



WE ARE NEW YORK'S LAW SCHOOL

29th Annual Campus Security Report and 11th Annual Fire Safety Report

Annual Report for the Period of September 1, 2019–August 31, 2020

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New York Law School
Main Line 212.431.2100
Visitor Center 212.431.4185
Emergency Numbers 212.431.2123
or 911

Office of Security and Life Safety
185 West Broadway, Room W102.2
New York, NY 10013
T 212.431.2100
F 212.274.9211
E security@nyls.edu

Drug and Alcohol
Weapons Possession
Non-Discrimination
Sexual Misconduct
NYLS Timely Warning and Emergency Notifications Policy
NYLS Policy Related to COVID-19

Annual Report 2020

Section 1: A Year in Review

A Message from Paul Repetto, Chief of Building Operations and Security

As the 129th anniversary of New York Law School (NYLS) draws to an end, we are pleased to present the 29th Annual Campus Security Report and 11th Annual Fire Safety Report.

The reports are prepared by the Office of Security and Life Safety, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, and are intended to communicate vital statistics and information to all current and future members of the NYLS community. The reports include information about NYLS's safety procedures and policies, along with current crime and fire safety data for the past three years, as mandated by federal law.

The Office of Security and Life Safety is committed to providing the NYLS community with the finest service possible to make NYLS's campus a safe and welcoming environment for all. NYLS's security team is made up of seasoned professionals, including NYLS employees and others employed via contract services through our partner Mulligan Security Corporation. The Office's initiatives this past year included working with various departments to improve operations and provide a better and safer campus for all community members. In order to increase community awareness, mandatory Emergency Preparedness Training (EPT) was continued with all community members. The EPT continued to include an emphasis on Active Shooter and Hate Crime Awareness. In compliance with the recommendation to improve campus security security assessment report performed previously by a consultant, a recommendation to improve campus security with the installation of 70 additional new cameras throughout the campus was completed earlier in the year.

I would like to thank every member of the community for collaborating with us to keep our campus safe during the past reporting period. I also acknowledge the following dedicated security team members, as well as the entire Mulligan Security Corporation (MSC) team:

- Rosina Bolston, Mulligan Fire Life Safety Director
- Alvin Calvin, Mulligan Fire Life Safety Director
- Steven De Jesus, Mulligan Security Supervisor
- Anthony Felder, Mulligan Fire Life Safety Director
- Sean Frett, Manager of Security and Life Safety
- Halbert Pacheco, NYLS Supervisor
- Roy Seda, NYLS Supervisor

As we progress into the next reporting period, we look forward to building upon the strides we have made together this past year and in the future. And finally, the entire Department of Security and Life Safety would like to thank our colleague Ken Greer, the Assistant Manager of Security and Life Safety, for his dedication to the members of the School community for the past 10 years. We wish him well in his retirement.

Section 2: The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the Clery Act, was named in memory of Lehigh University student Jeanne Clery, who was assaulted and murdered on April 5, 1986, in her residence hall by a fellow student she did not know. The Clery Act requires all colleges and universities that participate in any federal program to do the following:

- Publish an annual report by October 1 that contains all campus crime and fire safety statistics for the past three years as gathered by the Office of Security and Life Safety.
- Issue emergency notifications involving health or safety to all community members.
- Maintain a public Fire Log record of any fire that occurred on campus, including student housing.

You may view the statistics reported to the Office of Post-Secondary Education by visiting their website ope.ed.gov/security. Compliance with the Clery Act does not violate FERPA or any other law. Community members who report crimes or are involved in any aspect of compliance are protected from retaliation.

A. Timely Warning and Emergency Notifications Policy

Timely Warnings are provided to enhance the safety of the School community when a reportable crime under the Clery Act (e.g., homicide, sex offense, robbery) occurs on or near campus or there is a likelihood of a reoccurring threat to the NYLS community. These Warnings do not present a complete picture of the crime on campus and are intended to aid in the prevention of similar occurrences.

NYLS may also issue Emergency Notifications, as appropriate, concerning significant emergencies or dangerous situations involving an immediate threat to the health or safety of students or employees occurring on or in the vicinity of the School campus. The School will issue such notifications, without delay, taking into account the safety of the community. The Chief of Building Operations and Security will assess the situation, determine the content of the notification and initiate the notification system in consultation with NYLS executives, unless issuing a notification will, in the professional judgment of law enforcement and/or the NYLS executives will compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Timely Warnings and Emergency Notifications are distributed via mass email or through the Notify NYLS system and are posted on the school website (www.nyls.edu) or on the emergency web page (emergency.nyls.edu). The School may also supplement the email and Notify NYLS notifications with other methods, such as hard copy postings on campus, messages on video monitors located throughout the building, and so on. Information may also be provided by the New York City Police Department. NYLS's complete Timely Warning Policy, mandated under the Clery Act, is reproduced as Appendix 7 to this Annual Report. See Appendix 7 for the complete Policy.

B. Crime and Fire Records

The Office of Security and Life Safety maintains all records at the Security Command Center, Room W102.2. All incidents reported to the Office of Security and Life Safety are entered into the daily log and a separate incident report is generated. In all public logs, the victim's or alleged perpetrator's personal information is excluded.

C. Advisory Committee on Campus Security

The NYLS Advisory Committee on Campus Safety is made up of faculty, students, and employees who review current campus security policies and procedures and make recommendations for improvement. The committee is chaired by a faculty member and the Chief of Building Operations and Security acts as a liaison to the Committee. The Committee held various meetings during this reporting period to improve safety on the campus, one such meeting on Article 129 took place remotely on June 16, 2020.

D. Emergency Preparedness, Evacuation, and Notifications

The NYLS Office of Security and Life Safety continually assesses the operational needs of the community and meets on a bi-weekly basis.

The fire organization and brigade teams, made up of employees within the School community, receive training on campus by the Office of Security and Life Safety before the fall and spring evacuation drills. All members of the Office of Security and Life Safety receive their semi-annual security guard and Cardiopulmonary Resuscitation (CPR) training in-house by certified members of the security team. NYLS is also a New York State certified school for Security Guard Services.

Evacuation drills are conducted at NYLS's campus three times per year. During each evacuation drill, all community members are directed to the primary and secondary assembly areas located on West Broadway and Varick Street, between Leonard Street and Franklin Street.

Emergency notification tests via the NYLS Notify system are conducted monthly for key members of the Office of Security and Life Safety and two times per year for the entire NYLS community. The results of these emergency tests are documented and reviewed by the Chief of Building Operations and Security. Any recommendations for changes or improvements following such drills and tests also will be documented. Issues impacting operations at the campus are posted on the School's emergency web page, emergency.nyls.edu, and will be disseminated to students and staff via mass email or the Notify NYLS system.

The Office of Security and Life Safety will always respond to reports of emergencies or dangerous situations on NYLS's campus. Campus security personnel who respond will assess the situation and determine if the event presents a serious threat to the NYLS community that requires elevation to the proper authorities, and will coordinate the response and communications. Any member of the NYLS community who is presented with an emergency can dial 911 from the nearest campus phone, which will trigger a notification and response from campus security and also notify the New York City Police Department (NYPD).

Security officers are provided guidance and receive training on how to respond to emergencies, including situations that require fire department and/or medical employee assistance. The officers are required to report all situations that might result in injury to people, loss, or damage to personal and School property and all other violations of the law to their supervisor, the Chief of Building Operations and Security, and/or the Manager of Maintenance.

E. Notify NYLS

All community members should keep their current contact information up to date to receive important text, voice, or email messages regarding campus operations. All NYLS Staff log onto [Notify NYLS](#) and students log onto go.nyls.edu. Notify Emergency Tests to the NYLS community were conducted on September 20, 2019 and January 31, 2020, during the fall and spring semesters, respectively.

Section 3: The Office of Security and Life Safety

The Office of Security and Life Safety is committed to the safety of every NYLS community member and is made up of various employees of NYLS and our contract service provider, Mulligan Security Corp. Security is present at the campus 24/7—regardless of whether the campus is open or closed.

Also, the Office of Security and Life Safety provides Fire Life Safety Directors (FLSDs) who are present Monday to Friday, 7:00 a.m.–11:00 p.m., and on weekends, 7:00 a.m.–3:00 p.m., when the campus population meets or exceeds FDNY requirements. The Security Command room is located in the W building, Room 102.2 in the freight lobby that leads to Leonard Street.

Sean Frett, the Manager of Security and Life Safety, oversees all aspects of Security and Life Safety at NYLS under the Chief of Building Operations and Security. He oversees all training programs as the instructor, including the NYS certified training school and various training courses each security officer receives.

This reporting period, the Office of Security and Life Safety responded to approximately 10 incidents, including four injured or ill community members, one elevator entrapments, one false fire alarm, two reported thefts, and two aid incidents classified as “other.”

The Office of Security and Life Safety is staffed by approximately 13 full-time personnel licensed by the State of New York as Security Officers, under the supervision of the Chief of Building Operations and Security. As such, the authority of the Office of Security and Life Safety personnel to reasonably detain individuals suspected of criminal activity on the campus is the same as any property owner or their designee. These security officers are unarmed and do not possess police powers. They are stationed at fixed command posts throughout the campus as follows:

- 185 West Broadway (“West Campus Desk”): Available 24/7
- 55 Worth Street (“Center Campus Desk”): Non-operational at this current time
- 57 Worth Street (“East Campus Desk”): Non-operational at all times, except for construction.

A. Mission and Statement

At NYLS, the security and safety of the campus community and visitors is always top priority. The Office of Security and Life Safety takes a proactive approach to campus security, safety, and emergency preparedness by providing a broad range of services that meet the needs and expectations of a safe community. The School’s goal is to maintain the safety and security of all persons and property at NYLS. Most importantly, campus safety is a collective and collaborative effort; personal safety is a partnership at NYLS between those whose responsibility it is to develop and to enforce the policies and procedures, and the community whom they serve.

Every tour consists of one security officer who performs interior and exterior patrols as necessary, and enters their findings into LogCheck—a mobile tool to assist staff with logging their activities during and upon completion of their shift.

B. Cooperative Partners

The Office of Security and Life Safety works closely with the NYPD First Precinct and the NYPD community affairs division, closely located to NYLS at 16 Ericsson Place. On May 1, 2015, NYLS and the NYPD entered into a Memorandum of Understanding (MOU) to investigate criminal offenses involving violent felonies and/or missing students at NYLS.

Also, we maintain communications with the NYPD via subscription to CityWide-CityLink, which provides direct contact and critical incident broadcasts throughout New York City. The Office of Security and Life Safety also partnered up with the **Citizen** team to get real-time notification of events happening around the NYLS Tribeca campus.

The Office of Security and Life Safety also works closely with the local firehouse FDNY Engine 7 (Ladder 1, Battalion 1), located nearby at 100 Duane Street, to ensure the Tribeca campus is always following applicable laws and regulations. The Office of Security and Life Safety also coordinates occasionally with U.S. Secret Service, State Department, and FBI officials when dignitaries and/or government officials visit the School.

C. Investigations

Section 6434 of the State of New York Education Law requires college and university security department investigations to report violent felony offenses as defined in subdivision one of Section 70.02 of the New York State Penal Law. Should a violent felony offense occur at, or on the grounds of, a college or university, the local police authority must be promptly contacted.

If a violent felony occurs at or on the grounds of NYLS, the most senior security employee on duty will contact the NYPD for assistance and notify the Chief of Building Operations and Security. If the situation warrants, emergency medical services personnel will also be notified. The Security Supervisor will direct other security employees to secure the location where the incident took place to preserve possible evidence until the arrival of the police. All security and School employees will assist the NYPD with their investigation in compliance with the State of New York Education Law. The NYLS community will be notified of this incident promptly, consistent with our Timely Warning and Emergency Notifications Policy (see Appendix 7). The security officer involved will prepare an incident report which includes the observations of all witnesses. The security officer will submit the report to the Security Supervisor, who in turn will submit it to the Chief of Building Operations and Security and senior NYLS executives.

Section 4: Access to NYLS Campus Buildings

The NYLS Tribeca campus includes the following three buildings:

- 185 West Broadway (West campus or “W” building)
Operational hours: Monday to Friday, 7:00 a.m.–10:00 p.m.; Saturday, 7:00 a.m.–7:00 p.m.; Sunday, closed.
Due to COVID-19 restrictions, all access to and from campus are from this location.
- 55 Worth Street (Center campus or “C” building)
Operational hours are normally Monday to Friday, 7:00 a.m.–7:00 p.m.
Currently closed due to hybrid program and COVID-19 restrictions in place.
- 57 Worth Street (East campus or “E” building)
Emergency exit only; no entrance at this location.

Due to current COVID-19 restrictions, all persons on campus must wear a proper face covering, pass a daily health questionnaire, and a temperature screening upon arrival before gaining access.

1. 185 West Broadway

This building, also known as the West campus or “W” building, is currently the only main entrance into and exit from NYLS due to COVID-19 restrictions. The entrance is open to all members of the School community Monday to Friday, 7:00 a.m.–10:00 p.m., and Saturday, 7:00 a.m.–7:00 p.m. Only authorized and limited visitors are permitted during the operating hours of 7:00 a.m.–7:00 p.m. Visitors must produce a valid identification, submit their LiveSafe app results, will be subject to a thermal scan, and will be issued an access badge. The main entrance also serves as the primary Americans with Disabilities Act (ADA) entrance to the campus as there are air-assist doors located on the north portion of the main entrance doors. Smoking is not permitted at this location. The West campus building consists of four floors below grade—three are in the library and one houses NYLS’s auditorium. Above grade are five floors consisting of: the main floor (classrooms), the second floor (Events Center), third and fourth floors (classrooms), and the fifth floor (classrooms and cafeteria, including an exterior dining terrace). The loading dock entrance for deliveries is located at 52 Leonard Street.

2. 55 Worth Street

This campus building, also known as the Center campus or “C” building, is divided into east and west portions. The Center campus building proudly serves as the home of the Joe Plumeri Center for Social Justice and Economic Opportunity, established in 2015. The entrance is currently closed to all campus community members due to COVID-19 restrictions. The Center campus consists of two levels below grade that house the student organization centers, and five floors above grade that are comprised of office space, classrooms, clinic centers, and flex rooms. There is an ADA elevator located in the eastern portion.

3. 57 Worth Street

This campus building is also identified as the East campus or “E” building. It also houses part of the Joe Plumeri Center and consists mainly of administrative offices for faculty and staff. The main entrance is closed at all times. The entrance on 234 Church Street serves as the off-street delivery entrance and an additional ADA entrance during normal campus hours. 57 Worth Street is the original School building and consists of two levels below grade, one of which houses the copy center/mailroom, and 10 levels above grade consisting of office space, a student clinic, and organization space.

A. Card Access Permissions

1. Students

185 West Broadway (West campus) turnstiles: Monday to Friday, 7:00 a.m.–10:00 p.m.; Saturday, 7:00 a.m.–7:00 p.m.; ADA door via card access or intercom all other times.

55 Worth Street (Center campus) main entrance door and secondary card reader are not accessible at this time with a hybrid program in place, due to COVID-19 restrictions.

Student organizations and clinics (for members) are not accessible at this time, due to social distancing requirements and COVID-19 restrictions.

Students, in general, are not issued or are permitted to have campus keys.

2. Faculty

185 West Broadway (West campus) turnstiles and ADA door are accessible 24/7.

55 Worth Street (Center campus) main entrance door and secondary reader when operational and security officer is posted, are not accessible at this time with a hybrid program in place, due to COVID-19 restrictions.

3. Administrative Staff

185 West Broadway (West campus) turnstiles are accessible Monday to Friday, 7:00 a.m.–10:00 p.m.; Saturday, 7:00 a.m.–7:00 p.m.

185 West Broadway (West campus) ADA door and intercom are accessible for all other hours.

55 Worth Street (Center campus) main entrance door and secondary card reader are not accessible at this time due to COVID-19 restrictions.

*Only authorized NYLS personnel have access to the 234 Freight entrance card readers.

B. Disability Access to NYLS Campus Buildings

The NYLS campus is committed to providing access to all members of the community and its visitors. There are various locations in which easy access can be established as follows:

- 185 West Broadway (West campus): Main ADA door (air-assisted)
- 55 Worth Street (Center campus): F1 elevator with off-street access
- 57 Worth Street (East campus): 234 Church Street freight area

*Access to both 55 Worth Street and 234 Church Street currently requires prior arrangement with the Office of Security and Life Safety.

There are accessible restrooms available throughout the campus as follows:

- **185 West Broadway** (West campus): All restrooms are ADA accessible
- **55 Worth Street** (Center campus): First and fifth floors in the C building are ADA accessible; the restroom in the Plumeri Center on the main floor is ADA accessible and air-assisted
- **57 Worth Street** (East campus): Second and fourth floors are ADA accessible

Section 5: Crime Prevention Education and Awareness

Through the Office of Security and Life Safety, the Safety First program has provided community-wide safety programs and literature. Handouts and postings are always available for students and community members at the literature rack located in the Center Campus building Plumeri Center, near the Office of Information Technology (OIT) helpdesk Office; the Office of Security and Life Safety in the West campus building, Room W102.2; and the Office of Student Life on the fifth floor of the East campus building. The Safety First Programs include:

- **Operation ID**

NYLS and NYPD usually coordinate two times per year to have personnel on-site to mark any valuable electronic devices with a special assigned serial number, in the event that they are lost or stolen and then recovered. The most recent Operation ID took place on September 19, 2019.

- **NYLS Emergency Page General Postings and Tips**

NYLS posts general tips on its emergency page every month advising all community members of activities in and around the New York City Area.

- **Bystander Intervention Training**

All student leaders including resident assistants and first year students received this virtual training coordinated with the Title IX Co-Coordinator office on April 30, 2020.

- **Title IX Training**

Administration staff received a Title IX refresher course and Bystander Intervention training on September 17, 2019.

- **National Preparedness Month**

During August when our new students arrive for orientation, the Office of Security and Life Safety participates in various campus programs to familiarize the new incoming students with the campus including Getting Connected, which is also

conducted with members of the Registrar and the Office of Information Technology (OIT) to familiarize all new incoming students with the campus and how it operates. The incoming class of 2023–24 received their Title IX and Bystander intervention training, which was coordinated by the Office of Student Life and the Title IX Co-Coordinators on August 11, 2020 and August 19, 2020.

- **NYPD Shield**

As part of the NYPD Shield program, a member of the NYPD community affairs division presents various security seminars for the NYLS community, including an Active Shooter workshop. NYLS, NYPD, and Mulligan Service Corporation (MSC) jointly toured the campus throughout the year with the newly designated Neighborhood Community Officers (NCO's) and hosted several Build a Block Meetings with the NYPD to roll out this new program.

Section 6: Reporting Criminal Incidents

Security personnel is on duty 24/7, including holidays. Follow your intuition—do not hesitate to contact employees in the Office of Security and Life Safety or a security officer if you observe suspicious individuals, activities, and/or situations. A security officer can be found at the noted locations and contacted by dialing the respective numbers listed below as follows:

- **Security Post Extensions**

West campus command desk has security present 24/7 and can be reached via phone at 212.431.2123 or extension 2123.

Center campus command desk has security present Monday to Friday, 7:00 a.m.–7:00 p.m., and can be reached via phone at 212.431.2100, extension 4755.

The Chief of Building Operations and Security, Paul Repetto, can be reached via email at paul.repetto@nyls.edu or via phone at 212.431.2836 (or extension 2836) or 212.431.2820 (or extension 2820).

The Security Supervisors can be reached via email at securitysupervisor@nyls.edu. The Security Department's fax number is 212.274.9211.

- **Others**

A victim of or witness to a crime may also report any incident to any campus security authority, any NYLS administrator or faculty member, and/or the New York City Police Department (911).

- **Violent Felony**

Clery Act definitions of Primary Criminal Offensives include but are not limited to: degrees/classes of murder, manslaughter, kidnapping, rape, sodomy, aggravated sexual abuse, assault, burglary, robbery, arson, criminal possession of a dangerous weapon, etc.

- **Hate Crimes**

In addition to mandating the reporting of the aforementioned Primary Criminal Offenses, the Clery Act requires the reporting of offenses designated under the Clery Act as Hate Crimes. The Clery Act defines a Hate Crime as a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate Crimes include the Primary Criminal Offenses listed above (except Manslaughter by Negligence) plus: Larceny-Theft; Simple Assault; Intimidation; and Destruction/Damage and Vandalism to Property. The eight categories of bias that may result in a

Hate Crime designation for purposes of this policy are as follows: race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and disability. The bias can be expressed through conduct, speech, or expression. A crime does not have to occur for an incident to be labeled as bias, but to be reportable requires a crime.

- **Response to Calls for Emergency Assistance and/or Criminal Incidents**

The security officer who receives a call for assistance will respond to the call and report this information to their supervisor who in turn, during normal operating hours, will alert the Chief of Building Operations and Security. The Security Supervisor will dispatch authorized personnel to that location to provide the necessary support and assistance.

Whether the crime is one of physical injury or involves personal property, the security officer or supervisor will advise and assist the affected individual in contacting the NYPD. The security officer will remain at the location pending the arrival of the NYPD. After the discussion, or following the actions of the NYPD, the supervisor and/or security officer involved will generate an incident report that they will submit to the Chief of Building Operations and Security.

NYLS's [Non-Discrimination and Harassment Policy](#), [Addendum to NYLS Non-Discrimination and Harassment Policy](#), [Sexual Misconduct Policy](#), and the [Student Handbook](#) describes examples of unacceptable behavior and possible consequences.

- **Report the Crime or Incident**

Should you experience or witness a Hate Crime or incident, you are encouraged to report it at the following locations to the respective persons:

- A security officer at the 185 West Broadway Lobby Desk Post, located on the first floor, accessible via phone at 212.431.2123.
- The Chief of Building Operations and Security, located in Room EM100 of the "E" campus building, accessible via phone at 212.431.2836 or 212.431.2820.
- Employees in the Office of Student Life, located at 57 Worth Street on the fifth floor, accessible via phone at 212.431.2851.
- A campus security authority.
- Title IX Co-Coordinator Nina Jody '83, located in Room C105, accessible via phone at 212.431.2845.
- Title IX Co-Coordinator Brian Kaszuba, located in Room E703B, accessible via phone at 212.431.2817, for gender-related Hate Crimes.

Individuals witnessing or experiencing a Hate Crime are strongly encouraged to promptly report the Crime and a security employee will advise and assist the affected individual in contacting the NYPD. NYLS disciplinary proceedings are conducted independently of all criminal proceedings. They may also occur before, during, or after independent proceedings.

- **Voluntary Confidential Reporting**

Students and staff are encouraged to report all crimes promptly to any campus security authority, NYLS administrator, faculty member, and/or directly to the NYPD. Reports of criminal incidents for inclusion in this annual security report can also be made to a campus security authority and will be kept confidential by any campus authority to the limits of State and Federal Laws. NYLS does not have a specific policy or procedure with respects to relevant counseling and off-campus organizations as the School does not have non-campus organizations, however, NYLS does offer relevant confidential counseling via Horizon (see NYLS Policies: Sexual Misconduct).

A. Seeking Support and Disciplinary Actions

1. Students

Victims of criminal misconduct should seek out support from a friend, family member, or an NYLS employee. NYLS strongly encourages victims to contact an employee in the Office of Student Life located on the fifth floor of 57 Worth Street of the "E" campus building at 212.431.2851; the Title IX Co-Coordinator, Nina Jody '83, located in Room C105 and via phone at 212.431.2845; or Title IX Co-Coordinator Brian Kaszuba, located in Room E703B and via phone at 212.431.2817, for gender-related Hate Crimes.

If a criminal complaint is filed against a fellow student, it will be submitted to NYLS's Academic Responsibility Committee, the Harassment and Discrimination Review Board, or the Title IX Board, as applicable. The complainant and the accused will be permitted to have an attorney or other advisor present. The duties and responsibilities of the committee are described in the [Non-Discrimination and Harassment Policy](#), [Sexual Misconduct Policy](#), and the [Student Handbook](#).

Student complaints of crimes of violence by employees of NYLS should be filed with the Office of Security and Safety located at 185 West Broadway, Room W102.2 or 212.431.2123. Victims of crimes and violence also are strongly encouraged to promptly report the incident to the NYPD, by calling 911.

2. Faculty and Staff

Faculty and staff victims of crimes also should seek out support from a friend, family member, or employee. We strongly encourage victims to contact an employee in the Office of Human Resources located on the Third Floor of 55 Worth Street, "C" campus building or 212.431.2131; the Title IX Co-Coordinator, Nina Jody '83, Room C105, 212.431.2845; or Title IX Co-Coordinator Brian Kaszuba, Room E703B, 212.431.2817 for gender-related Hate Crimes.

If a faculty member or employee engages in any prohibited conduct, the consequences of that action will be in keeping with existing guidelines governing the resolution of cases of unprofessional conduct, up to and including dismissal. Employee complaints of crimes of violence against fellow members of the NYLS community should be filed with the Office of Security and Life Safety located at 185 West Broadway, Room W102.2 or via phone at 212.431.2123. Victims of crimes and violence are strongly encouraged to promptly report the incident to the NYPD. NYLS disciplinary proceedings are independent of a criminal or civil proceeding, and may also occur before, during, or after independent proceedings.

3. Maintenance of Criminal Incident Files

The Chief of Building Operations and Security and the Office of Security and Life Safety maintain the files of all reported criminal incidents. All reports created and maintained by the Office of Security and Life Safety, which meets the definition of a law enforcement unit, are not education records and as such are not subject to protection from disclosure under the Family Educational Rights and Privacy Act (FERPA). Although records of reported crimes date back to February 1, 1987, the minimum period for record retention is seven years.

4. Required Disclosures Regarding Crimes of Violence or Non-Forcible Sex Offenses

NYLS will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by NYLS against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. NYLS is required to provide both the accused and the accuser with simultaneous written notification of any result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. In these cases, a victim doesn't need to make a written request.

B. Crime Victim Hotlines

Anti-Violence Project

24/7 confidential and bilingual victims hotline serving NY LGBTQ and HIV communities

T 212.714.1184

NYPD First Precinct

NYLS campus

T 212.334.0611 or 911

NYPD 84th Precinct

Saint George Residence Hall

T 212.477.7811 or 911

NYPD Victims Treatment Center

Saint Luke's/Roosevelt Hospital sex crime hotline

T 646.610.7273

NYS Coalition Against Sexual Assault

Information and Prevention Resource

T 518.482.4248

NYS Crime Victims Board

Local Victim Assistance Program

Safe Horizon Hotlines

Crime Victims Hotline

T 866.689.4357

Domestic Violence Hotline

T 800.621.4673

Rape, Sexual Assault, and Incest Hotline

T 212.227.3000

Section 7: Missing Student Procedure

The Higher Education Act Missing Student Notification Regulation applies only to students who reside in campus housing. However, the State of New York's Education Law requires college and university security department investigations to comply with reporting missing students without regard to the geographic location of their residence. If a student who resides in a facility owned or operated by the college or university is reported missing from his or her residence, the NYPD must be promptly contacted.

NYLS will assist the NYPD's investigation of a missing student. If a student, faculty, or staff member knows that a student is missing, they must immediately report this information to an employee in the Office of Security and Life Safety or the Office of Student Life. A member of NYLS's Office of Security and Life Safety will notify the NYPD within 24 hours of the determination that a student is missing, per the 2015 Memorandum of Understanding (MOU) between NYLS and NYPD, unless the NYPD was the entity that made the determination that a student was missing.

Any student, faculty, or other staff members who have reason to believe that a student (regardless of whether the student resides in student housing) has been missing from the School campus for 24 hours, may contact the Chief of Building Operations and Security or a Security Supervisor at 212.431.2123 or via email at security@nyls.edu.

