

NEW YORK GRADUATE SCHOOL OF
Psychoanalysis

A branch of the
Boston Graduate School of Psychoanalysis

16 West Tenth Street

New York, NY 10011

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Student Handbook

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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 Master's 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 before the semester to review and approve the registration, and, if requested by either student or advisor, during and/or after the semester to assess the student's progress and 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.)

Individual Personal Analysis

All students are required to be in a weekly individual psychoanalysis with an approved psychoanalyst. This personal 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 psychoanalysts are graduates of a psychoanalytic training institute. Credit is not given for psychoanalysis undertaken prior to enrolling in the program. The name of the student's personal analyst, frequency of sessions, and number of sessions is included in the student's academic record. The content of the 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 study 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 individual personal 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. A minimum of eighty hours individual psychoanalysis is required for graduation. None of the eighty hours of individual analysis required for graduation may be earned before enrollment in NYGSP. Individual analysis counts when done with an approved analyst, a graduate of a legitimate psychoanalytic training institute.

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 10th 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.

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:

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| 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 personal analyst is part of the student's academic record.

2-5. To preserve the integrity of a student's personal 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.

2-7. When a faculty member who is an advisor participates in a judicial or conduct hearing regarding an accusation of sexual misconduct as defined by NY State Law 129B, the advisor to the accused student may assist in preparing the case and provide support during the hearing. The advisor is present not to act as legal counsel, but to assist and support the accused student and to give advice on procedural matters. They must recuse themselves if a conflict of interest is identified.

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.

Bias, Hazing, Stalking, Sexual and Domestic Violence Information

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

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

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 lying 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

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
 or
www.manhattanda.org/resources-victims-domestic-violence.

Sexual Misconduct and Assault 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 to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.

- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

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

Sexual violence and rape can happen to anyone at any time. Perpetrators, not survivors, are responsible for sexual violence. Only a perpetrator can prevent a sexual assault or other form of sexual violence, but we can all take steps to reduce the risk. Some prevention strategies for everyone include:

- Respect the rights of others.
- Listen to the messages your partner is giving. Be sensitive to both verbal and nonverbal communication. Ask. Double check that you both are doing what you want.
- The absence of the word “no” does not constitute consent. Make sure you have consent by asking your partner what they want to do. If your partner seems confused or unsure, it's time to stop.
- Remember that having done something sexual relations previously is not a blanket “yes” for the future.
- Remember that your partner can change “yes” to “no” at any time. Respect their choice.
- Know which behaviors constitute rape and sexual assault, and understand that most incidents happen between people who know each other.
- If you choose to drink, be responsible. Alcohol consumption greatly increases the risk of sexual assault.
- Never slip anyone any type of drug. Not only is this illegal, but you don't know what effect a drug can have on someone.
- Increase your safety.
- Think about what you really want from a partner before a possibly uncomfortable or dangerous situation occurs.

- Communicate clearly. You have the right to say “no” or “I’m not sure.”
- Go to a party with friends, not alone. Keep track of your friends and leave with them. Don’t leave alone or with someone you don’t know well.
- If you choose to drink, be careful. Offenders often take advantage of people who have been drinking.
- Know what’s in your drink, whether it’s non-alcoholic or contains alcohol. Open the can yourself, make your drink yourself or watch it being made, and don’t leave your drink unattended. Avoid punch bowls– there is no way to know how much alcohol is in them, and since date rape drugs are odorless, colorless and tasteless they can be added to punch without anyone knowing. Date rape drugs can cause dizziness, disorientation, loss of inhibition, blackouts, and loss of consciousness. If you feel any strange symptoms, tell someone you trust right away.
- Know which behaviors constitute sexual assault and rape. Understand that most incidents occur between people who know each other.
- If something happens, it wasn’t your fault. You have the right to get anonymous or confidential support from resources on campus and off campus.
- Look out for the safety of friends.
- When going to a party with friends, keep track of each other while you’re there. Plan to leave together and don’t let anyone leave alone.
- If a friend decides to leave a party with someone else, talk to them about their safety. If you are worried about someone, it’s ok to try to protect them from harm.
- Learn more about sexual assault and rape and how to help a friend who may have been assaulted.
- If a friend discloses to you that they have been sexually assaulted, don’t take it all on yourself. Use NYGSP or off campus resources for advice and support for your friend and for yourself.

