerate any form of sexual misconduct. Sexual misconduct can occur in many forms and will not be tolerated in the College's education programs or activities. Sexual harassment and sexual violence, including the offenses of sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence, and stalking, are all forms of sexual misconduct. Sexual misconduct can occur between strangers, acquaintances, or people who know each other well, including those who are involved in an intimate or sexual relationship, and can be committed by anyone regardless of sex, gender, or gender identity.

The purpose of the Sexual Misconduct Policy & Procedures for Students (the "Policy") is to ensure that our community members live, work and learn in a safe and respectful environment free from any form of sexual misconduct. This Policy sets forth the College's process and procedures for responding to claims of sexual misconduct, including the investigation and fact-finding process, the process for resolution and the sanctions imposed for violating this Policy. If there is a violation of this Policy, the College will take steps to prevent

further acts of sexual misconduct, to prevent any recurrence, and will take appropriate action to remedy the effects of sexual misconduct.

Inquiries regarding Title IX, the Campus SaVE Act and/or Article 129-B of the New York State Education Law may be referred to the College's Title IX Coordinator. Questions concerning Title IX may also be referred to the Assistant Secretary of the Office for Civil Rights (OCR), U.S. Department of Education, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue, SW Washington, DC 20202-1100 or call the OCR main numbers (800) 421-3481 FREE, TDD or (800) 877-8339 FRE or email the OCR's New York office [ocr.newyork@ed.gov](mailto:ocr.newyork@ed.gov) or by telephone at 646-428-3800.

The College's designated Title IX Coordinator is:

Tracey Wilmot  
Title IX Coordinator and Director of Human Resources  
715 North Avenue  
New Rochelle, NY 10801  
Office: (914) 633.2067 | Title IX Hotline: (914) 633.2167 | Fax: (914) 637.7732  
Email: [twilmot@iona.edu](mailto:twilmot@iona.edu)

The Title IX Coordinator's primary responsibility is to coordinate the College's compliance with Title IX including, but not limited to, overseeing the College's response to complaints of sexual misconduct, coordinating investigations into allegations of sexual misconduct, identifying and addressing any patterns or systemic problems of sexual misconduct that arise during the investigation of a complaint of sexual misconduct, and assessing the effects of sexual misconduct on the campus climate. The Title IX Coordinator addresses all reports of sexual misconduct in an equitable and neutral manner.

## ***II. SCOPE OF THE POLICY***

This Policy governs sexual misconduct involving College students, whether part-time or full-time, and applies to such students regardless of sex, race, national origin, disability, sexual orientation, gender identity, or other protected status.

This Policy supersedes any other College policy to the extent that such policy applies to sexual misconduct. Complaints of discrimination or harassment on the basis of sex that do not involve sexual misconduct are governed by the Iona College Harassment and Discrimination Policy. If the Respondent is a College employee or other person doing business with the College, the investigation and disciplinary processes described in the College's Policy and Procedures for Reports of Employee Sexual Misconduct will apply. For information about this policy, please contact the Title IX Coordinator.

This Policy applies to any allegation of sexual misconduct that takes place on College property, including student-occupied housing, or any other property on which a College program or activity takes place. This Policy also covers conduct that takes place off-campus that occurs in the context of an education program or activity of the College and covers conduct that takes place off-campus that has a continuing effect on campus.

## ***III. DEFINITIONS***

**Affirmative Consent:** A knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

The following six principles, along with above definition, will be used to evaluate whether sexual activity was consensual;

- Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated.
- Consent cannot be given when it is the result of any coercion, intimidation, force, threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

**Bystander:** A person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of the College.

**Complainant:** The individual who reportedly experienced sexual misconduct, regardless of whether such individual reports such sexual misconduct to the College or participates in the College's conduct process for responding to complaints of sexual misconduct described herein.

**Confidentiality:** May be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092 (f) and 20 U.S.C. 1681 (a). Licensed mental health counselors, medical providers, and pastoral counselors are examples of College employees who may offer Confidentiality.

**Dating Violence:** Violence or coercive behavior committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to, sexual, physical, or psychological abuse, or the threat of such abuse.

**Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of New York, or by 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 New York.

**Force:** The use of physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance. The use of force to cause someone to engage in sexual activity is, by definition, non-consensual contact, and is prohibited.

**Incapacitation:** Occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by a lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

**Intimidation:** Means implied threats that reasonably cause another to fear for his/her safety or well being.

**No Contact Order:** A directive prohibiting contact between or among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by means of a third party.

**Privacy:** May be offered by an individual when such individual is unable to offer Confidentiality under the law but shall still not disclose information learned from a reporting individual or Bystander to a crime or incident more than necessary to comply with applicable laws, including informing appropriate College employees.

**Reporting Individual:** Encompasses the terms victim, survivor, Complainant, claimant, witness with victim status, or any other term used by the College to reference an individual who brings forth a report of a violation of this Policy.

**Respondent:** Means the individual alleged to have committed acts constituting sexual misconduct, regardless of whether such individual has entered into the College's conduct process for responding to complaints of sexual misconduct described herein.

**Responsible Employee:** A Responsible Employee is a College employee who has the authority to redress sexual misconduct, who has a duty to report incidents of sexual misconduct, or who a student could reasonably believe has this authority or duty. This definition encompasses virtually every College employee, including all faculty, staff, and administrators. A Responsible Employee must report all relevant details about the learned incident to the Title IX Coordinator.

**Retaliation:** Means taking any adverse action or attempting to take adverse action against a person for making a good faith report of sexual misconduct or participating in any proceeding under this Policy. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint of sexual misconduct or participation in an investigation or proceeding related to alleged sexual misconduct.

**Sexual Activity:** Includes any "sexual act" or "sexual contact."

A "sexual act" means (a) contact between the penis and vulva or the penis and the anus where penetration occurs, however slight; (b) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; (c) the penetration, however slight of



the anal or genital opening of another by hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or (d) the intentional touching, not through the clothing of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

“Sexual contact” means the intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.

**Sexual Assault:** Includes non-consensual sexual intercourse and non-consensual sexual contact.

“Non-consensual sexual intercourse” means any form of sexual penetration or intercourse (vaginal, anal, or oral), however slight, with any object by an individual upon another individual without consent and/or by force. Intercourse means: vaginal or anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

“Non-consensual sexual contact” means any intentional sexual touching, however slight, with any body part or object by an individual upon another individual without consent. Intentional sexual contact includes contact with the breasts, buttocks, or groin, or touching another with any of these body parts; making another person touch any of these body parts; and any intentional bodily contact in a sexual manner.

**Sexual Coercion:** The application of unreasonable pressure, including emotionally or physically manipulative actions or statements, or direct or implied threats, in order to compel the person to engage in sexual activity.

**Sexual Exploitation:** Means abuse or exploitation of another person’s sexuality without consent, for the perpetrators own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

Examples of Sexual Exploitation include:

- Causing or attempting to cause the incapacitation of another person for purposes of comprising that person’s ability to give Affirmative Consent to the sexual activity;
- Causing the prostitution of another person;
- Electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person without the person’s consent;
- Disseminating or posting images of private sexual activity;
- Engaging in voyeurism;
- Distributing intimate or sexual information about another person; and/or
- Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual’s knowledge.

**Sexual Harassment:** Means unwelcome conduct of a sexual nature, including but not limited to, sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic or physical conduct of a sexual nature, when:

- (1) Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, education or campus life activities, or used as the basis of any academic, student life or employment decision (quid pro quo); or
- (2) Such conduct is sufficiently severe, persistent, or pervasive such that it unreasonably interferes with, or limits an individual’s ability to participate in, or benefit from, the College’s education or work programs or activities (hostile environment). Whether a hostile environment has been created will be evaluated from both a subjective and an objective perspective.

In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including, but not limited to:

- The degree to which the conduct affected one or more students;
- The type, frequency, and duration of the conduct;
- The identity of and relationship between the alleged harasser and the subject or subjects of the harassment;
- The number of individuals involved;
- The age and sex of the alleged harasser and the subject or subjects of the harassment;
- The locations of the incidents, and the context in which they occurred;
- The effect of the conduct on the Reporting Individual’s mental or emotional state;
- Whether the conduct unreasonably interfered with the Reporting Individual’s educational performance or participating in College programs and activities;
- Whether the conduct implicates concerns related to academic freedom or protected speech; and
- Whether the conduct arose in the context of other discriminatory conduct.

**Sexual Misconduct:** A broad term that encompasses a wide range of prohibited behaviors of a sexual nature that is committed without consent or by intimidation, coercion, threat, or force. Sexual Misconduct includes, but is not limited to, Sexual Assault, Sexual Coercion, Sexual Exploitation, Sexual Harassment, Dating Violence, Domestic Violence, and stalking.

**Sexual Violence:** Refers to a sexual act perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of Sexual Violence, including Rape, Sexual Assault, Sexual Battery, Sexual Abuse, and Sexual Coercion. School employees, other students, or third parties can carry out Sexual Violence. All such acts of Sexual Violence are forms of sex discrimination prohibited by Title IX.

**Stalking:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

For purpose of this definition:

- **"Course of conduct"** means two or more acts, including, but not limited to, acts in 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.
- **"Substantial emotional distress"** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- **"Reasonable person"** means a person under similar circumstances and with similar identities to the victim.

Conduct that violates the College Policy may also violate New York State laws and subject the perpetrator to criminal prosecution. Sex Offenses under New York law are described in Sections 130.00 to 130.96 of the New York State penal Code, available at <http://public.leginfo.state.ny.us/lawsrch.cgi?NVLWO>.

#### ***IV. 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. Make a decision about whether or not to disclose a crime or violation and participate in the investigation and hearing process and/or criminal justice process free from pressure from the College;
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 College 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 College representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from Retaliation by the College, any student, the accused and/or Respondent, and/or their friends, family and acquaintances within the jurisdiction of the College;
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 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 College.

#### ***V. RESOURCES AND REPORTING OPTIONS***

There are multiple ways to report prohibited conduct. There are also a wide range of resources for all students to provide support and guidance in response to any incident of Sexual Misconduct.

##### **A. IMMEDIATE MEDICAL ASSISTANCE AND COUNSELING**

If you or someone you know is or may be the victim of any form of Sexual Misconduct, the College strongly urges you to seek immediate assistance. This is the best way to ensure that the victim receives appropriate medical care and emotional support. Assistance is available 24 hours a day, 7 days a week, from:

- Local Police and Emergency Assistance - Call 911
- New Rochelle Police Department (914) 654-2300

- Local hospitals – Call 911 to obtain contact information
  - o Montefiore New Rochelle Hospital
  - o Westchester Medical Center
  - o White Plains Hospital
  - o New York-Presbyterian/Lawrence Hospital
  - o Montefiore Mount Vernon Hospital
  - o St. John’s Riverside Hospital
- New York State Office of Victim Services Toll Free Number – (800) 247-8035
- New York State Domestic Violence Hotline - (800) 942-6906
- National Sexual Assault Telephone Hotline - (800) 656 - HOPE (4673)
- Safe Horizon Rape and Sexual Assault Hotline - (866) 689-HELP (4357)
- Safe Horizon Domestic Violence Hotline - (800) 621-HOPE (4673)
- Gay & Lesbian Anti-Violence Project 212-714-1141
- Iona College Whistleblower Hotline, Phone: (877) 472-2110; reports@lighthouse-services.com; Fax: (245) 689-3885; www.lighthouse-service.com/iona

Anyone who is physically injured or raped should seek a medical examination to determine the extent of injuries. It is also important to understand that physical evidence collected in a rape examination (i.e., a rape kit) is a way to preserve evidence should anyone want to pursue criminal charges with the police or a local prosecutor at a later time.

In instances involving physical injury or Sexual Assault, the College strongly encourages the victim to obtain a medical examination to determine the extent of injuries. A hospital, with the victim’s permission, will collect physical evidence in a sexual offense evidence collection kit. Consenting to the completion of a sexual offense evidence collection kit does not obligate the victim to pursue criminal charges with the police; it is a way to preserve evidence should there be a choice to pursue criminal charges at a later time. Hospitals are required by law to preserve such evidence for a minimum of 30 days. Sexual Assault Forensic Examiners (SAFE) are specially equipped and trained to handle Sexual Assault and gather evidence.

**B. LAW ENFORCEMENT NOTIFICATION**

Complainants have the right to notify or decline to notify law enforcement. If you are the victim of Sexual Misconduct, the College strongly encourages you to promptly report the incident to the police. Contacting law enforcement will ensure the preservation of evidence and facilitate a timely investigation and response. College representatives are available to assist you in notifying law enforcement of an incident of Sexual Misconduct and in contacting law enforcement or legal service organizations to learn about these remedies. Except in instances where the victim is a minor, the College will respect a victim’s decision regarding whether or not to report an incident to local law enforcement. College representatives can also assist any Complainant in initiating a legal proceeding in family court or civil court.

