

Student Handbook

**NEW YORK GRADUATE SCHOOL OF**  
**Psychoanalysis**

A branch of the  
Boston Graduate School of Psychoanalysis

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## **Introduction**

Psychoanalysis has revolutionized every discipline of thought since its inception. The opportunity to study psychoanalysis in depth is a recent addition to academia. The degree offered by the Masters Degree Program in Psychoanalysis at the New York Graduate School of Psychoanalysis (NYGSP) can enrich professionals personally and clinically and can augment their work in mental health, literature, medicine, education, social work, anthropology, sociology and beyond.

This handbook outlines policies applicable to students in enrolled in the program.

## **Student Affairs and Advisement**

New student orientation is held just before classes begin each fall. Orientation introduces students to the School, its personnel, and policies and procedures regarding registration, the facilities, use of the library, and prevention of sexual assault, stalking, and bias related crimes.

Each student is assigned an educational advisor upon admission to the school. The aim of advisement is the identification and resolution of problems that interfere with learning. The student meets with the advisor at least three times a semester, once before to review and approve the registration, once during to assess the student's progress, and once after to evaluate the student's performance. Advisors are responsible for both the academic and personal aspects of the student's experience at NYGSP. All registration forms are signed by the advisor. He/she follows the student's progress through the program, assessing his/her readiness to advance.

Problems identified by the advisor are brought to the attention of the student and the Advisement Committee. Recommendations are developed for addressing the difficulties. These recommendations are reviewed by the Dean of Advisement and the Program Director. Cases of significant academic difficulty may be taken to the Program Director's Council for further consideration. (Please see the discussion of academic standing below.)

## **Training Analysis**

All psychoanalytic students are required to be in a weekly training analysis with an approved training analyst.

The training analysis facilitates the student's understanding of his/her conflicts and defenses and thus enables him/her to function more effectively as a student. Approved training analysts are graduates of a psychoanalytic training institute. Credit for psychoanalysis undertaken prior to enrolling in the training program is discussed and determined at the Admissions interviews. The name of the student's training analyst, frequency of sessions, and number of sessions is included in the student's academic record. The content of the training analysis is confidential.

## **An Overview of Academic Policies**

Students are occasionally admitted provisionally if the admissions file is incomplete (e.g., missing an official transcript) or if the student's prior record indicates a trial semester would help to determine if the student is ready to undertake the program of study. Students admitted provisionally work closely with an advisor to determine readiness to continue at the end of the semester.

### **Full and Part-Time Status**

A full-time student enrolls a minimum of three courses. Part-time students take one or two courses.

### **Transfer Credit**

Transfer credit is granted for equivalent course work at recognized institutions. Equivalency credit is determined by the Admissions Committee and is based on congruency in objectives, content, and quality of previous courses. The maximum number of credits that can be transferred in is 12, except for transfer of credits from the Center for Modern Psychoanalytic Studies explained in the Articulation Agreement between the two schools, available upon request.

### **Attendance**

Attendance is an important requirement since process learning is an integral part of the education. Students are allowed two absences per class each semester. More than two absences result in a grade of no credit.

When feasible, notification of an intended absence is expected prior to the class that will be missed.

### **Grades**

Students may receive a Pass (P), Low Pass (LP), Incomplete (I), No Credit (NC) or Withdrawal (W). Students are generally evaluated on the basis of attendance, class participation, and the ability to understand, integrate, and communicate material from the readings and class discussions. This is demonstrated both in classroom discussion and written work. Specific requirements of a particular course will be conveyed by the individual instructor and are stated on the syllabus.

In addition, instructors may take this opportunity to describe students' strengths and weaknesses, resistances to learning, personality characteristics that may interfere with their work in the classroom as well as difficulties that may slow their progress in the program. These reports, which go in the student's files, are reviewed by the advisor at the end of each semester in order to address issues as they arise. Students may feel free to communicate concerns about their performance with their advisor, other members of the faculty, or the Program Director. Please see the section on Advisement.

### **Completion of Work**

All coursework in a given semester is expected to be submitted by the course deadline. Extensions may be granted at the discretion of the instructor and may not exceed one semester. Students who are given an extension to complete work are responsible for filling out a change of grade form when the work is done and having it signed by the instructor and submitting it to the Registrar. Incompletes still on the record after one semester become No Credits.

### **Academic Standing**

Students may remain in good standing, receive a warning, be placed on probation, or be asked to take a leave of absence until they can demonstrate readiness to return to the program. Generally, students receive a warning if their course work in one semester is substandard, or they receive one or more No Credit grades, depending on the total number of courses taken, or Incompletes that are not completed by the deadline. Students who are unable to complete and pass courses over two semesters may be placed on probation. The advisor and instructors will work with a student to resolve academic problems. Students are asked to take an academic leave of absence if it is felt that the remediation efforts of the School are not sufficient and that the student needs either additional analysis or life experience before being ready to study at this level. This decision may be made to address a student's academic difficulties or emotional difficulties interfering with academic progress or constructive engagement in the school community (e.g., engaging in destructive behavior). A student whose emotional difficulties make it inadvisable to pursue Field Placement internship or for whom further training may pose a risk to his or her own emotional stability may also be asked to take a leave of absence. All the decisions above are made on an individual basis.

### **Leave of Absence**

Students in good standing may request a leave of absence by writing to the Program Director, stating their reason for the leave. Requests for leave are decided by considering the reason for the leave and the need for continuity at specific stages of the program.

**Maintenance of Matriculation**

Matriculated students on leave may maintain matriculation by submitting a fee each semester for which the leave is approved. After two years, a student on leave must reapply to the program.

**Religious Observance**

An effort is made not to schedule classes during religious holidays. Students may take their permissible two absences for religious observances.

**Analytic Statements**

Statements of Individual and Group Analysis are used to document the student's fulfillment of the training analysis requirement. Analytic statements are submitted upon initial enrollment and subsequently at the beginning of each semester. Blank statements may be obtained with other student forms in the administrative office. The form is filled out by the student and signed by the student's analyst.

**Adding or Dropping a Course**

Students may add or drop a course at any time during the add/drop period, which extends through the second class session. In order to add/drop, the student fills out the Add/Drop Form (located in the administrative office), obtains the advisor's signature, and submits the form to the Registrar.

Students should remember that no more than two absences are permitted, so that adding a class after the second class meeting does not allow for the possibility of additional absences. When dropping courses, please refer to the refund policy in the Bulletin.

## **The Physical Facilities**

### **General Information**

The New York Graduate School of Psychoanalysis is located on 16 West 10th Street in New York City. It is easily accessible by both automobile and public transportation. Many of the subways and major uptown/downtown as well as the 14th Street and 8th/9th Street crosstown buses stop nearby.

NYGSP occupies the bottom three floors of a townhouse at 16 West 10<sup>th</sup> Street. The library and administrative offices, including the Program Director, Administrative Director, Registrar, and Business, are located on the street level. Classrooms are on the parlor floor, one flight up. One flight down from street level is the Treatment and Referral Service of the Center for Modern Psychoanalytic Studies. An elevator connects all three floors. Wheelchair access is available.

There are restrooms on all floors. Kitchen facilities are available upon request for special occasions.

### **Hours and Security**

The school is open Monday through Thursday from 9:00 a.m. until 9:00 p.m. and on Friday until 8:00 p.m. If a class is offered on Saturday, the school and library will be open 30 minutes before and after class.