If you have been the victim of a sexual assault, it is important to preserve evidence. The best way of doing so is to seek emergency treatment as soon as possible and before showering or changing your clothing. Three local health centers have SANE nurses available. These providers have specialized training for treating victims of sexual assault to provide all necessary support and treatment and to preserve forensic evidence.

Bellevue Hospital, 462 First Avenue, Room A329, New York, NY 212-562-3025
Mt. Sinai Beth Israel Petri Div, ER Dept, First Ave & 16th Street, New York, NY
212-420-2840
Lenox Health, Greenwich Village, 30 Seventh Ave, New York, NY 646-665-6910

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 and Advocacy Hotlines and Law Enforcement
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).

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/> |
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
- **Safe Horizon:** <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)

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.

Reporting Sexual Assault, Stalking, Dating Violence or Domestic Violence:

NYGSP strongly encourages individuals who have experienced sexual assault, stalking, dating or domestic violence or sexual harassment to file a complaint as outlined below. Such reporting will enable complainants to get the support they need and provide the NYGSP with the information it needs to take appropriate action. Any student, staff or faculty member wanting to report sexual assault, stalking, dating violence or domestic violence should contact the Title IX coordinator, Ms. Angela Musolino at (212) 260-7050 or (917) 620-5068, or at amusolino@cmps.edu. A student may also choose to instead report the event to his/her academic advisor or other faculty member. Students who report incidents of sexual misconduct to their psychoanalyst are covered by confidentiality. The analyst is not required to report the information to NYGSP. Reports to other NYGSP faculty, staff or administrators are covered by privacy.

Confidentiality versus Privacy

Confidentiality is the commitment not to share any identifying information with others, except as required by law in emergency circumstances (such as risk of death or serious bodily harm). Confidentiality may only be offered by individuals who are not legally required to report known incidents of Sexual Misconduct to college officials. Licensed mental health counselors, medical providers & pastoral counselors may offer confidentiality.

Privacy is the assurance that the college will only reveal information about a report of Sexual Misconduct to those who need to know the information in order to carry out their duties or responsibilities or as otherwise required by law. Individuals who are unable to offer the

higher standard of confidentiality under law, but who are still committed to not disclose information more than necessary, may offer privacy.

There is no prescribed method for filing a complaint of sexual misconduct. NYGSP will respond to complaints whether they are oral or written. Once any one of the officials or personnel above is notified of an incident of sexual misconduct, she/he will provide a copy of this Policy to the complainant and coordinate with the Title IX coordinator, including taking appropriate interim and supportive measures. All officials will maintain a complainant's privacy to the greatest extent possible, and all information in connection with the complaint, including the identities of the complainant and the respondent, will be shared only with those who have a legitimate need for the information.

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.

Amnesty for Alcohol and/or Drug Abuse

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

Student's Rights

Individuals who have experienced sexual misconduct have the right to file a complaint with NYGSP or to decide not to do so. Reports will be investigated in accord with the procedures listed below and the reporting individual's identity will remain private at all times if the reporting individual wishes to maintain privacy.) (The decision on whether to bring disciplinary charges, however, rests with the campus.)

Students who report sexual misconduct have all of the rights contained in the Students Bill of Rights (See above, page 24-25) along with the rights listed below.

- To notify campus public safety officer, local law enforcement, and/or the state police; or to choose not to report.
- To have emergency access to an NYGSP official trained to interview victims of sexual assault and able to provide certain information, including reporting options and information about confidentiality and privacy. The official will, where appropriate, advise the reporting individual about the importance of preserving evidence and obtaining a sexual assault forensic examination ("SAFE") as soon as possible. The official will also explain that the criminal process uses different standards of proof, evidence, and that any questions about whether an incident violated criminal law should be addressed to a law enforcement official or a district attorney's office.
- To disclose the incident to a college representative who can offer confidentiality or privacy and assist in obtaining services for reporting individuals.
- To describe the incident only to those campus officials who need the information in order to properly respond and to repeat the description as few times as practicable.
- To have complaints investigated in accordance with NYGSP policy.
- To have privacy preserved to the extent possible.
- To receive assistance and resources on campus, and to be notified of other services available off-campus, including the New York State Office of Victim Services.
- To disclose the incident to the college's Program Director if the accused is an NYGSP employee or request that a confidential or private resource assist in doing so.
- To disclose the incident confidentially and obtain services from state and local governments.
- To receive assistance from the campus or others in filing a criminal complaint, initiating legal proceedings in family court or civil court, and /or seeking an Order of Protection or the equivalent. In New York City, this assistance is provided by Family Justice Centers located in each borough:
<http://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page>.

