

MUNSON  
WILLIAMS  
PROCTOR  
**ARTS**  
INSTITUTE

**PrattMWP**  
COLLEGE OF ART AND DESIGN

# **PrattMWP 2020 ANNUAL SECURITY AND FIRE SAFETY REPORT**

October 2021

## **Contacting Campus Safety**

The PrattMWP Campus Safety Department is a service unit dedicated to the protection of life, property and providing a safe campus environment. The Campus Safety Department is staffed 365 days per year and 24 hours per day. The Campus Safety Office is located at 1208 State Street. The on campus emergency phone number is extension 4444. This four-digit extension must be dialed from an on campus phone. The non-emergency/business phone number for Campus Safety is extension 2175. To contact Campus Safety off campus, dial 315-797-0000 and at the prompt enter extension 2175 or 4444 (for an Emergency). Campus Safety also has a direct line at 315-724-2670. Campus phones are available in the Student Apartment vestibules, classrooms and hallways. Emergency phones are located on each floor of the residence halls.

The Campus Safety Department has New York State Licensed Security officers patrolling the campus, parking lots and campus perimeter as well as making campus-building inspections 24 hours a day. In addition to the above, the Campus Safety Department monitors a network of closed-circuit television cameras, which are strategically located throughout the campus.

## **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Campus Safety Director, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. Depending on the particular circumstances of the crime, the notice will be sent to all subscribers to the Campus emergency alert system. The Campus Safety Department also operates external public address speakers located throughout the campus for Emergency notification. Anyone with information warranting a timely warning should report the circumstances to the Campus Safety Department at 315-797-0000 ext. 4444 or in person at the Campus Safety Office Dispatch desk, 1208 State St. at the corner of State and Henry.

## **Disclosure of Crime Statistics**

The Campus Safety Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our web site at <http://www.mwpai.edu/student-life/campus-security/>. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and the Student Life Office. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the PrattMWP Campus Safety Department designated campus officials; including but not limited to directors, deans, department heads, judicial affairs, advisors to students/student organizations and local law enforcement agencies). Counseling and Health Services staff inform their clients of the procedures to report crime to the PrattMWP Campus Safety Department on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session. Each year, an e-mail notification is made to all enrolled students with the web site to access this report. Faculty and staff receive similar notification. Copies of the report may also be obtained at the PrattMWP Campus Safety Department located at 1208 State St. or by calling (315) 797-0000 ext. 2175.

**2019 CRIME DATA  
PRATTMWP**

CRIME	ON-CAMPUS			OFF-CAMPUS			RESIDENCE HALLS (ON - CAMPUS)			PUBLIC PROP.		
	18	19	20	18	19	20	18	19	20	18	19	20
Murder & Non-Negligent Murder	0	0		0	0		0	0		0	0	
Negligent Manslaughter	0	0		0	0		0	0		0	0	
Sexual offense	2	0		0	0		2	0		0	2	
Robbery	0	0		0	0		0	0		1	0	
Aggravated Assault	1	2		0	0		0	0		5	2	
Burglary	2	0		0	0		0	0		11	2	
Motor Vehicle Theft	0	0		0	0		0	0		0	0	
Arson	0	0		0	0		0	0		0	1	
Larceny - Theft	0	0		0	0		0	0		17	27	
Destruction/ Damage/ Vandalism of Property	2	0		0	0		0	0		16	13	
<b>ARRESTS</b>												
LIQUOR LAW VIOLATIONS	0	0		0	0		0	0		0	1	
DRUG ABUSE VIOLATIONS	0	0		0	0		0	0		16	7	
WEAPONS POSSESSION	0	0		0	0		0	0		2	1	
<b>CAMPUS DISCIPLINE</b>												
LIQUOR LAW VIOLATIONS	46	37		2	13		46	37		0	0	
DRUG ABUSE VIOLATIONS	11	14		0	1		11	13		0	0	
WEAPONS POSSESSION	0	1		0	0		0	1		0	0	

1. New York State Level 3 Sex Offender information available at:  
[http://www.criminaljustice.state.ny.us/SomsSUBDirectory/search\\_index.jsp](http://www.criminaljustice.state.ny.us/SomsSUBDirectory/search_index.jsp)
2. No Hate Crimes reported for the years 2018, 2019 and 2020.

**Public Property areas for the MWPAI/PrattMWP campus are as follows:**

300 Block Westside of Genesee St (Cottage to Plant to Hart)	500 Block Henry Street (State to Hart)
1100 and 1200 Blocks of State Street (Cottage to Plant) (State to Hart)	500 Block Kirkland Street

1100 and 1200 Blocks of Hart Street (Cottage to Plant Hart)  
 Cottage Pl. from Genesee to Hart St. (10's, 500, 600 to Hart)  
 600 Block Tracy St.

500 Block Plant St (State to  
 500 Block William Street (State to Hart)

(1) Crimes that must be reported.

(i) Criminal homicide:

(A) Murder and non-negligent manslaughter.

(B) Negligent manslaughter.

(ii) Sex offenses:

(A) Forcible sex offenses.

(B) Non-forcible sex offenses.

(iii) Robbery.

(iv) Aggravated assault.

(v) Burglary.

(vi) Motor vehicle theft.

(vii) Arson.

(viii) (A) Arrests for liquor law violations, drug law violations, and illegal weapons possession.