The entrance to the administrative offices is open Monday through Thursday from 9:00 a.m. until 9:00 p.m. and on Friday until 8:00 p.m. Entrance to the building is monitored through an audio buzzer system that controls the entrance.

### **Emergency Procedures**

In case of an emergency, dial 911 from the nearest phone: the pay phone, or one of the phones in the administrative area. For non-emergency police matters, call (212) 741-4811 for the Sixth Precinct, located at 233 West 10th Street. For non-emergency fire matters, call (212) 628-2900, and your call will be directed to the nearest fire house, Squad 18, located at 132 West 10th Street.

Emergency exits are marked with illuminated exit signs throughout the building. Please familiarize yourself with these exits.

### **Americans with Disabilities Act**

NYGSP accepts and conforms to the requirements of the Americans with Disabilities Act, which calls for a guarantee that individuals with a disability have equal access and opportunity in educational institutions. Physically challenged individuals are accommodated by elevator access from the street to the basement floor and by an elevator between the floors.

### **Smoking Policy**

There is no smoking in the building. Please read the Drug-Free Schools policy in this handbook.

### **Mail Slots and E-mail Communication**

Each student has a mailbox in the student area on the classroom floor. Faculty mailboxes are located in the administrative offices. Students are asked to check their mailboxes regularly for communications from the administration and other messages. Students may leave messages for faculty in the faculty mailboxes located in the administrative office.

Many messages are sent via email and it is expected that all students have access to a computer and have an e-mail address.

### **Student Forms**

Forms that students need for a variety of record keeping purposes are kept in the administrative office. If any form is missing, it may be obtained by asking the administrative assistant or Registrar.

### **Prohibition on the Marketing of Credit Cards**

The marketing of credit cards and other forms of student solicitation are prohibited on campus.

### **Key Academic Facilities**

#### **The Library**

The NYGSP library is contained in approximately 700 square feet of space on the School's first floor, spread among three rooms, and has seating for twenty-five users. The first room includes the librarian's desk area, two copy machines, and a table seating eight. The copy machines are operated through Equitrac accounts managed by the Librarian and the Administrative Assistant. Journal and reference collections are housed in this room, as well as the reserve shelves and class readings. The second and third "quiet rooms" contain the library's circulating collection, card catalog, and two tables with chairs for fifteen users.

The NYGSP library has five computer stations, one for the librarian's use and three for library patrons. The computers are connected to a shared laser printer and have Internet access, as well as a standard array of word processing, spreadsheet and database programs. The third library room has the network capacity for three additional computer terminals.

The NYGSP Library is open Monday through Thursday from 10:00 a.m. until 9:00 p.m. and on Friday until 8:00 p.m. when classes are in session and 10:00 a.m. to 6:00 p.m. during breaks. Special arrangements can be made to use the library at other times. The Librarian is present during the peak hours, from 3:00 to 8:00 p.m., Monday through Thursday. If a class is offered on Saturday, the school and library will be open 30 before and after class.

At the beginning of each semester, the Library Committee offers a library orientation to help students become familiar with circulation, reserve, and photocopying procedures as well as the location of materials. Any questions regarding library resources should be addressed to the Librarian.

#### **The Academic Computer Center**

The library houses PC computers and printers for student use. The Librarian is available by appointment for instruction in use of on-line resources.

### **Student Association**

The NYGSP Student Association provides a venue for students to contribute energy, ideas, and expertise to the life of the School. Three elected representatives, a President, Treasurer, and Secretary, of the student body coordinate the association and are responsible for its activities. A faculty liaison advises and assists the Student Association in its communications with the administration and faculty.

The student representatives receive student questions, requests, and offers of participation and assist students in achieving the results they desire for a satisfying extracurricular life. Student meetings are scheduled twice per semester to provide a forum for the exchange of information and resources that enrich life at the School. Changes in school policies and updates in academic procedures are communicated at meetings and in writing to all students.

It is the responsibility of the representative to bring student questions, concerns, suggestions and complaints before the administration. Students are welcome to participate or share their expertise in any of the school's functions.

The Student Association collects optional yearly dues of \$30. Proceeds from student dues and events are used to improve student life in many areas, including planning social events, sponsoring discussion groups, promoting professional development, and providing seed money to other school projects. All students receive an ID card, which provides access to area libraries and discounts to museums, films, airline tickets and other services with traditionally discounted student rates.



The Program Director and the Administrative Director remain available for consultation with elected student representatives at any time.

### **Administrative Services**

#### **The Program Director**

The Program Director oversees academic policies, programs and services throughout NYGSP. The Program Director has responsibility for the allocation of resources, as well as the coordination of the School's planning and assessment activities. She and the Administrative Director, in conjunction with Director of Finance and Institutional Relations of BGSP, oversee all activities related to accreditation and the New York State Board of Education.

The Program Director is also responsible for providing to the student body satisfactory instruction. Her purview includes responsibility for academic rules and regulations as well as disciplinary rules and regulations. The Program Director is available to meet with students. Students should feel free to talk with her about any issues pertaining to their life at the Graduate School.

#### **The Administrative Director**

The Administrative Director is responsible for the daily operations and the business affairs of the school. He implements the directives of the Program Director and works with the Administrative Directors to ensure the smooth running of the school. He also shares responsibility for the financial affairs of the School.

#### **Registrar**

The Registrar maintains the academic records of the Graduate School, issues reports of grades to students, assists the Education Advisement Director, and coordinates admissions. He is consulted on matters relating to: course registration, course schedules, changes in courses, grade reports, transcripts, verification of attendance, and student address information. The Registrar also bills and collects tuition.

## **Tuition and Fees**

Current tuition and fees are published in the Bulletin and registration materials produced each semester. Changes in the tuition or fees as well as deadlines for registration, policies pertaining to adding and dropping classes, leaves of absence, and refunds are reproduced each semester in the registration materials.

## **Financial Aid**

The Graduate School offers students federal Title IV financial aid for all students matriculated at least half-time, as well as assistantships and an extended payment plan. Inquiries may be directed to either the Registrar of NYGSP or Director of Financial Aid at BGSP.

Federal Student Loans: Students seeking federal student loans or deferment on existing federal loans apply with the Director of Financial Aid.

Assistantships: A limited number of assistantships are available and granted on the basis of need and ability to perform the tasks of a specific assistantship. Under special circumstances, an assistantship may be given to a student with a skill useful to the operation of the school. Generally, assistantships are not available to first year students.

Students seeking an assistantship write a letter prior to the semester for which the assistantship is requested, stating the reasons for the request (basis of the need) and the skills that may be of use and send it to the Administrative Director. If accepted, an assistantship loan contract is executed that states the conditions of the contract, including who will supervise the work. Unworked hours will be billed to the student's account.

Extended Payment Plan: Under this plan, the full tuition may be equally divided and paid in five payments as specified in the registration materials. The application for the extended payment plan is provided with the registration materials and should be submitted with the registration form. The student submits five post-dated checks representing the five calculated payments. There is a \$30.00 fee for this service, paid at the time of registration.

## **Good Financial Standing**

Students are required to make either a complete loan application or a tuition payment in order to be admitted to class. Students not applying for financial aid or whose financial aid application is incomplete are expected to make payments in keeping with the Extended Payment Plan in order to remain in good financial standing. Students whose extended payment plan payments are not honored may lose their good financial standing.