- To receive assistance with effecting an arrest when an individual violates an Order of Protection, which may be provided by assisting local law enforcement in effecting such an arrest.
- To withdraw a complaint or involvement from the process at any time.

Students can speak with confidential resources on a strictly confidential basis before determining whether to make a report to college authorities. Students also have the right to consult confidentially with state, local and private resources who can provide other assistance.

Student Rights when a complaint is filed

- When respondent is a student, the complainant has the right to a college-issued "no contact order" under which continued intentional contact with the complainant would violate this policy. If the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. "No contact" orders may be issued for both the complainant and the respondent, as well as other individuals as appropriate.
- Both the accused or respondent and the reporting individual, shall upon request and consistent with NYGSP policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request . An appropriate schedule shall be established as necessary to allow the accused and respondents to access the campus areas when the reporting individual is absent from those areas.
- Both students can receive assistance from the Title IX coordinator to obtain an order of protection from the New York City judicial system. A copy of the order of protection will be provided to both parties. Both parties will be provided the opportunity to meet or speak with the Title IX coordinator who will provide an explanation of the order and the accused responsibility to stay away from the protected person(s) and the consequences of violating the order.
- When the accused or respondent student is determined to present a continuing threat to the health and safety of the community, NYGSP can subject the accused or respondent to interim suspension pending the outcome of a judicial or conduct process consistent with Education Law 129B and NYGSP policies and procedures.
- Prior to the commencement of a temporary suspension of a student, NYGSP shall give the respondent and reporter oral notice (which shall be confirmed via email to the address appearing on the records of the college) or written notice of the charges. If the respondent denies them, NYGSP shall give the respondent an informal oral explanation of the evidence supporting the charges and the student may present informally her/his explanation or theory of the matter.
- Both complainant and the respondent will be notified of the suspension and if or when it the suspension is lifted at the same time and in the same manner.
- After a report of an alleged incident of sexual misconduct is made to the Title IX Coordinator, a complainant may request (a) that the matter be investigated only to the extent possible without further revealing her/his identity or any details regarding

the incident being divulged further (b) that no investigation into a particular incident be conducted or (c) to report the incident to outside law enforcement. NYGSP will not report the incident to outside law enforcement unless requested by the complainant.

- When the accused or respondent student is determined to present a continuing threat to the health and safety of the community, NYGSP can subject the accused or respondent to interim suspension pending the outcome of a judicial or conduct process consistent with Education Law 129B and NYGSP policies and procedures.
- Both the accused or respondent and the reporting student shall upon request be afforded a prompt review of the need for and terms of the interim measures and accommodation that directly affects the individual. Both shall be allowed to submit evidence in support of their request.

In all such cases, the Title IX Coordinator will weigh the complainant's request against NYGSP's obligation to provide a safe, non-discriminatory environment for all students, employees and visitors, including the complainant. Factors used to determine whether to honor such a request include, but are not limited to: (a) whether the respondent has a history of violent behavior or is a repeat offender; (b) whether the incident represents escalation of unlawful conduct by the accused from previously noted behavior; (c) any increased risk that the accused will commit additional acts of violence, (d) whether the accused used a weapon or force; (e) whether the complainant is a minor; (f) whether the college possesses other means to obtain evidence such as security footage; and (g) whether available information reveals pattern of misconduct at a given location or by particular group.

A decision to maintain confidentiality does not mean that confidentiality can be absolutely guaranteed in all circumstances, but that reasonable efforts will be made to keep information confidential consistent with law. Notwithstanding the decision of the Title IX Coordinator regarding the scope of any investigation, NYGSP will provide the complainant with ongoing assistance and support.

If the Title IX Coordinator determines that NYGSP may maintain confidentiality as requested by the complainant, the college will, if possible, take reasonable steps to investigate the incident consistent with the request for confidentiality. However, a college's ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request for confidentiality.

Filing External Complaints

Complainants who feel that they have been subjected to unlawful sexual harassment and/or violence have the right to avail themselves of any and all of their rights under law, including but not limited to filing complaints with one or more of the outside agencies listed below.