Upon being notified of a missing student who does reside at a student residence, the Chief of Building Operations and Security or a Security Supervisor will contact the primary contact for student housing issues and concerns—the Associate Dean of Enrollment Management, Financial Aid, and Diversity Initiatives. The Chief of Building Operations and Security or Security Supervisor will request the name and related information for the missing student's designated emergency contact and may provide the same to local law enforcement personnel to furtherance an investigation. All students are requested to provide the name of a contact to be notified in the event they are reported missing for 24 hours, by the Chief of Building Operations and Security, who shall contact either the Offices of Student Life, Registrar, and/or Admissions to confirm the student's emergency and contact information. Regardless of whether the student has identified a contact person, NYLS must inform the NYPD within 24 hours of a report of a missing student regardless of the student's residence—unless the local law enforcement agency was the entity that determined that the student is missing.

Upon being notified of a missing student who does not reside at a student residence, the Chief of Building Operations and Security or a Security Supervisor will contact the Assistant Dean and Senior Director of Student Life, the Registrar, and employees in the Office of Academic Planning and Career Development to seek their assistance in determining whether the student has been attending classes. If the student has not attended their assigned classes, the Chief of Building Operations and Security or a Security Supervisor will notify the Commanding Officer at the local NYPD precinct that encompasses the neighborhood where the student resides (or local law enforcement if the student resides outside of the City). At no time will personal information on file with the Registrar's office be released if a student has completed a form requesting it remains confidential. The Registrar is located at 55 Worth Street on the fifth floor and is accessible via phone at 212.431.2301.

Saint George Residence Hall

For more information on Saint George Residence Hall, please see Appendix 3, NYLS Student Housing. Saint George Residence Hall, is the location where some NYLS students are housed; it is neither owned nor operated by NYLS.

Section 8: Fire Safety

Under the Higher Education Act of 2008, NYLS expanded its Annual Report in 2009 to provide mandatory fire incidents on campus (though not required) and in on-campus student housing. Statistical information submitted to the Department of Education must include the following:

- Number of fires and cause of each fire
- Whether the fire cause was intentional, unintentional, or undetermined
- Number of deaths related to the fire
- Number of injuries related to the fire
- Number of injuries related to the fire that resulted in the treatment at a medical facility
- Value of property damaged.

The Annual Fire Safety Report must also be issued to the campus community on time and the Department of Education when requested. The report must include the following:

- Fire Statistics
- A description of the new fire safety systems for each on-campus student housing facility
- Number of fire drills held the previous year
- Policies or rules on portable electrical appliances, smoking, and open flame in student housing facilities
- Student housing evacuation procedures
- Fire safety education and training programs for students, faculty, and employees
- Titles of each person or organization to which individuals should report that a fire has occurred
- Plans for future improvements in fire safety.

A Fire Log, similar to the Crime Log, must also be made available to the community and include the following information:

- The date the fire was reported
- Nature and cause of the fire
- Whether the fire cause was unintentional, intentional, or undetermined
- The date the fire occurred
- The time of day the fire occurred
- The location of the fire.

This public Fire Log containing all fire-related incidents is maintained by the Chief of Building Operations and Security and is available for inspection weekdays during regular business hours. An electronic version of the Log is posted at [emergency.nyls.edu](https://www.nyls.edu/emergency). The definition of fire for reporting is any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. NYLS has expanded the reporting requirement and will also report all fires in non-residential buildings owned or leased by the School.

A. NYLS Campus Tribeca

During the period covered under this 11th Fire Safety Report, there was one false alarm experienced on September 24, 2019, when a kitchen smoke detector was inadvertently activated. The campus maintains Fire Life Safety Directors (FLSDs) per Local Law Five of 1973 covering commercial buildings when occupancy is over a certain threshold. Those buildings are also required to develop and maintain a Fire Safety Plan (FSP) approved by the New York City Fire Department on January 11, 2017, and amended on December 25, 2017.

1. NYLS Campus Fire Alarm System

Our Tribeca campus is currently protected by a Class "E" Campus-Wide System that was approved by the New York City Fire Department on July 7, 2016. The system consists of two panels covering the West, Center, and East campus buildings, the panel in the West campus building is manned during weekdays, 7:00 a.m.–11:00 p.m., and weekends, 7:00 a.m.–8:00 p.m., by a licensed certified FLSD and is considered the primary fire panel for the entire campus. The panel located in the East campus building serves as a remote panel or a secondary panel to the primary.

Although each Campus building is unique as to the fire safety equipment it has, the Tribeca campus buildings collectively are covered 100 percent by automatic sprinkler heads and protected by various fire alarm devices as follows:

- Smoke Detectors
- HVAC Duct Detectors

- Elevator Lobby Detectors
- Water flow Detectors
- Manual Pull Stations
- Warden Phones
- Fire Suppression Systems (cafeteria only)
- Fire Pump
- Tamper Switches (valves)
- Standpipe Systems (West and East campus).

Also, both system panels are monitored 24 hours a day by a central station operator as required by law. NYLS works with a consultant and the Fire Department of New York whenever the campus-wide Fire Safety Plan needs to be amended.

2. Evacuation Drills

The NYLS campus conducts evacuation drills three times per year during the morning and evening. During this reporting period six total evacuation drills were conducted under the Tenth Fire Safety Report on the following dates:

- September 18, 2019 (Fall drills took place at 10:30 a.m. and 7:30 p.m.; each evacuation drill took approximately 15 minutes to conduct)
- April 1, 2020 (Spring drills not conducted; the campus was closed due to COVID-19)
- June 10, 2020 (Summer drills not conducted; the campus was closed due to COVID-19)

During such evacuation drills all community members are required to vacate the buildings and report to the designated assembly areas below:

Assembly Area A is located between Leonard Street (One block north of Worth Street) and Franklin Street is the primary evacuation location for all NYLS community members.

Assembly Area B surrounds the Greenspace (Finn Square), bordered by Varick Street (on the west), West Broadway (on the east), and Franklin Street (on the north).

Overflow from both these locations should utilize Varick Street, north of the Square Diner.

3. Fire Safety Policy and Procedures

The use of electrical heaters, grills, and any gas-powered equipment and appliances is strictly prohibited in any campus building.

Smoking of any kind, including electronic cigarettes and vaping is not permitted inside any campus building or within 20 feet of any campus building main entrance.

Use of any open flame is not permitted unless authorized; proper permits and certificates must be in place before commencing the use of any device such as a torch, welder, or grinder that will emit a flame or spark. The Manager of Maintenance is responsible to ensure such Hot Work Permits are issued following the building rules and regulations.

4. Evacuation Guidelines

These guidelines apply to all campus buildings directly owned by NYLS (185 West Broadway, 55 Worth Street, and 57 Worth Street).

Campus Assembly Areas

When instructed by the Fire Life Safety Director to evacuate the buildings, upon arriving at the sidewalk, walk to and gather at one of the assembly areas indicated above, as instructed. Meeting at an assembly area will further enhance the safety of the community following an evacuation of the buildings by:

- Eliminate street crossings at busy vehicular intersections along Church Street.
- Re-locating away from NYLS buildings.
- Gathering at one location to obtain additional safety information or instructions.

Do not attempt to cross mid-block. Always cross at the pedestrian crosswalk and obey the traffic signal. Walk north on the sidewalks to the Assembly Areas identified as A and B, below.

Emergency Evacuation

Await instructions from the Fire Life Safety Director. If directed, all occupants must exit the building by using **all available stairs and all available doors** at sidewalk level—not just the entrance you normally use—when instructed by the Fire Life Safety Director or the floor Fire Warden.

- **Do not panic—remain calm.** Follow the instructions of the floor Fire Wardens, Searchers, and faculty members.
- Close all doors behind you. Do not stop to collect personal belongings. Proceed to the nearest stairs and exit the building. **Do not run** and do not use the elevators to exit the floor!
- Disabled persons' evacuation assistance: see "Volunteers to Assist ADA Community Members" on page 18.
- Meet at the Assembly Areas

After you exit the building, you must walk toward West Broadway and gather along the sidewalks near the assembly areas. The assembly areas comprise the sidewalks along West Broadway. Assembly Area A is located between Leonard Street (one block north of Worth Street) and Franklin Street. Assembly Area B surrounds the triangular Greenspace, Finn Square, and is bordered by Varick Street (on the west), West Broadway (on the east), and Franklin Street (on the north). The assembly areas are the *only* locations where you should go after you evacuate the building, should either assembly location be crowded or unavailable due to construction please use either one. *Never* attempt to extinguish a fire yourself! Fire and smoke can quickly fill the area. Use this time to alert others to evacuate by activating a pull station. Also, the elevators must *never* be used to exit a floor. Fire department personnel will need to use the elevators to evacuate disabled persons and for other firefighting duties. *Unless otherwise directed* by fire department personnel, you must only exit a floor by use of the emergency stairways. **In an actual emergency do not wait to collect personal property. Begin evacuating the floor when directed.** Mounted on the wall of every elevator lobby is a copy of the Emergency Evacuation Guidelines.

If you discover or are near a smoke condition or fire:

- Evacuate the area and close all doors in the vicinity of the fire or major smoke condition.
- Activate a pull station device by pulling the black lever down to alert other persons in adjacent offices, classrooms, and restrooms and throughout the building.

- Do not open any doors that feel warm to the touch. If there is heat or smoke in an area, crawl on the floor to the nearest exit. If you are trapped in a smoke-filled room stay near the floor or near a window where you can call or signal. Use a handkerchief or a shirt to draw attention for help. *Do not panic.*
- Proceed to the nearest stair. **Do not run** and do not use the elevators as a means to exit the floor! Follow the instructions of the floor Fire Wardens and faculty members.
- Disabled persons' evacuation assistance: see "Volunteers to Assist ADA Community Members" below.
- If the situation permits, use the floor warden station (Instructions- Open the red box mounted near the elevators, lift the receiver, and speak) to notify the Fire Life Safety Director. Otherwise, the floor. At the building lobby, inform a security officer about what you observed so the plan can be activated.
- Meet at the Assembly Areas. See Emergency Evacuation number four, above.

5. Volunteers to Assist ADA Community Members

Instead of relying solely on the Fire Wardens and Searchers as their primary person for evacuation assistance, the persons with disabilities, or otherwise in need of evacuation assistance can identify volunteers in advance who will assist in a drill or emergency evacuation. A meeting will be scheduled with each person with disabilities to discuss the evacuation plan and to incorporate any additional assistance that may be needed. This guideline will apply to all ADA persons whether members of the community or outside visitors. Any community member that requires assistance during evacuation drills or in emergencies should contact the Office of Security and Life Safety at 212.431.2123.

6. Reporting and Preventing Dangerous Conditions

Although the maintenance employees conduct daily checks of all mechanical equipment and service rooms and the security employees conduct periodic patrols throughout NYLS facilities, we also need your assistance to help us maintain a safe environment. Please do the following:

- Report all suspicious odors to the officer at the 185 West Broadway Lobby Desk at extension 2123.
- Do not block exit doors, corridors, exterior walkways, or aisles with packages, trash, or furniture. Contact the Office of Maintenance and Operations to have these items removed directly to storage or the trash area for disposal.
- Keep exit stair doors closed *at all times!* It is a violation of the New York City Fire Prevention Code to prop open exit stair doors. If a fire were to occur, smoke, heat, and flames could enter the stair and block this exit route.
- Contact the Office of Maintenance and Operations if a light bulb has blown out, there is water on the floor, carpets, or other floor materials present a tripping hazard, a door does not close properly, or you note other conditions which could prevent a safe evacuation.
- Limit the use of personal appliances and non-office equipment that generate power surges. Always turn off all appliances and equipment when you are away from your office for extended periods and before you leave at the end of the day.
- Limit the use of power strips and extension cords. If you must use an extension cord, use only electrical devices with the Underwriters Laboratories (UL) seal of approval. Do not place electrical cords across a hall or path.
- Keep your office and storage spaces neat. Do not leave trash around; dispose of it promptly. If your storage room contains mechanical equipment, please do not store materials on top of or in close proximity to this machinery.
- Do not store materials on top of or near a computer monitor or central processing unit. This equipment requires a minimum of six inches between it and other items for proper ventilation.

- All NYLS facilities and the Student Residence are smoke-free environments. Report all violators to the officer at the 185 West Broadway Lobby Desk on extension 2123.
- *Never* attempt to extinguish a fire yourself! Fire and smoke can quickly fill an area. Use this time to alert others of this emergency. The elevators must *never* be used to exit a floor. Fire department personnel will need to use the elevators to evacuate disabled persons and for other firefighting duties. ***Unless otherwise directed by fire department personnel, you must only exit a floor by use of the stairs!*** Never prop open or block the doors that lead to these stairs.

– **Evacuation Preparedness Contacts**

Office of Security and Life Safety

185 West Broadway Lobby

T 212.431.2123

Office of Maintenance and Operations

T 212.431.2820

T 212.431.2847

Fire Department of New York

T 212.999.2222

T 911

NYPD First Precinct

T 212.334.0611

T 911

– **Know All Available Exits**

Posted on the wall at the elevator are an egress sign and floor organization charts with emergency information. The sign denotes your present location (“You are here”). Every stair and the elevator is identified by a letter of the alphabet. A sign which notes the alphabet designation is mounted on the lobby and stair side of the fire exit stair door. A sign which notes the floor number is also mounted on the stair side of the same stair door. The stair is also identified by an illuminated sign near or above it with the word “Exit” in red letters. Please study this map while you are waiting for the elevator. During an evacuation, you should use *all* available stairs- not only the one you commonly use.

7. Response to Medical Emergencies

If you or a fellow member of the community requires medical assistance, contact the security agent at the 185 West Broadway Lobby Desk, extension 2123. ***Remember to tell the agent your location, who is injured, and what happened.*** The agent will notify the Chief of Building Operations and Security, and/or a security employee who is a certified first aid responder. If this is an emergency, the agent will contact the New York City Police Department 911 Operator to request EMS assistance. New York-Presbyterian Lower Manhattan Hospital is located at 69 Gold Street (between Beekman Street and Spruce Street), a six-minute car ride from NYLS. Since May 22, 2000, NYLS has been licensed to possess and operate an automatic external defibrillator (AED). When used by certified security personnel along with cardio-pulmonary resuscitation, an AED could help extend the life of an individual who is experiencing cardiac arrest.

Non-Emergency Medical Care

NYLS faculty, students, and employees may obtain non-emergency medical care through Pace University's Primary Health Care Associates, University Health Care Unit (Health Care Unit). The Health Care Unit is located at 41 Park Row, Room 313. The contact number is 212.346.1600.

8. Employee Training

On-site employees who comprise the certified AED response team include all Security Supervisors and NYLS full-time and contract security agents. The Assistant Manager of Security and Life Safety is the administrator of the training program as well as our First Aid/CPR/AED certification programs for the department. All staff receives refresher courses each year and re-certification every two years. Training for this reporting period was conducted as follows: January 28–29, 2020, and August 18–19, 2020.

- **Fire Safety and Training**

All community members involved with the Fire Safety Plan of NYLS receive the following training:

- **Floor Organization Teams**

All Wardens, Deputy Wardens, and Searchers receive training at least one time per year. Training sessions are scheduled twice per year, this reporting period they were conducted on September 24, 2019.

- **Fire Brigade and BES Teams**

All members of the NYLS fire brigade team received training twice per year. For this reporting period, training was conducted on September 24, 2019. All Building Evacuation Supervisors received their training in on August 5, August 7, and August 12, 2020.

9. Fire and Life Safety Improvements

NYLS completed a security assessment report in 2019 in conjunction with Guidepost Solutions, a pre-eminent security consulting firm. Various recommendations were generated in this report which prompted the installation of 70 new CCTV cameras throughout the campus and card readers at critical infrastructure locations.

Section 9: Campus Crime Statistics (On-Campus and Off-Campus Properties)

The Clery Act requires the disclosure of crime statistics in an annual security report and web-based collection for specific crimes that occur on campus, non-campus, and contiguous public property. Statistics are reported for all times of the day, including the times outside of Monday through Friday regular business hours or the times NYLS is officially closed. Although the Clery Act's first required reporting period began on September 1, 1992, this and all earlier reports have included statistics beginning with the 1989–90 academic year.

To see historical records please speak with the Chief of Building Operations and Security or a Security Manager. On page 22 is a list of reported campus crimes to employees in the Office of Security and Safety for the period of September 1, 2019–August 31, 2020, that is reportable. Although larceny is not on the list of required reportable Clery defined crimes (except for Hate Crimes), larceny crimes have been included since the first required reporting period. The Office of Security and Life Safety

documents all reported crimes whether or not they are Clery defined crime-reporting incidents. Effective with the 2014–15 report, the annual security and fire report for colleges and universities are required to include statistics compiled for instances of sexual assault, domestic violence, dating violence, and stalking that are reported to campus security authorities, Title IX Coordinators, and local police agencies.

All Campus Security Authorities were contacted by electronic mail on May 13, 2020, by the Chief of Building Operations and Security and asked whether there were any crime incidents which they were aware of but had not yet reported. There were two reports provided that were filed with the Office of Security and Life Safety and classified. Of the 11 incidents, three were deemed reportable by Clery definition. There were no additional first-hand reports of any other campus crimes.

Sources for Criminal Statistics

Statistics for the required geographic reporting area for campus and non-campus locations were requested from senior police officials at the First and 84th Precincts on Tuesday, September 10, 2020. As of the due date of this report, October 1, 2020, neither precinct has provided this data as requested to NYLS. The website for access to Precinct wide crime computer statistics (COMPSTAT) was made available at the Office of Security and Life Safety.

- [Current statistics for the First Precinct](#)
- [Current statistics for this Eighty Fourth Precinct](#)

Sex Offender Registries

Law enforcement agency information provided by New York and other nearby states concerning registered sex offenders may be obtained from the following:

- [Connecticut Sex Offender Registry](#)
- [New Jersey Sex Offender Registry](#)
- [New York State Sex Offender Registry](#)
- [Pennsylvania Sex Offender Registry](#)

Campus Crime Log

NYLS's Campus Crime Log lists all crimes including date, time, location, nature, and disposition reported to employees in the Office of Security and Life Safety during the reporting period. This public Log is maintained by the Chief of Building Operations and Security and is available for inspection weekdays during regular business hours. An electronic version is also posted on the [NYLS Portal](#).

Crime statistics must be reported under the definitions used in the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) System and presented by the following geographical locations: on-campus property, the non-campus property, and public property. The Clery Act requires crime statistics to be reported for a public property that is reasonably contiguous to NYLS.

Entries to the Campus Crime Log must be made within two business days of the report of the incident. The only instance where information would be withheld is where the information could jeopardize an ongoing criminal investigation or poses a threat to the safety of an individual.

Total Reportable On Campus Crime Statistics (September 1, 2019–August 31, 2020)

Campus Property: 185 West Broadway, 55 & 57 Worth Street			
Crime Categories	Date & Time	Location & Building	Description of Crime
Theft	01/22/20 at 2:00 p.m.	E5 Office	Personal property removed
Theft	02/11/20 at 5:45 p.m.	L1 Library Level	Personal property removed
Stalking	11/11/19 at 11:30 a.m.	Various Locations	Between 2 NYLS students

Public Property Streets: 185 West Broadway, 55 & 57 Worth Street			
Crime Categories	Date & Time	Location & Building	Description of Crime
No incidents to report this period			

Public Property Sidewalks: 185 West Broadway, 55 & 57 Worth Street			
Crime Categories	Date & Time	Location & Building	Description of Crime
No incidents to report this period			

Grand Total Crimes Reporting Period: 3

General Provisions

How to Obtain Crime and Fire Statistics Reported to the Office of Post-Secondary Education

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1990), codified as 20 U.S.C. 1092 (f); Public Law 89-329, Section 485(a) and (f) of the Higher Education Reauthorization Act (the Clery Act), all federally funded public and private colleges and universities are required to annually report crime and fire statistics by October 1 to the office of Post-Secondary Education of the United States Department of Education (DOE). The Chief of Building Operations and Safety submits this information annually. The most current statistics were reported to the DOE on September 30, 2019. You can view the statistics reported to the Office of Post-Secondary Education by visiting their website ope.ed.gov/security.

The Clery Act took effect on September 1, 1991. The Clery Act was passed in response to concerns that higher educational institutions were not making public information that would allow people to know how well institutions were providing for the safety of all persons who lived or worked on campus and to prospective members of the college or university community. The DOE was charged with enforcing the Clery Act and in working with colleges and universities to meet its mandate. Amendments to the Clery Act were passed in 1992, 1998, 2000, 2008, and 2013 which expanded the scope of the law to include sexual assault reporting, stating requirements where sexually violent offenders are on college and university campuses, clarification on crime records status under the Family Educational Rights and Privacy Act, emergency response and evacuation procedures, missing student notification, fire incidents, and safety and general clarifications on key provisions.

The Clery Act requires that a higher education institution give timely warnings of crimes that pose a threat to personal safety, publish emergency response guidelines, notify the college and university community of real-time emergencies and threats, and make public campus security policies and procedures. By October 1 of each year, the Clery Act requires each higher education institution participating in any federal program to prepare, publish, distribute, and provide in hard or electronic means to all current students and employees, and any applicant for enrollment or employment, upon request, an annual security and fire report that includes at a minimum the following information:

- How to report criminal actions or emergencies and a description of how security employees will respond.
- Emergency response and evacuation procedures and timely warning communication policy.
- Outline current policies concerning security and access to campus facilities.
- Describe campus security personnel and their relationship to local police.
- Identify security programs and activities for encouraging personal and community safety.
- Describe missing student notification procedures.
- Policy concerning possession, use, and sale of alcoholic beverages or illegal drugs and the enforcement of a drug-related law.
- Describe drug and alcohol abuse education programs.
- Statistics for the reporting year (September 1, 2019–August 31, 2020) and the three most recent calendar years the occurrence on campus, on non-reporting campus property, and on public property of the following that are reported to local police agencies or a campus security authority: criminal homicide (murder and non-negligent and negligent manslaughter), forcible sex offenses and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, arrests or persons referred for campus disciplinary action for illegal weapons violations, drug-related violations, liquor law violations.
- Statistics for the reporting year (September 1, 2019–August 31, 2020) and the three most recent calendar years by category of prejudice, of any crimes noted in item nine (above) involving bodily injury to any persons in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability including crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.
- Statistics for the reporting year (September 1, 2019–August 31, 2020) concerning the occurrence in campus student housing facilities of fires reported to local fire department agencies or to a campus security authority including the date the fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire.
- Sexual assault prevention program policy, and information on where to report a sexual assault to campus and local law enforcement authorities.
- Location of a campus Crime Log that notes all reported crimes by date, time, location, nature and disposition.
- Location of a campus Fire Log that notes all reported fires in on-campus student housing including the date the fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire.
- Submit crime and fire statistics to the NYLS community and the DOE online by October 17, 2020 for this reporting period. This year's results were transmitted to the DOE on or about October 1, 2020.

NYLS provides printed copies of this Annual Security and Fire Safety for current students through the Office of Student Engagement, for prospective students through the Office of Admissions, and for current and prospective employees, through the Office of Human Resources. The Office of Student Engagement is located at 57 Worth Street on the fifth floor and can be reached at 212.431.2851. The Office of Admissions is located at 185 West Broadway on the first floor and can be reached at 212.431.2888. The Office of Resources is located at 55 Worth Street on the third floor and can be reached at 212.431.2131. There will also be copies of this Annual Security and Fire Safety Report and other health and safety brochures available from the literature rack on the first floor of 55 Worth Street. This Annual Security and Fire Safety Report is also available at the Office of Facilities Management, Security and Safety, and on the School's website, www.nyls.edu.

Strictly Prohibited

Under Article 129-A, Section 6437 prohibits the marketing of credit cards except within specific guidelines stated by law. NYLS has adopted this guideline as its marketing policy. The open advertising, marketing, or merchandising of credit cards to faculty, students, or employees is prohibited. NYLS has an ATM that is operated and maintained by a private contractor in the lobby of the west campus for members of the School community including visitors.

Title IX of the Education Amendments of 1972

Title IX of the Education Amendments of 1972 (Title IX) protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. The DOE Office of Civil Rights is responsible for enforcing Title IX. The law states that no person in the United States shall, based on sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. The law creates obligations for a college or university to investigate and to provide a "prompt and effective remedy." If the victim is a student, Title IX means among other things that the college or university must provide an environment that does not interfere with the victim's right to pursue an education. The college or university incurs this obligation when a victim has given notice to a "responsible employee" or when the college or university, in the exercise of reasonable care, should have known about the assault or harassment.

Violence against Women Reauthorization Act of 2013 (Pub. Law 113-4)

On March 7, 2013, President Barack Obama signed the Violence against Women Reauthorization Act of 2013 (Public law 113-4). Among other provisions, this law amended Section 485(f) of the Higher Education Authorization Act. The statutory changes required colleges and universities to complete statistics for instances of sexual assault, domestic violence, dating violence, and stalking that are reported to campus security authorities or local police agencies. These revisions will be incorporated into the annual report for colleges and universities about these crimes and regulations set forth by the established DOE guidelines.

State of New York Education Law

State Education Law Article 129-A, entitled "Regulation by Colleges of Conduct on Campuses and Other College Property Used for Educational Purposes," requires all colleges in the State of New York to create certain policies and procedures and to certify annually that the information concerning such policies and procedures has been provided to students. This information is included under the security section in the online student handbook. Also, all first-year students are provided a hard copy with the information contained under Article 129-A during the first-week orientation and it was posted via an announcement on the NYLS Portal on or about the week of August 11, 2020.

The requirements of Article 129-A are fully covered in this Annual Report. The Article outlines requirements for maintaining public order on higher education campus properties, including the creation of an Advisory Committee on Campus Security (Section 6431); informing the community of sexual assault, domestic violence, and stalking prevention information (Section 6432); noting campus crime reporting procedures and statistics (Section 6433); and outlines procedures for investigating violent felony offenses and reports of missing students (Section 6434); Section 6435 describes the responsibilities for campus security officers who are employed at colleges outside the limits of any city having a population of fewer than one million persons. (This section does not apply to NYLS); Section 6436 establishes requirements that the School must adhere to in providing information to students about bias-related crimes; Section 6437 prohibits the marketing of credit cards except within specific guidelines stated by the law. NYLS has adopted this guideline as its marketing policy. The open advertising, marketing, or merchandising of credit cards to faculty, students, or employees is prohibited. NYLS has an ATM which is operated and maintained by a private contractor and is provided for and accessible to the School community and its visitors; and Section 6438 requires NYLS to provide written notification to students residing in NYLS-owned or operated housing concerning a description of such housing facility's fire safety system, including whether the housing is or is not equipped with a sprinkler system. NYLS must also indicate, within such written notification, how to access the campus fire safety report on student housing.

All colleges that receive state aid must provide information to students about bias-related crimes under Section 6436 of the New York State Education Law. Also, this Annual Security and Fire Report note, in several references, the location of the Office of Security and Life Safety and contact information for the Chief of Building Operations and Security who can provide the same statistical information.

Section 6434 of the Education Law requires college and university security department investigations to investigate any violent felony offense, as defined in 70.02 of the New York State Penal Law, occurring at or on the grounds of each such institution, and providing for the investigation of a report of any missing student. Campus security must coordinate in the investigation of such crimes and reports with local law enforcement agencies. This includes situations where a student is at or on the grounds of a college or university, or a report that any college or university student who resides in a facility owned or operated by the college or university is reported missing from their residence. In these instances, the local police authority must be promptly contacted.