**A person may report an incident to either the police or the College or to both simultaneously.** The filing of a complaint of Sexual Misconduct under this Policy is independent of any criminal investigation or proceeding. The College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or to take any necessary interim measures to protect the Complainant and the College community. However, the College may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation of Sexual Misconduct matters that may also violate the state criminal code.

**C. COLLEGE NOTIFICATION**

The College also urges victims and anyone who becomes aware of an incident of Sexual Misconduct to report the incident immediately to the College. The College is committed to providing an adequate, reliable, prompt, and impartial investigation and resolution to all allegations of Sexual Misconduct. Incidents of Sexual Misconduct should be reported to the College’s Title IX Coordinator. Any incident of Sexual Misconduct reported to another College employee, with the exception of those employees designated as confidential, as set forth herein, will be reported by the employee to the Title IX Coordinator.

Notification of Rights at the Time of First Disclosure: At the first instance of disclosure by a Reporting Individual to an institution representative, the following information shall be presented to the Reporting Individual: “You have the right to make a report to Campus Safety & Security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.”

When the College receives a report from a student that he or she has been the victim of Sexual Misconduct, including Dating Violence, Domestic Violence, Sexual Assault or Stalking, whether the offense occurred on or off-campus, the College will provide the Reporting Individual with a written explanation of his or her rights and options. The College will provide the Reporting Individual with written notification regarding existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid and other

services available for victims both within the College and in the community. If the Reporting Individual is not the Complainant, and the identity of the Complainant is made known to the College, the College will provide such written notification to the Complainant.

A Reporting Individual will be advised of his or her right to have emergency access to a Title IX Coordinator, or his or her designee, or other appropriate official trained in interviewing victims of Sexual Assault who shall be available upon the first instance of disclosure by a Reporting Individual to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a Sexual Assault Forensic Examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. Such official shall also explain whether he or she is authorized to offer the Reporting Individual Confidentiality or Privacy, and shall inform the Reporting Individual of other reporting options.

The College will ensure that Reporting Individuals have information about resources including intervention, mental health counseling, and medical services, which shall include information on whether such resources are available at no cost or for a fee. The College will also provide information on sexually transmitted infections, sexual assault forensic examinations, and resources available through the NYS Office of Victim Services.

College Counseling Resources: Regardless of whether or not an official complaint of Sexual Misconduct is made, various counseling options are available from the College at the Iona College Counseling Center. Students can arrange an appointment either by calling the Counseling Center at (914) 633-2038, or by coming to the Center, which is located on the second floor of Spellman Hall.

Complaints may also be made at the Department of Campus Safety and Security: (914) 633-2560. This line is open 24 hours a day, 7 days a week. The Title IX Coordinator, or his or her designee, can also be reached 24-hour per day via the Title IX Hotline at (914) 633.2167.

#### **D. TIME FOR REPORTING**

Members of the College community are encouraged to report any alleged Sexual Misconduct immediately in order to maximize the College's ability to obtain evidence and conduct a thorough, impartial, and reliable investigation. The College's ability to investigate and respond effectively may be reduced with the passage of time. However, reports may be made at any time without regard to how much time has elapsed since the Sexual Misconduct. Under no circumstances will the College allow an impending graduation to compromise its resolution of a Sexual Misconduct complaint.

While the time to resolve a reported incident will vary from case to case, depending on the specific facts and circumstances, it is expected that in most cases complaints will be resolved within 60 days. If the process will take longer than 60 days, both the Complainant and the Respondent will be notified in writing as to the delay and the reason for the delay.

#### ***VI. PRIVACY AND CONFIDENTIALITY***

The College values the Privacy of its students and understands that, for many victims of Sexual Misconduct, Confidentiality is a primary concern. However, certain College employees are required by state and federal laws to share information from a report of Sexual Misconduct with the College and/or governmental agencies. Even College employees who have an obligation to report and cannot guarantee Confidentiality will maintain the Privacy of the Reporting Individual to the greatest extent possible and share information only on a need-to-know basis.

#### **A. RESPONSIBLE EMPLOYEES**

A Responsible Employee must report all relevant details (obtained directly or indirectly) about the alleged Sexual Misconduct shared by the Reporting Individual to the Title IX Coordinator. Such information includes dates, times, locations, and names of parties and witnesses. A Responsible Employee will strive to maintain Privacy, and information reported to the Responsible Employee will be shared only with those having a need to know such information in order to respond in accordance with College Policy.

The Family Educational Rights and Privacy Act (FERPA) allows a College to share information with an individual's parents if there is a health or safety emergency or if the individual is listed as a dependent on either parent's prior year federal tax income form. However, the College will generally not share information about a report of Domestic Violence, Dating Violence, Stalking, or Sexual Assault with parents without the Reporting Individual's permission.

## B. CONFIDENTIAL COUNSELORS

The ability of College employees to maintain Confidentiality is as follows:

**Professional Counselors:** A professional, licensed counselor whose official responsibilities include providing mental health counseling to College students, including those who act in the role of providing mental health counseling under the supervision of a licensed counselor, are not required to report any information about an incident of Sexual Misconduct disclosed while acting within the scope of his/her license or certification to the Title IX Coordinator without a victim's permission. State law requires professional counselors to report: (i) when a patient is likely to engage in conduct that would result in serious harm to the patient or to others; or (ii) if there is reasonable cause to suspect that a minor has been sexually abused. The following is a list of the College's professional counselors:

- Brielle Stark-Adler, Ph.D., Director
- Alison Rivers, Ph.D., Psychologist/Interpersonal Violence Prevention Specialist

Students can arrange an appointment either by calling the Counseling Center at (914) 633-2038, or by coming to the Center, which is located on the second floor of Spellman Hall. For more information on counseling, please visit: <http://www.iona.edu/Student-Life/Health-Wellness-Safety/Counseling-Center.aspx>.

**Pastoral Counselors:** A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition. A pastoral counselor is not required to report incidents of Sexual Misconduct to the Title IX Coordinator without a victim's permission.

Fr. Frank Dixon  
Phone: (914) 633-2630  
E-mail: [fdixon@iona.edu](mailto:fdixon@iona.edu)

**Non-Professional Counselors and Advocates:** College representatives who work or volunteer in the College's Counseling Center or Health Center generally may talk with and provide assistance and resources to a victim of Sexual Misconduct without being required to report any personally identifying information about the incident to the College. These individuals may maintain a victim's Confidentiality while reporting the nature, date, time, and general location of the incident to the Title IX Coordinator.

## C. REQUESTS FOR CONFIDENTIALITY

The College is obligated by law to investigate all allegations of Sexual Misconduct regardless of whether the Complainant wishes to file a complaint. Therefore, if a Complainant reports an incident of Sexual Misconduct to a Responsible Employee, but wishes to remain anonymous or requests that no investigation into the incident be conducted, the College will assess whether it can honor the Complainant's request while still providing a safe, nondiscriminatory environment for all members of the College community, including the Complainant. The Title IX Coordinator is designated to evaluate requests for Confidentiality once a Responsible Employee is notified of alleged Sexual Misconduct.

When determining whether the Reporting Individual's request for Confidentiality can be honored the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- Whether there have been other Sexual Misconduct complaints about the same accused;
- Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence;
- Whether the incident represents an escalation in and unlawful conduct on behalf of the Respondent from previously noted behavior;
- Whether there is an increased risk that the Respondent will commit additional acts of violence;
- Whether the Sexual Misconduct was committed by multiple perpetrators;
- Whether the Reporting Individual's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- Whether the alleged Sexual Misconduct was perpetrated with a weapon;
- The age of the victim; and
- Whether the College has other means to obtain relevant evidence (e.g., security cameras or personal, physical evidence).

The presence of one or more of these factors could lead the College to investigate the alleged Sexual Misconduct and, if appropriate, pursue disciplinary action in a manner that may require the College to disclose the Complainant's identity to the Respondent. If the College determines that an investigation is required, the College will inform the Complainant and take immediate action necessary to protect and assist the Complainant. The College will take all reasonable steps to investigate and respond to the complaint while maintaining the Complainant's Privacy to the greatest extent possible.

If, after considering these factors, the College determines that it can honor the Complainant's request for Confidentiality, the College will nevertheless take all reasonable steps to respond to the complaint consistent with the Complainant's request for Confidentiality, and will take immediate action as necessary to protect and assist the Complainant. The College will also consider broader remedial action, such as increased monitoring, supervision of security at locations where the reported Sexual Misconduct occurred, increasing training, education and prevention efforts, and conducting climate surveys. If the College honors the request for Confidentiality, the Complainant must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent may be limited.

#### **D. SEXUAL ASSAULT PUBLIC AWARENESS EVENTS**

The College will not begin an investigation based on information that a person chooses to share during public awareness events that are designed and intended to be safe spaces for victims to share experiences. These events could include candlelight vigils, "Take Back the Night," protests, or other public events. The College may decide, however, to use the information learned at such an event to inform its efforts for additional education and prevention efforts.

#### **E. CLERY ACT REPORTING**

When reporting crimes for the purposes of Clery Act compliance, the College will not release any personally identifying information about individuals involved in the Sexual Misconduct. The Clery Act also requires the College to issue timely warnings to the College community about certain crimes that have been reported and may continue to pose a serious or continuing threat to the campus community. Consistent with the Clery Act, the College will withhold the names and personally identifying information of the Reporting Individual when issuing such timely warnings.

#### **F. ANONYMOUS SOURCES**

If the College receives a report of alleged Sexual Misconduct by someone other than the Complainant (e.g., friend or roommate) or from an anonymous source, the College's Title IX Coordinator will promptly notify the Complainant of the report, and inform him/her of the available resources and assistance. In cases in which a report is made anonymously, this Policy will apply in the same manner as if the Complainant had made the initial report.

### ***VII. ACCOMMODATIONS, REMEDIAL AND PROTECTIVE MEASURES***

Any individual who has been the victim of Sexual Misconduct, regardless of whether the victim wishes to pursue a complaint or investigation under this Policy, may request assistance in changing academic, transportation, and working situations. The College will grant such accommodations, provided they are reasonable and available. Such accommodations may include providing increased security, supervision or monitoring at locations or activities where the alleged misconduct occurred, adjusting a student's academic or College work schedule, and issuing a No Contact Order. When taking such interim measures and/or steps to separate the Complainant and the Respondent, the College will, to the extent practical, minimize the burden on the Complainant. Requests for accommodations in connection with incidents of Sexual Misconduct should be made to the College's Title IX Coordinator. The College will provide information about the student's request for accommodations only to those having a need to know such information in order to implement the accommodations. The College will promptly address violations of any interim measures.

#### **A. NO CONTACT ORDER**

The College may impose a No Contact Order between the Complainant and the Respondent, which typically will include a directive that the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means, pending the fact-finding and, if applicable, the

adjudication. Both the Respondent and Complainant may request a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measures, No Contact Orders, and accommodations, including potential modification, and will be allowed to submit information in support of his or her request. The Title IX Coordinator or designee will determine within a reasonable time frame whether there will be any modification. An individual who wishes to report a violation of a No Contact Order can contact the Title IX Coordinator or Campus Safety and Security. If the Respondent and the Complainant observe each other in a public place, it shall be the responsibility of the Respondent to leave the area immediately and without directly contacting the Complainant. Individuals who violate a No Contact Order are subject to disciplinary action.

In the event the Respondent is determined to present a continuing threat to the health and safety of the community, the Respondent may be subject to an interim suspension pending the final outcome of the resolution process. Both parties, upon request, will be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of such request.

## **B. ORDERS OF PROTECTION**

A Complainant also has the right to request the assistance of the College in acquiring an order of protection from either the Family Court or Criminal Court. Designated College staff members are available to assist in obtaining an order of protection (or, if outside New York State, an equivalent protective force or restraining order) and explain the consequences of violating such an order, including but not limited to arrest, additional conduct charges, and interim suspension. The parties are entitled to receive a copy of the order of protection or equivalent when received by the College and have an opportunity to meet with an College representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the Respondent's responsibility to stay away from the protected person or persons. If the order of protection is violated, the Complainant may receive assistance from the College in calling local law enforcement to inform them of the violation.

## **C. STUDENT ALCOHOL AND DRUG-USE AMNESTY POLICY**

The health and safety of every student at the College is of utmost importance. The College 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. The College 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 College officials or law enforcement will not be subject to The College'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.