Students who are not in good financial standing are not permitted to attend class until the situation is rectified. Please note, these may be counted as absences by the instructors. All students with outstanding balances at the end of the semester will be assessed a 1% per month financial charge until the balance is cleared. The New York Graduate School of Psychoanalysis may withhold diplomas, degrees, transcripts, and other official notice of work done at the School from students who are not in good financial standing. A student may not withdraw in good standing or graduate until all obligations to NYGSP are paid in full.

## **Refund Policy**

A student who submits a semester registration form and finds it necessary to withdraw writes a letter notifying the Registrar.

The School considers the date of withdrawal to be the date such written notification is received by the Registrar. Absence from class does not reduce financial obligation or guarantee that a final grade will not be recorded.

The refund policy schedule is different from the extended payment plan and federal student loan schedules. Therefore, receiving financial aid or making tuition payments according to extended payment plan deadlines does not ensure that a balance will not still be due if a student drops out. "All-school" fees, such as application and registration fees, are nonrefundable. The tuition refund policy schedule follows:

Withdrawal received prior to the first class meeting:	100%	refund
Withdrawal received prior to the second class meeting:	75%	refund
Withdrawal received prior to the third class meeting:	50%	refund
Withdrawal received prior to the fourth class meeting:	20%	refund

## **Student Records**

### **Access and Disclosure**

The Graduate School maintains for each student educational records that are open to inspection by that student (in accordance with the Family Educational Rights and Privacy Act [FERPA], Section 438 of Public Laws 90-247, Title IV, amended 88 Stat. 571-574, and with federal and state regulations). The school policy permits the student to have specified information released to other people, but it otherwise restricts disclosure to include school personnel who have a legitimate educational interest in the contents of the record, to officers of the Federal Department of education and to their state counterparts who supervise the enforcement, and to authorized educational research agencies who monitor institutional educational enterprise. Such recipients are bound not to disclose any personally identifiable information from the records to unauthorized third parties.

A record is kept of material requested or disclosed from the file other than that requested by the student or authorized school personnel. As in the past, school personnel will have access to those portions of a student's record that are necessary for them to perform their advisory, administrative or instructional functions. Information for other individuals or organizations will not be released without the express written permission of the student, except as allowed by the Act. Although the Act does provide that parents of dependent students may be permitted to inspect student files, NYGSP does not normally report academic information and grades to parents. Please contact the Registrar or the Administrative Director regarding information about student records.

### **Directory Information**

Certain information, classified as Directory Information, is available for public consumption unless the student specifically directs that it be withheld. Public directory information as defined by the Act includes: student's name, address, telephone number, e-mail address, date and place of birth, dates of attendance, degree and awards received, and the recent previous educational institution attended.

### **Location of Records**

Academic records for current students are maintained in the Registrar's office, while inactive files are archived.

### **Availability**

Generally, all educational records are available for inspection by students. Excepted are confidential recommendations written after the student has waived his/her right to see the recommendation, medical and psychological counseling records, parents' financial statements (when submitted in confidence), personal faculty and staff files (available only to the authors), and certain law enforcement records.

### **Inspection and Challenge of Records**

Students should make an appointment with their advisor to examine his/her record. Any student who, upon reviewing his/her file, believes a portion of it to be inaccurate or inappropriate may either enter a statement of correction or seek to have the file emended. Should no informal agreement be reached by the student and the Director of Educational Advisement on the emendation, the student may submit a written request for a hearing in accordance with the procedures described in the section on Grievance Procedures.

A student may add to his/her file at any time.

### **Avenues of Redress**

Any student who believes that his/her right to privacy or access to personal records has been in some way infringed may seek to have the situation redressed through the Director of Educational Advisement and through the Grievance process. Students also may seek redress through the Office of the U.S. Department of Education designated to review such cases. The Department has the authority to conduct a hearing where appropriate. Information on the Act and these procedures is available through the Deans office, and from FERPA, Department of Education, 330 Independence Avenue S.W., Washington, DC 20201.

## **Code of Conduct**

### **Standards for Conduct**

The following Code of Conduct is meant to guide the administration, faculty, staff and students of the NYGSP in their professional and academic relationships with each other, as well as with external agencies and the general public, in order that the highest standards of professional and academic conduct may be upheld. What follows are not laws, but standards and principles that are intended to give shape and substance to the high

ideals and aspirations that the profession of psychoanalysis has always upheld, first, for the welfare of the individual patient, and second, for society as a whole. Failure to comply with the Code of Conduct undermines the educational environment and can result in disciplinary proceedings.

## **1. General Standards of Conduct**

1-1. All persons comply with the normative standards, rules and regulations of the School, as outlined in the Bulletin, Faculty Handbook, Student Handbook, and other publications of the School, as well as all federal, state, and local laws.

1-2. All persons respect the highest standards of academic integrity. The Graduate School considers it a violation of the requirements of intellectual responsibility to submit work that is not one's own or otherwise to subvert the conditions under which academic work is performed by oneself or by others.

1-3. All persons respect the highest standards of academic freedom. All persons ensure and protect the rights of other members of the community to express their views. This entails a respect for differences. Such a violation may result in failing a course, being placed on probation, or in cases of repetitive violations, being suspended or expelled.

1-4. All persons respect the rights, dignity, and integrity of others, regardless of race, religion, national origin, ethnic identification, sex, sexual orientation, age, political affiliation or belief, or physical disability.

1-5. The Graduate School is committed to establishing and maintaining an environment free of all forms of harassment.

## **2. Specific Standards for Faculty**

2-1. Our faculty seeks to promote excellence and integrity in the science, practice, and teaching of psychoanalysis. To that end, when faculty teach, practice, and conduct research where generally recognized standards of competence are not yet established, they take reasonable steps to ensure the protection of students, patients, or research participants. Proposed research projects must be reviewed by the Institutional Review Board before data is collected. The faculty maintains a reasonable awareness of current information and developments in their area of expertise and continually undertakes to maintain and improve their professional competence. Faculty members are careful to give due credit to all those sources which directly or indirectly influence their work.

2-2. When expressing a professional opinion, faculty members purport to speak on behalf of the School only with the authorization of the Board of Trustees or Program Director.

2-3. The faculty understands the potential for exploitation in relationships with students and patients, and refrains from exploitative behavior.

2-4. The faculty has a primary responsibility to maintain the confidentiality of information revealed to them by an analysand. Information regarding the number of hours and frequency of analysis and identity of the training analyst is part of the student's academic record.

2-5. To preserve the integrity of a student's training analysis and to enable the faculty to avoid any conflict of interest, faculty do not supervise students who are their analysands. Furthermore, faculty do not serve on the research committees of students who are their analysands, do not vote on the readiness for graduation of such students, and do not vote on any administrative or disciplinary matter relating to such students. Analysands may take courses with their analysts by agreement. It is the faculty analyst's responsibility to protect the transference.

2-6. When faculty members serve in an administrative capacity, they adhere to the same standards as the administration of the School.

### **3. Specific Standards for Students**

3-1. Students appropriately document the work that they do in fulfillment of the requirements of their program and give due recognition to those who have influenced their research or written work.

3-2. Students who are expressing a professional opinion purport to speak for the School only with authorization of the Board.