Article 129-B, entitled, "Implementation by Colleges and Universities of Sexual Assault, Dating Violence, Domestic Violence and Stalking Prevention and Response Policies and Procedures," requires higher education institutions to adopt written rules implementing Article 129-B by amending its code of conduct or other comparable policies (Section 6440); Article 129-B, the provisions of which are fully covered in this Annual Report, requires such institutions to: adopt a definition of "affirmative consent to sexual activity," as set forth in Section 6441(1) (see below at page 27); adopt a policy for alcohol and/or drug use amnesty, as set forth in Section 6442 (see NYLS Drug and Alcohol Policy, in "NYLS Policies," below); adopt a Student's Bill of Rights, as set forth in Section 6443 (see Sexual Misconduct Policy below, at page 27); advise reporting individuals of their rights regarding reports of sexual assault (Section 6444); conduct, no less than every other year, a campus climate assessment to ascertain general awareness and knowledge of the provisions of Article 129-B (Section 6445). NYLS last conducted such a campus climate assessment in on or about April of 2019, the results of such survey were posted on NYLS's Portal for the community. The next climate assessment report is due in the spring of 2021. It will continue: to ensure that reporting individuals always have information regarding the confidential reporting of domestic violence, dating violence, stalking, or sexual assault, and related procedures (Section 6446); adopt a comprehensive student onboarding and ongoing education campaign to educate members of the NYLS community about domestic violence, dating violence, stalking, and sexual assault, in compliance with applicable federal laws, including the Clery Act as amended by the Violence Against Women Act (Section 6447); and make an annual report to the State education department specified information about reports of domestic violence, dating violence, stalking and sexual assault (Section 6449).

The Federal Bureau of Investigation's Hierarchy Rule must apply when counting multiple offenses. This rule requires that the most serious offense be counted when more than one offense was committed during a single incident at the same time and place.

The Clery Act hierarchy and primary crimes are:

- Murder and Non-Negligent Manslaughter
- Negligent Manslaughter
- Sex Offenses (Rape, Fondling, Incest, Statutory rape)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Disciplinary Action
- Hate Crimes (Larceny/Theft, Simple Assault, Intimidation, Destruction/Vandalism Property)
- Dating, Domestic Violence, and Stalking

Appendices

Appendix 1: NYLS Sexual Misconduct Policy's Terms and Definition

Complainant is an individual who is alleged to be the victim of the Sex-Based Misconduct under this Policy.

Confidentiality generally means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual.

The confidentiality of information shared by an individual with designated campus or community professionals generally is governed by New York law, including restrictions on disclosure of information by mental health providers, ordained clergy, rape crisis counselors, and attorneys, all of whom have legally-protected confidentiality. These individuals are generally prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

Consent under this policy means affirmative consent. 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.

- a. 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.
- b. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- c. Consent may be initially given but withdrawn at any time.
- d. 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.
- e. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- f. When consent is withdrawn or can no longer be given, sexual activity must stop.

Dating Violence means violence by a person who has been in a social romantic or intimate relationship with the Complainant (victim). The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

- a. Dating violence can be a single act or a pattern of behavior in relationships. Dating violence includes the use or threat of physical force or restraint carried out with the intent of causing pain or injury to another within a dating relationship. Dating Violence may also include taking away a person's cell phone during an argument so the person cannot call a friend or the police for help, or threatening to self-harm if another does not do what is asked. Dating violence does not include acts covered under the definition of Domestic Violence.
- b. Examples of dating violence may include, but are not limited to: slapping, kicking, pinching, biting, pulling hair, punching, threatening to hit, harm, or use a weapon on a partner or a partner's family, hurting or threatening to hurt a partner's pet or children.

Discrimination is the adverse treatment of another individual on the basis of a Protected Classification (as defined in the Non-Discrimination and Harassment Policy); the use of facially-neutral employment policies or practices which disproportionately disadvantage individuals on the basis of a Protected Classification. It occurs when one experiences negative or adverse conduct based on characteristics protected in this policy and/or applicable local, state, and federal laws, where such conduct has the effect of denying or limiting one's ability to benefit from and fully participate in educational programs or activities or employment opportunities.

Sex or Gender-Based Discrimination refers to the disparate treatment of a person or group because of that person's or group's sex, sexual orientation, actual or perceived gender, gender identity, or gender expression.

Domestic Violence includes assorted violent misdemeanor and felony offenses committed by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a current or former cohabitant who is or has previously been in an intimate relationship with the victim; a person similarly situated to a spouse under domestic or family violence law; or anyone else protected under domestic or family violence law.

Domestic violence may include emotional abuse, psychological abuse, or economic abuse. Domestic violence can be a single act or a pattern of behavior in relationships. Examples of behaviors that may constitute domestic violence include, but are not limited to: hitting, punching, pinching, slapping, choking, violating a protective order, or harming a person's children or animals.

Harassment is certain unwelcome conduct on the basis of a Protected Characteristic. It includes, but is not limited to, subjecting an individual to humiliating, offensive, abusive or threatening conduct that creates an intimidating, hostile or abusive work, residential or academic environment; alters the conditions of employment; or unreasonably interferes with an individual's academic or work performance on the basis of that individual's Protected Characteristic. Harassment includes communicating, sharing or displaying written or visual materials; making verbal comments; or engaging in physical conduct that is demeaning or derogatory to a person because of a Protected Classification. Whether or not conduct is Harassment will depend on the totality of the circumstances, including the frequency and severity of the discriminatory conduct; whether the conduct is physically threatening or humiliating, or a mere offensive utterance; and whether the conduct unreasonably interferes with the alleged victim's employment, academic or residential environment.

Discriminatory harassment includes but is not limited to: epithets or slurs; negative stereotyping; denigrating jokes; and display or circulation in the working, learning, or living environment (including electronic transmission) of written or graphic material.

See "Sexual Harassment," listed below, for information on Sexual Harassment.

Incapacitation under this Policy includes, but is not limited to, lack of consciousness, being asleep, being involuntarily restrained, or otherwise being unable to Consent. Indicators of incapacitation include slurred speech, bloodshot or unfocused eyes, unsteady gait (needing assistance walking or standing), vomiting, concern expressed by others about the individual, expressed memory loss, or disorientation.

Non-Consensual Sexual Activity includes any sexual contact (as defined below), however slight, with an object or bodily part, by a person upon another person that is without affirmative Consent (as defined above).

Privacy under this Policy generally means that information related to a report of Sex-Based Misconduct will only be shared with a limited circle of individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality generally, the Law School will be discreet and respect the privacy of all individuals involved in the process. No information shall be released from a proceeding to enforce this Policy except as required or permitted by law and NYLS policy.

Respondent is an individual who has been reported to be the perpetrator of the Sex-Based Misconduct under this Policy.

A Responsible Employee is any employee: who has the authority to take action to redress Sex-Based Misconduct; who has been given the duty of reporting incidents of Sex-Based Misconduct to the Title IX Co-Coordinators or other appropriate designee; or who a Community Member reasonably believes has this authority or duty. Any faculty member administrator or staff member, or NYLS Security Officer is a Responsible Employee. Examples of employees who are not Responsible Employees include, but are not limited to: Adjunct Faculty; Dining Services Employees; Temporary Employees; and Contract Employees other than Security Officers.

Retaliation is any action to penalize, intimidate, harass, or take adverse action against a person who makes a report of discrimination or harassment, participates in an inquiry or investigation, or otherwise asserts rights protected by non-discrimination laws. In some cases, knowingly making a false report of discrimination or harassment can amount to retaliation.

Sexual Assault is any non-consensual intentional physical contact of a sexual nature, such as unwelcome physical contact with a person's genitals, buttocks, or breasts, or any form of sexual intercourse without Consent. Rape (Appendix C) is a form

of sexual assault. Sexual assault occurs when the act (non-consensual sexual contact or non-consensual sexual intercourse) is committed by: physical force, violence, threat, or intimidation; ignoring the objections of, or without the Consent of, another person; causing another's incapacitation through intoxication or impairment through the use of alcohol or other drugs; and/or taking advantage of another person's incapacitation by alcohol or drug use, disability, unconsciousness, or helplessness which renders them unable to give Consent. In accordance with New York State law, a person under the age of 17 lacks the capacity to give Consent. (See also the definition of Consent, above).

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

Sexual Exploitation is non-consensual sexual abuse or exploitation of another, when such behavior does not otherwise constitute another specifically defined behavior. Examples of sexual exploitation include, but are not limited to, non-consensual use of electronics to capture, reproduce, or share images of a sexual nature without consent of parties involved, public indecency, or exposing genitals to others without consent, or engaging in 'peeping' (observing another when privacy would be reasonably expected) without consent.

Sexual Harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. It is a form of employee misconduct. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender (collectively, "Sex"). Such conduct may occur between any individuals, regardless of their sex or gender. Sexual harassment includes: a NYLS employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment); unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to NYLS's education program or activity; or sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined herein in and under the Clery Act, 20 U.S.C. § 1092(f), and VAWA, 34 U.S.C. § 12291(a)).

Sexual Misconduct is a broad term which incorporates a range of behaviors including sexual assault, sexual harassment, domestic violence, dating violence, stalking, and any other conduct of a sexual nature that is non-consensual, or has the purpose or effect of threatening, intimidating, or coercing a person.

Much sexual misconduct includes non-consensual sexual contact, but this is not a necessary component. For example, threatening speech that is sufficiently severe or pervasive to constitute sexual harassment will constitute sexual misconduct. Making photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent constitutes sexual misconduct, even if the activity documented was consensual. Similarly, sharing such recordings or other sexually harassing electronic communications without consent is a form of sexual misconduct. All members of our community are protected from sexual misconduct, and sexual misconduct is prohibited regardless of the sex of any party involved.

Sexual Violence involves sexual contact perpetrated against an individual's will, without valid consent, or when an individual is incapable of giving consent. Examples of sexual violence include sexual assault, dating violence, or domestic violence.

Stalking under this Policy means a course of conduct directed at a specific person based on their sex or gender that would cause a reasonable person to feel fear for her, his, or others' safety or to suffer substantial emotional distress. Stalking involves repeated and continued harassment made against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear and apprehension. Stalking behaviors may include: pursuing or following; non-consensual (unwanted) communication or contact – including face-to-face, telephone calls, voice messages, electronic messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.

Appendix 2: New York State Law and Other Definitions

New York State Criminal Definitions

The Violence Against Women Act (VAWA) requires NYLS to include certain New York State criminal definitions in its Annual Security Report and also requires that these definitions be provided in other materials disseminated by the Law School. Relevant New York definitions are set forth below.¹ Ultimately, the New York District Attorney will determine whether an act meets the criminal standard.

Consent²: Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct, or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with developmental disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

Consent, abbreviated: Clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity.

Dating Violence: New York State does not specifically define "dating violence." However, under New York Law, intimate relationships are covered by the definition of domestic violence when the crime is committed by a person in an "intimate relationship" with the victim. See "Family or Household Member" for definition of "intimate relationship."

Domestic Violence: An act which would constitute a violation of the penal law, including, but not limited to, acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching of blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

Family or Household Member: Persons related by consanguinity or affinity; persons legally married to one another; persons formerly married to one another regardless of whether they still reside in the same household; persons who have a child in common regardless of whether such persons are married or have lived together at any time; unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts

¹ For purposes of enforcing the expectations and requirements of this Policy, sexual and gender-based misconduct are defined in Section 13. The definition listed here applies to New York state criminal laws.

² The Law School defines consent as affirmative consent consistent with N.Y. Educ. Law § 6441 as described in Section 13.

shall be deemed to constitute an "intimate relationship"; any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

Parent: means natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

Sexual Assault: New York State does not specifically define sexual assault. However, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape.

Sex Offenses; Lack of Consent: Whether or not specifically stated, it is an element of every sexual act committed without consent of the victim.

Sexual Misconduct: When a person engages in sexual intercourse with another person without such person's consent; or engages in oral sexual conduct or anal sexual conduct without such person's consent; or engages in sexual conduct with an animal or a dead human body.

Rape in the Third Degree: When a person engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the Second Degree: When a person being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree that the defendant was less than four years older than the victim at the time of the act.

Rape in the First Degree: When a person engages in sexual intercourse with another person by forcible compulsion; or who is incapable of consent by reason of being physically helpless; or who is less than 11 years old; or who is less than 13 years old and the actor is 18 years old or more.

Criminal Sexual Act in the Third Degree: When a person engages in oral or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than 17 years old; being 21 years old or more, with a person less than 17 years old; with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal Sexual Act in the Second Degree: When a person engages in oral or anal sexual conduct with another person and is 18 years or more and the other person is less than 15 years old; or who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

Criminal Sexual Act in the First Degree: When a person engages in oral or anal sexual conduct with another person by forcible compulsion; who is incapable of consent by reason of being physically helpless; who is less than 11 years old; or who is less than 13 years old and the actor is 18 years old or more.

Forcible Touching: When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. It includes squeezing, grabbing, or pinching.

Persistent Sexual Abuse: When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten-year period, has been convicted two or more times in separate criminal transactions for which a sentence was imposed on separate occasions of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

Sexual Abuse in the Third Degree: When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and such other person was more than 14 years old and the defendant was less than five years older than such other person.

Sexual Abuse in the Second Degree: When a person subjects another person to sexual contact and when such other person is incapable of consent by reason of some factor other than being less than 17 years old; or less than 14 years old.

Sexual Abuse in the First Degree: When a person subjects another person to sexual contact by forcible compulsion; when the other person is incapable of consent by reason of being physically helpless; or when the other person is less than 11 years old; or when the other person is less than 13 years old.

Aggravated Sexual Abuse: For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Fourth Degree: When a person inserts a foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

Aggravated Sexual Abuse in the Third Degree: When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person: by forcible compulsion; when the other person is incapable of consent by reason of being physically helpless; or when the other person is less than 11 years old; or causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

Aggravated Sexual Abuse in the Second Degree: When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by forcible compulsion; or when the other person is incapable of consent by reason of being physically helpless; or when the other person is less than 11 years old.

Aggravated Sexual Abuse in the First Degree: When a person subjects another person to sexual contact: by forcible compulsion; or when the other person is incapable of consent by reason of being physically helpless; or when the other person is less than eleven years old; or when the other person is less than thirteen years old and the actor is twenty-one years old or older.

Stalking in the Fourth Degree: When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct is likely to cause reasonable fear of material harm to the physical health, safety, or property of such person, a member of such person's immediate family, or a third party with whom such person is acquainted; or causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning, or initiating communication or contact with such person, a member of such person's immediate family, or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or is likely to cause such person to reasonably fear that his or her employment, business, or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

Stalking in the Third Degree: When a person commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding 10 years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or with an intent to harass, annoy, or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment, or death of such person or a member of such person's immediate family; or commits the crime of stalking in the fourth degree and has previously been convicted within the preceding 10 years of stalking in the fourth degree.

Stalking in the Second Degree: When a person: commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument, or deadly weapons or displays what appears to be a pistol, revolver, rifle, shotgun, machine gun, or other firearm; or commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding 5 years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury, or death; or commits the crime of stalking in the third degree, against 10 or more persons, in 10 or more separate transactions, for which the actor has not been previously convicted.

Stalking in the First Degree: When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

Appendix 3: NYLS Student Housing

NYLS students are housed at the Saint George Residence Hall located in Brooklyn at 100 Henry Street. It is bordered by Clark Street, Pineapple Street, Hicks Street, and Henry Street. The local police precinct is the 84th precinct located at 301 Gold Street, or via phone at 718.875.6811. The local firehouse is Engine 224 located at 274 Hicks Street, or via phone at 718.965.8224.

A. Fire Safety Information

1. Fire Alarms Procedures

- Explain what to do when a resident smells smoke whether in their rooms or hallways or any other parts of the building.
- Explain what to do if the resident has to shelter in place.
- Address the Fire Evacuation Plan (placed behind every resident door).
- Note the floor plans for the emergency exits/stairways.
- Listen to the Fire Safety Directors instructions.
- Explain how to avoid accidental fire alarms.

2. Fire Alarm Warning System

The Saint George Residence has a state-of-the-art computerized fire warning system and trained fire/security personnel on the premises. During the year, the fire department will test all fire warning systems per New York City regulations. In the event of a fire drill, all residents must follow all instructions given by the emergency staff via the announcement system. Floor plans and diagrams for emergency staircases and exits are posted in public areas on all floors as well as the back of every room door. Residents should familiarize themselves with these maps to be able to exit promptly during fire drills or actual emergencies, fire drills are conducted quarterly or four times per year.

3. Kerry Rose Sprinkler Act

Educational Housing Services is committed to providing a safe environment for the entire community and to that end we would like you to know what fire safety devices are located in our residences. This advisement complies with the "Kerry Rose Fire Sprinkler Notification Act" (A.5715-a/s. 4180-B). These are the fire safety systems you will find in the Saint George Residence Hall: fire sprinkler system, fire extinguishers, smoke detectors, CO detectors, heat detectors, fire alarm pull boxes, emergency lights, public address system, and emergency exits. The fire extinguishers are checked to ensure that they are in the working condition under the law. There will be at least one fire drill per semester. Residents are provided with the Fire Safety Evacuation Plan for their location behind their room doors and in the NYLS **Code of Conduct**. It is important that you know the location of these fire safety devices and immediately report any device that requires repair or has been tampered with. Remember fire safety is everyone's business and together we can lessen the threat of fire.

Educational Housing Services requires occupants to evacuate only as directed by the building's specific Fire Safety Plan in the event of fire alarm activation. An alarm will sound on the fire floor, the floor above the fire, and the floor below the fire floor. The occupants of these areas should immediately use the exit stairs to descend to a floor level that is at least four floors below the fire floor and awaits further instructions over the loudspeaker. All other floors/areas will receive an alert signal and these occupants should stand-by for further instructions. Persons in these locations are not required to evacuate the area until told to do so by the Fire Life Safety Director if required.

Residents should follow the building's Fire Life Safety Director's directions and procedures at all times. If you have any questions regarding EHS' Fire Safety Plan, please contact the Public Safety Office via phone at 347.272.1271 or via email at PublicSafety@studenthousing.org. All the fire safety information can be reviewed at www.studenthousing.org/studentlife.

4. Fire Safety Systems

The following are the fire safety systems in place:

- Fire alarm system (Class J)
- Central station
- Smoke detectors (common areas and stand alone rooms)
- Elevator lobby detectors
- Waterflow detectors (sprinklers)
- Manual pull stations
- Warden phones
- Fire pump
- Tamper switches (valves)
- Standpipe system.

B. Total Reportable Non-Campus Crimes

According to Life Safety personnel at the Saint George Residence Hall, the following alarm and campus crimes took place during the reporting period of September 1, 2019–August 31, 2020 the Eleventh Annual Report.

Total Reportable Non-Campus Crimes (September 1, 2019–August 31, 2020)**Non-Campus Property: Saint George Residence Hall, 100 Henry St., Brooklyn, NY 11201**

Crime Categories	Date & Time	Location & Building	Description of Crime
Sexual Assault	11/25/19/0900 hrs.	Weller Residence	Between two NYLS students

Public Property Streets: Saint George Residence Hall, 100 Henry St., Brooklyn, NY 11201

Crime Categories	Date & Time	Location & Building	Description of Crime
No incidents to report this period			

Public Property Sidewalks: Saint George Residence Hall, 100 Henry St., Brooklyn, NY 11201

Crime Categories	Date & Time	Location & Building	Description of Crime
No incidents to report this period			

Grand Total Crimes Reporting Period: 1

Appendix 4: Fire Safety Definitions

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Maybe classified as structural, mobile, or other.

Cause of Fire is the factor or factors that give rise to a fire. The casual factor may be but is not limited to, the result of an unintentional action, mechanical failure, or an act of nature.

Evacuation Drill is a supervised practice of a mandatory evacuation of a building in the event of an emergency such as a fire.

Fire refers to any open flame or burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire-Related Injury refers to any instance in which any person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers.

Fire-Related Death refers to any instance in which any person is killed as a result of a fire, including death sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers, or who passes away within one year of their injuries sustained in such fire.

Fire Safety System is any mechanism or system related to the detection of fire, the warning resulting from fire, or control of a fire including:

- Sprinkler systems and all associated devices (water flows, tampers, etc.)
- Standpipe systems (hose racks, gravity tanks, siamese connections)
- Speakers and strobes (visual and audio)
- Supervised or stand alone smoke detectors
- Fire doors and fire rated walls
- Fire dampers
- Smoke control and reduction mechanisms
- Fire pumps

Property Value is the estimated value of the items and contents within a structure lost as a result of a fire, in terms of the replacement cost in kind and quantity including contents damaged, related damages from water and/or smoke and overhaul.

Appendix 5: NYLS Crime Statistics

Three-Year History

Reporting Period (September 1, 2017–August 31, 2018)					
Category	On Campus	Non Campus	Public Property	Unfounded	Totals
Intimidation	1	1			2
Stalking	1				1
Simple Assault		1			1
Harassment	1				1
Theft	1				1
Vandalism	1				1
Total Incidents Reported					7

Reporting Period (September 1, 2018–August 31, 2019)					
Category	On Campus	Non Campus	Public Property	Unfounded	Totals
Fondling		1			1
Vandalism	2				2
Vandalism	4				4
Simple Assault	2				2
Harassment		1			1
Theft	1				1
Total Incidents Reported					11

Reporting Period (September 1, 2019–August 31, 2020)					
Category	On Campus	Non Campus	Public Property	Unfounded	Totals
Theft	2				2
Stalking	1				1
Sexual Assault		1			1
Total Incidents Reported					4

Title IX Co-Coordinator: Nina Jody '83
 Title IX Co-Coordinator: Brian Kaszuba

Highlighted indicates reported to DOE

Appendix 6: NYLS Fire Statistics

Three-Year History

Reporting Period (September 1, 2017– August 31, 2018) Saint George Residence Hall – 100 Henry Street, Brooklyn NY 11201					
Date and Time	Location	Cause	Number of Deaths	Injuries requiring medical attention	Dollar value of property damage
None	-	-	0	0	\$0

Reporting Period (September 1, 2018–August 31, 2019) Saint George Residence Hall – 100 Henry Street, Brooklyn NY 11201					
Date and Time	Location	Cause	Number of Deaths	Injuries requiring medical attention	Dollar value of property damage
None	-	-	0	0	\$0

Reporting Period (September 1, 2019–August 31, 2020) Saint George Residence Hall – 100 Henry Street, Brooklyn NY 11201					
Date and Time	Location	Cause	Number of Deaths	Injuries requiring medical attention	Dollar value of property damage
None	-	-	0	0	\$0

Campus Fire Log

NYLS's Campus Fire Log lists all crimes including date, time, location, nature, and disposition reported to the Office of Security and Safety. This public Log is maintained by the Chief of Building Operations and Security and is available for inspection weekdays during regular business hours in the Office of Security and Life Safety. In compliance with the Clery Act, a fire is any instance of open flame or other burning in a place not intended to contain the burning or in a controlled manner.

False Alarms

The Tribeca campus had one false alarm this reporting period that occurred on July 9, 2019, when a smoke detector activated in the second floor pantry of the west campus building, FDNY responded and issued the all-clear.

NYLS Policies

(As of August 2020)

To find the most recent NYLS policies, go to **www.nyls.edu/policies**.

**WE ARE NEW YORK'S LAW SCHOOL**

Drug and Alcohol Policy

New York Law School is committed to a learning environment free from the deleterious influences of drugs and alcohol. While recognizing that students aged 21 and older are legally permitted to consume alcoholic beverages, the School requires students to do so responsibly and in accordance with applicable federal, state and local laws, as well as the NYLS Alcohol Policy outlined below. NYLS has zero tolerance for the use of illegal drugs, or the abuse of alcohol or drugs that may be legal, on campus or in connection with School-related events. Equally important, NYLS is committed to assisting, to the extent possible, students, faculty, and staff who may be living with substance abuse issues.

Drug and alcohol abuse can lead to severe and even life-threatening health problems. Such abuse can also impair academic performance and may be a factor in domestic violence and others forms of abusive behavior. NYLS encourages all students experiencing problems with drug or alcohol abuse to seek confidential help. Any student having such problems should contact the Office of Student Life at 212.431.2851 or the confidential student counseling service at 866.486.4334 for information about treatment programs and/or self-help groups. The services listed below can provide valuable assistance:

Alcoholics Anonymous: 212.647.1680 and 212.870.3400

Narcotics Anonymous: 212.929.6262

AI-Anon Family Group Meeting Information Line: 800.356.9996 and 800.344.2666

New York City Lawyers Assistance Program: 212.302.5787.

Section I: Illegal Drugs

In accordance with federal law and state laws, no student may possess, use, or distribute any illegal drug on School premises or at official NYLS functions. (Please see Title 21 of the United States code and articles 220 and 221 of the New York Penal Code.) Any instances of illegal drug distribution, possession, or possession for distribution, will be referred to the appropriate law enforcement authorities. If convicted of a drug-related offense, a permanent notation will be placed in the student's file and will be forwarded to the appropriate Bar Certification Committee. Students convicted of possession, use or distribution of illegal drugs also may be the subject to disciplinary action by the Academic Responsibility Committee. These actions include expulsion, suspension, reprimand, and permanent notation on the record of the violator.

Section II: Alcohol

The consumption of alcohol may be permitted upon request to the Office of Student Life on School premises or at official NYLS functions. The Office of Student Life has broad discretion to approve or disapprove such requests and any approval of a request shall be in accordance with the following guidelines:

1. No person under 21 years of age may be served, or serve to others, an alcoholic beverage.
2. No visibly intoxicated person may be served an alcoholic beverage. Staff serving alcohol is encouraged to err on the side of caution.

3. The Office of Student Life must be informed when alcohol will be served at a student-sponsored event.
4. At each student-sponsored event at which alcohol is served, the sponsoring students or student organization must designate one or more students as responsible for the enforcement of this Policy and inform the Office of Student Life at least three (3) business days prior to the event of the identity of such students, as well as the number of guests expected and the amount of alcohol to be purchased. A member of the Office of Student Life staff will meet with those students before each event where alcohol is served to insure that responsible student(s) understand this Policy. The Office of Student Life reserves the right to limit the amount of alcohol purchased for an event. For planning purposes, alcohol is generally limited to two drinks per person.
5. Food and non-alcoholic beverages must be served at any event at which alcoholic beverages will be served.
6. Alcoholic beverages may only be consumed on School premises when an event is hosted by NYLS and approved to serve alcoholic beverages.
7. Alcoholic beverages may not be stored in Journal offices, Center offices, Clinic offices, Moot Court offices, or student organization offices.
8. Advertisements should not encourage the use of alcohol and if necessary such materials will be removed from School property where they appear.

Students found to be in violation of this Policy will be referred to the Academic Responsibility Committee for disciplinary action in accordance with that committee's procedures. These actions include but are not limited to one or more of the following: expulsion, suspension, reprimand, and permanent notation on the record of the violator. Student organizations found to have been involved in violation of this Policy are also subject to appropriate sanctions, such as rescission of permission to operate on campus, loss of funding, and loss of office space.

Section III: Forced Alcohol or Drug Consumption

Forced alcohol or drug consumption for initiation into or affiliation with any organization is strictly prohibited.

Students found to be in violation of this section will be referred to the Academic Responsibility Committee for disciplinary action in accordance with the Committee's procedures. Possible sanctions include but are not limited to one or more of the following: expulsion, suspension, reprimand, and permanent notation on the record of the violator. Possible sanctions for student organizations include rescission of permission to operate on campus, loss of funding, and loss of office space.