## **D. ADVISORS**

Throughout the resolution process, each party has the right to choose and consult with an advisor. The advisor may be any person who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a complaint under this Policy. Advisors cannot actively participate or speak on behalf of the Complainant or Respondent. The choice of whether or not to invite an advisor is solely that of the Complainant and Respondent. At the Complainant's request or at the Respondent's request, the Title IX Coordinator can appoint the requesting party an advisor who has been formally trained. The Title IX Coordinator must be advised in writing that an advisor will be present at least 48 hours before any scheduled meeting, hearing or proceeding. This notification must include: (1) full name and title of the advisor of choice; and (2) contact information for the advisor of choice (phone, email, and address). The College

reserves the right to have its own legal counsel present during the adjudication process. If any advisor's conduct is not consistent with these guidelines, he or she may be excluded from the conduct process.

## **E. RETALIATION**

The College prohibits Retaliation against any person who reports Sexual Misconduct or participates in any proceeding under this Policy, including testifying as a witness. Retaliation should be reported promptly to the College's Title IX Coordinator. Reports of Retaliation will be investigated in accordance with the investigation procedures set forth in this Policy, and individuals found to have engaged in Retaliation will be subject to disciplinary action independent of the sanction(s) or interim measures imposed in response to the underlying allegations of Sexual Misconduct.

## **VIII. PREVENTION AND AWARENESS EDUCATION PROGRAMS**

Creating a safe and respectful environment is the responsibility of all members of the College's community. To promote and maintain this environment, the College engages in comprehensive educational programming to prevent Sexual Misconduct (including Sexual Harassment, Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Retaliation). The College provides primary prevention and awareness programs for all incoming students and employees, and ongoing prevention and awareness campaigns for all students and employees. The College seeks to ensure that all programs are culturally relevant, responsive to community needs, and informed by research and assessed for value.

## **IX. PROCEDURES FOR RESPONDING TO A COMPLAINT OF SEXUAL MISCONDUCT**

The College is committed to providing a prompt, fair, and impartial investigation and resolution of all allegations of Sexual Misconduct. The College strongly encourages students to seek support and information on available resources on and off campus. Incidents of Sexual Misconduct should be reported to the College's Title IX Coordinator. Any incident of Sexual Misconduct reported to another College Responsible Employee, with the exception of those employees designated above as confidential, will be reported by the Responsible Employee to the Title IX Coordinator.

This portion of the Policy identifies the procedures the College will follow when it receives a report of Sexual Misconduct. The College may, at its discretion, designate another trained and experienced person(s) to act in the place of the investigator and/or adjudicator in a conduct process. If there is a designation, the parties involved will be informed. The Complainant has the right to withdraw the complaint and his or her involvement in the process at any time. However, in such instances the College's ability to respond may be limited and Title IX may nevertheless require the College to complete the investigation process.

During the time the reported misconduct is being investigated and adjudicated in an impartial, timely, and thorough manner, the Respondent is presumed not to have violated the Policy. However, depending upon the circumstances of the initial allegation, the Respondent can be suspended on an interim basis pending the outcome of the final adjudication process. Additionally, other interim measures may be imposed upon the Respondent, pending the outcome of the final adjudication process, depending upon the allegations and need for the College to keep the community safe and the Complainant safe; these may include the issuance of a No Contact Order, change in housing, or other limitations.

#### **A. INTAKE MEETINGS**

Upon notice of any allegation of Sexual Misconduct, the Title IX Coordinator, or his or her designee, will schedule an individual intake meeting with the Complainant.

At the intake meeting, the Title IX Coordinator, or his or her designee, will provide the Complainant with a general understanding of this Policy, and identify forms of support or immediate assistance available to the

Complainant (e.g., referrals to appropriate law enforcement agencies; referrals for medical treatment at local hospitals and trauma centers). The Title IX Coordinator, or his or her designee, will also provide the Complainant with a written explanation of his or her rights and options with respect to his or her report of Sexual Misconduct. The intake meeting may also involve a discussion of any interim accommodations that may be appropriate concerning the Complainant's academic schedule, College housing, and/or College employment arrangements. The Title IX Coordinator will also explain the College's prohibition against Retaliation and that the College will take prompt action in response to any act of Retaliation.

At the initial intake meeting, the Title IX Coordinator, or his or her designee, will seek to determine how the Complainant wishes to proceed, i.e., whether the Complainant wishes to pursue Formal Resolution, Informal Resolution, or does not wish to pursue resolution of any kind. If the Complainant wishes to proceed with either Formal Resolution or Informal Resolution, the Title IX Coordinator will ascertain the name of the Respondent, and the date, location, and nature of the alleged Sexual Misconduct, and, within one (1) business day, or as soon as reasonably possible thereafter, will schedule an individual intake meeting with the Respondent. The College will notify the Respondent that a complaint has been filed and provide the date, time, location, and factual allegations concerning the alleged violation, and possible sanctions.

If the Complainant does not wish to pursue Formal Resolution or Informal Resolution, and either requests that his or her complaint remain confidential, or refuses to participate in the initial intake meeting with the Title IX Coordinator, the Title IX Coordinator will inform the Complainant that the College's ability to respond may be limited. In such scenarios, Title IX nevertheless requires the College to evaluate the Complainant's request(s) for no action in the context of the College's commitment to provide a reasonably safe and non-discriminatory environment for the entire College community and therefore may require the College to engage in the investigation process.

#### **B. INFORMAL RESOLUTION**

A Complainant who wishes to file a complaint but who does not wish to pursue Formal Resolution may request a less formal proceeding, known as Informal Resolution. While the Informal Resolution process is not as structured as the Formal Resolution process, it can be an effective and appropriate means to deal with the complaint. The Informal Resolution procedure is not available for complaints of Sexual Violence.

If the Complainant wishes to proceed with Informal Resolution, the Title IX Coordinator, or his or her designee, will ascertain the name of the Respondent, and the date, location, and nature of the alleged Sexual Misconduct, and, will schedule an individual intake meeting with the Respondent in order to provide him or her with a general understanding of the Policy.

The Complainant and the Respondent each may bring an advisor to the Informal Resolution. Advisors are subject to the same restrictions set forth in the Policy. A trained counselor, trained mediator, or, if appropriate, a College faculty member or administrator, will preside over the Informal Resolution and may be assisted by another member of the senior staff of the College or outside expert.



If, in the course of the Informal Resolution, the Respondent admits to violating the Policy, that admission will serve as a finding of responsibility after an independent investigation into the matter by the College. The College will not impose sanctions on the basis of an admission (by the Respondent) without an independent investigation into the alleged misconduct. The Vice Provost for Student Life will recommend one or more sanctions, which the Respondent can accept or reject. The sanctions that may be imposed as the result of the Informal Resolution process are the same as those outlined in the Formal Resolution process below. If the recommended sanction(s) is accepted, the process is concluded. If it is rejected, the complaint will proceed to the Formal Resolution process.

Participation in the Informal Resolution process is voluntary. The College will not compel a Complainant or a Respondent to engage in Informal Resolution, or directly confront the Respondent, and will allow a Complainant or Respondent to withdraw from the Informal Resolution process at any time, where

appropriate. The College may, at any time, elect to end such proceedings and initiate Formal Resolution instead. Pursuing Informal Resolution does not preclude later use of Formal Resolution if the Informal Resolution fails to achieve a resolution acceptable to the parties and the College. Statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the Formal Resolution. In the event a Complainant or a Respondent wishes to proceed to the Formal Resolution process, he or she must provide written notification to the Title IX Coordinator.

Informal Resolution may result in the imposition of protective actions agreed upon by the parties, or (with or without such agreement) based on information derived from the Informal Resolution taken together with any other relevant information known to the College at the time of the Informal Resolution.

### **C. FORMAL RESOLUTION**

If a matter cannot be resolved through the Informal Resolution process, the matter involves Sexual Violence, or if the Complainant and/or Respondent chooses not to proceed informally, the Complainant and/or Respondent may seek Formal Resolution. All individuals involved in the Resolution process will receive training, at least annually, on the issues relating to Sexual Misconduct, including Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, and Stalking, and how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability. During all phases of the Formal Resolution process, the parties will be provided with advance written notice of any meeting they are required or eligible to attend.

#### **i. Investigation**

When the Complainant indicates a desire to pursue Formal Resolution process, the reported allegations will be investigated promptly, thoroughly, and impartially. The investigation is a neutral fact-finding process. The Respondent is entitled to a presumption of non-responsibility until a finding of responsibility is made in accordance with the procedures set forth in this Policy.

The Title IX Coordinator, or his or her designee will, within twenty-four (24) hours of receiving notice that the Complainant would like to proceed with the Formal Resolution process, provide the Respondent with written notification that a complaint of Sexual Misconduct has been filed, the date, time, location and factual allegations concerning the alleged violation, and a list of possible sanctions. The Title IX Coordinator will promptly contact the Respondent to set up an intake meeting to discuss the allegations against the Respondent and his/her rights under this Policy.

The Title IX Coordinator will appoint a trained investigator or investigators to conduct the fact-finding within three (3) business days of the intake meeting. The Title IX Coordinator, or his or her designee, will provide the investigator(s) with the names of the Complainant and Respondent, and the date, location, and nature of the alleged Sexual Misconduct. Generally, the Department of Campus Safety and Security conducts the investigations in most student-on-student Sexual Misconduct cases.

The Title IX Coordinator will provide both the Complainant and Respondent with the name(s) of the investigator(s). A party wishing to challenge the participation of the investigator(s) must notify the Title IX Coordinator, in writing, within twenty-four (24) hours of receiving the written notice of investigation. The party must state the specific reason(s) for the party's objection. The Title IX Coordinator will then determine whether the party's objection has merit and review the appointment of the investigator(s) to reassess whether the investigator(s) will handle complaints impartially and objectively. If the party's claim has merit or if there is a conflict of interest where the investigator(s) cannot be impartial, another investigator or investigators will be appointed by the Title IX Coordinator to conduct the investigation.

The investigation will commence within five (5) business days of the Title IX Coordinator's appointment of an investigator(s). During the investigation, each party will have an equal opportunity to submit evidence, identify witnesses, and submit questions that should be directed by the investigator(s) to the other party or to any witness (if deemed appropriate by the Title IX Coordinator). The

investigator(s) will collect and review evidence it deems necessary or helpful to the investigation of the alleged Sexual Misconduct. The investigation will include individual interviews with the parties involved and with individuals who may have observed the alleged misconduct or may have other relevant knowledge. The investigation may also include examination of medical records, surveillance video, cell phone and other electronic records, and other evidence. Within five (5) business days of the investigation's completion, the investigator(s) will provide a written report of the findings of his or her investigation to the Title IX Coordinator. Within three (3) business days of receiving the report, the Title IX Coordinator will provide such report to the Hearing Committee.

The Complainant and Respondent will each have an opportunity to review the investigative report in the presence of a College official. In response to the investigative report, both the Complainant and the Respondent will be given the opportunity to submit a written statement. The written statement must be completed by the student and can be no longer than five (5) single-spaced typed pages, using size 12 Times New Roman font and 1-inch margins. The written statement will be provided to the Title IX Coordinator, the opposing party, as well as members of the Hearing Committee. Written statements must be submitted at least three (3) days prior to the hearing date.

The Resolution process involves a hearing before a committee comprised of two (2) members of the Faculty and the Vice Provost for Student Life, or his or her designee ("Hearing Committee"). All Hearing Committee members receive training, at least annually, on the issues relating to Sexual Misconduct, including Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, and Stalking. They will also be trained regarding how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The Title IX Coordinator, or his or her designee, will select the Hearing Committee members who will participate in the hearing. Upon receiving notice from the Title IX Coordinator that a formal investigation has begun, the Title IX Coordinator has five (5) business days to assemble the Hearing Committee.

Notice will be provided to both the Complainant and Respondent indicating the members of the Hearing Committee. A party wishing to challenge the participation of a Hearing Committee member(s) must notify the Title IX Coordinator, in writing, within twenty-four (24) hours of receiving the written notice of the Hearing Committee. The party must state the specific reason(s) for the party's objection. The Title IX Coordinator will then determine whether the party's objection has merit and review the appointment of the Hearing Committee member(s) to reassess whether the member(s) will handle complaints impartially and objectively. If the party's claim has merit or if there is a conflict of interest where the member(s) cannot be impartial, another member or members will be appointed by the Title IX Coordinator, or his or her designee, to preside over the hearing.

### ***The Hearing***

After the investigation the College will provide written notice at least five (5) business days before the hearing date to both parties stating the date, time, and place of the hearing. The hearing will commence no later than fifteen (15) business days following the conclusion of the investigation. The hearing is a closed proceeding; no one other than the Hearing Committee members, the Respondent and the Complainant, and their respective advisors, witnesses (when called), and necessary College personnel may be present in the hearing room or rooms during the proceeding.