3-3. Students conducting research submit a description of their proposed study to the Institutional Review Board to determine whether their research requires the informed consent of the subject. If informed consent is deemed necessary, the student researcher submit informed consent procedures to the Board for approval entailing that the researcher and the subject agree on the nature and purposes of the research and the responsibilities of each party.

3-4. All students conducting research report the results in such a way that the subjects are not identifiable.

### **4. Standards for Administration**

4-1. The administration represents the School accurately to its constituencies, to external agencies and to the general public.

4-2. The administration does not discriminate in its admissions, promotion or other policies on the basis of age, race, gender, ethnicity, national origin, religion, sexual orientation, disability or socioeconomic status.

4-3. The administration makes adequate provision for the maintenance of confidentiality of student records in their storage and disposal. The School does not release student or patient records of any kind without the written permission of the student or patient in compliance with the Family Educational Rights and Privacy Act of 1974 (the Buckley Amendment).

## **Drug and Alcohol Statement**

### **Philosophy: The NYGSP Position**

In keeping with its institutional mission, the NYGSP seeks to provide an environment which is conducive to the pursuit of psychoanalytic education. In doing so, NYGSP strives to maintain a community that reinforces acceptable standards of society.

Responsibility for the preservation of a quality educational environment rests with faculty, staff and students alike. High standards of conduct exist throughout the School, pertaining to academic performance, clinical work, scholarship, social conduct, professionalism, and personal integrity. Each person is obligated to adhere to these standards upon entrance into the academic community, and the use of illicit drugs and abuse of alcohol is impermissible. Thus NYGSP herein reaffirms its commitment to achieving a drug free campus and to the maintenance of an environment free from abuse of alcohol.

The illegal and abusive use of alcohol and other drugs by any member of the NYGSP community constitutes a threat to the institute's environment and will result in the imposition of disciplinary sanctions and possible criminal prosecution. Individuals who may be experiencing a problem with alcohol or drug abuse either directly or indirectly are encouraged to voluntarily seek assistance.

While NYGSP need not act as an agent for the civil authorities, it will regard any member of the School community under the influence of intoxicants or drugs as fully responsible for his or her acts. All provisions of the Code of Conduct, including the full range of possible penalties, will be applicable in these cases. A plea of mitigating circumstances due to the consumption of alcohol or drugs will not be accepted in disciplinary hearings.

NYGSP will impose the full range of disciplinary sanctions on any member of the NYGSP community who violates the standards of conduct associated with the unlawful possession, use or distribution of drugs and alcohol.

State Alcohol Abuse Penalties:

- Unlawfully Dealing with a Child - It is unlawful to give or serve alcohol (or cause it to be given or sold) to a person under the age of 21. This is a Class A misdemeanor. Penalty could be up to one year's imprisonment and a \$1000 fine.

- DWI-Driving While Intoxicated (by drugs or alcohol) is a misdemeanor punishable by up to a year in prison and up to a \$500 fine.
- DWAI-Driving While Ability Impaired by Alcohol is a violation punishable by up to 15 days' imprisonment and up to a \$350 fine.
- Liability of One Serving a Person Under Age 21-Anyone who furnishes or assists a person under 21 years of age in procuring alcoholic beverages is liable for any damages caused by that underage person while under the influence.
- Dram Shop Liability-Any person who sells alcoholic beverages or unlawfully assists an intoxicated person to procure alcoholic beverages is liable for any damages caused by that person while under the influence.
- Fraudulent Document - It is in violation of state law for a person under the age of 21 years to present false evidence of age to procure alcoholic beverages. Possessing such false evidence may also be criminal possession of a forged instrument within the meaning of the penal law. The penalty for using fraudulent means to obtain alcoholic beverages may include probation up to a year and a fine up to \$100.

It is also a violation of state law to appear in public under the influence of narcotics or a drug other than alcohol to a degree that it may endanger him/herself or other persons or property, or annoy persons in his/her vicinity. Penalty could include 15 days' imprisonment and a \$250 fine.

### **Drinking and Driving**

1. Driving while ability impaired. No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the consumption of alcohol.
2. Driving while intoxicated; per se. No person shall operate a motor vehicle while such person has .10 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva.
3. Driving while intoxicated. No person shall operate a motor vehicle while in an intoxicated condition.

## **Legal Sanctions for Drug Offenses**

### **Federal**

The Federal Controlled Substances Act provides penalties up to 15 years imprisonment and fines up to \$25,000 for unlawful distribution or possession of a controlled substance (see below), a person may be subject to one year of imprisonment and fines of up to \$5,000. Any person who unlawfully distributes a controlled substance to a person under 21 years of age may be punished by up to twice the term of imprisonment and fine otherwise authorized by law.

Federal trafficking penalties for Schedule I & II drugs range from a minimum of 5 years to a maximum of life in prison. Penalties for trafficking Schedule III & IV drugs range from 3 to 5 years in prison and a fine of \$25,000. Federal penalties for trafficking marijuana range from 5 to 10 years of imprisonment and up to a \$5 million dollar fine.

### **New York State**

The State of New York has established severe sanctions for the possession, use, and sale of controlled substances, which are consistent with Federal penalties, established for such. The specific criminal sanctions are delineated in the New York State Penal Law. The severity of the offense depends on the type and quantity of the illegal substance, as well as the holder's intent (personal use, distribution or sale). For example, in New York State, the criminal possession of four or more ounces of cocaine is a class A-1 felony, punishable by a minimum of 15-25 years. Unlawful possession of marijuana (section 221.05 NYS Penal Law) is a violation, resulting in a fine of not more than \$200 for the first offense. Additional violations result in larger fines and the imposition of misdemeanor criminal charges, which include the establishment of a permanent criminal record.

#### **\* TYPES OF DRUGS**

- Schedule I: Heroin, LSD, Mescaline, Psilocybin, Other Hallucinogens, PCP, Quaalude, and MDA.
- Schedule II: Morphine, Demerol, Codeine, Percodan, Fentanyl, Diludid, Seconal, Nembutal, Cocaine, Ecstasy, Amphetamines and other opium and opium extracts and narcotics.
- Schedule III: Certain barbiturates such as amobarbital and codeine containing medicines such as Fiorinal #3, Doriden, and codeine-based cough suppressants and all anabolic steroids.
- Schedule IV: Barbiturates, narcotics and stimulants, including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Placidyl, Tranzene, Serax, Ionamin (yellow jackets).
- Schedule V: Compounds that contain very limited amounts of codeine, dihydro-codeine, ethylmorphine, opium and atromine (Robitussin AC)
- Schedule VI: Marijuana, Hashish, Hash Oil, Tetrahydrocannabinol.

Under Penal Law "sell" under Controlled substances definitions means to sell, exchange, give or dispose of to another, or to offer or agree to do the same.

### **Health Risks Associated with Alcohol and Other Drugs**

Habits of substance abuse often lay the groundwork for future addictions. Driving under the influence of substances, including alcohol, can lead to harm of the driver, passenger and others. Immediate deleterious effects of sustained or substantial alcohol and drug use include fatigue, depression and lack of motivation as well as physical symptoms such as hangover, stomach upset and headaches. Student health centers report that alcohol-related injuries continue to be a significant problem.

Alcohol is often a factor in various forms of violence. Overdosing on alcohol or other drugs has resulted in student deaths at colleges and universities throughout the country.