Section IV: Amnesty for Alcohol and/or Drug Use

The health and safety of every student at NYLS is of utmost importance. The School 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. NYLS strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to NYLS officials and local law enforcement. A bystander acting in good faith who discloses any incident of domestic violence, dating violence, stalking, or sexual assault to NYLS officials or law enforcement will not be subject to NYLS'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.

Section V: Suggested Actions for Handling Impairment at an NYLS Event

- 1.** If a student observes that another individual is impaired by the use of drugs or alcohol at an NYLS event, that student should bring this fact to the attention of the student(s) responsible for the event at which alcohol is served or to a School staff member.
- 2.** No impaired individual should be allowed to leave School premises (or wherever location a School-sponsored event may be taking place) by themselves. If no funds for a taxi or car service are available, the responsible student(s) should contact an officer at the security desk (ext. 2123). Under no circumstances should an impaired individual be allowed to drive.
- 3.** If an individual is impaired to the point where medical attention may be required, the responsible student(s) should contact an officer at the security desk (ext. 2123) to request they call for an ambulance, or call 911.

Section VI: Alcohol Guidelines for All NYLS Events

In general, events sponsored by faculty, centers, or non-student run organizations should endeavor to follow the same guidelines.



WE ARE NEW YORK'S LAW SCHOOL

Weapon Possession Policy

New York State Law

In accordance with New York State Penal Law Article 265 Section 265.01, it is a crime in New York State to possess a rifle, shotgun, air gun (including BB guns), spring gun, or other firearm when in the buildings or on the grounds of any school, college, or university, even if you have a valid New York State firearm permit. It is also a crime to possess nunchaku (or karate sticks), daggers, switchblades, locking butterfly knives, stun guns, and any other instruments that are deemed unlawful by New York State Penal Law Article 10.

New York Law School Policy

It is a violation to possess, carry, or use firearms, including rifles, shotguns, and other assault and automatic weapons, ammunition, explosive devices of any description, other dangerous weapons, instruments, or substances on owned or leased NYLS property, or at any event sponsored by NYLS on any other property. This policy applies to weapons carried about the person or stored within any parked vehicle on Law School property. Also included as dangerous weapons are harmless instruments that are designed to look like or may be used by a person to cause fear and/or produce bodily harm. NYLS reserves the right to further determine the definition of a weapon and may prohibit other devices on an individual basis.

Students

Students found to be in violation of the above policy may be found in violation of the New York Law School Code of Academic Responsibility and referred to the Academic Responsibility Committee for disciplinary action in accordance with the Committee's procedures. These actions include but are not limited to one or more of the following: expulsion, suspension, reprimand, permanent notation on the record of the violator. The Law School will report the violation to local law enforcement authorities.

Faculty, Staff, and Other Employees

If a member of the faculty or staff is found to be in violation of the above policy, the consequences of that action will be in keeping with existing guidelines governing the resolution of cases of unprofessional conduct, up to and including dismissal and promptly reporting this violation to local law enforcement authorities. This policy also applies to all other contract and non-contract employees (except where exempted) who provide services on owned or leased Law School property. Individuals who violate this policy will be promptly reported to local law enforcement authorities.

Exceptions to the Policy

Law School Student Law Enforcement Officers. Sworn Federal, State, or Local Law Enforcement Officers who are enrolled as NYLS students and are authorized by their employer to carry a firearm may do so while on owned or leased NYLS property. Any Law Enforcement Officer, not in full uniform, when carrying a weapon on his or her person, must carry the weapon in an

inconspicuous manner. The Officer must also have in his or her possession at all times valid identification officially identifying him or her as Law Enforcement Officers.

To be subject to this exception, Law Enforcement Officers must submit a completed Firearm Registration Form for Law Enforcement Officers and Proof of Law Enforcement Status, by the end of the first week of classes each semester. A copy of this form may be obtained from the Office of Security and Safety (212.431.2837) or the Office of Student Life (212.431.2851). You may also obtain a copy the Firearm Registration Form for Law Enforcement Officers. The completed form must be submitted to the Chief of Building Operations and Safety. The School reserves the right to confirm law enforcement status with the noted employer. If the employment status is not confirmed, permission granted by this section to carry a firearm will automatically be revoked. Officers must promptly notify the Chief of Building Operations and Safety if your license to carry a firearm is revoked.

Other Law Enforcement Officers and Armored Vehicle Guards. Sworn Federal, State, or Local Law Enforcement Officers who are not enrolled as NYLS students and licensed armored vehicle guards who are authorized to carry a weapon in the performance of their duties may carry firearms on their person when conducting official business on owned or leased NYLS property. Any Law Enforcement Officer, not in full uniform, when carrying a weapon on his or her person, must carry the weapon in an inconspicuous manner. The Officer must also have in his or her possession at all times valid identification which notes their law enforcement status.

Prop Weapons or Facsimiles

The use of a harmless instrument designed to look like a firearm, explosive, or a dangerous weapon in an instructional or entertainment reenactment must first be approved by the Associate Dean for Academic Affairs and Student Life and the Executive Vice President. If approved, the Chief of Building Operations and Safety will be notified of the date, time, and location where the simulation will be held. The professor or event host will make an announcement at the start of the class or program and a sign will also be posted at the entrance to the room noting that simulated weapons will be a featured part of the class or program.



WE ARE NEW YORK'S LAW SCHOOL

Non-Discrimination and Harassment Policy

PREAMBLE

Discrimination and harassment interfere with the educational purpose of New York Law School and negatively affect all members of the School community. Faculty, staff, and students have a right to be free from discrimination and harassment, as defined below. Discrimination or harassment directed at any member of the School community within the context of the School or School sponsored activities will not be permitted, and complaints will be investigated promptly and thoroughly. NYLS is proud of its policy of maintaining a work, academic, and residential environment that encourages tolerance and respect for the dignity of each individual.

Nothing in this policy shall abridge academic freedom or NYLS's educational mission. Prohibitions against discrimination and harassment do not extend to statements or written materials that are relevant and appropriately related to the subject matter of courses.

I. Harassment and Discrimination Policy

A. Equal Employment Opportunity Policy

NYLS has been built upon teamwork and equal opportunity. We will continue to be successful when people are treated fairly and allowed to advance and achieve their full potential. We are proud that we extend equal employment opportunities to all qualified employees and applicants for employment without regard to race, color, ethnicity, ancestry, citizenship, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, national origin, age, disability, HIV/AIDS status, predisposing genetic characteristics, marital or parental status, military status, domestic violence victim status, or any other classification protected by local, state, or federal law ("Protected Classification").

This policy applies to all areas of the academic environment and all phases of employment including, but not limited to, recruiting, hiring, selection for training, promotion, demotion, discipline, rates of pay or other compensation, termination, use of all facilities, and participation in all School sponsored activities.

B. General Harassment and Discrimination Policy

1. Prohibition Against Discrimination

Discrimination based on a Protected Classification ("Discrimination") is strictly prohibited. Discrimination is the adverse treatment of another individual on the basis of a Protected Classification; the use of facially-neutral employment policies or practices which disproportionately disadvantage individuals on the basis of a Protected Classification; or retaliation against an individual for filing a complaint of Discrimination, participating in an investigation or opposing discriminatory practices. Any faculty or staff member who is determined to have engaged in such conduct may be subject to disciplinary action, up to and including termination of employment. Any student who is determined to have engaged in such conduct may be subject to disciplinary action, up to and including expulsion. All faculty, staff members and students are requested to act responsibly in helping NYLS maintain a workplace, academic and residential environment that is free of Discrimination.

2. Prohibition Against Harassment

Harassment based on a Protected Classification is strictly prohibited ("Harassment"). The School prohibits such Harassment, whether on or off School premises, at School sponsored social or non-social functions, events or programs. Should such Harassment occur, NYLS will take appropriate corrective action to prevent its continuation or recurrence. In addition, the School will endeavor to prevent the Harassment of its students by persons who are not NYLS employees, but who are on the School's premises or who have a relationship with NYLS, including other students.

Any student, faculty or staff member determined to have engaged in Harassment will be subject to disciplinary action, up to and including termination of employment or expulsion. All members of the NYLS community are requested to act responsibly in helping the School maintain a workplace, academic and residential environment that is free of Harassment.

Definitions

Harassment is a form of misconduct that undermines the integrity of the employment, academic and residential environment. Discriminatory Harassment is defined as subjecting an individual to humiliating, offensive, abusive or threatening conduct that creates an intimidating, hostile or abusive work, residential or academic environment; alters the conditions of employment; or unreasonably interferes with an individual's academic or work performance on the basis of that individual's Protected Classification. Harassment includes communicating, sharing or displaying written or visual materials; making verbal comments; or engaging in physical conduct that is demeaning or derogatory to a person because of a Protected Classification. Whether or not conduct is Harassment will depend on the totality of the circumstances, including the frequency and severity of the discriminatory conduct; whether the conduct is physically threatening or humiliating, or a mere offensive utterance; and whether the conduct unreasonably interferes with the alleged victim's employment, academic or residential environment. Depending on the frequency and/or severity, prohibited conduct may include, but is not limited to:

- The use of racial or religious epithets or slurs
- "Teasing" or "joking" based on an individual's Protected Classification
- Displaying or disseminating racially or sexually offensive objects, literature or pictures, including computer images and the sending of any offensive or inappropriate e-mails
- Mimicking a person's accent or mocking or imitating a disability or stutter.

"Sexual Harassment" occurs when one person uses his or her position of power against another person to coerce the other person into entering a sexual relationship, or subject the other person because of their sex or by employing sexual pressure or coercion to create a hostile academic, work or residential environment. "Sexual relationship" includes, but is not limited to, involvement between persons that goes beyond the bounds of personal or academic friendship, attachment, or support and which includes any form of physical sexual intimacy between the persons. Sexual Harassment may involve a range of activities, such as nonverbal behavior, written or oral expression, and physical contact, occurring between any members of the School community. Prohibited conduct may include, but is not limited to:

- Unwelcome sexual flirtations, advances, questions or propositions
- Requests or demands for sexual favors
- Verbal abuse or epithets of a sexual nature
- Graphic or degrading verbal comments or questions about an individual's appearance or their sexual conduct or relationships
- Displaying or disseminating sexually suggestive or offensive objects, literature or pictures, including computer images and the sending of any offensive or inappropriate emails

- Making obscene or rude gestures or noises, including catcalls or whistles, or ogling or leering at someone
- Unwanted, offensive, or abusive physical contact, including pinching, brushing against the body, or blocking someone's movement
- Offensive comments, jokes, innuendos, and other sexually oriented statements

Sexual advances, requests for sexual favors, and other conduct of a sexual nature constitute Sexual Harassment when such proposals are made under circumstances implying that a person's response might result in negative academic or work decisions; such conduct is so aggravated as to contribute to an inhospitable academic, work or residential environment, or interfere with required tasks, career opportunities, or education; or such conduct is abusive of others and creates or implies a discriminatory hostility towards their personal or professional interests.

Sexual Harassment commonly occurs when one person exercises authority, supervision or control over another person. These hierarchical relationships include, but are not limited to: a faculty member and a student interaction outside of a classroom; a dean and a faculty member; an advisor and a contestant in a Moot Court activity; tenured faculty and non-tenured faculty; a staff member and a student; an advisor and a contestant in a Moot Court activity; a Law Review editor or officer and a student member of the Law Review; or a student supervisor of other students. However, Sexual Harassment can come from superiors, co-workers, students or others who are on the premises, and from people of the same or opposite sex. Men as well as women can be the victims of Sexual Harassment. The School cannot stress enough that it will not tolerate any form of Sexual Harassment. Any faculty or staff member determined to have violated this policy will be subject to disciplinary action, up to and including termination of employment. Any student determined to have violated this policy will be subject to disciplinary action, up to and including expulsion.

Prohibition on Certain Relationships between Members of the Board of Trustees, Faculty Members, or Staff Members and Students (Adopted February 26, 2018)

Sexual relationships between members of the NYLS Board of Trustees, or faculty members, or staff members and students threaten the maintenance of the atmosphere of impartiality and trust that is the foundation of any healthy academic environment.

For purposes of this Policy, "sexual relationship" includes, but is not limited to, intimate involvement between persons that goes beyond the bounds of personal or academic friendship or mentoring, or that includes any form of sexual conduct between the persons.

Sexual relationships between Trustees and students, sexual relationships between faculty and students, and sexual relationships between staff and students, are prohibited. Any Trustee, faculty member, or staff member who has a sexual relationship with a person enrolled as a student at NYLS—and who knows, or reasonably should know, that such person is an enrolled student—shall be subject to disciplinary action under this Policy, up to and including termination of employment.

If a Trustee, faculty member, or staff member is in a continuing sexual relationship with a person who was enrolled at NYLS at the time that this policy was adopted, or who enrolls at NYLS subsequent to the adoption of this policy, the Trustee, faculty member, or staff member shall apply to the Title IX Coordinator for a waiver of this policy. Even if a waiver is approved, such person may not enroll in a class taught by such Trustee, faculty member, or staff member and such Trustee, faculty member, or staff member shall not have any academic, administrative or supervisory responsibilities for the person.

3. Free Speech and Academic Freedom

This policy is intended to protect members of the School community from discrimination, not to regulate protected speech. NYLS has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship or public commentary of an individual faculty member or the educational or political expression of students in classrooms and public forums. However, freedom of speech and academic freedom do not protect speech or expressive conduct that violates federal, state or local anti-discrimination laws.

II. Harassment and Discrimination Complaint Procedures

Any faculty member who is subjected to any kind of unlawful Discrimination or Harassment should immediately contact the Associate Dean for Academic Affairs. In the event that the Associate Dean for Academic Affairs receives a complaint or becomes aware of an issue, he or she will make a record of the complaint and refer the complaint to a Discrimination and Harassment Advisor. In the event that the subject of the complaint is the Associate Dean for Academic Affairs, or the faculty member is uncomfortable contacting him or her, the faculty member should contact the Dean of the School.

Any student who is subjected to any kind of unlawful Discrimination or Harassment should immediately contact the Associate Dean for Professional Development or the Assistant Dean of Academic Affairs. In the event that the subject of the complaint is the Associate Dean for Professional Development or the Assistant Dean of Academic Affairs, or the student is uncomfortable contacting either, the student should contact the Associate Dean for Academic Affairs. In the event that the Associate Dean for Professional Development, the Assistant Dean of Academic Affairs or the Associate Dean of Academic Affairs receives a complaint or becomes aware of an issue, he or she will make a record of the complaint and refer the complaint to a Discrimination and Harassment Advisor.

Whenever a faculty member receives any Discrimination or Sexual Harassment complaint from a student, the faculty member should immediately contact the Associate Dean for Professional Development, the Assistant Dean of Academic Affairs or the Associate Dean for Academic Affairs, even if that faculty member is the subject of the complaint. Faculty members requested to receive a Discrimination or Sexual Harassment complaint in confidence must inform the complainant that the faculty member is required to report the nature and subject matter of the complaint, but may keep the name of the complainant confidential. However, there may be allegations that are so serious, individually or cumulatively, that the identity of the complainant cannot remain confidential.

All complaints of Discrimination and Harassment will be promptly investigated pursuant to the procedures discussed below. Confidentiality shall be maintained to the fullest extent possible. A student will not be subject to retaliation for making a good faith complaint or participating in an investigation pursuant to this policy.

If, however, after investigating any complaint of Harassment or Discrimination the School determines that the complaint is frivolous or that a complainant has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

The procedures discussed below do not preclude any student or faculty member from seeking redress through federal or state courts, or local, state or federal administrative agencies that investigate complaints of Discrimination or Harassment. Furthermore, seeking redress through the procedures discussed below does not toll any applicable federal, state or local statute of limitations.

A. Discrimination and Harassment Advisors

Trained Discrimination and Harassment Advisors (“Advisors”) are available to talk with members of the community who have questions or concerns about Harassment or Discrimination, or who believe they have been the victim of Harassment or Discrimination. They can also provide information about established guidelines and procedures for dealing with issues of Harassment and Discrimination and their prevention, and will help individuals pursue effective courses of action. He or she may assist in the informal resolution of a complaint or assist the complaining party in initiating a formal complaint with the Harassment and Discrimination Review Board. All Advisors shall be appointed by the Dean and shall receive training in Harassment and Discrimination issues.

B. Harassment and Discrimination Review Board

The Harassment and Discrimination Review Board (“Board”) shall consist of eight (8) members, to include one (1) student, three (3) faculty members, two (2) members of the Administration and two (2) members of the staff. Each member shall serve a one-year renewable term. All members of the Board shall be appointed by the Dean and shall receive training in Harassment and Discrimination issues.

The function of the Board, through Investigation Panels, is to conduct a thorough investigation of allegations contained in any formal complaint to determine whether any conduct alleged in the complaint occurred in the manner and under the circumstances alleged; whether the alleged conduct constitutes Harassment or Discrimination; and to recommend appropriate action to the Dean.

C. Informal Procedures.

In many instances, Harassment and Discrimination complaints can be resolved informally. The goal of this informal resolution process is to rectify the problem. This process involves having an Advisor help to resolve the issues between the complaining party and the accused individual. This informal resolution may result in solutions such as asking the accused individual to modify or stop the behavior, separating the complainant and the accused individual, or reaching another mutually acceptable agreement. If requested by the complaining party, the Advisor may try to resolve the complaint without disclosing the identity of the complaining party. This informal resolution, however, will not result in formal disciplinary action against the accused individual.

Once a student, staff or faculty member has notified the appropriate individual of an allegation of Harassment or Discrimination, the person receiving the allegation will refer the complaining student, staff or faculty member to an Advisor.

The panel of Advisors shall include both male and female persons. The panel should include at least two (2) people from each of the following groups: Administration, Faculty and Senior Staff. Advisors will be selected by the Dean for renewable terms of two years. A list of Advisors is available on the NYLS website and in the Student Affairs and Academic Affairs offices.

If attempts at an informal resolution are unsuccessful, if the complainant is dissatisfied with the informal process or if the complainant wishes to move directly to formal complaint procedures, he or she may file a formal complaint with the Harassment and Discrimination Review Board. An Advisor will assist the complaining party in the process of filing the formal complaint.

D. Formal Procedures

A person who believes that he or she has been subjected to unlawful Harassment or Discrimination may choose, either initially or after having sought informal resolution through consultation with an Advisor, to lodge a formal complaint. The procedures for the handling and disposition of a complaint are designed to consider the privacy of all persons involved in the complaint. Every effort will be made to preserve confidentiality.

A formal investigation is initiated when a complainant lodges a complaint with the Chair of the Harassment and Discrimination Review Board ("Board"). The complaint can be written or oral and must include the relevant allegations against the accused individual and request an investigation under the procedures provided below.

Within ten (10) business days of receiving a formal complaint, the Chair of the Board shall convene an investigation panel ("Panel"). The Panel shall consist of three (3) members of the Board. Each Panel shall include a member of the faculty, a member of the administration and a member of the same classification as the complainant. The function of the Panel is to conduct a thorough investigation of the allegations in the complaint to determine whether any conduct alleged in the complaint occurred in the manner and circumstances alleged; whether the alleged conduct constitutes Harassment or Discrimination; and to recommend appropriate action to the Board. The investigation may include interviews with the complainant, the accused, and witnesses or references identified or requested by the complaining party or the accused. The Panel will interview the complainant, the accused and any witnesses in separate, private sessions.

Within fifteen (15) business days after a Panel has been convened by the Chair of the Board, the Panel shall report to the Board, the complaining party and the accused the timeline for the specific investigation based on the nature of the allegations and the timing of the complaint.

In the conduct of its investigation, the Panel shall have access to all potentially relevant documents. The Panel shall make available to the complaining party and the accused individual the documentation in its possession that the Panel regards as relevant to the complaint. The Panel, however, shall have the right to limit access to documentation that may contain confidential or embarrassing information about individuals not directly involved in the dispute. All information provided before, or elicited during, the investigation is to be regarded as confidential and treated accordingly.

After concluding its investigation, the Panel shall record its findings and recommendations in a written report to be submitted to the Board for consideration and adoption. Among the recommendations that can be made by the Panel, the Panel may recommend that the Board hold a hearing. Should the Board adopt the findings and recommendations of the Panel, the report will be forwarded to the Dean of the School. In the event that the Board decides in its sound discretion not to adopt the recommendation of the Panel and to designate a complaint for hearing, it will select a date for such hearing and announce that date within fifteen (15) days from receiving the report and recommendations of the Panel.

At a hearing, a complaining party or accused individual may appear pro se or through a representative of his or her choice, including but not limited to counsel. In any proceeding before the Board, the complaining party and the accused individual may present witnesses and offer evidence of any kind. Both parties and the members of the Board may examine or cross-examine any witnesses put forward by the parties. The Board will use its best efforts to ensure the appearance of witnesses and the production of documents relevant to any matter before it. The Administration will cooperate with the Board and will use sanctions at its disposal in ensuring the appearance of witnesses and the production of documents in all proceedings before the Board.

Within fifteen (15) business days after the close of the hearing, the Board will issue a decision and recommend action which it will refer to the Dean of the School for appropriate action, provided, however, that the Board may extend this period for good cause shown.

Depending on the nature and seriousness of the allegations in a complaint, the Board may refer the complaint to outside counsel for the law school for investigation or may seek the assistance of outside counsel during the course of its own investigation.

E. Annual Report

Advisors and the Board shall provide the Dean of the School with an annual confidential report detailing the number and disposition of the incidents, allegations and complaints of Sexual Harassment that have come to their attention.

F. Emergency Action by The Dean

Notwithstanding the procedures discussed above, the Dean may take action to deal with situations of an emergency nature posing a threat to the safety or health of the School community or the integrity of its programs. Such emergency action may include suspension of a student, faculty member or staff member for a period of time deemed appropriate by the Dean. If the Dean determines that emergency action is required, he or she shall inform the Chair of the Board of such actions and the Chair shall then proceed according to the provisions of this policy.

III. Sanctions

In the event that the Board finds a violation of the Code, it may recommend that the Administration impose appropriate sanctions. Any party to the proceeding may make a written presentation to the Dean of the School, as to the appropriate sanction, if any, in the proceeding. Sanctions may include the following:

A. Students

All sanctions as to students will be noted in the student's academic file, along with a concise written statement as to the circumstances.

The statement shall be written by the Dean of the School. Such notation shall include an indication as to whether the statement should be made available to bar admission committees, employment screening groups, and similar entities in the future, and as to whether such notation shall be expunged at a specified later date. Such sanctions may include, but are not limited to the following:

1. A warning, with appropriate documentation of the circumstances;
2. Suspension, for a time certain;
3. Probation, for a time certain, with terms and conditions set forth by the Board as to termination of probation;
4. Removal from a journal or other student organization, or from a leadership position within such organization;
5. Revocation or non-renewal of credits for participation in a journal or other student organization; or
6. Expulsion, with or without terms and conditions as to any application for re-admission.

B. Graduates

In the event that a student has graduated before the Board's determination, the Board may recommend that the Administration:

1. In the case of a graduate not yet admitted to practice, advise the graduate that if he or she does not participate in the Board's proceeding, the School will withhold certification of the student to the appropriate bar admission entity, or take such other action as may be appropriate; or
2. In the case of a graduate already admitted to practice, advise the graduate that if he or she does not participate in the Board's proceeding, the School will notify the appropriate bar disciplinary entity of the pending proceeding, or take such other action as may be appropriate.

C. Staff

All sanctions as to staff will be noted in the employee's file, along with a concise written statement as to the circumstances. The statement will be written by the Dean of the School. Such notation shall include an indication as to whether the statement should be made available to future employers and the like, and as to whether such notation shall be expunged at a specified later date. Such sanctions shall include but not be limited to the following, consistent with State law, the collective bargaining agreement and any other existing contract with the employee:

1. A warning, with appropriate documentation of the circumstances;
2. Suspension, with or without pay, for a time certain;
3. Probation, for a time certain, with terms and conditions set forth by the Board as to termination of probation;
4. Denial or limitation of future increases in salary, benefits, perquisites, and the like, upon specified terms and conditions;
5. Reduction in grade or position; or
6. Termination of employment.

D. Non-Tenured and Non-Long-Term Contract Faculty

All sanctions as to non-tenured faculty will be noted in the faculty member's file, along with a concise written statement as to the circumstances. The statement will be written by the Dean of the School. Such notation shall include an indication as to whether the statement should be made available to future employers and the like, and as to whether such notation shall be expunged at a specified later date. Such sanctions shall include but not be limited to the following, consistent with State law and any existing contract with the teacher:

1. A warning, with appropriate documentation of the circumstances;
2. Suspension, with or without pay, for a time certain, under stated terms and conditions;
3. Probation, for a time certain, with terms and conditions set forth by the Board as to termination of probation;
4. Denial or limitation of future increases in salary, benefits, perquisites, courses, summer teaching assignments, research grants, and the like, upon specified terms and conditions;
5. Reduction in position; or
6. Termination of employment.

E. Tenured and Long-Term Contract Faculty

All sanctions as to tenured and long-term contract faculty will be noted in the teacher's file, along with a concise written statement as to the circumstances. The statement will be written by the Dean of the School. Such notation shall include an indication as to whether the statement should be made available to future employers and the like, and as to whether such notation shall be expunged at a specified later date. Such sanctions shall include but not be limited to the following, consistent with State law and any existing contract with the teacher:

1. A warning, with appropriate documentation of the circumstances;
2. Suspension, with or without pay, for a time certain, under stated terms and conditions, to the extent legally permissible under the Standards and Procedures for Tenure, Promotion and Reappointment (hereinafter "Tenure Rules");
3. Probation, for a time certain, with terms and conditions set forth by the Board as to termination of probation, to the extent legally permissible under the Tenure Rules;
4. Denial or limitation of future increases in salary, benefits, perquisites, courses, summer teaching assignments, research grants, and the like, upon specified terms and conditions;
5. Reduction in grade or position, to the extent legally permissible under the Tenure Rules;
6. Termination of employment, to the extent legally permissible under the Tenure Rules. In such case, the Board shall recommend to the Administration that it commence a proceeding pursuant to Article IX of the Tenure Rules.



Sexual Misconduct Policy

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Section 1: Statement of Non-Discrimination

In compliance with federal, state, and local laws, New York Law School ("NYLS" or "the Law School") does not discriminate on the basis of race, color, religion, creed, national or ethnic origin, sex, sexual orientation, gender (including gender identity), age, disability, or any other legally-protected characteristic ("Protected Characteristics") in the administration of any of its educational programs and activities.

Specifically, in accordance with Title IX of the Education Amendments of 1972 ("Title IX"), NYLS does not discriminate on the basis of sex in its educational programs or activities or in any phase of employment. Inquiries concerning NYLS's application of Title IX may be referred to NYLS's Title IX Co-Coordinators Nina Jody and Brian Kaszuba, any member of the Title IX Board (as described below), and/or to the Department of Education, Office of Civil Rights ("OCR"), as identified in Section 3 below.

Section 2: Scope of Policy

This Policy specifically prohibits sex-based misconduct and violence in accordance with the definitions under Title IX, the Clery Act, relevant provisions of the Violence Against Women Reauthorization Act of 2013 ("VAWA"), and New York Education Law Article 129-B, which each require that NYLS take specific steps to prohibit and address sex and gender-based misconduct, remedy its effects, and prevent its recurrence. NYLS has enacted this Sexual Misconduct Policy (the "Policy") to reflect and maintain its institutional values and community expectations, to provide fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals in response to violations of this Policy.

All other forms of discrimination, harassment, and retaliation based on other Protected Characteristics, and some forms of discrimination, harassment, and retaliation based on sex, are addressed by NYLS's Employee or Student Anti-Discrimination and Harassment Policy. When a report is made that alleges conduct covered under this Policy, and conduct covered under the Anti-Discrimination and Harassment Policy, the Law School will work with both policies to address the complaint and will coordinate the investigation and resolution efforts. Questions about which policy governs a particular situation should be referred to the Title IX Co-Coordinators.