### ***Pre-Hearing Submissions***

In addition to the written statements submitted by the parties, the parties will provide the Title IX Coordinator with a list of witnesses they wish the Hearing Committee to call, copies of documents, and a description of any other information they propose to present at the hearing at least three (3) business days prior to the hearing. The Title IX Coordinator will determine whether such witnesses and documents are deemed relevant to the Hearing. The Title IX Coordinator will provide each party with a copy of the list of witnesses and copies of documents or other information submitted by each party. A party wishing to challenge the admittance of evidence and/or witnesses must notify the Title IX Coordinator, in writing, at least two (2) days before the hearing date. The party must state the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, the relevance of any proffered evidence, and whether to include or exclude certain types of evidence.

In the absence of good cause, as determined by the Hearing Committee, the parties may not introduce witnesses, documents, or other information at the hearing that were not provided by this deadline.

### ***Conduct of the Hearing***

The hearing will take place on the date and time specified in the notice of hearing. If circumstances arise that require a change in the hearing date or time, the College will provide both parties with written notice explaining the reason for such change. The College will arrange for the hearing to be recorded, and may arrange for the preparation of any transcript of the recording that the College deems appropriate. Both the Complainant and the Respondent have the right to be present at the hearing. Additionally, either party may request alternative methods of participating in the hearing, including through electronic means, if the party does not wish to be in physical proximity of the other party.

As a non-adversarial process, the hearing will not follow a courtroom model, and formal rules of evidence will not be observed. The Hearing Committee will determine the order of the witnesses and resolve any questions of procedure arising during the hearing. The College will ask for all necessary witnesses to be present, or to have provided written statements in lieu of attending the hearing. This may be done as necessary to accommodate a witness who cannot be present, or whom the Hearing Committee determines may remain anonymous. The Hearing Committee will review in advance of the hearing all the written materials provided.

Only the Hearing Committee may question the individual parties and any witnesses unless permission is granted to modify the questioning process. The Complainant and Respondent will have the opportunity to suggest questions of the other party and/or of witness. The Complainant and Respondent must submit suggested questions to the Hearing Committee in writing. The Hearing Committee reserves the right to decline to ask questions submitted by a party where it determines that the information sought is not relevant to the Resolution process.

In general, any information or questioning about the prior sexual history of the Complainant or Respondent with individuals other than the other party is precluded and will not be admitted as evidence at the hearing. Additionally, any information or questioning about either party's mental health history, diagnosis, and/or treatment is precluded and will not be admitted into evidence at the hearing. Past findings of Domestic Violence, Dating Violence, Stalking, or Sexual Assault may be admissible in the disciplinary stage that determines sanctions. After all witnesses have been questioned, each party may make a closing statement.

In order to comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, the College will not disclose documents prepared in anticipation of the hearing or documents, testimony, or other information introduced at the hearing, and any transcript of the hearing itself may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law and/or College Policy.

If either party fails to appear at the scheduled hearing, the Hearing Committee may postpone the proceedings if there is a legitimate documented reason for the absence, or proceed and determine the complaint on the basis of the evidence available, provided the absent party was duly notified of the scheduled hearing date.

If the Hearing Committee determines that unresolved issues exist that would be clarified by the presentation of additional information, the Hearing Committee may suspend the hearing and reconvene it in a timely manner to receive such information. A delay may not be based on the failure of witnesses to appear without good cause or on the proposed introduction of documents, which were readily available at the time of the hearing.

### ***Determination***

In all investigations into alleged Sexual Misconduct, the College will evaluate evidence under a "preponderance of the evidence" standard. A preponderance of the evidence means that the Hearing Committee, after careful consideration of the evidence has determined that it is "more likely than not" that the Respondent violated this Policy. The Hearing Committee must decide if the Respondent is responsible or not responsible. The Hearing Committee will provide a written statement of such determination to the Title IX Coordinator. The Hearing Committee's written report will also be sent to the Title IX Coordinator.

### ***Complainant and Respondent Impact Statements***

Within three business (3) days of the conclusion of the hearing, both the Complainant and Respondent will be given access to the record of the hearing and offered an opportunity to provide an impact statement to the Hearing Committee while it is deliberating on the appropriate sanctions. The record of the hearing may not be copied.

The impact statement may be no longer than five (5) single-spaced typed pages, using size 12 Times New Roman font and 1-inch margins. The impact statement is the student's opportunity to discuss his or her experience and the incident in question, as well as respond to how the investigation and hearing was conducted and any areas of agreement or disagreement with the investigation or hearing or determination of the Hearing Committee. The impact statement may not seek to introduce new evidence.

This impact statement must be provided to the Title IX Coordinator who will provide it to the opposing party as well and all members of the Hearing Committee.

## ii. Sanctions

The Hearing Committee may impose, including but not limited to, one or more of the following sanctions that are determined to be fair and proportionate to the violation:

- Reprimand or warning
- Changing the Respondent's academic schedule
- Disciplinary probation
- Postponement of degree conferral
- Revocation of honors or awards
- Restricting the Respondent's access to College facilities or activities
- Community service
- Issuing a No Contact Order to the Respondent or requiring that such an order remain in place
- Dismissal from or restricting or reassignment of College employment
- Suspension (limited time or indefinite)
- Expulsion

In determining appropriate sanctions, the Hearing Committee will consider any record of past violations of College policies, as well as the nature and severity of such past violation(s). The Hearing Committee will consider as part of the deliberations whether the Respondent poses a continuing risk to the Complainant and/or the College community. Any sanction imposed will be explained and supported in the written decision of the Hearing Committee. The imposition of sanctions is meant to eliminate Sexual Misconduct, prevent its recurrence, and remedy its effects, while ensuring a safe and non-discriminatory environment for the entire College community.

Within seven (7) business days from the determination of the Hearing Committee, the Hearing Committee will issue a determination letter to the Respondent and the Complainant. Both parties, concurrently, will receive a copy of this determination letter. The determination letter will contain only the following information: (i) the name of the Respondent; (ii) whether the Respondent has been found responsible or not responsible for specific violation(s) of this Policy; (iii) a list of the possible sanctions imposed, if any; (iv) the sanctions actually imposed; (v) the rationale for the sanctions imposed; (vi) the College's appeal process; (vii) any change to the results that occur prior to the time that the results become final; and (viii) when the results become final.

The College does not publically release underlying information regarding investigations unless required by law. However, after students are provided with an outcome, a student can choose whether to disclose or discuss the outcome of the conduct process.

## iii. Appeal

Either party may appeal the Hearing Committee's determination and/or the disciplinary decision. A party has three (3) grounds under which to appeal the College's determination: (i) the Hearing Committee committed procedural errors that had a significant impact on the outcome of the case, (ii) there is new evidence that was not reasonably available at the time of the hearing before the Hearing Committee, or (iii) the sanctions are not consistent with past practices or the severity of the alleged Sexual Misconduct.

Final sanctions are in effect until any timely appeal of the decision is resolved. The Hearing Committee may suspend the determination pending exhaustion of appeal, allow the student to attend classes or other activity on a supervised or monitored basis, or make such other modifications to the determination as may be advisable. Interim measures will remain in effect until the appeal is resolved.

The procedure to file an appeal is as follows:

1. A party wishing to appeal the findings of the Hearing Committee and/or sanctions imposed by the Hearing Committee must file a notice of intent to appeal within ten (10) business days of the date the party is notified of the Hearing Committee's finding and the Hearing Committee's sanctions. The notice of intent to appeal must be submitted in writing (either email or hard-copy) to the Title IX Coordinator. The notice of intent to appeal must contain the party's grounds for the appeal. If either the Complainant or the Respondent submits an appeal, the Title IX Coordinator will notify the other party within two (2) days after receipt of the notice of intent to appeal.
2. Within two weeks of filing a notice of intent to appeal, the party's formal appeal must be filed. The party should submit copies of any and all material the party wishes to provide as evidence for his/her appeal. Additionally, the party can submit a written statement that is no longer than five (5) single-spaced typed pages, using size 12 Times New Roman font and 1-inch margins.
3. In the event a formal appeal is filed, the non-appealing party is given an opportunity to review the appealing party's submissions and material and submit a written response. The response can be no longer than five (5) single-spaced typed pages, using size 12 Times New Roman font and 1-inch margins. The written response must be submitted within five (5) day after the appealing

party submits a formal appeal.

4. A committee made up of three full-time faculty members or administrators (“Appeals Committee”), which shall not include members of the Hearing Committee, will be assembled by the Title IX Coordinator. Except for appeals brought under (ii) above, the Appeal Committee’s entire review process will be based on the party’s appeal, the non-appealing party’s response to the appeal, if any, and the Hearing Committee’s record of the case. Otherwise, no additional evidence is allowed and no witnesses may be heard.
5. The Appeals Committee will make a final determination on the appeal and will report such determination in writing. The Appeals Committee shall render its decision regarding the appeal within 20 calendar days of receipt of the appeal, the non-appealing party’s response to the appeal, if any, the record of the case, and, if applicable, any new evidence pursuant to (ii) above.
6. Within three (3) business days of receipt of the Appeals Committee’s report, the Appeals Committee will concurrently issue a final determination letter to the Respondent and the Complainant.

#### D. RECORDS OF INVESTIGATIONS AND OUTCOMES

In all student cases, all information and other appropriate records will be maintained for a minimum of five (5) years from the outcome of an investigation.

**Transcript Policy:** In accordance with Article 129-B of the New York State Education Law, if a student is found responsible through the College’s conduct process for crime(s) of violence, including, but not limited to Sexual Violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. § 1092(f)(1)(F)(i)(I)-(VIII), the College will make one of the following notations on the transcript of such student. That they were:

- “suspended after a finding of responsibility for a code of conduct violation.”; or
- “expelled after a finding of responsibility for a code of conduct violation.”

If a student withdraws from the College while such conduct charge(s) is pending and declines to complete the disciplinary process, the College will note on the student’s transcript that he or she “withdrew with conduct charges pending.”

*Please see the College Policy on Transcript Notations and Appeals for further information.*

Most recent update October 5, 2015

### 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 concerning 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.

Iona College, through the Counseling Center and the Office of Residential Life, presents an annual mandatory workshop for all incoming freshman students (Residents and Commuters) that addresses Sexual Assault, Acquaintance Rape, and Relationship Violence, entitled “Preventing Interpersonal Violence on the College Campus”.

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** - A person is guilty of sexual misconduct when: 1. He or she engages in sexual intercourse with another person without such person's consent; or 2. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or 3. He or she engages in sexual conduct with an animal or a dead human body. Sexual misconduct is a class A misdemeanor.

**Rape in the Third Degree** - A person is guilty of rape in the third degree when: 1. He or she 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, he or she engages in sexual intercourse with another person less than seventeen years old; or 3. He or she 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 third degree is a class E felony.

**Rape in the Second Degree** - A person is guilty of rape in the second degree when: 1. being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or 2. he or she engages in sexual intercourse 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 rape 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. Rape in the second degree is a class D felony.

**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. Rape in the first degree is a class B felony.

**Criminal Sexual Act in the Third Degree** - A person is guilty of criminal sexual act in the third degree 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 third degree is a class E felony.

**Criminal Sexual Act in the Second Degree** - A person is guilty of criminal sexual act in the second degree 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; or 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 second degree is a class D felony.

**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 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. Criminal sexual act in the first degree is a class B felony.

**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; except that in any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and (c) the defendant was less than five years older than such other person. Sexual abuse in the third degree is a class B misdemeanor.

**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 second degree is a class A misdemeanor.

**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; 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. Sexual abuse in the first degree is a class D felony.

**Aggravated Sexual Abuse in the Fourth Degree** - A person is guilty of aggravated sexual abuse in the fourth degree when: (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 fourth degree is a class E felony.

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

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

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

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.



## INFORMATION ON BIAS-RELATED INCIDENTS AND HATE CRIMES

Iona College seeks to provide every student a safe and secure learning Environment that is free of crime and/or policy violations motivated by discrimination, sexual misconduct and bias-related harassment. Iona College recognizes and values the similarities and differences among students and recognized student clubs/organizations at the College. Discrimination, sexual misconduct and bias-related harassment disrupt the educational process and will not be tolerated. As members of the College community, students can reasonably expect that the following rights will be respected by all College offices, programs, employees, and organizations.

Students have the right to be free from discrimination by any agent or organization of Iona College based on race, color, national or ethnic origin, ancestry, age, religion or religious creed, disability or handicap, sex or gender (including pregnancy, sexual harassment and other sexual misconduct including acts of sexual violence such as rape, sexual assault, sexual exploitation and coercion), gender identity and/or expression, sexual orientation, military or veteran status, genetic information, marital status political or social affiliation or any other characteristic protected under applicable federal, state or local law.