Long-term physical and psychological effects of alcohol abuse include cirrhosis of the liver, gastrointestinal disorders, increased risk of coronary artery disease, sexual dysfunction, certain cancers and fetal alcohol syndrome. With cocaine and other stimulants, insomnia, depression, fatigue and impotence are the potential long-term effects. Marijuana has been implicated in chronic lung disease, certain cancers, reproductive problems and a suppression of the immune system. The major concern with barbiturates, tranquilizers and other sedative-hypnotics such as Quaaludes is overdose and potentiation with alcohol.

Those concerned about their own substance use or about a friend's substance abuse can seek assistance with complete confidentiality. Students should contact the Director of Advisement, and faculty members should contact the Program Director.

## **Sexual Assault and Bias-Related Crime Information**

### **Introduction**

NYGSP is committed to providing a safe environment for its students, staff, faculty, and general public. As a graduate program offering a degree in psychoanalysis, we are mindful that our education admits to the prevalence of sexual and aggressive impulses. Our policies are directed toward behavior and do not purport to regulate beliefs, attitudes, or feelings. This understanding, however, in no way condones behaviors defined by federal and state law to be a crime. In July 2015, New York State passed legislation designed to prevent the occurrence of sexual crimes involving college and university students and to promote policies and procedures that provide an appropriate response should they occur. The following information will help students to recognize acceptable and unacceptable behaviors, potential consequences of engaging in unacceptable behavior and NYGSP's response to reports of such behavior.

### **Affirmative Consent to Sexual Activity**

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent may be withdrawn at any time and cannot be given by a person who is incapacitated by lack of consciousness or sleep, is involuntarily restrained or otherwise coerced, intimidated, forced or threatened with harm. Participants who are under the influence of drugs or alcohol may be too intoxicated to consent.

### **Sexual Assault and Interpersonal Violence**

Sexual assault is a crime. Its offenses include rape, sodomy, sexual and aggravated sexual abuse, and sexual misconduct. Sexual harassment is also a crime and includes, but is not limited to, stalking, unwanted touching, unwanted verbal or physical contact, and adverse conduct based on a person's sexual orientation. Interpersonal violence includes domestic and dating violence. Sexual assault, sexual harassment and interpersonal violence can occur between persons of the same gender or the opposite gender. It can occur between faculty/administration and student, student and student, and faculty and administration. The penalties for those convicted of such crimes range from a few months for a misdemeanor to twenty-five years for a felony.

### **Protecting Against Sexual Assault**

- The possession, abuse, and distribution of illicit drugs by students and employees are strictly prohibited.
- The abuse of alcohol by students and employees is strictly prohibited.
- All visitors to NYGSP must identify themselves and are buzzed in upon confirmation of identity and purpose for visit.
- The director sends out periodic e-mails to members of the community regarding safety issues.

Any student who has been the victim of sexual assault or harassment and/or interpersonal violence has the choice to

- Notify proper law enforcement authorities, including local police;
- Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
- Decline to notify such authorities.



## Reporting Sexual Assault, Sexual Harassment, Interpersonal Violence

### *Student's Bill of Rights*

All students have the right to:

1. Make a report to local law enforcement, the New York City Police Department;
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 judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

Any member of the NYGSP community may report incidents of sexual assault or harassment. Any individual who believes he or she has been a victim of such conduct or who wishes to discuss an incident or to seek guidance may contact any member of the faculty or administration. Students who report incidents of sexual assault or harassment to their psychoanalyst are covered by confidentiality. The analyst is not required to report the information to the institution. Reports to other NYGSP faculty or administrators are covered by privacy; the student's information may be shared with the appropriate NYGSP officials as required by NYGSP policies, while limiting disclosure as much as possible.

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

### NYGSP Response to reports of sexual assault or harassment

All complaints from reporting individuals will be taken seriously and those individuals treated with respect and dignity. The reporting individual will be advised of all their rights including emergency access to the Title IX Coordinator. Referrals to medical, legal and other support resources and services will be provided as appropriate at the time of the report. The complaint will be investigated and adjudicated in an impartial, timely, and thorough manner, and guarantees the rights of a respondent (the person accused of the assault or harassment), to a presumption that the respondent is "not responsible" until a finding of responsibility is made pursuant to an investigation governed by the institution's policies and procedures. If the respondent is found responsible of the sexual assault or harassment, consequences range from warning, suspension to expulsion and may have a notation of such finding added to the respondent's transcript. Victims of such offenses are

strongly advised to discuss the issue in their psychoanalysis, a requirement for matriculation in the program. In addition to reporting incidents to the school, the individual may seek legal redress. NYGSP will cooperate with the individual in this action. There is a distinction between the criminal investigation of an incident governed by penal law and the college investigation of an incident governed by the Clery Act, The Violence Against Women Act, and Education law. These differences are outlined in the Appendix to this handbook.

Any student, staff member, or faculty who exercises bad faith and brings false, malicious, or frivolous charges may be subject to disciplinary action

**Additional resources for victims of sexual assault, harassment or interpersonal violence may be accessed through the NYGSP website and are listed below:**

State-wide Resources:

Counseling & Advocacy Hotlines | Law Enforcement

Counseling & Advocacy Hotlines

To disclose confidentially the incident and obtain services from the New York State, New York City or county hotlines:

<http://www.opdv.ny.gov/help/dvhotlines.html> . Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906 ), and assistance can also be obtained through:

- SurvJustice: : <http://survjustice.org/survivors/>
  - This national resource provides legal assistance to survivors in campus, criminal and civil legal systems. To seek assistance, fill out an inquiry form on the SurvJustice official website.
- Legal Momentum: <https://www.legalmomentum.org/>
  - The Legal Momentum website provides detailed publications and resources for survivors of sexual, interpersonal, and domestic violence. Additionally, the website has assembled toolkits for survivors on: finding lawyers, sexual harassment laws, stalking, and how to file complaints
- NYSCASA: <http://nyscasa.org/get-help/>
  - NYSCASA is a nonprofit organization dedicated to providing emotional support, technical assistance, and resources for survivors of sexual violence through rape crisis centers and a 24/7 crisis hotline.
  - If you have been sexually assaulted, call the New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906 |
- NYSCADV: <http://www.nyscadv.org/>
  - NYSCADV works to ensure the provision of effective and appropriate services to survivors through community outreach, training, technical assistance, and policy development.
  - The New York State Domestic Violence 24-Hour Hotline [English & español/ multi-language accessibility]: 1-800-942-6906 |
  - The National Domestic Violence 24-Hour Hotline: 1-800-799-7233 or 1-800-787-3224 (TTY) |
- Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>
  - Pandora's Project aims to provide an inclusive online forum for survivors of rape and sexual abuse, with focused resources for survivors that identify as LGBTQI. This resource is not meant to take the place of a crisis hotline, but is an excellent support community for LGBTQI victims and survivors.
- GLBTQ Domestic Violence Project: <http://www.glbtdvp.org/>
  - This national resource supports GLBTQ victims and survivors through a 24-Hour domestic violence hotline, emergency safe home, legal services, crisis intervention and safety planning, housing and employment advocacy, sexual assault case management, and ongoing supportive services
  - Hotline: 1-800-832-1901 |
- RAINN: <https://www.rainn.org/get-help>
  - RAINN is the nation's largest anti-sexual violence organization, and operates the National Sexual Assault Hotline in partnership with many local rape crisis centers across the country.
  - National Sexual Assault Hotline: 1-800-656-HOPE(4673) |
  - National Sexual Assault Online Hotline: <https://ohl.rainn.org/online/> |
- Safe Horizons: <http://www.safehorizon.org/>
  - Safe Horizon takes action by providing practical services like a new lock, 24-hour hotlines, safe shelter, and food as well as supportive services like mental health counseling.
  - Safe Horizon Hotline: 1.800.621.HOPE(4673) |
- National Sexual Assault Hotline: 1-800-621-HOPE(4673) |
  - The National Sexual Assault Hotline is operated by RAINN and provides 24/7 support for victims and survivors of sexual violence

(note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Victims/survivors are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).