U.S. Department of Education, Office for Civil Rights

<http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

U.S. Equal Employment Opportunity Commission

https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm

New York State Division of Human Rights

<https://dhr.ny.gov/complaint>
New York City Commission on Human Rights
<http://www1.nyc.gov/site/cchr/about/resources.page>

Members of the NYGSP community who make false and malicious complaints of violations of this policy of as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action.

The Investigation of Sexual Misconduct and Violence

Upon receipt of a report of sexual assault, domestic violence, dating violence, stalking or sexual activity that violates NYGSP's code of conduct, the following student's rights apply:

- A student has the right to request that student conduct charges be filed against the accused according to NYGSP policy and procedures outlined below.
- The respondent has the right to a notice describing the date, time, location and factual allegations concerning the violation, with a reference to the specific code of conduct provision allegedly violated, and the possible sanctions for that violation.
- Both complainant and respondent are provided an opportunity to offer evidence during an investigation and to present evidence and testimony at a hearing.
- Both complainant and respondent have access to a full and fair record of the hearing which may be a transcript, recording or other appropriate record.
- The respondent and reporting individuals are provided with a written notice of the findings of fact, the decision and the sanctions extended, if any, as well as the rationale for the decision and sanctions.
- Both the complainant and the respondent have the right to review the available evidence in the case file or otherwise in possession or control of NYGSP.
- Both complainant and respondent have access to at least one level of appeal of the determination made at a hearing. The hearing will be conducted by the Appeal Board, consisting of two faculty members and one student representative chosen by the Program Director's Council to ensure fairness and impartiality and to avoid any member who may have conflict of interest. All three members vote and a majority will decide all questions.
- In order to effectuate an appeal, the respondent and reporting individuals shall receive written notice of the findings of fact, the decision and the sanctions, if any, as well as the rationale for the decision and sanction. In such cases, rights provided to one party must be provided to the other in a similar manner.

Throughout the proceedings involving an accusation of sexual assault, domestic violence, dating violence, stalking, or other sexual misconduct that violates NYGSP's code of conduct, **the reporting and respondent or accused has the right:**

- to 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.
- to a prompt, thorough, and impartial investigation. The NYGSP Title IX Coordinator is responsible for conducting any investigation and may designate another appropriately trained administrator to conduct all or part of the investigation. All individuals conducting the investigation will have received annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, 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 an investigation and adjudication consistent with NY State law and the policies and procedures of NYGSP.
- to exclude their own prior sexual history with persons other than the other party in the judicial or conduct process or their own mental health diagnosis and/or treatment from admittance in the NYGSP disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
- to receive a written or electronic notice, provided in advance that is reasonable under the circumstances, of any meeting they are required to or are eligible to attend, with a reference to the specific code of conduct provision allegedly violated and in what manner, and the possible sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process. The designated hearing panel or investigating officer will provide a written statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.
- to make an impact statement during the point in the proceeding where the decision maker is deliberating on appropriate sanctions.
- to be informed of the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process and the rationale for the actual sanction imposed.

The NYGSP Title IX Coordinator is responsible for conducting any investigation and will ensure to:

- coordinate investigative efforts with other appropriate offices;
- interview witnesses who might reasonably be expected to provide information relevant to the allegations, and review relevant documents and evidence. Both the complainant and respondent shall be informed that they have the right to provide relevant documents and to propose for interview witnesses whom they reasonably believe can provide relevant information.
- will maintain all documents of the investigation and hearing, whether a transcript or recording for five years, in accordance with NYGSP policy and in compliance with New York State law.

Neither the complainant nor the respondent is restricted from discussing and sharing information related to the complaint with others who may support or assist them. This does not, however, permit unreasonable sharing of private information in a manner intended to

harm or embarrass another, or in a manner that would recklessly do so regardless of intention. Such unreasonable sharing may constitute retaliation under this Policy.

NYGSP shall make reasonable efforts to ensure that the investigation and resolution of a complaint are carried out as timely and efficiently as possible. However, the graduate school may need to temporarily delay the fact-finding portion of its investigation during the evidence-gathering phase of a law enforcement investigation. Temporary delays will generally not last more than ten days except when law enforcement specifically requests and justifies a longer delay. While some complaints may require more extensive investigation, when possible, the investigation of complaints should be completed within sixty (60) calendar days of the receipt of the complaint. If there is a delay in completing the investigation, the Title IX Coordinator shall notify the complainant and the respondent in writing.