A. Conduct Covered

This Policy prohibits all forms of Sex-Based Misconduct and violence in accordance with the definitions under Title IX, the Clery Act, relevant provisions of the Violence Against Women Reauthorization Act of 2013 ("VAWA"), and New York Education Law Article 129-B (collectively, "Sex-Based Misconduct"). Sex-Based Misconduct may include, but is not limited to:

- Dating violence
- Domestic violence
- Non-consensual sexual contact
- *Quid pro quo* sexual harassment
- Sexual assault
- Sexual exploitation
- Stalking
- Unwelcome conduct (as set forth in Title IX)

Sex-Based Misconduct can occur between supervisor/employee, co-workers, students/employees, students/students and from people of the same or opposite sex. NYLS must follow the procedures set forth in this section of this Policy if it has actual knowledge of Sex-Based Misconduct. This Policy also defines prohibited relationships of a sexual or intimate nature between

individuals where one individual has power or authority over another. Sex-Based Misconduct undermines the character and purpose of NYLS and will not be tolerated.

This Policy also prohibits retaliation against an individual based in whole, or in part, on any individual's exercise of the individual's rights under this Policy; participation in an investigation into allegations of any of the conduct covered in this Policy; opposition to any conduct covered in this Policy; or encouragement of others to exercise their rights under this Policy, is absolutely prohibited by NYLS and under federal, state, and local law.

B. Persons Covered

This Policy applies to any individuals regularly or temporarily employed, conducting business, studying, living, visiting, or having any official capacity with NYLS or on its property ("Community Members"). Community Members include:

- Administration
- Admitted students
- Adjunct, emeritus and visiting faculty
- Alumni
- Applicants
- Contractors
- Full-time faculty
- Staff
- Students
- Supervising attorneys for NYLS clinical and other experiential learning programs
- Vendors
- Visitors/guests
- Volunteers

NYLS may be limited in what actions it may take when investigating or responding to a report if an accused person is not known to NYLS, not affiliated with NYLS, or is no longer affiliated with NYLS at the time a report of Sex-Based Misconduct is made. In such cases, NYLS will, to the best of its ability, conduct an inquiry, take steps to prevent the recurrence of such conduct to any Community Members, and remedy the effects, if appropriate. If one of the parties involved in a report is not affiliated with NYLS (i.e. if a student is participating in a joint program with another school), NYLS may cooperate with that institution or organization to complete an investigation.

C. Locations Covered

This Policy applies to Sex-Based Misconduct that occurs:

- On-campus, including conduct which occurs on property owned or controlled by the Law School, or at any NYLS residence hall.
- During education programs or activities that receive Federal financial assistance (whether on-site or off-site) in the United States, including, but not limited to, NYLS-sponsored clinical or internship programs, and externship programs offered for academic credit. For the purpose of this Policy, "education program or activity" includes locations, events, or circumstances over which NYLS exercised substantial control over both the respondent and the context in which the Sex-Based Misconduct occurred.
- In some circumstances, on social media and other online platforms.

D. Academic Freedom

Nothing in this policy shall abridge academic freedom or NYLS's educational mission. Prohibitions against discrimination and harassment do not extend to statements or written materials that are relevant and appropriately related to the subject matter of NYLS courses.

Section 3: Title IX Co-Coordinators and Title IX Hearing Board

A. Title IX Co-Coordinators and Counsel

The Law School has designated Nina Jody '83 as NYLS's Title IX Co-Coordinator and Counsel and Brian Kaszuba '04 as Title IX Co-Coordinator. The Title IX Co-Coordinators are responsible for:

- Ensuring compliance with Title IX.
- Overseeing anti-discrimination, harassment, and retaliation training and education as it relates to Sex-Based Misconduct.
- Overseeing and coordinating the response, investigation, and, when required, resolution of reports made under this Policy.
- Coordinating the timely response to complaints under this Policy, and, if necessary, approving reasonable requests for extensions of time.
- Assisting with resolving any issues related to this Policy.
- Ensuring appropriate action to eliminate the Sex-Based Misconduct, prevent its recurrence, and remedy its effects.

The Title IX Co-Coordinators and Counsel can be contacted by telephone, email, or in person during regular office hours:

Nina Jody '83

Title IX Co-Coordinator and Counsel
New York Law School
185 West Broadway, Room C130, New York, NY 10013
T: 212.431.2344
E: nina.jody@nyls.edu

Brian Kaszuba '04

Title IX Co-Coordinator/Deputy Equal Opportunity Coordinator
Associate Director of the Center for New York City Law and Adjunct Professor
New York Law School
185 West Broadway, Room E703B, New York, NY 10013
T: 212.431.2817
E: brian.kaszuba@nyls.edu

Any inquiries concerning the Law School's application of Title IX and its implementing regulations may be referred to the Title IX Co-Coordinators, and/or to the Department of Education, Office of Civil Rights ("OCR"):

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

New York – Region II
32 Old Slip, 26th Floor
New York, NY 10005
T: 646.428.3800
E: OCR.NewYork@ed.gov

B. Title IX Hearing Board

The Title IX Co-Coordinators are supported and assisted by the Title IX Board ("Board"). The Board consists of a group of NYLS faculty and administrators who are trained on issues related to this Policy. Members of the Board are responsible for:

- Reviewing investigation materials and determining violations of this Policy.
- Convening hearings, if appropriate.

The Title IX Co-Coordinators will direct and oversee the performance of the Board's duties, and the training of the Board's members. The Title IX Co-Coordinators will:

- Keep Board members informed of recent legal decisions and other related issues.
- Ensure that each member has been appropriately trained before serving and during their tenure on the Board.
- Ensure that Board members do not serve in conflicting roles by resolving questions or concerns regarding conflict of interest or bias. Any Board member having a real or perceived conflict of interest or bias under this Policy will be recused during the resolution of the complaint.

Title IX Co-Coordinator and Counsel

Nina Jody '83

Title IX Co-Coordinator/Deputy Equal Opportunity Coordinator

Brian Kaszuba '04

Members:

Claudine Carucciolo

George Hayes

Arthur Leonard

Rebecca Roiphe

Richard Sherwin

Section 4: Reporting Prohibited Conduct

NYLS strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident involving sexual exploitation, stalking, domestic/sexual/dating violence, and/or sexual assault as defined in Section 13.

NYLS also encourages all individuals to make a report of Sex-Based Misconduct to both NYLS and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and external reports may be made simultaneously. The procedures under this Policy may run concurrently with any criminal justice investigation, and will only be subject to temporary delays at the specific request of law enforcement.

A. Emergency Reporting Options

If an individual has experienced sexual violence, his or her first priority should be to get to a place of safety and dial 911. He or she should also consider seeking any necessary medical attention as soon as possible. Sex-Based Misconduct that violates this Policy may also violate New York State or other applicable laws (Appendix C). Individuals can make a report to law enforcement at any time, and doing so does not preclude the individual from also making a report to NYLS. The best option to ensure the preservation of evidence and the timely investigation of concerns by local authorities is by making a prompt report to the police. If requested, the Title IX Co-Coordinator can assist an individual with filing a police report, ensuring access to a sexual assault

forensic examination, obtaining an Order of Protection or equivalent restraining order, and contacting and assisting local law enforcement if an Order of Protection is violated. Nothing in this Policy shall prohibit NYLS from initiating its own report to the police.

NYPD Emergency: 911

NYPD Non-Emergency:

84th Precinct (Saint George Residence Hall)

301 Gold Street, Brooklyn, New York
T: 718.875.6811

1st Precinct (Campus)

T: 212.334.0611

Rape Hotline

T: 212.267.7273

Nearest Hospitals:

New York Presbyterian Lower Manhattan Hospital

69 Gold Street (Emergency room; between Beekman Street and Spruce Street)
170 William Street
New York, NY 10038
T: 212.312.5070
T: 212.312.5094
T: 212.312.5000

New York Methodist Hospital (for Saint George Residence Hall)

506 6th Street
Brooklyn, NY 11215
T: 718.780.3000

Campus Security Desk

Law School Entrance, 185 West Broadway
T: 212.431.2123

B. On-Campus Reporting Options

Any Community Member who wishes to report Sex-Based Misconduct ("Complainant") is encouraged to report directly to the Title IX Co-Coordinators, Campus Security, Residence Hall Security, or another Responsible Employee ("Complaint"). Reports may be made in person, in writing, by mail to the address listed in Section 3, or by telephone. Contact information for the Title IX Co-Coordinators is located in Section 3 above. Contact information for other individuals is listed below:

Title IX Co-Coordinator: See Section 3

Campus Security: 212.431.2123

St. George Residence Hall Security: 718.552.8470

Any Responsible Employee: Any faculty member, administrator or staff member, or NYLS Security Officer is a Responsible Employee. See Section 13

If a report of Sex-Based Misconduct is made to Campus Security, a Responsible Employee, or Residence Hall Security, that individual is required to inform the Title IX Co-Coordinator of the report. This is true even if the complainant reports the Sex-Based Misconduct in confidence and requests confidentiality. Failure to immediately notify the Title IX Co-Coordinators may impede the ability of the investigators to conduct an impartial, timely, and thorough review of the complaint and inhibit NYLS's ability to adhere to its obligation under the law.

Notice to the Title IX Co-Coordinators, or to a responsible employee, charges NYLS with actual knowledge, and triggers its obligation to respond. Notice can include whenever the Title IX Co-Coordinators or Responsible Employee: witnesses Sex-Based Misconduct; hears about Sex-Based Misconduct or receives Sex-Based Misconduct allegations from a complainant or a third party (i.e., a complainant's parent, friend, or peer); receives a written or verbal complaint about Sex-Based Misconduct; or receives notice by any other means.

In addition to being subject to discipline if they engaged in Sex-Based Misconduct, NYLS will enforce sanctions, up to and including termination of employment, against supervisory and managerial personnel who knowingly allow prohibited behavior to continue or engage in any retaliatory behavior.

If a complaint is made to anyone other than a Title IX Co-Coordinator or Responsible Employee, the Complainant risks the possibility that the report will not come to the attention of the proper NYLS officials and may not be acted upon by the Law School.

If the accused individual is an employee of NYLS, individuals may report Sex-Based Misconduct to:

NYLS Human Resources

185 West Broadway, Office C344

T: 212.431.2131

E: HumanResources@nyls.edu

New York State law requires employers to adopt a sexual harassment prevention policy that includes a complaint form for persons to report alleged incidents of sexual harassment. If you believe that you have been subject to sexual harassment, or you have witnessed behavior that may violate NYLS's Sexual Misconduct Policy, you may also complete the Sexual Harassment Complaint Form and submit it to the Title IX Co-Coordinators either in person or via email. Blank Sexual Harassment Complaint Forms can also be found in the Title IX Co-Coordinators' Office and Human Resources. If you are reporting more than one incident, please use a separate form for each incident. If the space provided below is insufficient, please staple additional pieces of paper to this form.

None of the above-referenced individuals can guarantee strict confidentiality; they will, however, maintain the individual's privacy to the greatest extent possible. The information an individual provides to a non-confidential resource will be relayed only as necessary for the Title IX Co-Coordinators to investigate and/or seek a resolution. See Section 4.C, Confidential and Anonymous Reporting Options.

C. Confidential and Anonymous Reporting

1. Confidential Reporting

Medical service providers and counselors, who serve the Law School in a privileged professional capacity, are not bound by the requirement to inform the Title IX Co-Coordinators of a report of Sex-Based Misconduct. Information shared with these individuals is confidential, except as required by law.¹ The following resources are made available by the Law School for confidential reporting:

- NYLS students who desire strict confidentiality may contact one of the professional counselors at Aetna Student Assistance Program. Call 877.351.7889, email AskSAP@aetna.com, or visit www.aetnasap.com and enter the school ID: NYLAW. Aetna provides off-site confidential counseling services to NYLS students.
- Mount Sinai Beth Israel is prepared to provide medical services to NYLS students who have been the victims of sexual assault. Mount Sinai Beth Israel provides 24-hour emergency care (including sexual assault forensic examinations), confidential crisis intervention, counseling, and referrals. Mount Sinai Beth Israel is located at 281 1st Avenue, New York, NY 10003 (First Avenue and 16th Street in Manhattan). The Emergency Department can be contacted by phone at 212.420.2840 or individuals can email chloe.horowitz@mountsinai.org.
- The Violence Intervention & Treatment Program at Wyckoff Hospital is prepared to offer medical services to NYLS students and faculty members who have been the victims of sexual assault, domestic violence, and/or other related crimes. The program provides 24-hour emergency care that includes but is not limited to sexual assault forensic examinations, confidential crisis intervention, counseling, referrals, and access to a Violence Intervention & Treatment Program Advocate to support the students and/or faculty members who have experienced sexual assault, domestic violence and/or other related crimes. Wyckoff Hospital is located at 374 Stockholm Street, Brooklyn, New York 11237. For business hours, the Violence Intervention and Treatment Program can be contacted by phone at 718.906.3846 or individuals can email agillespie@wyckoffhospital.org. For after hours, please call Danielle Schneck (Program Coordinator) at 347.682.7297.

NYLS employees who desire strict confidentiality may contact one of the counselors at LifeCare, available 24 hours a day, 7 days a week via phone at 800.697.7315 or at member.lifecare.com. NYLS works with LifeCare to provide off-site, confidential counseling services to employees.

- First-time users of LifeCare must first register using NYLS's HR Self-Service Center:
 - Navigate to the "Resources" page and select the LifeCare – Work/Life, EAP, Discounts link. – Register by completing the simple, one-time process.
- Once registered, two options are available to access LifeCare:
 - Visit the HR Self-Service Center; or
 - Visit directly via member.lifecare.com.

Some additional resources that may be consulted by NYLS students or employees who desire strict confidentiality are included in Appendix B.

NYLS visitors and other individuals who desire strict confidentiality may contact one of the resources described in Appendix B, other than the Student Counseling Center and Employee Assistance Program.

2. Anonymous Reporting

Anonymous reports may be made to Title IX Co-Coordinators per the information provided in Section 3. Individuals leaving an anonymous report should be aware that failure to disclose identifying information about the accused party, the victim of the Sex-Based Misconduct, or the facts and circumstances regarding the Sex-Based Misconduct severely limits the Law School's ability to respond and remedy the effects of the misconduct. Anonymous reports that provide enough information to constitute a criminal offense will be reported to Campus Security, less any identifying information regarding the complainant, for purposes of inclusion in the Annual Security Report and to assess for purposes of sending out a Timely Warning under the Clery Act.

Section 5: Initial Procedure

NYLS established the following procedure to provide Community Members the opportunity to seek redress from NYLS. These procedures are not intended to replace or replicate a formal judicial process, but reflect NYLS's obligations under applicable laws. This Initial Procedure, the "Investigation and Resolution Procedure" discussed below, and the sanctioning options and procedures included in both, will supersede any contrary procedure or provision of any other policies included in handbooks and manuals, including the Employee or Student Non-Discrimination and Harassment Policy for the purpose of Sex-Based Misconduct only.

A. Initial Meeting

As soon as possible upon receipt of a report of potential Sex-Based Misconduct, either directly from the Complainant, or through a designated Responsible Employee or individual, one or both of the Title IX Co-Coordinators² will conduct an initial meeting (the "Initial Meeting") with the Complainant. At that meeting, the Title IX Co-Coordinators must address the following topics:

- Assess the Complainant's physical safety, and health and emotional needs.
- Notify the Complainant of the Students' Bill of Rights. See Appendix A, Students' Bill of Rights.
- Notify the Complainant of the Complainant's right to report or not report the incident to law enforcement, and to the extent practicable, assist the Complainant with locating criminal justice resources.
- Discuss NYLS's resolution processes.
- If requested, assist the Complainant with ensuring access to a sexual assault forensic examination; obtaining an Order of Protection, or equivalent restraining order; and contacting and assisting local law enforcement if an Order of Protection is violated.
- Provide the Complainant with information about on- and off-campus support and reporting resources, including counseling, health care, mental health assistance, victim advocacy, legal assistance, and other available services.
- Provide the Complainant with information about the on-campus and off-campus resolution procedures, including the reporting process, interim remedies, the informal and formal resolution options, and other measures that can be taken regardless of whether the Complainant wishes to file a formal report with NYLS.
- Explain NYLS's policies regarding retaliation and amnesty for substance abuse.
- Explain mandated reporting requirements (including Clery Act requirements).
- The availability of, and the Complainant's preference for, supportive measures (detailed herein).

B. Formal Complaint Determination

Based on the Initial Meeting, the Title IX Co-Coordinators will seek permission from the Complainant to make a formal complaint ("Formal Complaint"). Permission for a Formal Complaint may be given initially, but can be withdrawn at any time. The Formal Complaint must be filed by the Complainant or signed by the Title IX Co-Coordinators and must request that NYLS investigate the Complaint. If a Complainant declines to make a Formal Complaint, requests that the report remain confidential, and/or later withdraws permission for the Formal Complaint, the Title IX Co-Coordinators have the authority to determine that signing a Formal Complaint to initiate an investigation, despite the Complainant's preference, is not unreasonable in light of the known circumstances. To make this determination, the Title IX Co-Coordinators will weigh the request against the Law School's obligation to provide a safe, non-discriminatory environment for all members of its community. Factors that the Title IX Co-Coordinators may consider in determining whether to proceed against the Complainant's wishes include, but are not limited to: the accused's history of violent or similar behavior; escalation of previous behavior; risk that the accused will commit additional acts of violence; use of a weapon or force; and involvement of a minor. If the Complainant declines to make a Formal Complaint,

the Title IX Co-Coordinators may still be required to make certain disclosures pursuant to applicable law. See Section 11, Required Disclosures. NYLS respects Complainants' wishes and autonomy by giving them the clear choice to file a Formal Complaint. Such decision will not impact a Complainant's ability to access supportive measures, as described below.

If the Complainant permits a Formal Complaint to be filed, the Title IX Co-Coordinators will proceed with the Law School's resolution procedures as described below. The succeeding process will be fair and impartial, and NYLS, nor any of its agents, will coerce or threaten a Complainant into filing a Formal Complaint.

C. Supportive Measures

Regardless of whether the Complainant desires to file a Formal Complaint, NYLS will offer free supportive measures to every alleged victim and alleged offender ("Respondent," and together with Complainant, the "Parties," or, individually "Party") of Sex-Based Misconduct. Such supportive measures are individualized services that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other Party, while designed to ensure equal access to education and employment opportunities, protect safety, and deter Sex-Based Misconduct. These measures will be available regardless of whether the alleged victim wishes to proceed in an Informal or Formal Resolution, or whether the Respondent participates in same. Complainants and Respondents will have a say in NYLS's supportive measure to ensure that it best meets their needs.

D. Advisor Information and Guidelines

Any individual being interviewed by the Investigators, including the Complainant and Respondent, has the right to be accompanied to any meeting or proceeding related to this resolution procedure by an advisor of their choice ("Advisor"). An Advisor is an individual who attends as a supportive presence. An Advisor may take notes and quietly confer with the individual being advised but may not speak on behalf of the individual or in any way disrupt any meeting or the resolution procedure, unless otherwise allowed as described herein. Individuals who may have factual information relevant to the Complaint may not serve as Advisors. If an individual being interviewed wishes to have an attorney serve as their Advisor, he or she may retain counsel independently. Attorney-Advisors may participate in the resolution process to the same extent as other Advisors. If the Party does not have an Advisor present at the live hearing, NYLS will provide one, without fee or charge. Although the Parties are not required to choose an Advisor or to bring their Advisor to all meetings, utilizing the same Advisor throughout the process, unless there are extenuating circumstances, allows the process to move forward in the most efficient fashion. In the event that a Party wants to make a change to their Advisor, he or she must provide written notice to the Title IX Co-Coordinators. Although reasonable attempts will be made to schedule proceedings consistent with an Advisor's availability, the process will not be delayed to schedule the proceedings at the convenience of the Advisor.

If an Advisor fails to comply with the procedures set forth herein, including through a material breach of confidentiality, NYLS reserves the right to exclude the Advisor from further participation in the process.

E. Interim Measures Pending Resolution of the Complaint

The Dean, in coordination with the Title IX Co-Coordinators may take action to deal with situations of an emergency nature posing a threat to the safety health of the Law School community or the integrity of its programs. Such emergency action may include suspension of a student, faculty member or staff member for a period of time deemed appropriate by the Dean. The Dean will determine whether and which emergency action is required, and he or she shall inform the Title IX Co-Coordinators, who shall then proceed according to the provisions of this policy.

Based upon the nature of the Complaint, NYLS may impose immediate temporary restrictions ("Interim Measures") after a Complaint has been made, including, but not limited to:

Students

- Assistance with housing relocation
- Changes in housing assignment
- Changes in work schedule
- Changing or modifying schedules
- Interim suspension
- Leave of absence
- No contact orders
- Other campus access restrictions
- Providing academic services (including tutoring)
- Providing alternate course completion options
- Providing an escort to ensure safe movement on campus
- Suspension
- Any other remedy that can be tailored to the individuals and which reasonably helps to achieve the goals of this policy.

Graduates

- Changes in work schedule
- Leave of absence
- No contact orders
- Other campus access restrictions
- Providing an escort to ensure safe movement on campus
- Any other remedy that can be tailored to the individuals and which reasonably helps to achieve the goals of this policy.

Faculty

- Changing or modifying teaching schedules
- Interim suspension
- Leave of absence
- No contact orders
- Other campus access restrictions
- Providing an escort to ensure safe movement on campus
- Suspension
- Any other remedy that can be tailored to the individuals and which reasonably helps to achieve the goals of this policy.

Requests for specific Interim Measures may be discussed with the Title IX Co-Coordinators and/or the Dean, but remain at the sole discretion of NYLS. The Title IX Co-Coordinators may recommend to the Dean specific Interim Measures based on the Parties' relationship with NYLS, the factual circumstances surrounding the Complaint, any measures requested by either Party, and any other factors that the Title IX Co-Coordinators determine are relevant. The Title IX Co-Coordinators will notify each Party in writing of the Interim Measure to be imposed.

If requested, NYLS can assist the individual with filing a police report, ensuring access to a sexual assault forensic examination, obtaining an Order of Protection or equivalent restraining order; and contacting and assisting local law enforcement if an Order of Protection is violated. Interim measures imposed on the Respondent are not determinations of guilt. Failure to adhere to the parameters of any Interim Measures is a violation of the NYLS Code of Academic Responsibility and may lead to additional disciplinary action.

Section 6: Resolution of the Formal Complaint

A. Investigation Process

NYLS is obligated to investigate all Formal Complaints. At all points up until a final determination, there is a presumption of innocence for the Respondent. At all times during the Grievance Process (as defined herein), the burden of gathering evidence and the burden of proof remains on NYLS.

1. Notification of Investigation

The Title IX Co-Coordinators shall concurrently notify the Parties of the decision to proceed with the Complaint in writing within two business days of the Initial Meeting (the "Notification of Investigation").

The Notification of Investigation must contain: a brief description of the factual allegations (identities of the parties involved in the incident, if known, the conduct allegedly constituting the violation of the Policy); the approximate date, time and location of the alleged violation, if known; notice of NYLS's Complaint Reporting, Investigation, Hearing, and Corrective Action process ("Grievance Process"); a statement that the Respondent is presumed not responsible for the alleged conduct, that a determination regarding responsibility is made at the conclusion of the Grievance Process, and that the Respondent may be entitled to Supportive Measures (as described above); a statement informing the Parties and their Advisors of their rights to inspect and review inculpatory and exculpatory evidence; and notice to the Parties of any provision of any NYLS policy that prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process. The Notification of Investigation shall inform the Parties of their right to bring an advisor to meetings; state that if either Party wishes to have an attorney serve as an advisor, he or she may retain counsel independently; and include the language in Section 5.D of this Policy, Advisor Information and Guidelines. The Notification of Investigation shall further state that behavior that violates this Policy may also violate criminal law and that either Party may seek advice from independently retained legal counsel.

The Title IX Co-Coordinators should attempt to meet with the Respondent within three business days from the date of the Notification of Investigation to provide the Respondent with the Students' Bill of Rights and other similar procedural and resource information as was provided to the Complainant during the Initial Meeting, and to answer any of the Respondent's procedural questions. If the Respondent is unable to meet or does not respond to the Title IX Co-Coordinators within three business days, the Title IX Co-Coordinators will mail or email the Respondent the required information.

2. Prohibition Against Conflicts of Interest

The Title IX Co-Coordinators, all Investigators (as defined below), and the members of the Board must be impartial. Within three business days from the date of the Notification of Investigation, either Party may object, in writing, to anyone's involvement based on a real or perceived bias or a conflict of interest. The Title IX Co-Coordinators will refer the objection to the Board to determine whether the allegation of bias or conflict is sustained (or, in the case of an allegation of bias or conflict of interest on behalf of a member of the Board, the Title IX Co-Coordinators will make this determination). The Title IX Co-Coordinators, all Investigators, and the members of the Board may also voluntarily recuse themselves at any point in the process if it appears that they may have a real or perceived conflict of interest. If they voluntarily recuse themselves, or if the Title IX Co-

Coordinators or Board determines that someone has a real or perceived bias or conflict, that individual will be recused from the individual's responsibilities for the Formal Complaint in question and be replaced by the Associate Dean for Academic Affairs for the remainder of the Grievance Process.

3. Informal Resolution

Recognizing that a wide spectrum of behaviors can constitute violations of this Policy, the Title IX Co-Coordinators may, at any time prior to the Report and Decision (described herein), offer Informal Resolution, such as mediation, in appropriate circumstances that does not require a full investigation and adjudication for Sex-Based Misconduct. Informal Resolution is not available in any situation where the allegations involve an employee sexually harassing a student or any type of sexual violence.

Prior to initiating the Informal Resolution process, the Title IX Co-Coordinators will provide to both Parties a written notice disclosing: the allegations; the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a Formal Complaint arising from the same allegation; and any consequences resulting from participating in the Informal Resolution Process, including the records that will be maintained or could be shared.

Participation in the Informal Resolution process is entirely voluntary. All Parties must agree to use the Informal Resolution process through voluntary, informed, written consent. If appropriate and agreed to by all Parties, the Title IX Co-Coordinators will initiate the Informal Resolution process within five business days from the date of the Parties' agreement (i.e., the last date on which any Party indicates the Party's agreement).

The nature of Informal Resolution is flexible, but in general, the Parties meet together with the Title IX Co-Coordinators to discuss the incident(s) that led to the Complaint and potential resolutions. While fault is not determined in the Informal Resolution proceeding, the goal of Informal Resolution is for the Parties to agree on a solution or resolution together. Such resolutions may include a permanent no-contact order, academic or residential reassignment, a written apology, community service, or other alternate resolutions. Any agreement between the Parties will be reduced to writing and signed by both Parties. If the Title IX Co-Coordinators and the Parties reach agreement, the matter will be closed. The Informal Resolution procedure must conclude within 15 business days from the date of the Parties' written consent to the Informal Resolution process, unless all Parties, including the Title IX Co-Coordinators, agree to an extension of time. After the time for Informal Resolution has expired, including any agreed-upon extensions, the Title IX Co-Coordinators shall initiate an Investigation (see below).

Any Party, including the Title IX Co-Coordinators, may elect to end Informal Resolution and proceed to the next step of the Grievance Process at any time prior to agreeing to a resolution during the Informal Resolution process. If Informal Resolution is ended by request or because the time for Informal Resolution expires, and the next step is initiated, any information obtained during Informal Resolution may be used in the subsequent process.

