

APPENDIX 1

OFF CAMPUS AND COMMUNITY RESOURCES

Outside of the School of Nursing, there are numerous organizations that provide support services for victims/survivors, often for little or no fee. While these groups are not affiliated with the School, they are included here as they can provide valuable support for members of our community. Contact information for these organizations is set forth below:

Rape Crisis Centers (affiliated with hospitals)

Bronx

North Central Bronx Hospital
Sexual Assault Treatment Program
3424 Kossuth Avenue
Bronx, NY 10467
Phone: (718) 519-5722 or (718) 519-3100

Brooklyn

Coney Island Hospital
Rape Crisis Program
2601 Ocean Parkway
Brooklyn, NY 11235
Phone: (718) 616-4209
Hotline: (800) TEL-RAPE or (800) 835-7273

New York Methodist Hospital
506 Sixth Avenue
Brooklyn, NY 11215
(Not an official rape crisis center but can collect evidence and provide other emergency medical services)
Phone: (718) 780-3000

Manhattan

Bellevue Hospital Center
Sexual Assault Response Team SAFE Center
462 First Avenue
CD Building, Ground Fl. #GA74
New York, NY 10016
Phone: (212) 562-3435 or (212) 562-3755

Mount Sinai Beth Israel
Rape Crisis & Domestic Misconduct Intervention Program/Victims Services Program
Department of Social Work
317 East 17th Street
New York, NY 10037
Phone: (212) 420-4516

Harlem Hospital, R. 6111 MLK
Center for Victim Support SAFE Center
506 Lenox Avenue
New York, NY 10037
Phone (212) 939-4609

New York-Presbyterian Hospital/Weill Cornell
Medical Center
Department of Social Work
525 East 69th Street, Box 143
New York, NY 10021
(VIP) Victim Intervention Program--Phone: (212) 746-9414
SAFE Horizon Hotline: (212) 577-7777

NYU Langone Medical Center
550 First Avenue
New York, NY 10016
(Not an official rape crisis center but can collect evidence and provide other emergency services)
Phone: (212) 263-7300

Mount Sinai St. Luke's
Crime Victims Treatment Center
411 West 114th Street, Suite 2C
New York, NY 10025
Phone: (212) 523-4728

Queens

Elmhurst Hospital
(SAVI) Sexual Assault and Violence Intervention Program
79-01 Broadway
Elmhurst, NY 11373
Phone: (718) 736-1288
Hotline: (718) 334-1418

Staten Island

Staten Island University Hospital
475 Seaview Avenue
Staten Island, NY 10305
Safe Horizon Domestic Misconduct Hotline
Phone: 1-800-621-HOPE (4673)

Rape Advocacy Agency, Staten Island
Phone: (718) 720-2591
Safe Horizon (borough-wide) Phone: (212) 227-3000 (available 24 hours)

Resources with access to confidential counseling

NYC Gay and Lesbian Anti-Misconduct Project	(212) 714-1141*
Safe Horizon: Rape and Sexual Assault Hotline	(212) 227-3000*
Safe Horizon: NYC Domestic Misconduct Hotline	(800) 621-4673*

Non-confidential resources

NYC Alliance Against Sexual Assault	(212) 229-0345
NYS Crime Victim's Board	(718) 923-4325
NYS Victim Information and Notification Everyday	(888) VINE-4NY or (888) 846-3469

*Indicates 24-hour number

APPENDIX 2

DETERMINING THE APPROPRIATE “DESIGNATED ARBITER”

Upon completion of the investigation, the Title IX Coordinator shall submit a “Report of Investigation” (ROI) to an appropriate designated arbiter (“Designated Arbiter”) for adjudication and, where appropriate, imposition of sanctions/discipline. The Designated Arbiter will be determined on a “case-by-case” basis, based on the status of the Respondent, as follows:

1. Where the Respondent is a student, the appropriate Designated Arbiter will be the Dean of the School of Nursing.
2. Where the Respondent is an employed School faculty member, the appropriate Designated Arbiter will be the Assistant Dean for Academic Affairs.
3. Where the Respondent is a School staff member, the appropriate Designated Arbiter will be the employee’s manager.
4. Where the Respondent is a third party, the appropriate Designated Arbiter will be the appropriate managerial/supervisory stakeholder.
5. Where the Respondent does not fall into any of the above listed categories, the appropriate Designated Arbiter will be determined on an *ad hoc* basis, as appropriate, as determined by the Dean of the School.