**Definitions:** Hate crimes and bias-related incidents involve behavior that is motivated by race, religion, sexual orientation, ethnicity, national origin, gender, gender identity, age, or disability. Bias-related incidents include those actions that are motivated by bias, but do not meet the necessary elements required to prove a crime. Hate crimes are also motivated by bias with an accompanying crime, such as: threats of violence, property damage, personal injury and other illegal conduct.

Bias-related incidents are defined as behavior, which constitutes an expression of hostility, against the person or property of another because of the targeted person's race, religion, sexual orientation, ethnicity, national origin, gender, gender identity, age, or disability. Bias-related incidents include, but are not limited to: non-threatening name calling and using degrading language or slurs directed toward a person because of his or her membership (or perceived membership) in a protected class.

### **A person commits a hate crime when he or she commits a specified criminal offense and either:**

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

### **Hate crimes (Section 485.05 New York Penal Law)**

1. A person commits a hate crime when he or she commits a specified offense and either:
  - (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct; or
  - (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

### **Sentencing.**

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of this chapter, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
  - (a) the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of this chapter;
  - (b) the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this chapter;
  - (c) the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of this chapter;

- (d) the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of this chapter; and
  - (e) the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of this chapter.
4. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.

## **BIAS INCIDENT RESPONSE PROTOCOL**

### **I. INTRODUCTION AND MISSION STATEMENT OF THE BIAS INCIDENT RESPONSE (BIR) PROTOCOL**

Iona College values a community where all members feel welcomed, included, and supported. Iona College established a Bias Incident Response Protocol to ensure that all members of our community, students or employees, affected by an encounter with a bias incident have the necessary support as well as information related to available appropriate resources as soon as possible.

Iona College values the inherent dignity of each member of the Iona community, which is enriched by our diversity and sustained by civility and mutual respect. Grounded in the Iona Mission, the legacy of Blessed Edmund Rice and the Christian Brothers, the Bias Incident Response Protocol was created to advance an educational, working, and living environment free from discrimination, harassment, intolerance, and hate. The BIR Protocol may be enacted to ensure that affected students and others have access to appropriate resources, assist departments and individuals in response, and to facilitate a coordinated campus response to bias-related incidents and situations that may impact campus climate.

### **II. WHY IS BIAS INCIDENT RESPONSE PROTOCOL NEEDED?**

Some actions may violate the Code of Conduct and will be addressed through the college judicial process. Even when this occurs there may be circumstances where individuals involved will also be referred to the supportive resources enacted by the BIR protocol. Some actions and situations may not violate law or policy but, nonetheless, fail to support our vision of a community of respect, openness, understanding, and civility. This protocol not only provides assistance and support to individuals filing a report, it works with the appropriate offices to keep records of bias incidents when directed, and to recommend that members of the community have appropriate access to information related to these incidents. The members of the Bias Incident Response Team also serve as liaisons to members of the community who may not know where or how to seek appropriate resources.

### **III. WHAT DOES THE BIAS INCIDENT RESPONSE PROTOCOL AND TEAM DO?**

The purpose of the Bias Incident Response protocol is to promote an appreciation for diversity through understanding, respect, civility, and education. Individuals in the response pool will be assigned cases as individuals or small groups by the Vice Provost for Student Life or their designee. These groups will be called Bias Incident Response Teams (BIRTS). BIRTS will respond through enacting the below protocols as directed by the Vice Provost of Student Life or their designee.

The Bias Incident Response Team pool may consist of, but is not limited to, individuals who serve as members of Iona College Harassment and Discrimination pool, the Student Life Diversity Committee, the College Council Committee on Diversity, and/or members of campus student groups, administrative or academic offices. Their purpose is to:

- a. Educate the Iona College community about the protocol for reporting bias incidents and the purpose of the Bias Incident Response protocol.
- b. Assist students and employees who report bias incidents. This will be done by prompt outreach, listening to their account of their experiences, discussion and referral to resources, and available options of addressing the incident.
- c. Support individuals impacted by bias incidents and/or hate crimes, especially those who have been directly involved including any identified groups that may have been affected.
- d. Assist the VPSL and the college in the coordinated campus response to bias incidents or hate crimes that threaten or potentially threaten the wellbeing of our students or the campus community.
- e. Recommend the dissemination of accurate information to the affected person(s) and the campus community, as necessary.
- f. Assist in record keeping of the incident and follow-up action steps.
- g. Recommend and/or plan various community advocacy, educational, and awareness programming and actions that are both preventative and responsive.
- h. Work closely with the appropriate administrators, committees, organizations, and departments to help foster an inclusive and supporting campus climate for all members of the Iona community. This includes but is not limited to collaboration with and support of the College Council Diversity Committee, the Student Life Diversity Committee, the Student Government Association, and the Student Leadership Alliance for Multiculturalism.

#### **IV. WHAT THE BIAS INCIDENT RESPONSE TEAM DOES NOT DO:**

- a. We do not work parallel to or isolated from the official disciplinary, reporting, and related response protocols of the college.
- b. We are not a judicial or disciplinary body. We do not decide responsibility, guilt or innocence and are not part of the disciplinary process.
- c. We are not an investigative team. We take reports about bias incidents and we discuss options for moving forward.
- d. We are not a crisis response team. If a situation is immediately threatening, the first response is the New Rochelle Police department and the Office of Safety and Security. If the situation involves a bias incident, a bias incident report can be submitted at a later time.

#### **V. HOW IS PRIVACY PROTECTED?**

Every effort will be made to treat reporters as confidential if requested, but reports are not anonymous. We recognize that at times sensitive or personal information will come to our attention. It will be handled with discretion and respect. This will be balanced with the determination at times that the college community may need to be made aware that an incident has occurred, and what steps have been taken to address it. Options for confidential consultations are available with the appropriate members of the clergy while acting in their official capacity as well as members of the Iona College Counseling Center staff.

#### **VI. DEFINITIONS AND DETERMINING WHAT TO REPORT**

##### **Bias Incident:**

A Bias Incident is conduct or behavior—verbal, nonverbal, written or physical—which is threatening, harassing, intimidating, discriminatory, or hostile and is personally directed against or targets an individual or group based on perceived or actual characteristics including but not limited to race, color, religious belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, disability, veteran status, socioeconomic or age. Behavior reflecting bias may constitute a violation of Iona College Code of Conduct.

##### **Hate Crime:**

Federal and state statutes on hate crime vary in terms of the acts and categories of bias that are covered. Under New York State Law, a hate crime is committed when a person commits a specified offense and (1) either intentionally selects the person against whom the offense is committed or intended to be committed, or (2) intentionally commits the act or acts because of a belief or perception of the person's or group's race, color, national origin, ancestry, sex, religion, religious practice, age, disability, or sexual orientation, regardless of whether the belief or perception is correct. When a person is convicted of a hate crime pursuant to Article 485 of New York State Hate Crimes Act of 2000, the law provides for the level of a hate crime to be deemed one category higher than the specified offense, when that specified offense is a misdemeanor or a class C, D or E felony. When the specified offense is a class B or A-1 felony, the term of sentence is enhanced .

##### **Note:**

*All hate crimes are bias incidents, but not all bias incidents are hate crimes.*

*BIR reports may enact BIR protocols in addition to Code of Conduct, Title IX, and/or other related procedures as determined by the VPSL or their designee.*

##### **What are the criteria for selecting what to report ?**

When a report is received, the content is reviewed by the VPSL or their designee to determine if factors of race, color, religious belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, disability, veteran status, or age are present and if there is evidence or information pointing to possible bias.

The impact of a behavior and spoken or written expression on individuals, groups or the campus community that may not reach the level of a bias incident, but has an impact or potential impact on campus climate is also considered. Iona College protects an individual's right to free speech and open expression. However, free speech does not justify discrimination, harassment or speech that may be biased or hateful.

When recommendations of notifications to the community are made, information such as general descriptions and location of the incident when relevant may be shared. Specific Attempts will be made not to report personal identifying information to the broader community.

## VII. REPORTING A BIAS INCIDENT OR HATE CRIME

Students, faculty, and staff may report a Bias related incident directly to the Department of Campus Safety and Security, Office of Residential Life, Vice Provost for Student Life . There are multiple points of entry to report an incident and students can report through whichever appropriate pathway they are comfortable doing so.

For record keeping purposes, all reports of an alleged bias related incident should be documented in writing via the appropriate electronic mechanism at some point in the process regardless where they were first reported. The following information should be included:

- o Detailed account of incident, date, time, and location
- o Relate to the best of your ability the specific content of the words, gestures, or other behavior
- o Identify the alleged perpetrator, if known to you and/or provide a detailed description
- o List all witnesses and contact information
- o Attach or upload written information (such as e-mails or images).

## VIII. WHAT HAPPENS WHEN I REPORT?

- 1) All reports will come to the Vice Provost of Student Life and or their designee. A prompt determination of appropriate response will be made and initiated.
- 2) The reporter will receive timely confirmation of the report.
- 3) The VPSL or their designee will assign an individual or Bias Incident Response Team (BIRT) if appropriate. The BIRT will be comprised of members of the response pool. The Bias Incident Response Team pool may consist of, but is not limited to, individuals who serve as members of Iona College Harassment and Discrimination pool , the Student Life Diversity Committee, the College Council Committee on Diversity, and/or members of campus student groups, administrative or academic offices. When possible, reporters of incidents will be notified and/or consulted on the composition of the bias incident response team. This will be done in the effort of easing reporting to reduce fears of who will have knowledge of the report. Individuals in the response pool will be assigned cases as individuals or small groups.

- 4) Bias Incident Response teams will respond through enacting protocols.
  - a) A BIRT member will seek additional information regarding the incident, provide support resources, and schedule a time to meet with reporter and or affected individuals, if appropriate. The main purpose of this contact is to make sure the reporter and other individuals feel safe and cared for.
  - b) BIRT will recommend and implement, where appropriate, programs or activities
  - c) BIRT determine what recommendations\* will be made to the VPSL or their designee for notification to the Iona Community.

### **Recommendations may include:**

1. Campus wide email immediately following the response
2. Notification in the campus newspaper in the following issue
3. Post on the college website
4. Quarterly report in the campus newspaper and on the website
5. Report to the Committee on Diversity

\*Consideration will be given to the context of the incident, how it will affect campus constituencies, and consult with relevant constituencies if necessary before notifying the community.

- 5) If no action is possible or necessary, the incident will be documented.
- 6) If the incident is actionable, the BIRT will develop and recommend an action plan to then execute while documenting the plans and resolutions.
- 7) If the VPSL or their designee determine the reported incident may violate the law or Iona College policy, the appropriate protocol response will be enacted and may include but is not limited to:
  - o Student Code of Conduct
  - o Title IX
  - o Ombudsperson
  - o Harassment and Discrimination Committee
  - o Iona Human Resources/Employee Relations
  - o Supervisors/Deans/Other Campus Administrators
  - o New Rochelle Police Department

## IX. WHAT ADDITIONAL ACTION STEPS MAY OCCUR AFTER A REPORT IS FILED?

- a Responses may include, but are not limited to, identification of and referral to appropriate support service and resources (on and off campus)
- b. Facilitated campus discussions in residence halls or other locations,
- c. Recommendations for campus notices for fact sharing,
- d. Efforts towards wider educational awareness, prevention, and outreach.

## **TIMELY WARNING POLICY**

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Campus Safety & Security or Crisis Manager, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued.

Clear and consistent communication is essential during any emergency situation. As decisions are made by the Crisis Management Team, in conjunction with senior College officials, appropriate communications must be developed and distributed immediately to all key audiences: students, faculty, staff, parents, and the general public.

College distribution channels include the official College e-mail system, the College web site ([www.iona.edu](http://www.iona.edu)), voice mail, and the College emergency text messaging system. Information is also communicated via the news media (television, radio, newspapers, internet, etc.).

Iona College will not reveal the name of any victim related to a case that necessitates a timely warning.

## **MISSING STUDENT MANDATORY REPORTING POLICY**

Iona College has instituted the following policy related to missing student reporting:

1. All students, employees, or other individuals with knowledge that a student has been missing for 24 hours should report this information to:
  - The Vice Provost for Student Life
  - Director for Residential Life
  - The Director for Campus Safety and Security
2. Any official missing student report must be referred immediately to Campus Safety and Security for an initial investigation to verify basic facts. The New Rochelle Police Department will be immediately notified to conduct a Missing Student Investigation.
3. Each student residing in on-campus student housing must identify to the Office of Residential Life a contact person or persons whom the institution shall notify if the student is determined to be missing by the Department of Campus Safety and Security, or the New Rochelle Police Department;
  - All student contact information will be maintained in a confidential manner in the Office of Residential Life and this information will only be accessible to authorized campus officials;
4. If a student is under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian when the student is missing, in addition to any additional contact person that may have been designated by the student; and
5. Iona College, regardless of whether a student named a contact person, unless the New Rochelle Police Department made the determination that a student is missing, the College will notify the New Rochelle Police Department that the student is missing.