4. Formal Resolution: Investigation Procedure



Within five business days from the Notice of Investigation, the Title IX Co-Coordinators will appoint a two-person investigative team ("Investigators"). The Title IX Co-Coordinators can serve as the Investigators, select the Investigators from faculty trained on Title IX Investigations, or may retain experienced external investigators to conduct the investigation. All Investigators must be trained on Title IX. The Title IX training materials used by NYLS are available on <https://system.suny.edu/sci/postedtraining> or upon request.

The goal of the Investigators is to conduct a thorough investigation of the allegations in the Formal Complaint to determine whether any conduct alleged in the Formal Complaint warrants moving forward to the Board (the "Investigation"). The Investigation must include interviewing the Complainant and Respondent, if possible it may also include interviewing other relevant witnesses or individuals with relevant information, including witnesses identified or requested by the Complainant

and Respondent. All Parties will have an equal opportunity to offer witnesses and other evidence, and to review evidence throughout the Investigation. The Investigators will interview the Complainant, the Respondent, and any witnesses in separate, private sessions. The Investigators will provide the Parties and witnesses with reasonable notice of any and all meetings, interviews, or hearings that require their attendance, which will include the date, time, location, participants, and purpose.

The Investigators shall have access to all potentially relevant documents, whether inculpatory or exculpatory. The Investigators will request and review any relevant evidence such as emails, text messages, videos, and photographs. The Investigators may also choose to interview witnesses not identified by the Parties, or to request relevant evidence that was not presented to them. The Parties must cooperate with the Investigators by providing any additional information that the Investigators may request, however, Parties have the right to request that the Investigators exclude from evidence their own prior sexual history with persons other than the other party, or their own mental health diagnosis and/or treatment, and such information may not be used inappropriately. A Party must provide voluntary, written consent before NYLS may use the Party's medical, psychological, or similar treatment records during any part of the Investigation or Hearing process.

The Investigators will maintain notes of each witness interview and will maintain a file of all documentary evidence reviewed during the Investigation (the "Investigation File").

Neither Party is prohibited from discussing or sharing information relating to the Complaint with others who may support them or assist them in the matter.

The Investigation must be concluded within 20 business days from the date of the Notification of Investigation. The Title IX Co-Coordinators may grant a reasonable extension of time upon request from the Investigators. The Investigators should periodically check in with the Title IX Co-Coordinators during the course of the Investigation to update the Title IX Co-Coordinators on the progress of the Investigation.

5. Inspect and Review Evidence Collected and Investigation Report

Prior to the conclusion of the investigation, the Investigators will provide both Parties and their Advisors an equal opportunity to inspect and review any evidence obtained as part of the Investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which NYLS does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source.

Prior to completion of the Investigator's Report ("Investigation Report"), NYLS will send to each Party and their Advisors the evidence subject to inspection and review, in electronic format or hard copy, and the Parties will have 10 days to submit a written response to NYLS, which the Investigator will consider prior to the finalization of the Investigation Report.

Upon receiving, reviewing and considering the Parties' written response, the Investigators will finalize the Investigation Report, which will fairly summarize the relevant evidence. At least 10 days prior to the Hearing (if a Hearing is required as provided for herein), the Investigator will send to each Party and the Advisors the finalized Investigation Report, in electronic format or hard copy, for their review and written response. The final Investigation Report, and any written responses, will be kept in the Investigation File.

6. Dismissal of the Formal Complaint

At the conclusion of the Investigation, and after the Parties have been given the opportunity to respond to the final Investigation Report, the Title IX Co-Coordinators must dismiss the Formal Complaint if the conduct alleged, even if proved, would not constitute Sexual Harassment (as defined in 34 C.F.R. § 106.30 of the Title IX Final Regulations); did not occur in NYLS's education program or activity; or did not occur against a person in the United States. The Title IX Co-Coordinators may dismiss the Formal Complaint, or any of the allegations therein, if the Complainant notifies the Title IX Co-Coordinators in writing that he/she would like to withdraw the Formal Complaint or any allegations therein; if the Respondent is no longer enrolled or

employed by NYLS; or if specific circumstances prevent NYLS from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein. Note that the conduct may be in violation of other NYLS policies and may be reviewed and/or investigated under their respective, separate protocols.

Upon dismissing the Formal Complaint, the Title IX Co-Coordinators will promptly send a written notice of dismissal, which will contain the Title IX Co-Coordinator's reasons, simultaneously to the Complainant and the Respondent.

Either Party has the right to appeal from the Title IX Co-Coordinators' decision to dismiss the Formal Complaint or any allegation therein pursuant to Section 7, Appeal.

B. Hearing Process

1. The Hearing

If the Title IX Co-Coordinators do not dismiss the Formal Complaint, the Title IX Co-Coordinators shall send the Formal Complaint to a Hearing in front of the Board ("Hearing"). The Board must select a date for such Hearing (which must be at least 10 days after the Parties receive the finalized Investigation Report). The Title IX Co-Coordinators will simultaneously notify each Party (in person, by mail, or by email) within one business day that a Hearing is being convened and the date of the Hearing.

The Complainant and Respondent have the right to be accompanied to the Hearing by an Advisor of their choice (see Section 5.D, Advisor Information and Guidelines). In any Hearing before the Board, the Board may question the Parties and other witnesses, and may request and/or accept evidence. All Parties will have an equal opportunity to offer witnesses and other evidence. The Parties are allowed to cross-examine each other and each Party's witness; however, only Advisors will be allowed to ask these questions through cross-examination. The cross-examination can include questions challenging credibility, but it must be oral and in real-time. If the Party does not have an Advisor present at the live hearing, NYLS will provide one, without fee or charge. This Advisor may, but is not required to be, an attorney. No Advisor may serve as a witness. The Board will arrange for an audio, audiovisual recording, or transcript of the Hearing to be created; no other individual may record the Hearing. To the extent practicable, the Hearing should be held in one business day.

Prior to the answer of any question, the Board must first determine whether the question is relevant and explain to the Advisor any decision to exclude a question as not relevant. Questions and evidence about a Complainant's prior sexual behavior are deemed irrelevant, unless they are offered to prove that someone other than the Respondent committed the alleged Sex-Based Misconduct or offered to prove Consent.

If a Party or witness does not submit to cross-examination at the live hearing, the Board cannot rely on any statement of that Party or witness in reaching a determination of responsibility. Regardless, the Board cannot draw an inference about the determination of responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer a question.

The Board will use its best efforts to ensure the appearance of witnesses and the production of documents relevant to any matter before it. NYLS will cooperate with the Board and will use sanctions at its disposal in ensuring the appearance of witnesses and the production of documents in all proceedings before the Board.

Hearings are closed to the public. Witnesses (other than the Complainant, the Respondent, and their Advisors, as discussed below) are not permitted to observe the Hearing before or after their questioning, but will be able to see all participants during their testimony. The Title IX Co-Coordinators may remove any individual from the Hearing who is disrupting the proceeding or is not abiding by the rules of the Hearing.

The Complainant and Respondent (and their Advisors) may, if they choose, observe the proceeding; neither Party is required to be present for the hearing, other than to provide relevant testimony. Upon timely request by either Party, the Title IX

Co-Coordinators may, in their discretion, accommodate concerns for a Party's personal safety, well-being, and/or fears of confrontation during the Hearing by permitting the use of available technology to conduct the hearing while allowing the Complainant and Respondent to be in separate rooms.

2. The Board's Determination

At the conclusion of the Hearing, the Board will deliberate in private to determine if there was a violation of this Policy. The Board will consider all relevant evidence, including the Investigators' Report and the events of the live hearing in making its objective determination. The Board's deliberations will not be recorded. The Board shall determine whether a violation of this Policy occurred under the "preponderance of the evidence" standard. Under this standard, it must be more likely than not that a violation of the Policy occurred. Based on this standard, the Board may find the Respondent responsible for a violation of this Policy or not responsible, based on a majority vote.

After deliberations, the Board shall prepare a written determination regarding responsibility (the "Report and Decision,"). The Report and Decision will include; identification of the allegations potentially constituting a violation of this Policy; a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with the Parties or witnesses, site visits, methods used to gather other evidence, and hearings held; findings of fact supporting the determination; a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions NYLS imposes on the Respondent; whether remedies designed to restore or preserve equal access to NYLS's education program or activity will be provided by NYLS to the Complainant; and NYLS's procedures and permissible bases for the Complainant and Respondent to appeal. Whether or not the Board determines that a violation occurred, the Title IX Co-Coordinators, within one business day of the date of the Report and Decision, must deliver the Report and Decision to the Parties simultaneously, either in person, by mail, or by email. If there is a finding that the Respondent violated the policy, the Board will determine sanctions or remedies consistent with Section 8. The Board's determination regarding responsibility becomes final either on the date that NYLS provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

3. Investigation File

The Investigation File will be comprised of the Formal Complaint, the Investigators' Report, the Parties' written responses, if any, any interview notes or evidence considered by the Board in making its determination, any recording of the Hearing (if applicable), the Report and Decision (if applicable), any materials regarding an appeal, as described below (if applicable), and all materials required to be in the Investigation File pursuant to prior sections. The Title IX Co-Coordinators will maintain the Investigation File. The Title IX Co-Coordinators may redact sensitive information that is not directly relevant to the questions raised in the Investigation or Hearing.

Upon request, the Parties and their Advisors may review the Investigation File. Given the sensitive nature of this information, the Title IX Co-Coordinators will provide this information in a secure manner (e.g., by providing a hard copy to be reviewed in a location designated by the Title IX Co-Coordinators).

The Investigation File will be kept for at least seven years.

Section 7: Appeal

Both Complainant and Respondent have a limited right to appeal from the Title IX Co-Coordinators' decision to dismiss the Formal Complaint or the Board's final determination ("Appeal"). Either Party may submit a written appeal to the Title IX Co-

Coordinators within 10 business days of the date of the Title IX Co-Coordinators' decision to dismiss the Formal Complaint or the Board's issuance of the Report and Decision. An Appeal shall be based only on: procedural irregularity that affected the outcome of the matter; the discovery of new, relevant evidence that was not available during the Grievance Process and which could affect the outcome of the case; and/or that the Title IX Co-Coordinators, Investigators, and/or Board had a conflict of interest or bias that affected the outcome of the matter.

The Party who submits the appeal will be the "Appellant" and the other Party will be the "Appellee." Upon receiving an Appeal, the Title IX Co-Coordinators shall, within three business days of receiving the Appeal, convene an Appeal Panel to review the appeal. The Appeal Panel will consist of three administrators who oversee the Law School's academics, administration and/or operations, (i.e. Associate Dean of Academic Affairs, Senior Vice President, and Chief Financial Officer). Members of the Board, the Investigators, the Title IX Co-Coordinator may not serve on the Appeal Panel. Both Parties will have three business days to object to any member of the Appeal Panel based on a real or perceived bias or conflict of interest. If an objection is sustained, the Title IX Co-Coordinators shall replace any member of the Appeal Panel determined to have such a conflict of interest or bias with another similarly situated individual. Both Parties will have five business days from the submission of an Appeal to submit a written response in support of, or challenging, the particular outcome.

Appeals are not intended to be a full rehearing of the Complaint. The Appeal Panel will have the opportunity to review the Investigation File. The appealed determinations are presumed to have been decided reasonably and appropriately. The Appellant carries the burden of proof to demonstrate that the original determination, or any of its components per the above, were improper. The Appeal Panel shall determine, by a simple majority vote, whether it believes a violation of the Policy occurred.

Within 10 business days of receipt of all written statements and conducting its review, the Appeal Panel will issue a written decision describing the result of the Appeal and the rationale for the result (the "Appeal Decision"). The Appeal Decision is final and is not subject to further appeal. A copy of the Appeal Decision will be provided to the Parties simultaneously, sent to the Title IX Co-Coordinators and made a part of the Investigation File.

Section 8: Sanctions and Remedies

In addition to taking disciplinary action against the Respondent per the Report and Decision, or the Appeal Decision, effective corrective action may require alternative remedies for the Complainant and/or Respondent. NYLS may take continuing steps to ensure that it is meeting the needs of the Complainant, preventing the recurrence of Sex-Based Misconduct, and remedying the effects of any Sex-Based Misconduct by, for example, issuing a permanent no contact order, providing continuing access to counseling services, and any other appropriate ongoing remedies, including but not limited to the remedies discussed in Section 5.E, Interim Measures.

If the Respondent is found to have violated the Policy, NYLS will issue sanctions commensurate with the violation(s). The Board will oversee the sanctioning process.

Either or both Parties may submit a statement regarding their view of the appropriate sanction or remedy ("Impact Statement") to the Board within five business days of notification of the Report and Decision or Appeal Decision. Impact Statements will become part of the Investigation File and will be maintained by the Title IX Co-Coordinators. The Board will review the Investigation File, including any Impact Statements, in assessing the appropriate sanction, and will make a determination regarding the appropriate sanction within three days after the time to submit Impact Statements has expired.

The Board has the discretion to implement a variety of sanctions consistent with the severity of the violation, the Respondent's prior history, the Respondent's role within NYLS, and sanctions assigned to other individuals with similar violations. Past findings of domestic violence, dating violence, stalking, or sexual abuse may be considered when evaluating sanctions.

The Respondent must be informed in writing of the sanction and the rationale for the sanction within one business day of the sanction determination. The Complainant will concurrently be informed in writing of the finalization of the sanctioning process, and, to the extent that such disclosure would be reasonable and permissible, will be informed of the final sanction.

A. Students

All sanctions as to students will be noted in the student's academic file, along with a concise written statement as to the circumstances. The statement shall be written by the Dean of the Law School. Such file notation shall include an indication as to whether the statement should be made available to employers, employment screening groups, and similar entities in the future. Should the Respondent seek admission to a bar of any jurisdiction, information about proceedings or sanctions under this policy will be reported to the appropriate committee of that jurisdiction in accordance with the jurisdiction's requirements. Certain sanctions for students may also be subject to transcript notation. See Section 9.C.

Any current or future student found to have violated this Policy may also be required to complete non-disciplinary, educational initiatives designed to educate the student. Sanctions for students may include, but are not limited to, one or more of the following:

- Warning, with appropriate documentation of the circumstances
- Restitution
- Probation, for a time certain, with terms and conditions set forth by the Board as to termination of probation
- Suspension, for a time certain
- Revocation of admission (if the individual is an admitted student)
- Removal from a journal or other student organization, or from a leadership position within such organization
- Revocation or non-renewal of credits for participation in a journal or other student organization
- Expulsion, with or without terms and conditions as to any application for re-admission
- Withholding of degree.

B. Graduates

Sanctions for graduates may include, but are not limited to, one or more of the following:

- Warning
- Restitution
- Revocation of degree
- Persona non grata order
- In the case of a graduate not yet admitted to practice, the Law School may withhold certification of the student to the appropriate bar admission entity
- In the case of a graduate already admitted to practice, the Law School may notify the appropriate bar disciplinary entity of the proceeding outcome.

C. Staff, Independent Contractors, Visitors, and Other Individuals

All sanctions as to staff will be noted in the employee's file, along with a concise written statement as to the circumstances. The statement will be written by the Dean of the Law School. Such notation shall include an indication as to whether the statement should be made available to future employers and the like, and as to whether such notation shall be expunged at a specified later date.

Sanctions for staff, independent contractors, visitors, and other individuals may include, but are not limited to, one or more of the following (consistent with state and local law, collective bargaining agreement and any other existing contract):

- Warning, with appropriate documentation of the circumstances
- Restitution
- Suspension, with or without pay, for a time certain
- Probation, for a time certain, with terms and conditions set forth by the Board as to termination of probation
- Denial or limitation of future increases in salary, benefits, perquisites, and the like, upon specified terms and conditions
- Reduction in grade or position
- Transfer to another position
- Termination of employment
- Persona non grata order.

D. Non-Tenured and Non-Long-Term Contract Faculty

All sanctions as to non-tenured faculty will be noted in the faculty member's file, along with a concise written statement as to the circumstances. The statement will be written by the Dean of the Law School. Such notation shall include an indication as to whether the statement should be made available to future employers and the like, and as to whether such notation shall be expunged at a specified later date.

Sanctions for non-tenured and non-long-term contract faculty may include, but are not limited to, one or more of the following (consistent with state law and any existing contract with the faculty member):

- Warning, with appropriate documentation of the circumstances
- Restitution
- Suspension, with or without pay, for a time certain, under stated terms and conditions
- Probation, for a time certain, with terms and conditions set forth by the Board as to termination of probation
- Denial or limitation of future increases in salary, benefits, perquisites, courses, summer teaching assignments, research grants, and the like, upon specified terms and conditions
- Reduction in position
- Termination of employment.

E. Tenured and Long-Term Contract Faculty

All sanctions as to tenured and long-term contract faculty will be noted in the faculty member's file, along with a concise written statement as to the circumstances. The statement will be written by the Dean of the Law School. Such notation shall include an indication as to whether the statement should be made available to future employers and the like, and as to whether such notation shall be expunged at a specified later date.

Sanctions for tenured and long-term contract faculty may include, but are not limited to, one or more of the following (consistent with state law and any existing contract with the faculty member):

- Warning, with appropriate documentation of the circumstances
- Restitution

- Suspension, with or without pay, for a time certain, under stated terms and conditions, to the extent permissible under the Standards and Procedures for Tenure, Promotion and Reappointment (“Tenure Rules”)
- Probation, for a time certain, with terms and conditions set forth by the Board as to termination of probation, to the extent permissible under the Tenure Rules
- Reduction in grade or position, to the extent permissible under the Tenure Rules
- Denial or limitation of future increases in salary, benefits, perquisites, courses, summer teaching assignments, research grants, and the like, upon specified terms and conditions
- Termination of employment, to the extent permissible under the Tenure Rules. In such case, the Board shall recommend to the Law School that it commence a proceeding pursuant to Article IX of the Tenure Rules.

F. Failure to Comply with Investigation or Sanctions

If an individual fails to comply with the procedures in this Policy, including through a material breach of confidentiality or by a refusal to abide fully with any assigned sanctions, NYLS reserves the right to bring additional charges of misconduct against the individual. The Title IX Co-Coordinators is responsible for interpreting and applying this provision.

G. Transcript Notation Requirement and Appeal Procedure

Students suspended or expelled for committing an act of sexual assault, domestic violence, dating violence, stalking or a “violent crime,” as defined by the Clery Act, will have a notation placed on their transcript as follows: “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.” A transcript notation will not be removed prior to one year after conclusion of the suspension. Expulsion notations will not be removed in any case. If a finding of responsibility is later vacated for any reason, a corresponding transcript notation will be removed.

If a student who has been charged with a violation withdraws from NYLS while charges are pending and declines to complete the disciplinary process, the following notation will be placed on the student’s transcript: “withdrew with conduct charges pending.”

Suspension and expulsion transcript notations are applied at the conclusion of the conduct proceedings and appeals processes. If a student withdraws with charges pending, but conduct proceedings are nonetheless completed, any final transcript notation will be based on the outcome of those proceedings. A student who withdraws from NYLS prior to an outcome of a pending conduct case should understand that the investigation and proceeding may continue, even without their participation. Pending completion of those proceedings, the transcript will carry the above withdrawal notation.

Transcript notations for a suspended student are required by law to remain on the transcript for a period of at least one year following completion of the suspension. By law, expulsion notations are not subject to removal. By NYLS policy, a withdrawal notation will remain on a transcript for at least one year following the withdrawal. Subject to these minimum periods, a student may request to have a suspension/withdrawal transcript notation removed by submitting a petition in writing to the Title IX Co-Coordinators, who will share the request with the Dean. The petition must contain the rationale for requesting removal of the notation and documentation of the successful completion of any terms imposed in the underlying conduct proceeding.

The Title IX Co-Coordinators and the Dean will make all decisions about notation removal. Petitions will be reviewed and a decision will be provided in writing, generally within 30 days of submission. A student may submit multiple petitions, however, the time period between such petitions will be considered in evaluating the merits of the petition.

Section 9: Additional Rights and Applicable Statutory Provisions and External Remedies

Sex-Based Misconduct is not only prohibited by NYLS but are also prohibited by state, federal, and, where applicable, local law. Aside from the process described in this Policy, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

A. State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to discrimination, harassment, including sexual harassment, and retaliation and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court. Complaints with DHR may be filed any time within one year (or, in some instances, three years) of the discrimination, harassment, including sexual harassment, or retaliation. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. Complaining internally to NYLS does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination harassment, including sexual harassment, or retaliation is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the discrimination, harassment, including sexual harassment, or retaliation, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call 718.741.8400 or visit: www.dhr.ny.gov/. Contact DHR at 888.392.3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

B. Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination, harassment, including sexual harassment, or retaliation has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC. An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 800.669.4000 (TTY: 800.669.6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

C. Local Protections

Many localities enforce laws protecting individuals from harassment, including sexual harassment, retaliation, and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of discrimination, harassment, including sexual

harassment, or retaliation with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, NY; call 311 or 212.306.7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

D. Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime.

E. Judicial Forums

In addition to notifying the local police department, or the government agencies listed above, employees can also file a complaint in federal or state court under federal and/or state anti-discrimination and anti-harassment laws.

F. Family Educational Rights and Privacy Act

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"). The privacy of an individual's medical and related records may be protected by the Health Insurance Portability and Accountability Act ("HIPAA"), excepting health records protected by FERPA. Similarly, access to an employee's personnel records may be restricted by applicable New York and federal law.

While there are certain limitations on privacy, all information obtained during the course of the resolution procedure will be protected from public release until the appeals panel makes a final determination, unless otherwise required by law. The Law School generally will not release the names of the Complainant or Respondent to the general public without express written permission or absent another exception consistent with the law, including FERPA and the Clery Act. Further, to the extent that it is practical and permissible by law, the Law School will maintain records created under this Policy in a manner which excludes personally-identifiable information on victims. Note, however, that NYLS does not place restrictions on the right of Parties to disclose the outcome of matters resolved under these procedures.

Section 10: Special Reporting Considerations

A. Amnesty for Alcohol and/or Drug Use

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

B. Public Awareness Events

Consistent with guidance from the Office for Civil Rights of the Department of Education, public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, or other forums in which community members

disclose incidents of Sex-Based Misconduct do not initiate the Law School's Title IX obligations, including its obligation to investigate reports of sexual harassment or sexual violence. Such events may, however, inform the need for campus-wide educational and prevention efforts, and the Law School may implement broad community initiatives in response to such events where appropriate.

C. Reports Involving Minors

Under New York law, Law School employees must make a mandatory report of suspected child abuse and neglect, including sexual assault when that individual, in their professional capacity or within the scope of their employment, has knowledge of or observes a minor under the age of 18 whom the individual knows or reasonably suspects has been the survivor of child abuse or neglect. All Law School employees are required to immediately report any suspected child abuse and neglect to the Title IX Co-Coordinators and the Chief of Building Operations and Security. In addition to notifying these individuals any individual can make a direct report to 911 if a child is in immediate danger, or to the Child Protection Hotline at 800.342.3720.

The source of abuse does not need to be known in order to file a report. NYLS will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or the New York State Office of Children and Family Services ("OCFS"). It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse.

D. Malicious Allegations

False and malicious reports of Sex-Based Misconduct can place a permanent stigma on members of the NYLS community, regardless of the ultimate outcome of any investigation. Accordingly, NYLS prohibits malicious allegations of Sex-Based Misconduct. If at any point during the investigation or resolution process it appears reasonably likely that a Complainant, witness, or other individual acted in bad faith, deliberately and knowingly filed a false report or complaint, or provided false testimony, such individuals may be subject to discipline. Note that a decision that an individual did not violate the Policy, by itself, will not be treated as a malicious allegation; only information provided in bad faith or which the individual reasonably knows to be false will be determined to be a malicious allegation.

E. Retaliation

NYLS will not tolerate retaliation, as defined in Section 13. Retaliation is prohibited by federal, state, and local laws, and this Policy. No person covered by this policy shall be subject to adverse actions because the person reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint, or testifies or assists with any proceeding under the law. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (i.e., threats of physical violence outside of work hours). An individual reporting Sex-Based Misconduct is entitled to protection from any form of retaliation following a report or provides information about suspected sexual harassment that is made in good faith, even if the report is later not proven. NYLS will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate.

Any employee may pursue any charge of discrimination or harassment with the New York State Division of Human Rights ("DHR"), the New York City Commission on Human Rights ("CHR"), and/or the federal Equal Employment Opportunity Commission ("EEOC"), as appropriate. It is unlawful to retaliate against any employee for opposing the practices prohibited by the EEOC or comparable state or local agency, or for filing a complaint with, or for otherwise participating in, an investigation, proceeding, or hearing conducted by the DHR, CHR, or EEOC. Any employee who retaliates against anyone involved in a sexual harassment investigation or court proceeding will be subject to discipline, up to and including termination of employment.

Section 11: Required Disclosures (Clery Act)

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) the Law School records and reports certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual and gender-based misconduct investigated under these procedures. The Title IX Co-Coordinators works in collaboration with Campus Security to insure such incidents are captured for statistical reporting purposes while protecting the identity of the victim of such crimes. These notifications may include the classification and location of the reported crime but do not identify the students involved. The Clery Act also requires the Law School to issue a "timely warning" when it receives a report of certain crimes that pose a serious or continuing threat to the community. NYLS may disclose aggregate information regarding incidents investigated and related outcomes. Such reports will not contain identifying information.

Section 12: Prevention and Awareness Programming and Training

As part of its commitment to the prevention of Sex-Based Misconduct, NYLS offers education and awareness programs. Incoming students and new faculty and staff receive prevention and awareness programming as part of their orientation, and all students, faculty, and staff receive ongoing training and related programs on an annual basis. For a description of NYLS's Sex-Based Misconduct prevention and awareness programs, contact the Title IX Co-Coordinators.

Section 13: Prohibited Conduct Definitions and Related Terms

The following definitions of relevant terms apply throughout the Policy for the purpose of this Policy only:

Sex-Based Misconduct is conduct that constitutes a violation of this Policy. NYLS has designated different types of prohibited conduct as well as procedures that correspond best with NYLS's different constituencies. Conduct that constitutes prohibited conduct is set forth and defined herein. Sex-Based Misconduct will be investigated and adjudicated pursuant to the applicable procedural pathway.

Complainant is an individual who is alleged to be the victim of the Sex-Based Misconduct under this Policy.

Confidentiality generally means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual.

The confidentiality of information shared by an individual with designated campus or community professionals generally is governed by New York law, including restrictions on disclosure of information by mental health providers, ordained clergy, rape crisis counselors, and attorneys, all of whom have legally-protected confidentiality. These individuals are generally prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

Consent under this policy means affirmative consent. 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.

- a. 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.

- b.** Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- c.** Consent may be initially given but withdrawn at any time.
- d.** 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.
- e.** Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- f.** When consent is withdrawn or can no longer be given, sexual activity must stop.

Dating Violence means violence by a person who has been in a social romantic or intimate relationship with the Complainant (victim). The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

- a.** Dating violence can be a single act or a pattern of behavior in relationships. Dating violence includes the use or threat of physical force or restraint carried out with the intent of causing pain or injury to another within a dating relationship. Dating Violence may also include taking away a person's cell phone during an argument so the person cannot call a friend or the police for help, or threatening to self-harm if another does not do what is asked. Dating violence does not include acts covered under the definition of Domestic Violence.
- b.** Examples of dating violence may include, but are not limited to: slapping, kicking, pinching, biting, pulling hair, punching, threatening to hit, harm, or use a weapon on a partner or a partner's family, hurting or threatening to hurt a partner's pet or children.