Informal Resolution

Except in instances involving sexual assault, the Title IX Coordinator, in his or her discretion, may offer the respondent and the complainant the opportunity to participate in the informal resolution process. Informal resolution may take place after the Title IX Coordinator has completed the investigation, but before the Title IX report has been completed, in an effort to resolve the matter by mutual agreement. The informal resolution process shall be conducted by the Title IX Coordinator, or by a qualified staff or faculty member designated by Title IX Coordinator, in coordination with the Director of Educational Advisement.

Both the complainant and the respondent have the right to end the informal resolution process at any time. Any informal resolution must be acceptable to the complainant, the respondent, and the Title IX Coordinator. Even if both the respondent and complainant agree to a resolution, the Title IX Coordinator must also agree with the resolution for it to be final.

If a resolution is reached, the complainant and the respondent shall be notified in writing, and the Title IX Coordinator will confer with the Director of Educational Advisement when creating a written memorandum memorializing the agreed upon resolution and consequences for non-compliance. This memorandum will be included in the respondent's student record.

If no agreement is reached within a reasonable time, the Title IX Coordinator shall complete the Title IX report and present the Title IX report of the facts collected during the investigation to the *ad hoc* Committee on Discipline. This committee comprised of three members of the faculty elected by the Faculty Council, two members of the Student Association, and the Director of Educational Advisement will review the facts to determine the disposition of the case. The committee may determine that the facts do not require any action. If the committee decides that action is required that may negatively impact the accused, a hearing will be arranged within one week.

Rights and Responsibilities for the Hearing

If a hearing is to be held, the complainant and the respondent will be advised of their rights regarding the hearing by the Director of Educational Advisement. These rights include:

- 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.
- To have a hearing before the Committee on Discipline at the earliest possible date consonant with the right to advance notice.
- To be present at the hearing.
- To call witnesses and present evidence; to hear and to question witnesses; and to review and to question all written testimony submitted. The Director of Educational Advisement will conduct the meeting, including any requests to call and question witnesses and/or present evidence that are made by the complainant and/or respondent.
- The *ad hoc* Committee on Discipline 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. To have all evidence upon which a decision may be based introduced at the formal hearing and the decision based solely on such evidence.
- To select an advisor of their choice (including an attorney) and who may advise throughout the entire process, including all meetings and hearings. While the advisor may represent a party and fully participate at a hearing, they may not speak during the meetings that proceed the hearing nor give testimony as a witness at the hearing.
- To challenge any member of the *ad hoc* Committee on Discipline with conflict of interest in the case. Prior acquaintance does not, in itself, constitute conflict of interest. The Director of Educational Advisement as chair of the *ad hoc* Committee on Discipline 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 (see pp. 33-34) must make the determination and, if necessary, appoint a temporary chair for the hearing.
- To submit an appeal to the Appeal Board at the conclusion of the hearing before the Committee on Discipline.

In a disciplinary proceeding related to an allegation of dating violence, domestic violence, sexual assault, or stalking, the Committee shall use the preponderance of evidence standard when making a final determination. This standard requires the evidence presented to prove that it is more likely than not that the alleged incident occurred a certain way.

The accuser and the accused will both receive simultaneous notification of the outcome of the institution's final determination with respect to the alleged sexual offense and any sanction that is imposed against the accused. This notification to both the accuser and the accused is not a violation of the *Family Education Rights and Privacy Act of 1974* (FERPA) and will be disclosed in the same manner and the same time frame to both, regardless of where the alleged sex offense occurred.

NYGSP Grievance Procedures

1. 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. All grievances are first addressed in informal discussion between the immediate parties to a dispute. If this discussion fails to produce a satisfactory resolution, an aggrieved student may seek the advice and assistance of his or her advisor, another member of the faculty, the Director of Educational Advisement.

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 two student representatives 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.

2. Resolution of Grievances with Students: Student Discipline, Investigation of Complaints (other than those involving sexual misconduct-see above)

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 Director of Educational Advisement who administers the Code of Conduct. The Director of Educational Advisement is then responsible for investigating the complaint and for deciding, within a reasonable period of time, its appropriate disposition, except in the case of a complaint of sexual or domestic violence and/or stalking which is investigated by the Title IX coordinator, (see section titled “Sexual Misconduct and Assault Information” page 20. . The Director of Educational Advisement may decide:

1. that there is no basis for the complaint, and that it should be dismissed.
2. that 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. that there is no substantial dispute on the facts of the case, and that the facts of the case warrant a finding that the accused student has committed an infraction of the Code of Conduct. The Director of Educational Advisement will decide the penalty, make record of it, and see to its enforcement.
4. that there is substantial dispute between the two parties on the facts of the case, and that the formation of an *ad hoc* Committee on Discipline to review the facts is necessary. This committee will be composed of three members of the faculty elected by the Faculty Council, two members of the Student Association, and the Director of Educational Advisement. 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 *ad hoc* Committee on Discipline 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 on Discipline for more time to prepare his/her case.
2. To have a hearing before the Committee on Discipline 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 *ad hoc* Committee on Discipline 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 faculty or Advisement Committee and to have that advisor present during the hearing. The advisor to the accused student may assist in preparing the case and provide support during the hearing. The advisor is present not to act as legal counsel, but to assist and support the accused student and to give advice on procedural matters.
7. To challenge any member of the *ad hoc* Committee on Discipline with conflict of interest in the case. Prior acquaintance does not, in itself, constitute conflict of interest. The Director of Educational Advisement as chair of the *ad hoc* Committee on Discipline 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 (see p. 27) 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 Director of Educational Advisement or the *ad hoc* Committee on Discipline hears all cases involving alleged violations of the Code of Conduct; only the Director of Educational Advisement 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 Director of Educational Advisement or Program Director is convinced that a student might pose a physical danger to any member of the school community. In this case, the Director of Educational Advisement may either
 - have a student immediately removed from campus or
 - barred from campus access.

Prior to the commencement of a temporary suspension of a student, the college shall give the student respondent oral notice (which shall be confirmed via email to the address

appearing on the records of the college) or written notice of the charges. If the respondent denies them, the college shall forthwith give the respondent an informal oral explanation of the evidence supporting the charges and the student may present informally her/his explanation or theory of the matter.

- Both complainant and the respondent will be notified of the suspension and if or when the suspension is lifted at the same time and in the same manner.
- Upon request, the complainant and the respondent shall each be afforded a prompt review of the need for and terms of restrictive interim measures, including “no contact” orders and interim suspensions. Issues that may be raised include possible modification or discontinuance of a “no contact” order. Complainants and respondents shall be allowed to submit evidence to support their request.

If a student is removed or barred from campus access, an *ad hoc* Committee on Discipline is immediately formed, and a substitute Chair for the committee is chosen by the Program Director’s Council. The Director of Educational Advisement must then bring the case against the barred student before that Committee **within one week** of denial of access to, or removal from, campus.

Penalties and Sanctions

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 are serious infractions. In such cases, 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. Reapplication for admission is not necessary.
8. **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.
9. **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.

For crimes of violence, including but not limited to sexual violence, defined as crimes requiring reporting pursuant to the federal Clery Act (20 U.S.C. 1092 (f)(1) (F)(i) (I)-(VIII)), NYGSP will 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 .

In the event that a respondent withdraws from the college before a decision is rendered on the charges, the respondent is required to participate in the disciplinary hearing or otherwise to resolve the pending charges and shall be barred from attending any other unit of the university until a decision on the charges is made, or the charges are otherwise resolved. Immediately following such withdrawal, the college shall place a notation on the respondent's transcript that the respondent "withdrew with conduct charges pending." If the respondent fails to appear, the college may proceed with the disciplinary hearing in absentia, and any decision and sanction shall be binding, and the transcript notation, if any, resulting from that decision and penalty shall replace the notation. If the finding of responsibility is vacated for any reason, any transcript notation will be removed. An appeal for the removal of a suspension notation can be made to the *ad hoc* Committee on Discipline which will follow the standard appeals process, but the suspension notation cannot be removed prior to a year after the suspension conclusion. Notations for expulsion cannot be removed.

Other penalties do not appear on student transcripts.

The Director of Educational Advisement 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 Director of Educational Advisement; after the first offense, the case will go before the *ad hoc* 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 chosen by the Program Director's council. 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, in cases of alleged sexual misconduct, 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 Program Director, and then only when there is demonstrated failure or unfairness of procedure, or when substantial new evidence can be presented, or for clemency.

APPENDIX

Explanation of Distinctions Between the New York State Penal Law and the College Disciplinary Processes

| | Criminal Justice System | College/University Disciplinary System |
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| 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. |

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| 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 |

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| | | 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"> • plead guilty or "no contest" • have the case dismissed by the judge (on legal grounds) • be found "guilty" or "not guilty" by a judge or jury | 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. |