The above procedures must be followed when a student who resides in an on-campus student housing is determined to have been missing for 24 hours. The notifications are as follows:

- If the student has designated a contact person, notifying that contact person within 24 hours;
- If the student is under 18 years of age and is not emancipated, the student’s custodial parent or guardian and any other designated contact person within 24 hours; and
- Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the New Rochelle Police Department that the student is missing within 24 hours.

# IONA COLLEGE EMERGENCY RESPONSE POLICIES

## INTRODUCTION

College Campuses are not immune to incidents such as violent crimes, weather related emergencies, hazardous materials incidents, and the like. In the event of such a situation, the College's Emergency Notification System (ENS) will alert the campus community of the incident. The Office of Campus Safety and Security, as part of the Emergency Response Team, has prepared this series of guidelines for students, faculty, and staff to follow in various emergency situations. It is recommended that you become familiar with this information and keep this guide conveniently located for quick reference.

In the event of an actual emergency, Iona College has designated the following individuals who have the responsibility and authority to activate the Emergency Response Plan and Emergency Notification System:

Vice Provost for Student Life

Director for Campus Safety & Security

Iona College 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 responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Iona College conducts a practical exercise to test emergency response and evacuation procedures annually. On November 22, 2016, Iona College Campus Safety & Security and the New Rochelle Police Department participated in a joint table-top exercise related to a simulated active shooter situation that involved an emergency response and evacuation of several locations on campus. The exercise was not announced to the campus community. The Iona College text messaging notification system is tested on a regular basis.

Please report all on-campus emergencies, suspicious activities, or criminal offenses to the Office of Campus Safety and Security by dialing "2560" from any Iona College campus phone or dialing 914- 633-2560. Any of the exterior blue light emergency telephones or interior emergency telephones may also be used for direct contact with the Office of Campus Safety and Security.

## Shelter-in-Place

*What "Shelter-in-Place" Means* One of the instructions you may be given in an emergency situation is to "Shelter-in-Place." That is, to remain indoors due to a developing dangerous/hazardous situation outdoors. These guidelines are aimed at keeping you safe while remaining indoors. "Shelter-in-Place" means selecting a small, interior room if possible, with no or few windows, and taking refuge there. It does not mean sealing off your entire building or barricading the room you are using for shelter. If you are told to "Shelter in-Place," follow the guidelines provided.

## Why You Might Need to "Shelter-in-Place"

For any type of emergency where guidelines for "Shelter-in-Place" would be appropriate, information will be provided by College authorities through the Emergency Text Messaging System. The important thing is for you is to follow these guidelines and know what to do if you are advised to "Shelter-in-Place."

## How to Shelter-in-Place

Stop classes or work, or close business operations.

- If there are students, faculty, staff, or visitors in the building, provide for their safety by asking them to stay. When College authorities suggest to "Shelter-in-Place," they want everyone to take those steps now, where they are, and not drive or walk outdoors.
- Close and lock all windows, exterior doors, and any other openings to the outside.
- If you are told there is danger of explosion, close the window shades, blinds, or curtains.
- Select interior room(s) above the ground floor, with the fewest windows or vents. The room(s) should have adequate space for everyone to be able to sit in. Avoid overcrowding by selecting several rooms if necessary. Large storage closets, utility rooms, copy and conference rooms without exterior windows will work well. Avoid selecting a room with mechanical equipment like ventilation blowers or pipes.
- It is ideal to have a hard-wired telephone in the room(s) you select. Have the phone available if you need to report a life-threatening condition. Cellular telephone equipment may be overwhelmed or damaged during an emergency.
- Bring everyone into the room(s). Shut and lock the door(s).
- Be alert for ENS updates until you are told all is safe or you are told to evacuate. These updates may call for evacuation of specific areas.

## **Supplies**

For the workplace, where you might be confined for several hours, the following supplies are suggested to have available:

- Flashlight
- Battery-powered radio
- Food – high-energy foods like granola bars, energy bars, etc.
- Water
- Medications – If you use prescription medications, keep at least a small supply of these available.

## **More Information**

If you would like more information regarding Emergency Preparedness check out: American Red Cross [www.redcross.org/services/disaster/beprepared](http://www.redcross.org/services/disaster/beprepared)

## **ACTIVE SHOOTER**

### **Introduction**

An active shooter is a person who appears to be actively engaged in killing or attempting to kill people in a populated area. In most cases active shooters use firearms, and there is no pattern or method to their selection of victims. These situations are dynamic and evolve rapidly, demanding immediate deployment of law enforcement resources to stop the shooting and mitigate harm to innocent victims. College campuses are not immune to serious or violent crime. This document provides guidance to faculty, staff, and students who may be caught in an active shooter situation, and describes what to expect from responding police officers.

### **Guidance to Faculty, Staff, and Students**

In general, how you respond to an active shooter will be dictated by the specific circumstances of the encounter, bearing in mind there could be more than one shooter involved in the same situation. If you find yourself involved in an active shooter situation, try to remain calm and use these guidelines to help you plan a strategy for survival.

- If an active shooter is outside your building, you should immediately seek cover in an attempt to conceal and hide from the shooter. Proceed to a room that can be locked, close and lock all the windows and doors, and turn off all the lights; if possible, get everyone down on the floor and ensure that no one is visible from outside the room. One person in the room should call 2560 or (914) 633-2560, advise the dispatcher of what is taking place, and inform him/her of your location; remain in place until the police give the “all clear.” Unfamiliar voices may be the shooter attempting to lure victims from their safe space; do not respond to any voice commands until you can verify with certainty that they are being issued by a police officer.
- If an active shooter is in the same building you are, you should immediately seek cover in an attempt to conceal and hide from the shooter. Determine if the room you are in can be locked and if so, follow the same procedure described in the previous paragraph. If your room can't be locked, determine if there is a nearby location that can be reached safely and secured, or if you can safely exit the building. If you decide to move from your current location, be sure to follow the instructions outlined below.
- If an active shooter enters your office, classroom, or residence, try to remain calm. Call 2560 or (914) 633-2560 if possible, and alert police to the shooter's location; if you can't speak, leave the line open so the dispatcher can listen to what's taking place. If there is no opportunity for escape or hiding, it might be possible to negotiate with the shooter; attempting to overpower the shooter with force should be considered a very last resort, after all other options have been exhausted. If the shooter leaves the area, proceed immediately to a safer place, and do not touch anything that was in the vicinity of the shooter. No matter what the circumstances, if you decide to flee during an active shooting situation, make sure you have an escape route and plan in mind. Do not attempt to carry anything while fleeing; move quickly, keep your hands visible, and follow the instructions of any police officers you may encounter. Do not attempt to remove injured people; instead, leave wounded victims where they are, and notify authorities of their location as soon as possible. Proceed to a safe location, and do not leave campus until advised it is safe to do so by police.

### **What to Expect from Responding Police Officers**

Police officers responding to an active shooter are trained to proceed immediately to the area in which shots were last heard; their purpose is to stop the shooting as quickly as possible. The first responding officers will normally be in teams; they may be dressed in regular patrol uniforms, or they may be wearing external bulletproof vests, Kevlar helmets, and other tactical equipment. The officers may be armed with rifles, shotguns, or handguns, and might also be using pepper spray or tear gas to control the situation. Regardless of how they appear, remain calm, do as the officers tell you, and do not be afraid of them. Put down any bags or packages you may be carrying, and keep your hands visible at all times; if you know where the shooter is, tell the officers. The first officers to arrive will not stop to aid injured people; rescue teams composed of other officers and emergency medical personnel will follow the first officers into secured areas to treat and remove injured persons. Keep in mind that even once you have escaped to a safer location, the entire area is still a crime scene; police will usually not let anyone leave until the situation is fully under control and all witnesses have been identified and questioned. Until you are released, remain at whatever assembly point authorities designate.

## **General Quick Response Guide**

- Secure immediate area.
- Lock and barricade doors.
- Turn off lights.
- Close blinds.
- Silence cell phones.
- Block windows.
- Turn off radios and computer monitors.
- Keep occupants calm, quiet, and out of sight.
- Keep yourself out of sight and take adequate cover/protection, i.e. concrete walls, thick desks, filing cabinets (cover may protect you from bullets).
- Place signs in exterior windows to identify the location of injured persons.

## **Contacting Authorities**

- Use (914) 633-2560 to contact the Iona College Office of Campus Safety and Security
- Dialing 2560 from a campus phone will connect with Campus Safety and Security.
- Dialing 911 from a cell phone will connect you with New York State Police Emergency Enhanced 911. Be sure to give the call taker your exact location. It is advisable to program 914-654-2300 into your cell phone to call the New Rochelle Police Department directly.

## **What to Report**

- Your specific location — building name and office/room number
- Number of people at your specific location
- Injuries — number injured, types of injuries
- Assailant(s) — location, number of suspects, race/gender, clothing description, physical features, type of weapons (long gun or hand gun), backpack, shooter's identity if known, separate explosions from gunfire, etc.

## **Un-Securing an Area**

- Consider risks before un-securing rooms.
- Remember, the shooter will not stop until he or she has been engaged by an outside force.
- Attempts to rescue people should only be considered if it can be accomplished without further endangering the persons inside the secured area.
- Always consider the safety of masses vs. the safety of a few.
- If doubt exists for the safety of the individuals inside the room, the area should remain secured.

## ***HOSTAGE SITUATION***

### **If You Hear or See a Hostage Situation**

- Immediately remove yourself from any danger.
- Immediately notify the Office of Campus Safety and Security at (914) 633-2560 (or 2560 from any campus phone).
- Be prepared to give the Office of Campus Safety and Security personnel the following information:
  - Location and room number of incident
  - Number of possible hostage takers
  - Physical description and names of hostage takers, if possible
  - Number of possible hostages
  - Any weapons the hostage takers may have
  - Your name
  - Your location and phone number

### **If You are Taken Hostage**

- Remain calm, polite, and cooperate with your captors.
- Do not attempt escape unless there is an extremely good chance for your survival. It is safer to be submissive, and obey your captors.
- Speak normally. Do not complain, avoid being belligerent, and comply with all orders.
- Do not draw attention to yourself with sudden body movements, statements, comments or hostile looks.



- Be observant and attempt to memorize the physical traits, voice patterns, clothing or other details that can help provide later identification of your captors.
- Avoid getting into political or ideological discussions with the captors.
- Try to establish a relationship with your captors and get to know them. Captors are less likely to harm you if they respect you and have established a relationship.
- If forced to present terrorist demands to authorities, either in writing or on tape, state clearly that the demands are from your captors. Avoid making a plea on your own behalf.
- Try to stay low to the ground or behind cover from windows or doors, if possible.

### **If a Rescue is Taking Place**

- Do not run. Drop to the floor, and remain still with your hands clearly visible. Do not make any sudden movements as the police may not be able to clearly identify hostages from hostage takers.
- Wait for instructions from the police, and obey all instructions.
- Do not be upset, resist, or argue if a rescuer isn't sure whether you are a terrorist or a hostage.
- Even if you are handcuffed and searched, do not resist. Just wait for the confusion to clear.
- You will be taken to a safe area, where proper identification will take place as well as an interview.

### **Bomb Threats**

If you receive a bomb threat by telephone, here are some helpful things to remember:

- Remain calm. When the bomb threat is received, the person taking the call must remain calm and obtain as much information as possible.
- Do not put the caller on hold.
- Do not attempt to transfer the call.
- The person taking the call should immediately notify another staff person in the office, preferably while the caller is still on the line.
- Pay attention to the caller and his/her words and speech:
  - Does the caller have any distinguishing voice characteristics such as an accent, stuttering or mispronunciation?
  - Is the caller angry, excited, irrational or agitated?
  - Is the caller a man or woman, young, middle-aged, or old?
  - If you have caller ID, note the phone number of the caller.
- Listen for background noises (traffic, train whistle, music, radio, TV, children, airplanes, etc).
- It is important to document all that you know and hear. This should include filling out the Bomb Threat Checklist.
- Call the Office of Campus Safety and Security at 2560 from a campus phone or (914) 633-2560 from a cell phone.
- Do not evacuate the building until told to do so by the Office of Campus Safety and Security.

### **Bomb Threat Checklists**

Stay calm and collect all the information you can:

- Name of call taker
- Date and time received
- How was threat reported (telephone, e-mail, in-person, by mail)?
- Location threatened
- Exact words used to make threat

### **Questions to ask the person making the threat:**

- When is the bomb going to explode?
- Where is the bomb located?
- What kind of bomb is it?
- What does it look like?
- Who placed the bomb?
- Why was the bomb placed?
- Where are you calling from?