NOTE: If the appropriate Designated Arbiter in a given situation is the Respondent, that individual of course cannot serve as the Designated Arbiter in that case. In such situations, or where there is some other potential conflict between the Designated Arbiter and the Complainant or Respondent, the Dean of the School, with the advice and assistance of the Title IX Coordinator, is empowered to appoint an alternative Designated Arbiter.

APPENDIX 3

SANCTIONS AND REMEDIAL ACTIONS

Designated Arbiters are empowered to impose what they believe to be the appropriate sanctions and/or remedial actions following a determination that the School's Sexual Misconduct Policy was violated. Such sanctions and remedies include, but are not limited to:

- a. Disciplining the Respondent, up to and including expulsion and discharge/termination;
- b. Providing counseling for Complainants, Respondents, and other parties as appropriate;
- c. Issuing "No Contact" orders;
- d. Providing effective escorts to ensure that the Complainant can move safely between classes and activities;
- e. Ensuring that the Complainant and the Respondent do not share classes, work spaces, or extracurricular activities;
- f. Moving the Complainant (if the Complainant requests to be moved) or Respondent to a different residence hall or housing assignment; and
- g. Placing notations on the Respondent's transcript regarding the subject violations.

Notes Regarding Transcript Notations

It should be noted here that New York State law requires that, for crimes of violence, including but not limited to sexual violence (defined as crimes that meet the reporting requirements pursuant to the federal Clery Act, 20 U.S.C. § 1092(f)(1)(I)-(VIII)), institutions such as the School make a notation on the transcript of students found responsible after a conduct process 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." For Respondents who withdraw from the School while conduct charges are pending and decline to complete the disciplinary process, the School shall make a notation on their transcript stating that they "withdrew with conduct charges pending."

Respondents can seek removal of transcript notations for suspensions by filing a written request with the Designated Arbiter who made the initial determination regarding responsibility and sanctions (or if that person is no longer available, his or her replacement or designee), who shall have complete discretion to decide whether the request for the notation removal should be granted, provided that such notations shall not be removed before one year after the conclusion of the suspension. Respondents cannot seek removal of transcript notations for expulsions, which shall not be removed unless otherwise provided for herein.

If a finding of responsibility is vacated for any reason, all related transcript notations shall be removed.

APPENDIX 4

Given the serious and sensitive nature of Sexual Misconduct claims, the School's students and postdoctoral students/fellows shall be afforded the following rights and safeguards in connection with Sexual Misconduct investigations, adjudications, and appellate reviews (collectively "Proceedings") of reports/complaints of Sexual Misconduct allegedly perpetrated by the School's students against the School's students:

- a. The right to request that student conduct charges be filed against an Accused in Proceedings governed by this Policy and in accordance with N.Y. Educ. Law Article 129-b.
- b. The right to a process in connection with all alleged Policy violations that includes:
 - i. Notice to the Respondent describing the date, the time, location and factual allegations concerning the violation, a reference to the specific code of conduct/School Sexual Misconduct Policy provisions alleged to have been violated, and possible sanctions.
 - ii. An opportunity to offer evidence during an investigation, to present evidence and testimony at a hearing (where appropriate and if there is a hearing), and to have access to a full and fair record of any such hearing, which record shall be preserved and maintained for at least ten (10) years from such a hearing and may include a transcript, recording or other appropriate record.
 - iii. Access to at least one level of appeal of a determination before a panel that is fair and impartial and does not include individuals with a conflict of interest.
- c. Throughout Proceedings, the right:
 - i. For all Complainants, Respondents, and Reporting Individuals to be accompanied by an advisor of his/her choice who may assist and advise throughout the process, including during all proceedings (including meetings and hearings) attended by his or her advisee that are related to such process. All such advisors of choice, including attorneys, are permitted only to communicate with their respective advisees during all such proceedings, and shall be prohibited from speaking on the record, presenting evidence, making objections, or otherwise directly participating in any way in the proceedings. These limitations apply equally to advisors for Complainants, Respondents, and Reporting Individuals.
 - ii. To a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive training in conducting investigations of Sexual Misconduct, the effects of trauma, impartiality, and the rights of the Respondent (including the right to a presumption that the Respondent is "not responsible" until a finding of responsibility is made pursuant to the Policy).