**Bias-Related Crime Defined**

A person commits a bias-related/hate crime, commonly referred to as “harassment” or “discrimination,” when he or she commits a crime as defined by federal or state statutes “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 person. Such crimes can be committed against either person or property.

**Prevention of Bias Related Crimes**

- School policy requires that all persons are treated with respect and understanding
- NYGSP supports the elimination of biased language in its written and oral examination and requests that employees employ bias-free language principles in all its media.

**Reporting Bias-Related Incidents**

All members of the community are responsible for reporting incidents of bias related conduct. Any individual who believes he or she has been a victim of such conduct or who wishes to discuss an incident or seek guidance may contact any member of the faculty or administration. NYGSP will seriously and thoroughly investigate any complaints and take appropriate action, which can range from a recommendation of further analysis to suspension or expulsion. Victims of such offenses are strongly advised to discuss the issue in their psychoanalysis, a requirement for matriculation in the program.

In addition to reporting incidents to the school, the individual may seek legal redress. NYGSP will assist a member of the community.

Any student, staff member, or faculty who exercises bad faith and brings false, malicious, or frivolous charges may be subject to disciplinary action.

**Reporting Crimes**

Anyone who has been the victim of a crime or who believes him/herself to be a victim of a crime in a school related event can report the incident to the local law enforcement agency, the Sixth Precinct, at (212) 741-4841, in addition to any action taken with the school. NYGSP will cooperate fully with any legal investigation.

Additional guidance for crime victims can be found at the Office of Victim Services website:

<https://ovs.ny.gov/>

## **Hazing, Stalking, and Domestic Violence Information**

### **Hazing**

Hazing is any activity expected of someone joining or participating in a group that humiliates, degrades, abuses, or endangers them regardless of a person's willingness to participate and includes the following actions.

"To haze another person, regardless of the person's consent to participate. Hazing means an act that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization, (1) could be seen by a reasonable person as endangering the physical health of an individual or as causing mental distress to an individual through, for example, humiliating, intimidating, or demeaning treatment, (2) destroys or removes public or private property, (3) involves the consumption of alcohol or drugs, or the consumption of other substances to excess, or (4) violates any University policy." (From Cornell University definition)

All members of the NYGSP community are responsible for reporting incidents of hazing. Any individual who believes he or she has been a victim of hazing or who wishes to discuss an incident or seek guidance may contact any member of the faculty or administration. NYGSP will seriously and thoroughly investigate any complaints and take appropriate action, which can range from a recommendation of further analysis to suspension or expulsion. Victims of hazing are strongly advised to discuss the issue in their individual psychoanalysis (a requirement for matriculation in the program).

In addition to reporting incidents to the school, the individual may seek legal redress. NYGSP will assist a member of the community to do so. Any student, staff member, or faculty who exercises bad faith and brings false, malicious, or frivolous charges may be subject to disciplinary action.

For more information and resources on hazing, see: [www.stophazing.org](http://www.stophazing.org)

### **Stalking**

Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Stalking can include:

- Repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email.
- Repeatedly leaving or sending victim unwanted items, presents, or flowers.
- Following or laying in wait for the victim at places such as home, school, work, or recreation place.
- Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets.
- Damaging or threatening to damage the victim's property.
- Harassing victim through the internet.
- Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth.
- Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting victim's friends, family work, or neighbors, etc.

Source: Stalking Resource Center, National Center for Victims of Crime

Any individual who believes he or she has been a target of stalking or who wishes to discuss an incident or seek guidance may contact any member of the faculty or administration. Victims of stalking are strongly advised to discuss the issue in their individual psychoanalysis (a requirement for matriculation in the program).

In addition to reporting incidents to the school, the individual may seek legal redress. NYGSP will assist a member of the community to do so. Any student, staff member, or faculty who exercises bad faith and brings false, malicious, or frivolous charges may be subject to disciplinary action.

For more information and resources on stalking, see: [www.justice.gov/ovw/stalking#resource-tips](http://www.justice.gov/ovw/stalking#resource-tips)

### **Domestic violence**

Domestic Violence Defined: Also known as domestic abuse, domestic violence is a pattern of behavior used to establish power and control over another person through fear and intimidation, often including the threat or use of violence.

Some signs of domestic violence and abuse are more obvious than others. These are a few of the most common:

Does your partner ever...

- Accuse you of cheating and being disloyal?
- Make you feel worthless?
- Hurt you by hitting, choking or kicking you?
- Intimidate and threaten to hurt you or someone you love?
- Threaten to hurt themselves if they don't get what they want?
- Try to control what you do and who you see?
- Isolate you?
- Pressure or force you into unwanted sex?
- Control your access to money?
- Stalk you, including calling you constantly or following you?

Any individual who believes he or she has been a victim of domestic violence or who wishes to discuss an incident or seek guidance may contact any member of the faculty or administration. Victims of domestic violence are strongly advised to discuss the issue in their individual psychoanalysis (a requirement for matriculation in the program).

In addition to reporting incidents to the school, the individual may seek legal redress. NYGSP will assist a member of the community to do so. Any student, staff member, or faculty who exercises bad faith and brings false, malicious, or frivolous charges may be subject to disciplinary action.

For more information and resources on domestic violence, see:  
[www.safehorizon.org/page/domestic-violence-get-help-10.html](http://www.safehorizon.org/page/domestic-violence-get-help-10.html)  
or  
[www.manhattanda.org/resources-victims-domestic-violence](http://www.manhattanda.org/resources-victims-domestic-violence).

## **Grievance Procedures**

### **Resolution of Student Grievances with Members of the Faculty or Administration**

A grievance is limited to actions injurious to the aggrieved party. The grievance process must be initiated within thirty days of the incident. Grievances are addressed in informal discussion between the immediate parties to a dispute. If this discussion fails to produce a satisfactory resolution, an aggrieved student seeks the advice and assistance of his or her advisor, another member of the faculty, or the Program Director.

If following such consultation and assistance the matter remains unresolved, the aggrieved student may in a written petition describing fully the nature and grounds of the grievance request the Director of Educational Advisement to review the disputed matter. The Director of Educational Advisement will review the dispute in a manner deemed appropriate to the case at hand and report any recommendations to the parties.

In extraordinary cases, an aggrieved student may request a further review by the Grievance Committee, which will include three faculty members and a student representative agreed upon by both parties. Full cooperation with the committee is expected of all members of the academic community. Upon completing its review, the committee shall report its recommendations to the Program Director, whose decision is final.