### **Description of caller's voice:**

- Young, old, middle-aged
- Accent
- Male, female
- Race

- Background noises
- Remarks, etc...
- Completed by: (your name)
- Phone: (your phone)

## ***WEATHER EMERGENCIES***

### **Severe Thunder Storms or Tornadoes**

The College is prepared to notify the campus community via the Emergency Notification System (ENS) of severe weather emergencies. The following terms are utilized by the National Weather Service:

- Watch: Conditions are right for a severe thunder storm or tornado to develop. Continue with normal activities, but continue to monitor the weather.
- Warning: Radar or weather spotters have identified a severe thunder storm or tornado.

#### **If you are indoors:**

- Know the location of the appropriate area(s) for your facility. This can be a basement or a ground floor hallway with no windows or a door frame.
- If you are unable to get to a room with no windows get under a desk or a table.
- Remain in a protected area until the threat has ceased or the danger has passed.
- Call the Office of Campus Safety and Security at 2560 from any campus phone or (914) 633-2560 from a cell phone to report injuries.

#### **If you are outside:**

- Try to seek shelter indoors.
- If you cannot, try to get to a protected or safe area away from buildings, windows and glass, telephone or light poles or any place where there could be falling debris.
- A low area such as a ditch or ravine or a depression works well.
- Lie face down and cover your head and face.
- Avoid any downed power lines.
- Call the Office of Campus Safety and Security at 2560 from any campus phone or (914) 633-2560 from any cell phone to report injuries and damage.

## ***FIRE AND HAZARDOUS MATERIAL EMERGENCIES/FIRE AND HAZARDOUS MATERIAL INCIDENTS***

In the event of a fire or hazardous materials emergency within a campus building, it is necessary and safest for occupants to evacuate. College policy is total evacuation.

#### **A fire or hazardous materials emergency exists whenever:**

- A building fire evacuation alarm is sounding
- An uncontrolled fire or imminent fire hazard occurs in any building or area of campus
- There is the presence of smoke, or the odor of burning
- There is an uncontrolled release of combustible or toxic gas or other hazardous material, or a flammable liquid spill

#### **To Survive a Building Fire**

*Activate the building fire alarm if it is not already sounding.*

- Pull a fire alarm station on the way out.
- If the building is not equipped with a fire alarm, knock on doors and shout on your way out. *Leave the building by the nearest exit.*
- Crawl if there is smoke.
- If you get caught in smoke, get down close to the floor and crawl. Cleaner, cooler air will be near the floor.

*Feel doors before opening.*

- Before opening any doors, feel the metal knob.
- If it is hot, do not open the door.
- If it is cool, brace yourself against the door, open it slightly, and if heat or heavy smoke are present, close the door and stay in the room.

*Go to the nearest exit or stairway.*

- If the nearest exit is blocked by fire, heat, or smoke, go to another exit.
- Always use an exit stair, NEVER an elevator.
- Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Stairway fire doors will keep out fire and smoke if they are closed and will protect you until you get outside.
- Close as many doors as possible as you leave. This helps to confine the fire.
- Total and immediate evacuation is safest. Only use a fire extinguisher if the fire is very small and you have received training. Do not delay calling emergency responders or activating the building fire alarm. If you cannot put out the fire, leave immediately. Make sure Campus Safety and the fire department are called - even if you think the fire is out.

*If you get trapped, keep the doors closed.*

- Place cloth material (wet if possible) around and under door to prevent smoke from entering.
- Be prepared to signal your presence from a window. Do not break glass unless absolutely necessary, this may cause outside smoke to be drawn inside your location.

*Signal for help*

- Hang an object at the window (jacket, shirt) to attract the fire department's attention.

If there is a phone in the room call either 2560 or 914-633-2560 from a cellular phone and report that you are trapped in your room and provide a room number and location.

- If all exits from a floor are blocked, go back to your room, close the door, seal cracks, open the windows if safe, and attempt to notify others of your location by waving something out the window, shouting or using a phone for help.

*Stop, Drop and Roll*

- If your clothes catch on fire, stop, drop, and roll, wherever you are.
- Rolling smothers the fire.

*Obstacles*

- Storage of any items in the corridors ex: bicycles, chairs, desks, and other items are strictly prohibited in all hallways and stairwells.
- Blocked exits and obstacles impede evacuation, especially during dark and smoke conditions.

*Notify emergency responders from a safe distance away from the building.*

- Call 2560 from any campus phone.
- Call 914-633-2560 from a cellular phone.

## **GUIDELINES FOR SUSPICIOUS LETTERS AND PACKAGES**

### **How to Identify Suspicious Packages and Letters**

Some characteristics of suspicious packages and letters include the following:

- Excessive postage
- Handwritten or poorly typed addresses
- Incorrect titles
- Title, but no name
- Misspellings of common words
- Oily stains, discolorations or odor
- No return address
- Excessive weight
- Lopsided or uneven envelope

### **Protruding wires or aluminum foil**

- Visual distractions
- Ticking sound
- Excessive security material such as masking tape, string, etc.
- Marked with restrictive endorsements, such as "Personal" or "Confidential"
- Shows a city or state in the postmark that does not match the return address

### **Actions to Take Once a Potential Suspicious Package Has Been Identified.**

- Stay calm – do not panic.
- Do not move or handle a suspicious package.
- Call the Office of Campus Safety and Security from any campus phone or 914-633-2560 from a cell phone.
- If there is reason to suspect that a package may contain an explosive device based on characteristics described above, do not handle the package. Leave the immediate area and contact the Office of Campus Safety and Security.
- If the suspicious letter or package is marked with a threatening message (such as “anthrax”) or if a suspicious powder or substance spills out of the package or envelope, follow these guidelines:
  - Do not clean up a suspicious powder.
  - Turn off local fans or ventilation units in the area if you suspect that a device has been activated and the fan/ventilation switches if they are quickly and easily accessible.
  - Leave the room and close the door, or section off the area to prevent others from entering. Call for assistance and keep others away from the area.
  - Wash your hands with soap and water to prevent spreading any powder to your face.
  - Remove heavily contaminated clothing as soon as possible and place in a plastic bag, or some other container that can be sealed. Give clothing bag to emergency responders.
  - Shower with soap and water as soon as possible if contaminated. Do not use bleach or other disinfectant on your skin.
  - It is important to note all people who were present in the area when the suspicious package was discovered.
  - Provide this information to Campus Safety and Security to facilitate their follow-up investigation and to obtain advice from local health authorities and outside law enforcement officials as to the best standards of care for those affected.

### **Emergency Preparedness and Response**

Emergency responders from the Office of Campus Safety and Security will assess the situation. If the suspicious letter or package is marked with a threatening message, such as “anthrax” or if a suspicious powder or substance has spilled, they will follow certain guidelines and immediately notify the New Rochelle Police Department.

## **2016 ANNUAL FIRE SAFETY REPORT ON STUDENT HOUSING**

### **On-Campus Housing Fire Safety Equipment and Plans for Future Improvement**

With the exceptions noted below, all of Iona College’s residence halls have full sprinkler systems and networked fire alarm systems. When a networked fire alarm is activated, the alarm sounds on a panel at the Campus Safety and Security Office, which is staffed, 24 hours a day, 365 days a year. The alarms are also reported to an alarm company monitoring system. An officer responds to the building and determines the cause of the alarm and whether the fire department should be notified to respond.

Iona College Residence Halls	Fire Alarm Monitoring	Full Sprinkler System	Smoke Detection	Fire Extinguisher	Number of Evacuation Drills/ year	Evacuation Plans/ Placards Residence Halls
Loftus Hall	X	X	X	X	4	X
Conese Hall	X	X	X	X	4	X
Hales Hall	X	X	X	X	4	X
North Hall	X	X	X	X	4	X
Rice Hall	X	X	X	X	4	X
Apartments at Eastchester	X		X		4	
East Hall	X	X	X	X	4	X
83 Halcyon Pl	X	X	X	X	4	X
28 Hubert Pl	X	X	X	X	4	X
34 Hubert Pl	X	X	X	X	4	X
38 Hubert Pl	X	X	X	X	4	X
2 President St	X	X	X	X	4	X
12 President St	X	X	X	X	4	X
74 President St	X	X	X	X	4	X

## **Supervised Fire Drills**

Mandatory, supervised fire drills are conducted for each residence hall in the fall and spring semesters by officers from the Office of Campus Safety and Security, Facilities Management and the Office of Residential Life. Additionally, each time new residents occupy a building during the summer sessions, a fire drill is conducted to ensure the temporary residents are familiar with evacuation routes and procedures.

## **Evacuation Policy and Procedures**

The Iona College Emergency Action Plan provides the following instructions to be followed in the case of an evacuation emergency: “Evacuation emergencies include fires, hazmat and explosion emergencies (when evacuation is directed by emergency personnel), natural gas leaks, unplanned utility outages, bomb threats and other situations in which emergency personnel direct evacuation of a building. In the event of fire or other evacuation emergencies at Iona College, all persons in the affected premises must evacuate. You will be notified of a fire or other evacuation emergency by a fire alarm signal, which may be a bell or a horn, depending on the building. Initial emergency notifications may also be followed by e-mail, text messages and phone communications (voice mail) if appropriate.

If you discover a fire or smell smoke, or discover any other hazardous emergency condition in a college facility, immediately activate the building fire alarm and call 911 first, and then the Campus Safety and Security at ext. 2560 or (914) 633-2560. Calmly alert others in the affected area that they must leave and may take only important personal possessions that are in their immediate vicinity, if they can carry such items without risk to themselves or others. Items you may take include coats, valuables, medicines, purses, wallets and keys. You should never try to retrieve items in another location in the building.

Building occupants are not required or encouraged to fight fires and may not use a fire extinguisher unless they are designated and trained by the college to do so. Any individual designated and trained by the college in the proper use of a fire extinguisher and confident in his or her ability to cope with the hazards of a fire may use a portable fire extinguisher to fight incipient fires (no larger than a waste basket). Any such efforts must be terminated when it becomes obvious that there is risk of harm from smoke, heat, or flames.

Upon hearing a building fire alarm signal, evacuate immediately unless you have specific emergency responsibilities designated in the Additional Duties section of this plan. Close windows and the doors behind you. Use the nearest safe exit, but DO NOT use elevators. If you are caught in smoke or heat, stay low where the air is better, and attempt to reach a safe exit or area of refuge.

If the door or doorknob to the hallway is hot, do not open it, as fire may be on the other side. If you are unable to leave your room or office due to heat or heavy smoke in the hallway, other obstructions, or physical disability, try to put a cloth or towel under the door to help prevent the entry of smoke. Call 911 and then the Office of Campus Safety and Security at ext. 2560 or (914) 633-2560 and give your exact location so that emergency personnel can be directed to you.

Assist individuals who are blind, visually impaired, deaf, hard of hearing or mobility impaired as needed and immediately inform the nearest emergency responder of the individual’s location. Individuals who have a disability that may impede their exit from a building in an emergency are encouraged to inform their supervisor of the nature of their disability in advance so that emergency evacuation procedures can be developed that will ensure their safe evacuation from the workplace.

Know the location of all exits from your building. All exits in college facilities are marked with EXIT signs and directional arrows. Leave the building and assemble in the designated area assigned for your building, where you will not hinder the approaching emergency response personnel and apparatus. Students and employees should attempt to account for individuals that are known to be in the building, including all visitors. Any missing individuals should be reported to the Office of Campus Safety and Security or emergency personnel. In addition, security personnel will conduct a sweep of all floors if sufficient personnel are available and it is safe to do so.

Wait for Campus Safety Officers or emergency personnel to tell you when it is safe to return to the affected building. Even though the alarm may stop, the building may not be safe to re-enter.

If re-entry to the building is not imminent, occupants will be directed to proceed to another location. Depending on the severity and scale of the event that triggered the evacuation, Campus Safety will implement procedures to account for all college employees and residents known to have been in the building, and all are expected to cooperate in the effort. To the extent possible, telephones and computers will be provided to allow employees and residents to contact family members.”

## **Fire Safety Violations and Prohibitions (including rules on portable electrical appliances, smoking and open flames)**

**Health and Safety Inspection:** Room inspections will be conducted periodically by appropriate College officials. Prohibited items will be removed to protect residents’ health and safety and to avoid fire hazards. Inspections are also done to provide preventive maintenance and to maintain the quality of the living environment. While the College maintains the cleanliness of all hallways, common rooms, and lounges, it is the student’s responsibility to keep his/her room and bathroom in an orderly condition. Below are guidelines to follow:

- do not allow empty cans, bottles or food packages to accumulate;
- remove all trash regularly;
- do not use paper to line drawers;
- do not allow soiled clothing to accumulate;
- do not possess candles, extension cords, or open coil heating devices;
- do not store brown paper bags;
- keep the microwave/kitchen area clean;
- do not overload electrical outlets (only UL surge protected power strips are allowed as extension cords.);
- use only those appliances that have been approved by the Office of Residential Life; and
- all belongings must be at least 18 inches from the ceiling/sprinkler heads.