Discrimination is the adverse treatment of another individual on the basis of a Protected Classification (as defined in the Non-Discrimination and Harassment Policy); the use of facially-neutral employment policies or practices which disproportionately disadvantage individuals on the basis of a Protected Classification. It occurs when one experiences negative or adverse conduct based on characteristics protected in this policy and/or applicable local, state, and federal laws, where such conduct has the effect of denying or limiting one's ability to benefit from and fully participate in educational programs or activities or employment opportunities.

Sex or Gender-Based Discrimination refers to the disparate treatment of a person or group because of that person's or group's sex, sexual orientation, actual or perceived gender, gender identity, or gender expression.

Domestic Violence includes assorted violent misdemeanor and felony offenses committed by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a current or former cohabitant who is or has previously been in an intimate relationship with the victim; a person similarly situated to a spouse under domestic or family violence law; or anyone else protected under domestic or family violence law.

Domestic violence may include emotional abuse, psychological abuse, or economic abuse. Domestic violence can be a single act or a pattern of behavior in relationships. Examples of behaviors that may constitute domestic violence include, but are not limited to: hitting, punching, pinching, slapping, choking, violating a protective order, or harming a person's children or animals.

Harassment is certain unwelcome conduct on the basis of a Protected Characteristic. It includes, but is not limited to, subjecting an individual to humiliating, offensive, abusive or threatening conduct that creates an intimidating, hostile or abusive work, residential or academic environment; alters the conditions of employment; or unreasonably interferes with an individual's academic or work performance on the basis of that individual's Protected Characteristic. Harassment includes communicating, sharing or displaying written or visual materials; making verbal comments; or engaging in physical conduct that is demeaning or derogatory to a person because of a Protected Classification. Whether or not conduct is Harassment will depend on the totality of the circumstances, including the frequency and severity of the discriminatory conduct; whether the conduct is physically threatening or humiliating, or a mere offensive utterance; and whether the conduct unreasonably interferes with the alleged victim's employment, academic or residential environment.

Discriminatory harassment includes but is not limited to: epithets or slurs; negative stereotyping; denigrating jokes; and display or circulation in the working, learning, or living environment (including electronic transmission) of written or graphic material.

See "Sexual Harassment," listed below, for information on Sexual Harassment.

Incapacitation under this Policy includes, but is not limited to, lack of consciousness, being asleep, being involuntarily restrained, or otherwise being unable to Consent. Indicators of incapacitation include slurred speech, bloodshot or unfocused eyes, unsteady gait (needing assistance walking or standing), vomiting, concern expressed by others about the individual, expressed memory loss, or disorientation.

Non-Consensual Sexual Activity includes any sexual contact (as defined below), however slight, with an object or bodily part, by a person upon another person that is without affirmative Consent (as defined above).

Privacy under this Policy generally means that information related to a report of Sex-Based Misconduct will only be shared with a limited circle of individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality generally, the Law School will be discreet and respect the privacy of all individuals involved in the process. No information shall be released from a proceeding to enforce this Policy except as required or permitted by law and NYLS policy.

Respondent is an individual who has been reported to be the perpetrator of the Sex-Based Misconduct under this Policy.

A Responsible Employee is any employee: who has the authority to take action to redress Sex-Based Misconduct; who has been given the duty of reporting incidents of Sex-Based Misconduct to the Title IX Co-Coordinators or other appropriate designee; or who a Community Member reasonably believes has this authority or duty. Any faculty member administrator or staff member, or NYLS Security Officer is a Responsible Employee. Examples of employees who are not Responsible Employees include, but are not limited to: Adjunct Faculty; Dining Services Employees; Temporary Employees; and Contract Employees other than Security Officers.

Retaliation is any action to penalize, intimidate, harass, or take adverse action against a person who makes a report of discrimination or harassment, participates in an inquiry or investigation, or otherwise asserts rights protected by non-discrimination laws. In some cases, knowingly making a false report of discrimination or harassment can amount to retaliation.

Sexual Assault is any non-consensual intentional physical contact of a sexual nature, such as unwelcome physical contact with a person's genitals, buttocks, or breasts, or any form of sexual intercourse without Consent. Rape (Appendix C) is a form of sexual assault. Sexual assault occurs when the act (non-consensual sexual contact or non-consensual sexual intercourse) is committed by: physical force, violence, threat, or intimidation; ignoring the objections of, or without the Consent of, another person; causing another's incapacitation through intoxication or impairment through the use of alcohol or other drugs; and/or taking advantage of another person's incapacitation by alcohol or drug use, disability, unconsciousness, or helplessness which renders them unable to give Consent. In accordance with New York State law, a person under the age of 17 lacks the capacity to give Consent. (See also the definition of Consent, above).

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

Sexual Exploitation is non-consensual sexual abuse or exploitation of another, when such behavior does not otherwise constitute another specifically defined behavior. Examples of sexual exploitation include, but are not limited to, non-consensual use of electronics to capture, reproduce, or share images of a sexual nature without consent of parties involved, public indecency, or exposing genitals to others without consent, or engaging in 'peeping' (observing another when privacy would be reasonably expected) without consent.

Sexual Harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. It is a form of employee misconduct. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified

or perceived sex, gender expression, gender identity and the status of being transgender (collectively, "Sex"). Such conduct may occur between any individuals, regardless of their sex or gender. Sexual harassment includes: a NYLS employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment); unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to NYLS's education program or activity; or sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined herein in and under the Clery Act, 20 U.S.C. § 1092(f), and VAWA, 34 U.S.C. § 12291(a)).

Sexual Misconduct is a broad term which incorporates a range of behaviors including sexual assault, sexual harassment, domestic violence, dating violence, stalking, and any other conduct of a sexual nature that is non-consensual, or has the purpose or effect of threatening, intimidating, or coercing a person.

Much sexual misconduct includes non-consensual sexual contact, but this is not a necessary component. For example, threatening speech that is sufficiently severe or pervasive to constitute sexual harassment will constitute sexual misconduct. Making photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent constitutes sexual misconduct, even if the activity documented was consensual. Similarly, sharing such recordings or other sexually harassing electronic communications without consent is a form of sexual misconduct. All members of our community are protected from sexual misconduct, and sexual misconduct is prohibited regardless of the sex of any party involved.

Sexual Violence involves sexual contact perpetrated against an individual's will, without valid consent, or when an individual is incapable of giving consent. Examples of sexual violence include sexual assault, dating violence, or domestic violence.

Stalking under this Policy means a course of conduct directed at a specific person based on their sex or gender that would cause a reasonable person to feel fear for her, his, or others' safety or to suffer substantial emotional distress. Stalking involves repeated and continued harassment made against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear and apprehension. Stalking behaviors may include: pursuing or following; non-consensual (unwanted) communication or contact – including face-to-face, telephone calls, voice messages, electronic messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.

Appendix A: Students' Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the 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.

Appendix B: List of Resources for Support

Below is a list of reporting, care, and support options, with accompanying contact information.

A. Medical Assistance

If you have been assaulted, consider visiting an ER (where you will likely find staff such as Sexual Assault Nurse Examiners, who are trained in working with individuals who experience sexual violence). Medical professionals can help you check for injuries, be screened and educated regarding sexually transmitted infections or pregnancy, and to collect evidence.

Evidence collection in NYC does not require you to file a police report, but preserving evidence allows you options. For the purposes of evidence collection, it is recommended that you avoid eating/drinking, showering, brushing your teeth, or changing your clothes. Even if you have done any of these things, evidence can still be collected and it remains important that you seek medical attention. You may wish to bring a change of clothes with you (or have a friend bring you a change of clothes) when you do seek medical attention.

Following these steps promptly after an incident can be very helpful in later criminal proceedings and/or in seeking a civil order of protection. The medical treatment resources listed below can provide treatment for injuries and for potential exposure to sexually transmitted diseases. They also provide emergency contraception and other health services. They can assist in preserving evidence of documenting any injuries, including by helping find a Sexual Assault Nurse Examiner, who is specially trained to collect evidence.

1. On-Campus Medical Resources

Mount Sinai Beth Israel is prepared to provide medical services to NYLS students who have been the victims of sexual assault. Mount Sinai Beth Israel provides 24-hour emergency care (including sexual assault forensic examinations), confidential crisis intervention, counseling, and referrals. Mount Sinai Beth Israel is located at 281 1st Avenue, New York, NY 10003 (First Avenue and 16th Street in Manhattan). The Emergency Department can be contacted by phone at 212.420.2840.

The Violence Intervention & Treatment Program at Wyckoff Hospital is prepared to offer medical services to NYLS students and faculty members who have been the victims of sexual assault, domestic violence, and/or other related crimes. The program provides 24-hour emergency care that includes but is not limited to sexual assault forensic examinations, confidential crisis intervention, counseling, referrals, and access to a Violence Intervention & Treatment Program Advocate to support the students and/or faculty members who have experienced sexual assault, domestic violence and/or other related crimes. Wyckoff Hospital is located at 374 Stockholm Street, Brooklyn, New York 11237. For business hours, the Violence Intervention and Treatment Program can be contacted by phone at 718.906.3846. For after hours, please call Danielle Schneck (Program Coordinator) at 347.682.7297.

2. Manhattan-based Hospitals with SAFE (Sexual Assault Forensic Examiner) Centers

New York Presbyterian – Columbia
622 W. 168th St.

Bellevue Hospital
462 First Ave. at E. 27th St.

Beth Israel-Petrie Campus
First Avenue at E. 16th St.

Harlem Hospital
506 Malcolm X Blvd. at W. 135th St.

Metropolitan Hospital Center
1901 1st Ave. at 96th St.

Mount Sinai Medical Center
1 Gustave L Levy Pl. (5th Ave.) at E. 98th St.

New York-Presbyterian- The Allen Pavilion
5141 Broadway at W. 221th St.

New York-Presbyterian – Weill Cornell
525 E. 68th St. at York Ave.

Search for [additional SAFE-designated hospitals](#).

A. Counseling, Legal, and Informational Resources

If you believe you have experienced an assault—remember, it is not your fault. If you experience sexual assault, the following guidance is important to consider:

1. Safety First

Get to a safe place. After experiencing a traumatizing event such as sexual assault, it can be important to find a place where you feel comfortable and safe from harm. This location could be: your room, a friend's room, a local hospital, Campus Security, or a Police station.

2. On-Campus Resources

Mount Sinai Beth Israel is prepared to provide medical services to NYLS students who have been the victims of sexual assault. Mount Sinai Beth Israel provides 24-hour emergency care (including sexual assault forensic examinations), confidential crisis intervention, counseling, and referrals. Mount Sinai Beth Israel is located at 281 1st Avenue, New York, NY 10003 (First Avenue and 16th Street in Manhattan). The Emergency Department can be contacted by phone at 212.420.2840.

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is located at 374 Stockholm Street, Brooklyn, NY 11237. For business hours, the Violence Intervention and Treatment Program can be contacted by phone at 718.906.3846.

Student Counseling Center: Aetna Student Assistance Program, our counseling service, is available 24 hours a day/7 days a week. Call 877.351.7889, email AskSAP@aetna.com, or visit www.aetnasap.com and enter the school ID: NYLAW.

Employee Assistance Program (EAP): The EAP is offered through LifeCare; LifeCare services are available through our ADP vendor. Employees can call LifeCare directly at 800.697.7315. To access LifeCare's website, visit NYLS's HR Self-Service Center, select the Home Tab, and choose the Resources Tab to LifeCare.

3. Off-Campus Resources

Crime Victims Treatment Center of St. Luke's Roosevelt Hospital (CVTC)

CVTC provides respectful treatment of survivors of family and intimate partner violence, sexual assault, childhood sexual abuse, and other forms of violence and crime.

St. Luke's (Mt. Sinai) Emergency Medical Services

As the first hospital in New York to establish a specialized, highly acclaimed treatment service for victims of sexual assault, they have Sexual Assault Forensic Examiner ("SAFE") examiners available 24 hours a day. SAFE examiners devote their full attention to the victim's needs, and only with the victim's consent, collect evidence that can be used to prosecute the crime.

Anti-Violence Project (AVP) is a New York based resource.

AVP provides free and confidential assistance to thousands of lesbian, gay, bisexual, transgender, queer, and HIV-affected (LGBTQH) people each year from all five boroughs of New York City through direct client services and community organizing and public advocacy. Find more information or reach their bilingual (English/Spanish) hotline at 212.714.1141.

Sanctuary for Families, PO Box 1406, Wall Street Station, 212.349.6009

Annually, Sanctuary for Families serves more than 10,000 individuals who experience some form of domestic violence, sex trafficking, and related forms of gender violence. Its services include: counseling, legal assistance, crisis and temporary shelter, community education, and advocacy, among others.

Safe Horizon, 2 Lafayette Street, 3rd Floor, 800.621.4673

Through its 57 programs, Safe Horizon provides assistance to those who have experienced domestic and intimate partner violence, child physical and sexual abuse, human trafficking, stalking, youth homelessness, and other violent crimes. Its services include: counseling, legal representation, and housing and employment assistance, among others.

Other helpful external resources:

- NYC Alliance Against Sexual Assault
- NYC Gay and Lesbian Anti-Violence Project: 212.714.1141
- Support Orthodox Victims of Rape and Incest (SOVRI) Sexual Abuse Helpline (in conjunction with The Beth Israel Victim Services Program): 212.844.1495
- **Rape, Abuse, and Incest National Network**
- Rape, Sexual Assault, and Incest Hotline: 212.227.3000 (24 hours a day)
- Bronx Rape Crisis Program: 718.933.1000
- Brooklyn Rape Crisis Program: 718.827.4700

- Queens Rape Crisis Program: 718.291.2555
- Staten Island Rape Crisis Program: 718.720.2591

4. Legal Resources Aetna Student Assistance Program

The New York District Attorney's office offers centralized information about options and resources, including information about protective orders, related to domestic violence. Please visit: <https://www.manhattanda.org/victim-resources/domestic-violence/>.

A note about protective orders: In Manhattan, the Family Justice Center or the District Attorney's office assist with the process of seeking an Order of Protection. Campus Security or the Title IX Co-Coordinators can provide assistance in accessing these resources. The Law School will assist in appropriate planning, as it may relate to access to campus or related protections, for any individual who obtains an Order of Protection and shares it with Campus Security.

Additional [New York City resources and information](#).

Appendix C: New York State Criminal Definitions

New York State Criminal Definitions

The Violence Against Women Act (VAWA) requires NYLS to include certain New York State criminal definitions in its Annual Security Report and also requires that these definitions be provided in other materials disseminated by the Law School. Relevant New York definitions are set forth below.³ Ultimately, the New York District Attorney will determine whether an act meets the criminal standard.

Consent⁴: Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct, or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with developmental disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

Consent, abbreviated: Clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity.

Dating Violence: New York State does not specifically define "dating violence." However, under New York Law, intimate relationships are covered by the definition of domestic violence when the crime is committed by a person in an "intimate relationship" with the victim. See "Family or Household Member" for definition of "intimate relationship."

Domestic Violence: An act which would constitute a violation of the penal law, including, but not limited to, acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal

mischievous, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching of blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

Family or Household Member: Persons related by consanguinity or affinity; persons legally married to one another; persons formerly married to one another regardless of whether they still reside in the same household; persons who have a child in common regardless of whether such persons are married or have lived together at any time; unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

Parent: means natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

Sexual Assault: New York State does not specifically define sexual assault. However, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape.

Sex Offenses; Lack of Consent: Whether or not specifically stated, it is an element of every sexual act committed without consent of the victim.

Sexual Misconduct: When a person engages in sexual intercourse with another person without such person's consent; or engages in oral sexual conduct or anal sexual conduct without such person's consent; or engages in sexual conduct with an animal or a dead human body.

Rape in the Third Degree: When a person engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the Second Degree: When a person being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree that the defendant was less than four years older than the victim at the time of the act.

Rape in the First Degree: When a person engages in sexual intercourse with another person by forcible compulsion; or who is incapable of consent by reason of being physically helpless; or who is less than 11 years old; or who is less than 13 years old and the actor is 18 years old or more.

Criminal Sexual Act in the Third Degree: When a person engages in oral or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than 17 years old; being 21 years old or more, with a person less than 17 years old; with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal Sexual Act in the Second Degree: When a person engages in oral or anal sexual conduct with another person and is 18 years or more and the other person is less than 15 years old; or who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

Criminal Sexual Act in the First Degree: When a person engages in oral or anal sexual conduct with another person by forcible compulsion; who is incapable of consent by reason of being physically helpless; who is less than 11 years old; or who is less than 13 years old and the actor is 18 years old or more.

Forcible Touching: When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. It includes squeezing, grabbing, or pinching.

Persistent Sexual Abuse: When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten-year period, has been convicted two or more times in separate criminal transactions for which a sentence was imposed on separate occasions of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

Sexual Abuse in the Third Degree: When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and such other person was more than 14 years old and the defendant was less than five years older than such other person.

Sexual Abuse in the Second Degree: When a person subjects another person to sexual contact and when such other person is incapable of consent by reason of some factor other than being less than 17 years old; or less than 14 years old.

Sexual Abuse in the First Degree: When a person subjects another person to sexual contact by forcible compulsion; when the other person is incapable of consent by reason of being physically helpless; or when the other person is less than 11 years old; or when the other person is less than 13 years old.

Aggravated Sexual Abuse: For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Fourth Degree: When a person inserts a foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

Aggravated Sexual Abuse in the Third Degree: When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person: by forcible compulsion; when the other person is incapable of consent by reason of being physically helpless; or when the other person is less than 11 years old; or causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

Aggravated Sexual Abuse in the Second Degree: When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by forcible compulsion; or when the other person is incapable of consent by reason of being physically helpless; or when the other person is less than 11 years old.

Aggravated Sexual Abuse in the First Degree: When a person subjects another person to sexual contact: by forcible compulsion; or when the other person is incapable of consent by reason of being physically helpless; or when the other person is less than eleven years old; or when the other person is less than thirteen years old and the actor is twenty-one years old or older.

Stalking in the Fourth Degree: When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct is likely to cause reasonable fear of material harm to the physical health, safety, or property of such person, a member of such person's immediate family, or a third party with whom such person is acquainted; or causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning, or initiating communication or contact with such person, a member of such person's immediate family, or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or is likely to cause such person to reasonably fear that his or her employment, business, or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

Stalking in the Third Degree: When a person commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding 10 years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or with an intent to harass, annoy, or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment, or death of such person or a member of such person's immediate family; or commits the crime of stalking in the fourth degree and has previously been convicted within the preceding 10 years of stalking in the fourth degree.

Stalking in the Second Degree: When a person: commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument, or deadly weapons or displays what appears to be a pistol, revolver, rifle, shotgun, machine gun, or other firearm; or commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding 5 years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury, or death; or commits the crime of stalking in the third degree, against 10 or more persons, in 10 or more separate transactions, for which the actor has not been previously convicted.

Stalking in the First Degree: When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

Endnotes

¹ Under New York State law, counselors may be required to notify child protective services and/or local law enforcement of any report which involves ongoing suspected abuse of a minor (under the age of 18). Under New York State law, counselors may be required to notify child protective services and/or local law enforcement of any report which involves ongoing suspected abuse of a minor (under the age of 18).

² Throughout these procedures, the phrase "Title IX Co-Coordinators" is used; however, one or both of the Title IX Co-Coordinator may perform the referenced duties and assume the relevant responsibilities for a particular Complaint or, if necessary, for a portion of a Complaint, and for specific points in the process.

³ For purposes of enforcing the expectations and requirements of this Policy, sexual and gender-based misconduct are defined in Section 13. The definition listed here applies to New York state criminal laws.

⁴ The Law School defines consent as affirmative consent consistent with N.Y. Educ. Law § 6441 as described in Section 13.

**WE ARE NEW YORK'S LAW SCHOOL**

New York Law School Clery Act Timely Warning and Emergency Notification Policy

Overview

In the event of criminal activity occurring on the New York Law School (also known as the "Law School," "School," or "NYLS") campus, or on certain other property, that constitutes a serious or continuing threat to members of the campus community, a campus-wide Timely Warning will be issued to all students and employees. The intent of a Timely Warning is to aid in the prevention of similar crimes, including helping members of the NYLS community protect themselves.

Anyone with information regarding criminal activity that may warrant a Timely Warning should immediately report the circumstances to Paul Repetto, Chief of Building Operations and Security, at Paul.Repetto@nyls.edu or 212.431.2836. In an emergency, please call 911.

The School has a Memorandum of Understanding with the New York Police Department (NYPD) to foster cooperation and information-sharing. NYLS has communicated with the NYPD, asking the NYPD to notify the School if they receive reports or information warranting a Timely Warning.

In addition to the Timely Warnings that the School is required to issue pursuant to the criteria set forth herein, NYLS may also issue Emergency Notifications, when appropriate. Emergency Notifications are issued concerning significant emergencies or dangerous situations involving an immediate threat to the health or safety of students or employees, occurring on or in the vicinity of the NYLS campus.

Timely Warning Criteria

NYLS will issue a Timely Warning when the following criteria have been met:

- A crime is reported to NYLS, or NYLS is otherwise made aware of the incident. For example, if the NYPD notifies the School that a crime has been reported to that agency;
- The crime is reported to have occurred on the School's "Clery geography," which generally includes NYLS's buildings, adjacent public property (e.g. streets and sidewalks), and other properties owned or controlled by NYLS (which for purposes of this definition includes the portions of the St. George Residence Hall in Brooklyn Heights occupied by NYLS students);
- The crime is a Designated Crime (see below); and
- The circumstances present a serious or continuing threat to the NYLS community (see below). NYLS has the discretion to issue Timely Warnings in other situations as well.

Designated Crimes

Assuming all other criteria have been met, crimes necessitating a Timely Warning are stated below.

Primary Criminal Offenses include murder/non-negligent manslaughter; manslaughter by negligence; rape; fondling; incest; statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson.

Hate Crimes are criminal offense that manifest evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes include: murder/non-negligent manslaughter; rape; fondling; incest; statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; arson; larceny-theft; simple assault; intimidation; and destruction/damage/vandalism to property. The eight categories of bias that may result in a hate crime designation for purposes of this policy are as follows: race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and disability.

Violence Against Women Act (VAWA) Offenses include dating violence, domestic violence, and stalking.

Arrests and Disciplinary Referrals for Disciplinary Action as a result of the following violations, include: drug abuse violations, liquor law violations, and weapons violations (e.g. carrying, possessing, etc.).

Serious or Continuing Threat Analysis

The Chief of Building Operations and Security or their designee, in collaboration with the General Counsel and senior members of the Administration as necessary, is responsible for determining what constitutes a serious or continuing threat to the NYLS community.

This evaluation is completed on a case-by-case basis in consideration of the relevant circumstances. There may be instances when a Designated Crime occurs on NYLS's Clery geography, but the situation does not present an ongoing danger to the NYLS community; thus, it would not necessitate a Timely Warning. For example, a robbery on or near NYLS may have been reported, but the suspect was immediately apprehended by police and therefore, presents no ongoing danger to the NYLS community.

The factors used when analyzing whether a reported crime presents a serious or continuing threat to the campus community include, but are not limited to:

- How much time has passed between the incident and the report?
- Has the perpetrator been apprehended?
- Were there multiple perpetrators working together?
- Was the incident violent in nature?
- Were date rape drugs or other substances used to facilitate the crime?
- Was a weapon used during the commission of the crime?
- Does the incident appear to be an isolated incident with a specifically targeted victim(s)?
- Is there a pattern of similar incidents? (e.g. the same or similar crimes occurring in a short period of time, a particular group being targeted on multiple occasions, etc.)
- Are there other aggravating circumstances or predatory behaviors at issue suggesting that a threat/ongoing danger exists?
- Are there enough details available to determine whether a threat/ongoing danger exists?

Timely Warning Content

Because the intent of a Timely Warning is to aid in the prevention of similar crimes, including by helping members of the NYLS community protect themselves, these Warnings will include information that NYLS determines is necessary and appropriate to further these goals.

The content of a Timely Warning will, at a minimum, include pertinent information about the crime that triggered the Warning (e.g. type of crime and a description of where and when it occurred). The Warning may also provide other brief information about the situation if warranted, such as any available information about the suspect(s). However, caution will be taken to not issue such a lengthy Warning that it cannot be quickly understood by recipients. See below for an example of a Timely Warning.

WARNING (06/12/19): Armed Robbery outside of 185 West Broadway reported at 9:32 p.m. Perpetrator described as a tall male in a red hooded sweatshirt. Last seen running north across Franklin Street. This is an active situation. Please be alert if you are in the area.

Names of victims will be withheld from Timely Warnings, and NYLS will also refrain from including information that could compromise law enforcement efforts.

Timely Warning Methods

Timely Warnings will be communicated to all students and employees via mass email or the Notify NYLS system. The Notify NYLS system requires both students and employees to register. Students may register by logging in to go.nyls.edu. Staff may register at notifynyls.bbcportal.com.

NYLS may also supplement the email and Notify NYLS notifications with other methods, such as hard copy postings on campus, messages on video monitors located throughout the building, and more.

Timely Warnings will be posted on www.nyls.edu as well as emergency.nyls.edu.

Information may also be provided by the NYPD.

Updating the Timely Warning

After a Timely Warning has been issued, the School will consider whether a follow-up warning is necessary. If it is determined that a follow-up warning is necessary, it will be made in the manner described above.



WE ARE NEW YORK'S LAW SCHOOL

New York Law School Policy Related to COVID-19

The top priority of New York Law School (“NYLS” or the “Law School”) is the health, safety, and well-being of our community and visitors. In order to maintain a campus that is as safe as possible, and in accordance with applicable public health guidelines regarding COVID-19, NYLS has implemented the following policy. All members of the NYLS community—which includes students, faculty, staff, trustees, alumni, tenant organization personnel, contract personnel working at the Law School, and clients—and visitors to the Law School are expected to fully comply with the procedures outlined in this document. Failure to do so may result in disciplinary action and/or being asked to leave campus.

Because of the evolving medical and epidemiological understanding of the novel coronavirus, NYLS will continuously monitor all relevant public health guidelines, executive orders, state and local health codes, legislation, and rulemaking, as well as the status of the epidemic in New York City and neighboring areas, and will update this policy accordingly. NYLS will also conduct trainings and provide written guidance for community members on aspects of this policy where necessary. In addition, NYLS has created protocols to provide more detail on elements of this policy.

I. Guiding Principles and Plan Development

The Law School’s development of this policy was an intensive, months-long process. The planning process engaged many members of the campus community, both formally and informally, including students, faculty, staff, administrators, alumni, and trustees. To guide its work, the Law School established a re-opening task force consisting of the Dean and President, senior administrators, and faculty, with overall responsibility for re-opening planning. This task force appointed subject matter-specific working groups to address the academic program, student life, human resources, facilities and security, legal issues, communications, and other areas of the Law School’s operations. The task force’s work also benefitted from significant input from external public health experts hired by the Law School for that purpose.

Each working group’s efforts were guided by the following common principles established by the Dean and President, in consultation with the Law School’s Board of Trustees

- Take all appropriate steps, consistent with all government regulations and the best available medical advice, to ensure the health, safety, and peace of mind of all community members and visitors to the Law School.
- Deliver excellence and opportunity, as always, to our students in every aspect of their academic program, academic and bar success, professional development, and the support services we provide them.
- Seize every appropriate opportunity to innovate in the above areas, both as contemplated in our 2020 Strategic Plan to advance the institution, and as dictated by the times in which we live.
- Foster a warm, welcoming, supportive, engaging, collegial, and adaptable learning environment, both in-person and online, and with particular regard for the needs of first-year students, who will be new to our community and have no pre-existing relationships.