### **Resolution of Grievances with Students: Student Discipline Investigation of Complaints**

Anyone at the Graduate School may bring a complaint against a student for allegedly violating the Code of Conduct. All complaints should be made to the Program Director who administers the Code of Conduct. The Program Director is then responsible for investigating the complaint and for deciding, within a reasonable period of time, its appropriate disposition. The Program Director may decide:

1. There is no basis for the complaint, and it should be dismissed.
2. There is no substantial dispute on the facts of the case, but the act or acts of the student do not constitute an offense under the Code of Conduct.
3. There is no substantial dispute on the facts of the case, and it is agreed that the facts of the case warrant a finding that the accused student has committed an infraction of the Code of Conduct. The Program Director will decide the penalty, make record of it, and see to its enforcement.
4. There is substantial dispute between the two parties on the facts of the case, and the Director of Educational Advisement will request formation of an ad hoc Committee on Discipline to review the facts. This committee will be composed of three members of the faculty elected by the Faculty Council, one member of the Student Association, and the Administrative Director. The committee's recommendation is given to the Program Director for appropriate disposition.

Cases that must go before the committee should do so in a timely fashion.

### **Preparing for the Hearing/The Hearing**

The Program Director must inform both parties of their rights when brought before the committee or when bringing a complaint. These are:

1. To receive a written statement of the complaint, a copy of the procedures of the ad hoc Committee on Discipline, and notice of the time and location of the hearing. This information should normally be received at least a week in advance of any hearing so that the student may prepare adequately for the hearing. The student complained against may petition the Chair of the Committee for more time to prepare his/her case.
2. To have a hearing before the Committee at the earliest possible date consonant with the right to advance notice.
3. To be present at the hearing.
4. To call witnesses and present evidence; to hear and to question witnesses; and to review and to question all written testimony submitted. The Committee cannot consider statements against a student unless the student has been advised of their content and the names of those who made them and given the opportunity to rebut.
5. To have all evidence upon which a decision may be based introduced at the formal hearing and the decision based solely on such evidence.

6. To select an advisor from the Graduate School and to have that advisor present during the hearing. The advisor to the student complained against may assist him/her in preparing the case and provide support during the hearing. The advisors are present not to act as legal counsel, but to assist and support the students and to give advice on procedural matters.
7. To challenge any member of the Committee on Discipline with conflict of interest in the case. Prior acquaintance does not, in itself, constitute conflict of interest. The Program Director as Chair of the Committee will hear the challenge in the absence of the other members of the Committee and will decide it. If the Chair is challenged, then the Appeal Board must make the determination and, if necessary, appoint a temporary chair for the hearing.
8. To submit an appeal to the Appeal Board at the conclusion of the hearing before the Committee on Discipline.

The Program Director will chair all hearings and, if necessary, make any additional rules of procedure beyond those specified here. The Chair will maintain good order, recognize who is to speak, and preside over the hearing and the deliberations of the Committee following the hearing. She will not, however, actively participate in the disposition of the case until the Committee has decided whether the accused student has committed a violation. The Chair will then communicate to the Committee the contents, if any, of the student's disciplinary record. She will also clarify for the Committee, on request, existing precedent about the range of penalties imposed for the particular violation. The Chair will be responsible for keeping a summary record of the proceeding. Hearings may be taped at the discretion of the Chair, or in response to a request from members of the Committee or to a request of either the complainant or the accused student. If the student chooses to request a hearing before the Appeal Board, the Chair of the Committee on Discipline will share the record of its deliberations with the Appeal Board.

All hearings of the Committee will be confidential except when both the aggrieved party and the student complained against agree to open the hearing and the Chair concurs. An open hearing may be closed at any time, if the Chair determines that the presence of spectators interferes with the conduct of the hearing or might undermine the integrity of the process.

The burden of proof rests on the complainant or, if the Director brings the case, on her. The Committee may consider any testimony or evidence it has reason to believe is trustworthy and pertinent and has probative value, except that any statement made by a student in confidence to an official of the school, with the mutual understanding it was made in confidence, shall be privileged if the student wishes it to be. The Committee has the right to call witnesses and to oblige any member of the school to appear.

A majority vote will decide each case a quorum being present; a quorum will be two faculty members and one student representative. A copy of the Committee's finding will be sent to the student complained against and to the complainant.

A copy of the finding will also be kept in a confidential file on the Code of Conduct in the office of the Director of Educational Advisement. This file will be accessible exclusively to the Director of Educational Advisement and, through her, to the members of the Committee on Discipline at the point if and when the Committee has determined a student committed a violation. If the hearing is taped, the recording will be deposited in the same confidential file in which the other records of the case are kept.

Unless the student accused of an offense requests otherwise, the Director will destroy all these records upon the student's graduation. If the complaint is dismissed, the records of the student complained against will be cleared of any reference to the complaint. A permanent record of all cases with names of the parties removed will be maintained by the Director and accessible by future Chairs for the purpose of revising the Code

### **Penalties**

The Program Director of the Committee on Discipline hears all cases involving alleged violations of the Code of Conduct, and only she is empowered to impose penalties upon those found to have violated provisions of the Code. The only exceptions shall be: (a) in cases of academic dishonesty in which the instructor is responsible for imposing a course penalty, and (b) in cases in which the Program Director is convinced that a student might pose a physical danger to any member of the school community. In the latter case, the Program Director may either have a student removed from or prevent him/her access to the campus. A substitute Chair for the Committee on Discipline is chosen by the Program Director's Council and the Director must bring the case against the student before the Committee within one week of denial of access to, or removal from, any of the school premises.

A student found to have violated the Code of Conduct is subject to one or more of the following penalties, depending on the nature of the violation and of his/her prior disciplinary record:

1. **Warning:** A written admonition that will be considered in determining penalties if future violations occur.
2. **Fines:** These may be assigned for minor infractions of the Code when appropriate. They may also be used in cases of damage to school or personal property, but in cases of serious and/or repeated acts of destruction or vandalism, the imposition of fines must be combined with other disciplinary penalties.
3. **Limitation on Participation:** A student may be penalized by being barred from participating in school activities.
4. **Community Service and Other Alternatives:** The Director of Educational Advisement or the Committee on Discipline can impose particular forms of community service and a number of hours to be worked. The Director of Educational Advisement will be responsible for supervising the implementation of the community service. The Director of Educational Advisement may also require attendance, when appropriate, at drug or alcohol workshops or other similar alternatives suitable to the nature of the infraction.
5. **Disciplinary Probation:** A strong warning in writing which specifies that further infractions of the Code during a student's time at the NYGSP will, in most instances, lead to suspension, dismissal or, in very serious cases, expulsion from the school. A student on disciplinary probation may be barred from some or all extracurricular activities for a defined period.
6. **Course Penalties:** Acts of cheating or plagiarism should result in a student's receiving a failing grade. The instructor, after consultation with the Director of Educational Advisement or Program Director, has the discretion to decide whether the grade should be imposed for the particular assignment or for the whole course. All such acts will be part of the student's general file. The Director of Educational Advisement, Program Director, or the Committee on Discipline may impose other penalties as well, from disciplinary probation to expulsion, depending on the seriousness of the offense and the student's previous record.
7. **Suspension:** The rights and privileges of being a student at NYGSP may be suspended for a specific period of time, the minimum of which will be to the end of the current semester. The student must not return until the end of the period of suspension. Readmission is not necessary.
8. **Withholding of Degree:** In disciplinary cases involving advanced candidates preparing to graduate at the conclusion of the semester during which the violation occurred, the Graduate School may withhold the degree. The student may be permitted to finish the requirement of graduation but the awarding of the degree will be delayed.
9. **Dismissal:** A student may be required to leave school for at least one semester and petition for readmission. The student may be required to fulfill particular obligations while away from the School and to provide evidence of having done so, along with evidence of his/her readiness to return to study.
10. **Expulsion:** This means the permanent termination of student and degree-candidate status at the NYGSP. It may be imposed only in the most serious cases.