**Fire Equipment/Alarms:** Fire alarms, extinguishers, smoke/heat sensors, emergency phones, fire doors, fire escapes and/or exit signs are placed in the residence halls to protect life and property. It is a violation of fire codes and a misdemeanor to misuse or tamper with these protective devices. Students may not place any items in a room within 18 inches of the ceiling in order to ensure the proper operation of the fire sprinkler system. Anyone starting or causing a fire, failing to evacuate during a fire alarm or tampering with a fire alarm or extinguisher for purposes other than an emergency will be subject to severe disciplinary action, including at least a \$500 fine and dismissal from Residential Life.

**Smoking Policy:** In compliance with the New York Clean Indoor Air Act, smoking is not permitted in any part of the residence halls including common areas and individual rooms. Smoking is permitted 20 feet outside the entrance of each residence hall.

**Illegal Items:** The following items are prohibited in all residence halls: electric blankets, air conditioning units, space heaters, sun and heat lamps, halogen lamps, lamps with paper shades or covers, heating coils, candles, incense, charcoal grills, open-flame devices, hot plates, dart boards, lava lamps, plug extenders, and extension cords (only power strips with surge protection are permitted). The following items are prohibited in Loftus, Rice, Conese, and South Halls: microwaves, oil popcorn poppers, toaster ovens, George Foreman Grills, toasters, hot pots and coffeepots. Skateboards, bikes and scooters may not be ridden inside any of the residence halls. All kitchen items which are allowed must be kept in the kitchen area of the suite.

The Student Code of Conduct contains a section addressing prohibited fire safety violations. A fire safety violation includes, but is not limited to storing or possession of any hazardous, flammable, or explosive materials; failure to leave a building during a sounded alarm; tampering with fire/safety equipment such as fire extinguishers, smoke detectors, pull stations, or sprinklers; false alarms or the false reporting of a bomb, fire, or other emergency on college premises or at activities sponsored by the college.” This would be a violation of Section 6 of the College Code of Conduct.

### **Fire Safety Education and Training Programs**

Many fires are caused as a result of pranks or carelessness. The cooperation of everyone is needed to avoid fire hazards. Residents and RAs are not responsible for putting out fires, but are largely responsible for their own safety. First consideration must always be the safeguarding of life. In any questionable circumstance, alert all people in the building and evacuate. In the event of suspicion of fire, notify the RA, RHD, or security immediately. It is better to report even the suspicion of a fire than to gamble that it may be a false alarm. Also, remember that you are not a trained firefighter - know and abide by your limitations. New York State law requires that three fire drills be held in residence halls during the academic year. Every resident is required to follow instructions for evacuation of the building. Failure to evacuate during a fire alarm will result in disciplinary action and a fine of at least \$500.

The following are guidelines that should be followed to prevent fire damage and bodily harm.

1. Be familiar with the exits nearest your room.
2. Do not smoke in the residence halls.
3. Do not use faulty or prohibited electrical equipment.
4. Extinguish all cigarettes before entering the residence halls.
5. Do not burn candles or incense.
6. Do not prop open corridor, entrance, or fire emergency doors.
7. When you hear an alarm, evacuate the building immediately and alert other residents on your way out.
8. Never use an elevator during a fire or fire drill. They could stop working at any time.
9. If you use a fire extinguisher in an emergency, notify your RA so that it can be refilled.
10. Do not tamper with any fire equipment including smoke alarms and fire extinguishers.

All resident students receive fire safety training from a member of the New York State Office of Fire Prevention and Control. Professional staff and resident assistants also receive Emergency Action Plan training during which fire safety and evacuation procedures are reviewed.

Iona College Residence Halls	Number of Fires in Building	Date	Time	Cause	Number of Injured	Number of Deaths	Value of Property Damage
Loftus Hall							
2016	0						
2015	1	02/22/15	2045	Trash Can Fire	0	0	0
2014	0						
Conese Hall							
2016	0						
2015	0						
2014	0						
Hales Hall							
2016	0						
2015	0						
2014	0						
North Hall							
2016	0						
Rice Hall							
2016	0						
2015	0						
2014	0						
Apartments at Eastchester							
2016	0						
2015	0						
2014	0						
East Hall							
2016	0						
2015	0						
2014	0						
83 Halcyon Pl							
2016	0						
2015	0						
2014	0						
28 Hubert Pl							
2016	0						
2015	0						
2014	0						
34 Hubert Pl							
2016	0						
2015	0						
2014	0						
38 Hubert Pl							
2016	0						
2015	0						
2014	0						
2 President St							
2016	0						
2015	0						
2014	0						

12 President St							
2016	0						
2015	0						
2014	0						
74 President St							
2016	0						
2015	0						
2014	0						

## CAMPUS SAFETY AND SECURITY POLICY ON REPORTING CRIMES

The Campus Safety Officers within the Department of Campus Safety & Security at Iona College are licensed by the State of New York as Security Guards. They do not have police or peace officer status. The New Rochelle Police Department is the agency responsible for investigating any alleged criminal offenses within the Iona College Campus.

**New Rochelle Police Department**  
**(914) 654-2300**  
**Emergency – Dial 911**

If you become the victim of a crime while at Iona College, you are strongly encouraged to report it immediately to the Department of Campus Safety and Security. Prompt reporting and specific information will increase the likelihood of achieving positive results of your incident. 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. If this is an incident of sexual assault, domestic violence, dating violence, or stalking and you are unsure if you want to report this to the local police, please advise the dispatcher. A Campus Safety Officer will be dispatched to your location, and the New Rochelle Police will be notified upon your decision to proceed with a police investigation.

Police will be notified to respond for all other appropriate incidents. If you want to have the police notified, CSS will assist you and 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 Life at ext. 2360, or obtain further information in the Iona College Student Handbook, or through the Department of Campus Safety and Security.

For crime statistics please refer to the Campus Safety and Security Annual Crime Statistics booklet. The Advisory Committee on Campus Safety can be reached at (914) 633-2245 and they will provide upon request all campus crime statistics as reported to the United States Department of Education or you may view online at [www.ope.ed.gov/security/Search.asp](http://www.ope.ed.gov/security/Search.asp) the federal website.

## CAMPUS SECURITY AUTHORITIES

Iona College has designated certain administrators and staff as “Campus Security Authorities” (CSA) in recognition that many students, faculty and staff may be hesitant about reporting crimes to the New Rochelle Police Department or the Iona College Department of Campus Safety & Security, and may be more inclined to report incidents to non-law enforcement administrators and staff instead.



Campus Security Authorities are charged with reporting to the appropriate law enforcement personnel, or to any official or office which should be informed of the crime or complaint due to the nature of the crime or complaint, those allegations of Clery Act crimes that the campus security authority concludes are made in good faith. A campus security authority is not responsible for determining whether a crime took place.

A Campus Security Authority is required to report all allegations, even if the Campus Security Authority was told of a crime in the context of providing emotional support or health care support. The allegations must be reported whether or not the victim chooses to file a report with law enforcement or press charges, although the Campus Security Authority may withhold the identity of the victim/reporting person.

If the victim/reporting person chooses to report the incident to the New Rochelle Police Department, the Iona College Department of Campus Safety & Security, or to any official or office which should be informed of the incident the Campus Security Authority must assist them in doing so.

**Crimes that should be reported to Campus Safety & Security by a “Campus Security Authority”:**

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Hate Crimes
- All liquor, drug or weapons law violations
- Domestic Violence
- Dating Violence
- Stalking

**Iona College designates the following as Campus Security Authorities:**

- Vice Provost for Student Life
- Professional staff in the Wellness Center, Counseling Center, and Office of Student Success
- Senior staff in the Office of Human Resources
- Professional staff in Athletics, including coaches
- Residential Life Professional and Student staff
- Iona College Ombudsperson for Harassment and Discrimination

**Security & Crime Awareness Programs**

During freshman orientation, students are informed of services offered by the Department of Campus Safety & Security. Information is disseminated that outlines ways to maintain personal safety and residence hall security. Similar information is also available to new employees. Crime Prevention Information, Fire Safety Information and Sexual Assault Prevention Information are offered on a continual basis by the Departments of Campus Safety & Security and Residential Life.

Annually, Iona College, in cooperation with the Counseling Center and Residential Life, offers a workshop entitled “Preventing Interpersonal Violence on the College Campus”.

Each year, the Department of Campus Safety also offers a security overview to all Resident Assistants within the Office of Residential Life.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

For a more comprehensive overview of campus crime statistics at Iona College, as well as comparative rates with other colleges nationwide, visit the Office of Postsecondary Education’s Campus Security Statistics website at: <http://ope.ed.gov/security/>

**ANNUAL STATISTICAL REPORT – IONA COLLEGE 2014 – 2016  
NEW ROCHELLE CAMPUS**

<b>Offense</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Residential Facilities</b>	<b>Total</b>
Murder/Non Negligent Manslaughter	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Negligent Manslaughter	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Sex Offenses, Forcible (Rape, Sodomy, Sexual Assault w/object and Fondling)	2016	1	0	0	1	1
	2015	1	0	0	1	1
	2014	0	0	0	0	0
Sex Offenses, Non Forcible (Incest and Statutory)	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Robbery	2016	0	0	0	0	0
	2015	0	0	1	0	1
	2014	0	0	0	0	0
Aggravated Assault	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Burglary	2016	1	0	0	1	1
	2015	1	0	0	1	1
	2014	1	0	0	1	1
Arson	2016	1	0	0	0	1
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Motor Vehicle Theft	2016	1	0	0	0	1
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Hate Crimes	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Weapons Possession	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	1	0	0	1	1
Drug Violations	2016	39	0	0	39	39
	2015	36	0	0	36	36
	2014	42	0	0	40	42
Disciplinarys / Referrals	2016					159
	2015					143
	2014					116
Arrests	2016					0
	2015					1
	2014					0

Liquor Law Violations	2016	125	0	0	125	125
	2015	106	0	0	106	106
	2014	129	0	0	128	129
Disciplinaries / Referrals	2016					325
	2015					275
	2014					308
Arrests	2016					0
	2015					0
	2014					0
Domestic Violence	2016	3	0	0	3	3
	2015	2	0	0	2	2
	2014	0	0	0	0	0
Dating Violence	2016	0	0	0	0	0
	2015	2	0	0	2	2
	2014	0	0	0	0	0
Stalking	2016	3	0	0	3	3
	2015	4	0	0	4	4
	2014	0	0	0	0	0

**ANNUAL STATISTICAL REPORT – IONA COLLEGE 2014 – 2016  
ROCKLAND CAMPUS**

<b>Offense</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Residential Facilities</b>	<b>Total</b>
Murder/Non Negligent Manslaughter	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Negligent Manslaughter	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Sex Offenses, Forcible (Rape, Sodomy, Sexual Assault w/object and Fondling)	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Sex Offenses, Non Forcible (Incest and Statutory)	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Robbery	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Aggravated Assault	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Burglary	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Arson	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Motor Vehicle Theft	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Hate Crimes	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Weapons Possession	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Drug Violations	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Disciplinarys / Referrals	2016					0
	2015					0
	2014					0
Arrests	2016					0
	2015					0
	2014					0

Liquor Law Violations	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Disciplinaries / Referrals	2016					0
	2015					0
	2014					0
Arrests	2016					0
	2015					0
	2014					0
Domestic Violence	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Dating Violence	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Stalking	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0

**ANNUAL STATISTICAL REPORT – IONA COLLEGE 2014 – 2016  
ROCKEFELLER CENTER CAMPUS**

<b>Offense</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Residential Facilities</b>	<b>Total</b>
Murder/Non Negligent Manslaughter	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Negligent Manslaughter	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Sex Offenses, Forcible (Rape, Sodomy, Sexual Assault w/object and Fondling)	2016	0	1	1	0	1
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Sex Offenses, Non Forcible (Incest and Statutory)	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Robbery	2016	0	1	1	0	1
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Aggravated Assault	2016	0	1	1	0	1
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Burglary	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Arson	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Motor Vehicle Theft	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Hate Crimes	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Weapons Possession	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Drug Violations	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Disciplinarys / Referrals	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Arrests	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0

Liquor Law Violations	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Disciplinaries / Referrals	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Arrests	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Domestic Violence	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Dating Violence	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Stalking	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0



Office of Student Life  
715 North Avenue  
New Rochelle, NY 10801-1890