In line with these principles, members of the NYLS community will have the option of working or studying remotely based on personal health concerns.

This baseline policy will remain in effect for however long the following conditions apply: New York City remains in “Phase IV” (or a less restrictive phase) of the State’s re-opening plan, there is a stable and low COVID-19 community transmission rate, and, in particular, there is an absence of COVID-19 case clusters associated with presence at the Law School. The Law School will provide all community members with training on this policy, as well as related safety protocols. Maintaining a safe, healthy, and strong community depends on the cooperation of all community members and visitors in this effort.

II. Policy Overview

NYLS has taken important steps to reduce the potential for exposure of our community members and visitors to COVID-19. These steps include, but are not limited to, monitoring the health and safety of the community; administering temperature checks and health screenings for anyone seeking entry to the campus; prohibiting those who are experiencing any symptoms of COVID-19 or who have been exposed to someone with COVID-19 from entering or remaining on campus; requiring all community members and visitors to wear face coverings at all times (with limited exceptions); limiting occupancy on campus to essential staff; reconfiguring classrooms, the library, and other public campus spaces to facilitate social distancing; upgrading the building's ventilation and air-filtration systems; enhancing building cleaning procedures; establishing unidirectional traffic flow in stairwells; limiting elevator capacity; establishing a process for potential closure of all or part of the campus in response to health conditions; and developing protocols to implement all of the aforementioned steps.

Under this policy, all community members and visitors must:

- A. Adhere at all times to social distancing requirements consistent with local, state, and national guidance.** The community is urged to avoid travel outside the New York Metropolitan area and the Northeast states that are operating under the equivalent of New York's Phase IV level of COVID-19 response. Community members and visitors are urged to refrain from large group gatherings where social distancing may not be maintained and where masks are not universally worn.
- B. Monitor their health for any COVID-19-like symptoms and possible exposure to COVID-19 on a continuous basis and before traveling to campus. *Anyone with symptoms consistent with COVID-19 must report them to the Law School, regardless of whether the community member was on campus or plans to come to campus.*** Monitoring should include use of the health screening survey application referenced in Section III.A. COVID-19 symptoms include, but are not limited to, fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headaches, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea. Community members and visitors with such symptoms must contact their medical provider for appropriate guidance regarding self-isolation and medical care. Those who have any COVID-19 symptoms, have been diagnosed with COVID-19, or have been in close contact with someone with these symptoms or who has been diagnosed with COVID-19 must not come to the Law School.
- C. Refrain from coming to the Law School if they are coughing or sneezing frequently from known non-COVID-19 causes, such as seasonal allergies or reactive airway syndrome.** This is to avoid the potential for droplet spread and creating discomfort in others.
- D. Show Security personnel their health screening survey results for each day they come to the Law School and have their temperature taken each time they reenter the Law School.** (See details in Section III below).
- E. Maintain social distance from others (at least 6 feet away) at all times on campus.** This includes avoiding handshaking and other similar close physical contact.
- F. Cover their mouth and nose with a cloth face cover or any type of facemask without valves, including a surgical mask.** This applies when commuting on mass transit and when on campus at all times, except when consuming food or beverages, or alone in private offices that will not be occupied by anyone else for the remainder of the day. Community members and visitors should consider wearing KN-95 or similar facemasks, if available, when commuting to campus. NYLS will provide training on proper mask use.
- G. Upon arrival, and frequently throughout the day, wash their hands with soap and water for 20 seconds and use hand sanitizer containing at least 60 percent alcohol.** *Note: Wearing gloves is not necessary in most situations.* (See Section VII.C.)
- H. Cover coughs and sneezes with a tissue or use the inside of their elbow when coughing or sneezing.** They must throw used tissues in an appropriate trash receptacle and immediately wash their hands or use hand sanitizer if soap and water are not immediately available.

- I. **Minimize sharing of any objects with others and be prepared to bring their own supplies, such as pens and notebooks.**
- J. **Follow instructions for cleaning and disinfecting surfaces when directed to do so.**
- K. **Do not come to campus if they have tested positive for COVID-19, whether they have symptoms (are “symptomatic”) or not (are “asymptomatic”). Everyone must report positive COVID-19 viral or antigen test results to NYLS.** Students must report such results to Sally Harding, Assistant Dean for Student Life. Faculty and staff must report such results to Jody Pariante, Vice President for Human Resources. Contractor personnel and tenant organization personnel must report such results to their supervisor, who in turn will report them to Jody Pariante, Vice President for Human Resources. Visitors must report such results to Paul Repetto, Chief of Building Operations and Security. Positive tests must be reported to NYLS as soon as possible, and reporting must include, if applicable, the dates the affected person was on campus and specific locations in which they were present for 15 minutes or more.
- L. **Leave campus immediately if they experience any symptoms of COVID-19 (see list of symptoms in Section II.B), or believe they may have been exposed to someone with COVID-19.** Students must report such symptoms to Sally Harding, Assistant Dean for Student Life. Faculty and staff must report such symptoms to Jody Pariante, Vice President for Human Resources. Contractor and tenant organization personnel must report such symptoms to their supervisor, who in turn will report them to Jody Pariante, Vice President for Human Resources. Visitors must report such symptoms to Paul Repetto, Chief of Building Operations and Security. Symptoms must be reported as soon as possible, and reporting must include the dates the affected person was on campus and specific locations in which they were present. For community members and visitors who report symptoms or exposure while on campus, the Law School will verify that they are able to leave campus on their own. If they cannot, they will be escorted to a private area, and will be provided with guidance on obtaining appropriate medical treatment, advice, and transportation, including EMS.

If a community member or visitor has tested positive for COVID-19, is experiencing symptoms of COVID-19, or has been exposed to someone with COVID-19, the Law School will make efforts to identify those most likely to have been in contact with the affected person. These efforts will include cooperation with local health authorities for contact tracing purposes, ensuring that community members and visitors are advised on where to obtain COVID-19 testing, and providing information on appropriate next steps, such as monitoring for symptoms, the need to quarantine, etc.

III. Health Screening and Temperature Checks

Before arriving at the Law School, and ideally before beginning their commute to campus, community members and visitors will be required to self-complete a daily health screening survey. The survey application, hosted by LiveSafe, may be **downloaded and accessed on a phone or tablet** or **completed on a computer**.

- A. All community members and visitors must use the LiveSafe application (if they have access to a device that will support it). The LiveSafe application includes directions on how to complete the survey, and the Law School will provide training on its use. Hard copies of an equivalent survey instrument will be available for community members and visitors who do not have access to such a device. **Those seeking entry to the Law School need only complete the survey once per day.**
 - 1. If their survey result is “Feeling OK,” community members and visitors may proceed to Security, where they will show their date- and time-stamped results, or, for those completing hard copy surveys, will hand the results to Security. They must show Security their results **each time** they seek to enter the building.
 - 2. If the survey indicates that a community member or visitor should not proceed to the Law School, he or she should follow guidance in the survey results.
- B. In addition to completing the health screening survey, everyone who seeks to enter the Law School will have their body temperature recorded by a contactless thermal scanning device or thermometer. Temperature screening will take place at the building entrance **each time** anyone seeks to enter the building.

IV. Failing a Health Screening; Quarantine Requirements

- A.** Anyone (a) whose body temperature is recorded by the thermal scanning device to be at or above 100.4 degrees Fahrenheit (the CDC definition of a fever), (b) who fails to complete the health screening, (c) whose survey responses suggest that they have symptoms consistent with COVID-19 or may have been exposed to others infected with COVID-19, or (d) who meets the criteria for quarantining set forth in Section IV.B, will **not** be permitted to enter the Law School. The Law School will provide these individuals with information on the next steps they should take.
- B.** Community members and visitors must remain off-campus if, in the prior 14 days, they have experienced symptoms of COVID-19 (see Section II.B for a list of symptoms), or have been in close contact (i.e., less than 6 feet away for longer than 15 minutes) with anyone who has had such symptoms and/or who has been diagnosed with COVID-19. (Close contact might include residing with a significant other or providing direct care to another.) This 14-day period will remain in effect even if no symptoms occurred and even if there is a subsequent negative antigen test result, and community members are expected to conduct all activities remotely during that time.
- C.** Community members and visitors must remain off-campus for 14 days following their return to New York State from a state designated for required quarantine by the New York Governor's Executive **Order 205** or from a foreign country designated for required quarantine by the **CDC**.

V. Entrances and Exits

- A.** The 185 West Broadway entrance will be the only means of ordinary entry and egress to the Law School. Emergency exits throughout the campus will continue to operate as normal for evacuation purposes; however, staircases will be designated for unidirectional (up or down only) use.

VI. Social Distancing

- A.** All members of the NYLS community and visitors must make every effort to maintain a distance of at least 6 feet from anyone present on campus, and must wear approved face coverings at all times (except when consuming food or beverages, or when alone in offices that will not be occupied by anyone else for the remainder of the day). (See Section VI.C). Community members and visitors must not congregate or create crowding in classrooms, the library, offices, hallways, stairwells, locker rooms, restrooms, break rooms, cafeterias, or other confined areas used by multiple people, and must adhere to seating charts, walking and stair-flow directions, bathroom restrictions, room and elevator capacities, and other facility safety instructions posted on signage. Community members and visitors are prohibited from moving chairs closer than 6 feet from another person or a designated chair location.
- B.** Elevator car capacity will be limited as posted, and social distancing will be required in elevator cars. While using the elevator, face coverings must be worn, and individuals should press elevator buttons with only their knuckle, elbow, or an object (e.g., the corner of a newspaper or magazine), if possible. Although elevators are an area designated for more frequent cleaning, everyone must wash hands or use hand sanitizer with at least 60 percent alcohol upon departing the elevator. To minimize elevator use, everyone is encouraged to use the stairs to the greatest extent possible (while following posted directional guidance for each stairwell).
- C.** Consumption of food and beverages is generally restricted to cafeteria seating areas while in the Law School building, or to outdoor spaces that allow for social distancing. Brief and occasional sips of water are permitted, if necessary, in areas other than the cafeteria. Community members and visitors are encouraged to take meal or refreshment breaks in open outside areas (for example, on the fifth-floor terrace or anywhere off-campus) whenever possible. In all instances, community members and visitors are required to maintain social distancing and to wear approved face coverings while on such breaks, except when eating or drinking. Faculty and staff may consume food and beverages in their own private offices with the door closed, so long as that office will not be used by any other member of the community or visitor for the entire day.

- D.** To the extent possible, locations for pick-up and delivery of mail, packages, and other items will be designated with the goal of minimizing foot traffic on campus by non-NYLS community members. All personal food deliveries must be accepted outside the doors of the Law School building and must be brought in and wiped down with disinfectant by the person who ordered such food. All routine vendor deliveries must be made via the 52 Leonard Street entrance, and delivery personnel will be subject to appropriate health and temperature screening requirements as set forth in Section III.A.
- E.** Classrooms and common areas will be arranged to allow students and faculty to meet the minimum 6-foot social distancing requirement and to allow safe and appropriate interaction. In addition, where possible, large classrooms with dual entrances will have one designated as an entrance and the other as an exit.
- F.** The sharing of books, papers, writing instruments, office equipment, electronics, food and beverages, and personal objects is strongly discouraged and should be avoided. To the extent that shared work or study areas, or shared surfaces such as classroom, library, cafeteria, or common area desks, tables, and chairs remain in use, they must be cleaned and disinfected with disinfectant wipes before and after use by the person using them, without exception. The Law School will provide disinfectant wipes and training on the appropriate use of such cleaning products, and will ensure that there is appropriate ventilation in all places where such products are in use. Self-policing and cleaning as described herein is required and essential regardless of frequent cleaning of these areas by maintenance staff.
- G.** All individual and group meetings involving NYLS faculty, student services, and administrative operations and services must take place via remote technology to the maximum extent possible. If an in-person meeting is necessary, appropriate face coverings must be worn, the meeting room must be arranged to meet the 6-foot social distancing requirement, and the meeting must last no longer than absolutely necessary.
- H.** In general, visitors to the NYLS campus are prohibited, except for a limited number of alumni studying for a bar exam or those conducting essential business with NYLS as authorized by the Dean or an Associate Dean. Members of the Law School's Board of Trustees may access campus at any time subject to the health screening procedures described in Section III. Any request for authorization of an essential visitor must be submitted by the NYLS host to the Office of Security and Life Safety via an online form. In addition, the NYLS host must transmit the link to the daily health screening to the visitor. Visitors are subject to the health screening and temperature check requirements set forth in Section III as a condition to entry. Visitors permitted entry must be escorted at all times by their NYLS host.

VII. Use of Personal Protective Equipment (PPE)

- A.** NYLS community members and visitors must wear approved face coverings at all times in accordance with CDC guidance, except when consuming food or beverages in designated areas, or alone in offices (so long as that office will not be used by any other member of the community or visitor for the entire day). Approved face coverings for COVID-19 include, but are not limited to, cloth-based face coverings and disposable masks that cover both the mouth and nose. Any face covering with an exhalation valve is prohibited, as an exhalation valve defeats the primary purpose of the mask: protecting others from the wearer. Reusable face coverings should be cleaned or replaced when damaged or soiled, should not be shared, should be properly stored when not in use, and should be safely discarded in a general trash receptacle when no longer usable. Anyone who sneezes or coughs into their mask, so that the mask becomes contaminated with mucus, should change the mask immediately and launder or discard it. (See Exhibit A, "Guidance on the Use of Personal Protective Equipment," for recommended steps for use and reuse of facemasks.) The use of face coverings is not a substitute for social distancing. The Law School will provide training on the appropriate donning (wearing) and doffing (removing) of face coverings. Face shields may not be used as a substitute for cloth face coverings or disposable masks, and the use of face shields is permitted only when wearing a mask, with the exception of onsite instructors in the classroom, so long as they maintain a distance of at least 12 feet from students in the classroom.
- B.** NYLS will provide community members with at least one reusable cloth facemask, at no cost, for their use on campus. Because NYLS's supply of facemasks is limited and may not allow for new masks to be issued daily, community members using NYLS-issued facemasks are expected to take proper care to allow for reuse of their mask to the fullest extent possible. Community members are permitted and encouraged to furnish and wear their own face coverings, consistent with this policy.

- C. Wearing gloves is not necessary in most situations. Rather, hand-washing and hand sanitizer that contains at least 60 percent alcohol are the best ways to safeguard against germs. The CDC does recommend wearing gloves when cleaning, disinfecting, or caring for someone who is sick. NYLS will maintain a supply of disposable gloves for use by community members in appropriate circumstances, and NYLS will provide training on proper glove use.

VIII. Hygiene, Cleaning, and Ventilation

- A. As a general matter, everyone should avoid touching their eyes, nose, and mouth. Frequent hand-washing and/or use of hand sanitizer that contains at least 60 percent alcohol is strongly encouraged, especially in these situations: after using mass transit or being in other public places; when hands are visibly soiled; when preparing to eat; after eating; after using the restroom; after sneezing, coughing, or blowing the nose; when entering and exiting campus; and when touching the face. Appropriate hand sanitizers will be available in dispensers throughout the campus.
- B. NYLS will provide hand hygiene stations, including hand-washing facilities with soap, tepid water, and disposable paper towels, and/or hand sanitizer containing 60 percent or more alcohol. Hand hygiene stations will be available in all campus facilities, particularly in high-traffic areas (such as building entrances, at elevator banks, and outside classrooms).
- C. Community members and visitors may be in private offices with the door closed without a face covering so long as that office will not be used by any other member of the community or visitor the entire day; however, under these circumstances, they should remember to always cover their mouth and nose with a tissue or use the inside of their elbow when coughing or sneezing. Used tissues should be thrown in the trash. After sneezing and/or handling used tissues, they should immediately wash their hands with soap and water for at least 20 seconds. If soap and water are not readily available, they should clean their hands with hand sanitizer that contains at least 60 percent alcohol.
- D. Water fountains, coolers, bottle-filling stations, shared microwaves, and refrigerators will not be available in NYLS facilities. Community members and visitors are encouraged to bring their own water, and the Law School will make bottled water available to faculty and staff.
- E. NYLS will supply campus work locations with appropriate cleaning and disinfection supplies for use in wiping down frequently touched surfaces, e.g., copiers, scanners, shared computer terminals and other shared workspaces, telephones, door handles, desk surfaces, chairs, etc. Everyone is encouraged to use these supplies liberally, and to wipe down all hard surfaces they touch prior to use and again when they are done. (See Section VI.F.)
- F. Law School maintenance staff will continue regular daily cleaning and disinfection of campus facilities, and will perform more frequent cleaning and disinfection on high-use areas and frequently touched surfaces.
- G. In the event of exposure of an area to a person testing positive for COVID-19, such cleaning and disinfection will include, at a minimum, the work area and all areas used by the affected person.
- H. NYLS will adjust its ventilation system to appropriately manage the percentage and frequency of fresh air exchange, install best available filters for the heating ventilation and air conditioning (HVAC) system, and continuously monitor its operations.

IX. Working From Home and Traveling

- A. As a general policy matter, employees who wish to work from home for health and safety reasons may do so. NYLS reserves the right, however, to deem "essential" those employees whose presence on campus is required, because their functions are necessary to operate the Law School's facilities and programs in a healthy, safe, and effective manner.
- B. NYLS will provide staff, in light of exceptional circumstances, with appropriate resources to fulfill unique job functions.
- C. Any staff or faculty members working from home must maintain the confidentiality of NYLS information and adhere to the electronic information security protocols mandated by NYLS's Office of Information Technology.

- D.** NYLS-related travel (in-town or out-of-town) will be limited to staff performing essential business activities (such as for procurement-related purposes) with prior approval. NYLS personnel traveling on such essential business are expected to observe the social distancing and PPE protocols set forth herein while traveling. *Note:* Those who may have been exposed to COVID-19 by virtue of their destination or manner of travel, and those subject to governmental travel-related requirements, may need to observe a 14-day quarantine.

X. Departing Campus Upon Development of COVID-19 Symptoms

- A.** Any member of the Law School community or visitor who develops any of the COVID-19 symptoms described in Section II must immediately leave campus (if on campus) following the process described below. Students must report such symptoms to Sally Harding, Assistant Dean for Student Life. Faculty and staff must report such symptoms to Jody Pariante, Vice President for Human Resources. Contractor and tenant organization staff must report such symptoms to their supervisor, who in turn will report them to Jody Pariante, Vice President for Human Resources. Visitors must report such symptoms to Paul Repetto, Chief of Building Operations and Security. Symptoms must be reported as soon as possible, and reporting must include the dates the affected person was on campus and specific locations in which they were present. For those who report symptoms while on campus, the Law School will verify that they are able to leave campus on their own. If they cannot, they will be escorted to a private area, and will be provided with guidance on obtaining appropriate medical treatment, advice, and transportation, including EMS. (See Sections II.L and IV.A.)

XI. Returning to Campus Following COVID-19 Symptoms, Positive Test, or Exposure

- A.** A community member or visitor who (1) has any COVID-19 symptoms and tests positive; (2) is asymptomatic and tests positive for COVID-19; (3) has close and extended contact with someone with COVID-19; or (4) has any COVID-19 symptoms, but does not get tested for COVID-19 (and is therefore deemed presumptively positive) must do the following: report their diagnosis, contact, or symptoms to NYLS; in accordance with Section IV, self-isolate for a minimum of 14 days by staying home, away from others and pets (in a separate room/bedroom, using a separate bathroom if possible, without sharing personal household items, and wearing a cloth face covering when around others); monitor their symptoms, including their temperature; and seek emergency medical care immediately if they develop an emergency warning sign (such as trouble breathing, persistent pain or pressure in the chest, new confusion, inability to wake or stay awake, bluish lips or face, or other concerns).
- B.** Notwithstanding the completion of a period of quarantine and/or a negative test result, any community member or visitor who has tested positive for COVID-19 may only return to NYLS if a licensed medical professional certifies in writing that they may safely return to campus.

XII. Signage and Other Safety Measures

- A.** NYLS will post appropriate signage throughout Law School facilities announcing health and safety warnings and protocols, such as the need to wear approved face coverings, practice social distancing, engage in frequent hand hygiene, and report symptoms of or exposure to COVID-19. Additional safety precautions utilized on the NYLS campus will include installation of plexiglass or other barriers; floor and other markings to denote traffic flow and proper social distancing; configuration of common areas such as classrooms, dining areas, library study areas, limited-use conference rooms, and workspaces to ensure adequate spacing; and other similar considerations. NYLS community members and visitors will be expected to follow all signage and guidance regarding safety measures.

XIII. COVID-19 Testing

- A.** NYLS does not offer onsite COVID-19 testing. Accordingly, NYLS will refer community members and visitors to an approved medical provider for testing. NYLS also asks that community members and visitors make use of the testing facilities of their state (see [New York State guidance](#)), county, and municipal agencies (see [New York City guidance](#)). The online health search engine Castlight Health has also created a [testing site locator](#).

XIV. On-Campus and Remote Standards of Behavior and Corrective Action

- A. On-Campus Activity:** Anyone engaging in in-person learning or working on-campus who violates this policy or its related protocols, or who otherwise engages in conduct that NYLS determines to be inconsistent with good health and safety practices, will be advised to follow the appropriate guidance and provided with educational material as indicated. Those who continue to violate the policy or related protocols may be asked to immediately leave campus and may be subject to appropriate student or employee discipline and to having their building access, including their NYLS OneCard, temporarily suspended and deactivated until violations are resolved.
- B. Remote Activity:** All who opt to engage in remote learning or working are expected to comport themselves with the same degree of professionalism and courtesy to others that is expected of them in the live classroom or office setting. The NYLS Student Code of Conduct and other Law School policies fully apply to the remote learning and working environment.
- C. Reporting for On-Campus and Remote Activity:** Anyone who wishes to report a concern about a potential violation of this policy or related protocols may alert Sally Harding, Assistant Dean for Student Life (for potential violations involving students); Jody Pariente, Vice President for Human Resources (for potential violations involving faculty or staff); or Paul Repetto, Chief of Building Operations and Security (for potential violations concerning visitors). Concerns about or reports of violations will be reviewed, and appropriate corrective actions, if warranted, will be taken.

XV. Confidentiality

- A.** NYLS will treat body temperature and health survey information with the utmost confidentiality; strictly limit the number of NYLS personnel with access to such information; and use such information only for the purposes of restricting access to the Law School, required reporting, and contact tracing (see Section II). NYLS will not retain survey information for longer than is required by law, regulation, or public health requirements.

NYLS reserves the right to modify the above-stated procedures, in whole or in part, subject to prevailing public health and safety guidelines and applicable law.

EXHIBIT A

Guidance on the Use of Personal Protective Equipment

This Guidance supplements the “New York Law School Policy Related to COVID-19” regarding the use of personal protective equipment (PPE).

Pursuant to NYLS policy, anyone entering the Law School must cover their mouth and nose with a cloth facemask or any other type of facemask without valves that can provide a seal over the mouth and nose. Acceptable masks other than cloth facemasks include surgical masks, KN-95 masks, and N95 masks, but not bandanas. Masks must be worn when commuting on mass transit, and when on campus at all times, except when consuming food or beverages, or alone in private offices that will not be occupied by anyone else for the remainder of the day. When commuting to campus, community members should consider wearing KN-95 or similar facemasks, if available.

Wearing gloves is not necessary in most situations. Rather, frequent hand-washing and/or use of hand sanitizer that contains at least 60 percent alcohol are the best ways to safeguard against germs. The CDC does recommend wearing gloves when cleaning, disinfecting, or caring for someone who is sick. NYLS will maintain a supply of disposable gloves for use by community members in appropriate circumstances.

A. Rationale for PPE Guidance

This Guidance is designed to provide NYLS community members and visitors with the necessary information on proper PPE use, to ensure their maximum protection, and to ensure optimal use of the Law School's supply of PPE.

B. Distribution, Use, and Reuse of PPE

NYLS, under the direction of the Chief of Building Operations and Security, will regularly supply each community member who needs them with reusable facemasks and disposable gloves. Because NYLS's supply of masks is expected to be limited, all community members are asked to make every effort to store and reuse masks whenever possible—that is, whenever a worn mask has *not* become visibly soiled, damp, or damaged through extensive use during the day. Soiled, damp, or damaged masks should always be replaced by making a request to Paul Repetto, Chief of Building Operations and Security. Community members are also permitted and encouraged to provide their own face coverings that conform to NYLS's policy, including this guidance.

C. How to Put on a Facemask

1. Wash hands with soap and water, or disinfect them with hand sanitizer that contains at least 60 percent alcohol.
2. Make sure the mask is positioned correctly, with the outside of the mask away from the face.
3. Place the mask over the face:
 - For an ear-loop style mask, grab the mask by the ear loops and secure them behind the ears.
 - For a filtering mask with elastic straps, pull the bottom strap over the head first and secure it below the ears. Then pull the top band over the head and secure it above the ears at the crown of the head.
 - For a tie-back style mask, secure the upper ties first, behind the crown of the head and above the ears. Then secure the lower ties behind the head and below the ears.
 - If the mask has a nose-stay (usually an interior metal bendable band), pinch it against the bridge of the nose.
4. Wash or disinfect hands again.

D. How to Remove a Facemask

1. Wash hands with soap and water, or disinfect them with hand sanitizer.
2. Remove the mask:
 - For an ear-loop style mask, remove the mask by holding the ear loops. Because the mask front may be contaminated, remove it slowly and carefully, pulling it away from the face.
 - For a filtering mask with an elastic band, with both hands and from behind, pull the lower band over the head. Then with both hands and from behind, grasp the upper band and pull it over the head, bringing the mask away from the face.
 - For a tie-back style mask, remove the mask by untying the lower ties first and the upper ties second. Because the mask front may be contaminated, remove it slowly and carefully. Ensure that the ties do not fall into the clean interior side of the mask.
3. After removing the mask, visually inspect it for stains, contaminants, tears, or distortion in shape/form. If the mask is soiled, torn, or saturated, thoroughly clean or discard it.
4. If the mask is not visibly soiled, torn, or saturated, carefully store it in a brown paper (lunch) bag, or if a bag is not available, a paper envelope labeled clearly with the following information: "face mask," the date, and "front" and "back" on the two sides. Insert the mask so that the front of the mask faces the side of the bag/envelope labeled "front."
5. Wash or disinfect hands again.

A single mask can be safely worn during days when these procedures are followed.

E. Face Shields

Face shields may not be used as a substitute for cloth face coverings or other masks, and the use of face shields is permitted only when also wearing a mask, with the exception of onsite instructors in the classroom, so long as they maintain a distance of at least 12 feet from students in the classroom.

If an instructor uses a face shield without a cloth face covering or disposable mask in a classroom, the face shield must wrap around the sides of the wearer's face and extend below the chin. Disposable face shields should only be worn for a single use and discarded. Reusable face shields should be cleaned and disinfected after each use.

F. How to Remove Gloves

Because the outside of gloves can be contaminated, they must be removed carefully.

1. Using a gloved hand, grasp the palm area of the other gloved hand and peel off the first glove.
2. Hold the removed glove in the gloved hand.
3. Slide the fingers of the ungloved hand under the remaining glove at the wrist.
4. Peel off the second glove over the first glove. Community members should be sure not to touch their eyes, nose, or mouth while or immediately after removing gloves, and should finish the removal process by washing hands thoroughly with soap and water or, where hand-washing stations are not close, using hand sanitizer that contains at least 60 percent alcohol.

G. Disposing of Facemasks and Gloves

Following use (or, in the case of facemasks, final reuse), masks, gloves, and disinfectant wipes should be placed in the trash.

Questions about this guidance or PPE distribution and use, generally, should be directed to Paul Repetto, Chief of Building Operations and Security.