Normally, suspension, dismissal and expulsion appear on a student's transcript. Other penalties do not. The only case in which the violation must be recorded is when a student has committed an act of violence against another person. Otherwise, no information about the violation may be released without the student's permission.

The Program Director is authorized to judge violations and to assign a penalty in all cases in which guilt or responsibility is not disputed. Cases of intellectual dishonesty may be settled by an instructor in consultation with the student and the Program Director; after the first offense, the case will go before the Committee on Discipline.

Among those actions which normally will result in probation or more serious penalties are interference with others exercise of their academic freedom, intimidation or physical threat or harm, acts of vandalism or destruction of property, academic dishonesty, sexual or other harassment, exploitation of the student-patient relationship and theft.



**Appeal**

The membership of the Appeal Board will consist of two faculty members and one student representative. All three members vote and a majority will decide all questions.

Decisions of the Committee on Discipline can be appealed by the accused or the aggrieved only in cases of demonstrated failure or unfairness in procedure, or when substantial new evidence can be presented. The student may also appeal the severity of the penalty. Requests for consideration of an appeal must be made in writing by the original complainant or the student complained against within five days of their receipt of the finding of the Committee on Discipline, if the appeal is based on procedural error or severity of penalty, or in timely manner, if the appeal is based on new evidence.

The Appeal Board determines what will be accepted on the basis of these requests and the summary of record of the hearing and any other relevant materials from the hearing.

The Board may resolve the appeal itself on the basis of this information, hold new hearings or refer the case back to the Committee on Discipline with instructions.

There will be no appeal beyond the Appeal Board except to the President, and then only when there is demonstrated failure or unfairness of procedure, or when substantial new evidence can be presented, or for clemency.

## APPENDIX

### A Plain Language Explanation of Distinctions Between the New York State Penal Law and the College Disciplinary Processes Published: October 28, 2015

	Criminal Justice System	College/University Disciplinary System
Goals.	Public safety, deterrence, and punishment.	Education; safety; safe and supportive campus environment.
Governing Law.	New York State Penal Code; New York State Rules of Criminal Procedure (or another state's rules if the crime took place there), Federal Criminal Law, and Rules of Evidence.	Title IX; The Clery Act as amended by the Violence Against Women Act; NYS Education Law sections 129-A and 129-B. More specific rules govern particular colleges and universities.
How to report and whether there must be action once a report is made.	Crimes involving sexual violence may be reported to campus police (if the campus has police officers), the local police agency, or to the New York State Police. Certain crimes may also be reported to federal law enforcement agents. Once a report is made, the decision whether to investigate is made by the police/law enforcement agency, often in consultation with a District Attorney or other prosecuting agency. An investigation may be conducted without the consent or participation of a reporting individual. The ultimate decision of whether to initiate a criminal prosecution is initially made by a prosecutor. In cases involving felony charges, the final charging decision is made by a Grand Jury.	Victims may disclose sexual violence to various college employees who are designated confidential resources or to others who will try to ensure privacy to the extent consistent with the institution's obligation to provide a safe educational environment. Disclosures made to a confidential resource will not trigger an investigation. When a report is made to the Title IX Coordinator (TIXC) or another Non-Confidential resource, the TIXC will determine whether an investigation is necessary by weighing a request for confidentiality by the reporting individual against the continuing safety of that person and the safety and best interests of the campus community.
Who investigates?	Police or other law enforcement officials.	Investigators employed or retained by the college or university; these individuals may work for different departments within the institution, including, but not limited to, the police/public safety department, student affairs and academic affairs.
Procedures	See Governing Law. Procedures established by police departments, prosecutors' offices, etc.	College/University policies and Bylaws, which generally incorporate requirements of Governing Law. Collective bargaining agreements may impact some procedures.
Standard of Evidence.	Crimes must be proven "Beyond a Reasonable Doubt"	A violation of disciplinary rules must be found by a "Preponderance of the Evidence" (more likely than not)
Confidentiality.	Law enforcement agencies offer some confidential assistance, but a criminal charge and trial must be public.	Colleges and universities offer confidential resources, but a disciplinary proceeding requires that relevant information be shared with those involved.
Privacy.	Criminal trials must be public.	Disciplinary proceedings are kept as private as possible, but information must be shared with certain individuals within the college, the parties, and pursuant to law.
Who are the parties?	The prosecution and defendant. The victim/survivor is <u>not</u> a party, but often the critical witness for the prosecution.	Varies by school—some consider the institution and the respondent to be parties, and confer on the reporting individual certain rights to participate, as the law provides. Otherwise, reporting individual and accused/respondent.

Participation in the process.	In limited circumstances, a criminal prosecution can proceed without the participation or cooperation of the reporting individual, but without a reporting individual's participation, it is generally more difficult to prove a crime beyond a reasonable doubt.	Reporting students cannot be required to participate in the college process. However, a college will be limited in its ability to respond if a reporting individual does not participate.
Who initiates the proceedings?	A prosecutor, acting on behalf of the state (or the United States in federal cases).	The college or university initiates proceedings. While rules vary from school to school, they most provide an active role for the reporting individual.
Testimony.	In a court, testimony is generally public. Other parties are, through counsel, entitled to cross-examine witnesses.	The rules are established by individual colleges and universities, but some institutions provide for alternative approaches that permit students to testify without having other parties in the room and/or to ask cross-examination questions only through the disciplinary panel, investigator, or representative of the reporting individual and/or respondent.
Role of attorneys.	Both the state and the defendant are represented by counsel; counsel may question witnesses.	Varies by school. Many permit the parties to be advised by attorneys but some limit the attorney's' roles to quietly speaking with their clients or passing notes.
Mental Health and Sexual History.	In New York, a reporting individual's prior sexual and mental health history is generally, but not always, inadmissible in a criminal case. There are limited circumstances under which directly relevant evidence of that kind may be admitted.	Generally not admissible, but subject to quite limited exceptions. Education Law 129-b permits parties to exclude information about their prior sexual history with persons other than the other party and also to exclude evidence of their own mental health history in the fact finding phase of the disciplinary process.
Possible Results.	If a prosecution takes place, the defendant may <ul style="list-style-type: none"> <li>• plead guilty or "no contest"</li> <li>• have the case dismissed by the judge (on legal grounds)</li> <li>• be found "guilty" or "not guilty" by a judge or jury</li> </ul>	In cases that do not involve sexual assault, some schools permit mediation or similar procedures if parties agree. If there is a formal proceeding, the respondent may be found "responsible" or "not responsible" for violations of the institution's rules. Respondents may also accept responsibility before a finding by an adjudicator.
Sanctions.	An individual found guilty may be fined, imprisoned, or both. In some courts, alternative sanctions are sometimes used.	An individual found responsible for violating college policy may be given a range of sanctions (depending on the severity of the conduct and other factors, such as prior judicial history), ranging from a warning to suspension or expulsion from the institution.