- iii. To an investigation and process that is fair, impartial, and provides a meaningful opportunity to be heard, that is not conducted by individuals with a conflict of interest.
- iv. To have the School's investigation and adjudication processes run concurrently with a criminal justice investigation or proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten days, except when law enforcement specifically requests and justifies a longer delay.
- v. To review and present available evidence in the case file, or otherwise in the possession or control of the School, and relevant to the conduct case, consistent with School policies and procedures.
- vi. To exclude from consideration by any decision makers, including but not limited to the appropriate "designated arbiter" or an appellate hearing panel:
 - 1. Their own prior sexual history with persons other than the other party in the process.
 - 2. Their own mental health diagnosis and/or treatment.
 - 3. Past findings of domestic violence, dating violence, stalking, or sexual assault, except that such past findings *can* be considered in connection with determinations of discipline and sanctions after decisions regarding responsibility have already been reached.
- vii. To receive written or electronic notice:
 - 1. A reasonable time in advance of any meeting they are required to or eligible to attend.
 - 2. Of the specific rule, rules, or laws alleged to have been violated, and in what manner.
 - 3. Of the sanction or sanctions that may be imposed based on the outcome of the process.
 - 4. Of any written statements detailing the factual findings supporting any determinations of violations of the Policy and the rationale for any sanctions imposed.

- viii. To submit an “impact statement” during the point of the Proceedings where decision makers are deliberating on appropriate sanctions (whether the “impact statement” will be submitted orally or in writing is left to the discretion of the decision maker).
- ix. To simultaneous (among the parties) notification (via e-mail) of the outcome of the processes, including the sanction or sanctions imposed on the Respondent (if any) based upon the outcome of the processes, and the rationale for the actual sanction imposed.
- x. To choose whether to disclose the outcome of the Proceedings or judicial process.
- xi. To have all information obtained during the course of the Proceedings be protected from public release until all levels of review are completed and exhausted, unless otherwise required by law.

APPENDIX 5

TRAINING AND EDUCATION

During orientation and at the beginning of the academic year, all new incoming students shall receive training on the following topics:

1. The School's prohibition of Sexual Misconduct and sexual and interpersonal violence and its offering of resources to any victims and survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the School.
2. Relevant definitions, including but not limited to the definitions of Sexual Misconduct, sexual assault, domestic violence, dating violence, stalking, confidentiality, privacy, and Affirmative Consent.
3. The equal application of the School's policies regardless of sexual orientation, gender identity, or gender expression.
4. The role of the Title IX Coordinator, Hospital Security, and other relevant offices that address Sexual Misconduct, including domestic violence, dating violence, stalking, and sexual assault prevention and response.
5. Awareness of violence and the importance of taking action to prevent violence when one can safely do so.
6. Risk assessment and reduction, including, but not limited to, steps that potential victims, perpetrators, and bystanders can take to lower the incidence of violations, which may contain information about the dangers of drug and alcohol use, including underage drinking and binge drinking, involuntary consumption of incapacitating drugs and the danger of mislabeled drugs and alcohol, the importance of communication with trusted friends and family whether on campus or off campus, and the availability of institutional officials who can answer general or specific questions about risk reduction.
7. Consequences and sanctions for individuals who commit these crimes and Code of Conduct violations.

APPENDIX 6

CAMPUS CLIMATE SURVEYS

Under N.Y. Educ. Law § 6445, the School is required to conduct bi-annual “campus climate assessments” to ascertain general awareness and knowledge of the provisions of N.Y. Educ. Law Article 129-b. Responsibility for development of the School’s “campus climate assessment” will be vested in the office of the Title IX Coordinator, who is empowered to utilize all reasonable and necessary resources to do so. The “campus climate assessment” shall be developed using standard and commonly recognized research methods, and shall include questions covering, but not limited to, the following topics:

- a. The Title IX Coordinator’s role;
- b. Campus policies and procedures addressing Sexual Misconduct;
- c. How and where to report Sexual Misconduct as a victim, survivor, or witness;
- d. The availability of resources on and off campus, such as counseling, health and academic assistance;
- e. The prevalence of victimization and perpetration of Sexual Misconduct on and off campus during a set time period;
- f. Bystander attitudes and behavior;
- g. Whether Reporting Individuals disclosed to the School and/or law enforcement, experiences with reporting and School processes, and reasons why they did or did not report;
- h. The general awareness of the difference, if any, between the School’s policies and the penal law; and
- i. General awareness of the definition of Affirmative Consent.