(viii) Hate crimes

**Violence Against Women Reauthorization Act of 2013 (VAWA) (Public Law 113-4)**

**VAWA Statistics-2018**

<b>Crime</b>	<b>On Campus</b>	<b>Off Campus</b>	<b>RESIDENCE HALLS</b>	<b>Public Property</b>
Domestic Violence	0	0	0	0
Dating Violence	2	0	2	0
Sexual Assault	2b	0	2b	0
Stalking	0	0	0	0

**VAWA Statistics-2019**

<b>Crime</b>	<b>On Campus</b>	<b>Off Campus</b>	<b>RESIDENCE HALLS</b>	<b>Public Property</b>
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Sexual Assault	1	1	0	2
Stalking	1	0	0	0

## **VAWA Statistics-2020**

<b>Crime</b>	<b>On Campus</b>	<b>Off Campus</b>	<b>RESIDENCE HALLS</b>	<b>Public Property</b>
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Sexual Assault	1	1	0	2
Stalking	1	0	0	0

b- Non-consensual sexual contact

### **SEX DISCRIMINATION, SEXUAL HARASSMENT & SEXUAL MISCONDUCT POLICY INTRODUCTION**

PrattMWP College of Art and Design (PrattMWP) and Munson-Williams-Proctor Arts Institute's (MWPAl) mission is to educate students to become creative, responsible professionals who will contribute fully to society. The Institute upholds values and standards that support that mission and holds high expectations regarding the conduct of students, faculty, staff, and administrators. The health, safety, and well-being of all members of the MWPAl/PrattMWP community are the Institute's primary concerns. In furtherance of the mission of the Institute, and in accordance with various federal and state laws, including Title IX of the Education Amendments of 1972 ("Title IX") and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), as amended by the Violence Against Women Act/Campus Sexual Violence Act ("Campus SaVE Act"), as well as Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, and the New York State Education Law 129-B ("Enough is Enough"), the Institute is committed to maintaining a community free from all forms of sex discrimination, sexual harassment and sexual violence, including sexual assault, sexual exploitation, dating violence, domestic violence, and stalking. Persons found in violation of this policy will be subject to appropriate disciplinary action, up to and including termination of employment of employees and suspension or expulsion of students. Questions regarding Title IX and the Campus SaVE Act may be referred to the Institute's Title IX Coordinator.

The Institute's designated Title IX Coordinators are:  
Shannon Hitchcock Schantz,  
Student Life Director/Title IX Coordinator,  
Meetinghouse, 1124 State St., Utica, New York 13502  
315-797-0000 ext. 2183 [shschantz@mwpai.edu](mailto:shschantz@mwpai.edu)

For faculty/staff inquiries:  
Jeanette R. Breish,  
Human Resources Manager/Deputy Title IX Coordinator,  
Human Resources Office, 1212 State Street, Utica, New York 13502  
315-797-0000 ext. 2108 [jbreish@mwpai.edu](mailto:jbreish@mwpai.edu)

### **SCOPE OF POLICY**

This policy applies to all MWPAI/PrattMWP students, faculty, and employees, and applies regardless of an individual's sex, race, color, religion, age, national origin, disability, sexual

orientation, gender identity/gender expression, familial status, pregnancy, military status, criminal conviction, predisposing genetic characteristics, domestic violence victim status, or other protected status. Under NY state law, employees (including unpaid interns and trainees), students, and non-employees (including independent contractors) and those employed by companies contracting to provide services to the College are protected against sexual harassment, regardless of immigration status.

This policy applies to conduct that takes place on Institute property and in connection with any program or activity sponsored by the Institute, regardless of where it occurs. Additionally, off-campus conduct may violate this policy if the conduct creates a threatening or uncomfortable environment on MWPAI/PrattMWP campus or within a MWPAI/PrattMWP program, or if the incident causes concern for the safety or security of the MWPAI/PrattMWP campus. Non-community members (e.g., alumni, family or friends of students, vendors, etc.) visiting campus, participating in a program or activity or interacting with Institute community members are expected to abide by the behavioral expectations in this policy.

This policy is intended to (i) set forth the available resources and reporting options for victims of sexual misconduct; (ii) specify and define prohibited conduct; (iii) describe the Institute's procedures for responding to complaints of sexual misconduct, including the investigation, hearing, and sanctions process; and (iv) describe programs implemented by the Institute to educate and increase awareness among the Institute community regarding sexual misconduct.

## **DEFINITIONS – CONDUCT VIOLATIONS**

This policy sets forth conduct expectations for our community and provides a process for the reporting, investigation and adjudication of alleged violations. This policy applies to alleged conduct violate of Title IX of the Education Amendments of 1972 (i.e., "Title IX Category" violations) and applies to a broader range of contexts and behaviors inconsistent with the Institute's commitment to equal opportunity (i.e., "Institute Category" violations).

The designation of conduct or allegations as either "Title IX Category" or "Institute Category" is not a function of the seriousness of the alleged conduct but rather a function of the scope and coverage of Title IX versus the Institute's broader jurisdiction to prohibit and discipline a larger scope of inappropriate behavior.

### **A. Title IX Category Violations**

Title IX of the Education Amendments of 1972 provides: "No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

In accordance with Title IX as interpreted by the Department of Education, the Institute recognizes the following as conduct violations within the meaning of Title IX, provided that the context and circumstances of the conduct fall within the scope of Title IX, including but not limited to that the complainant was in the United States at the time of the alleged conduct, that the complainant be participating in or seeking to participate in the Institute's education program or activity at the time

of the complaint, and that the conduct have occurred in the context of the Institute's education program or activity:

**Sexual harassment.** "Sexual harassment" means conduct based on sex (including sex, gender, sexual orientation, gender identity and transgender status) that satisfies one or more of the following:

- a. An employee of the Institute conditioning the provision of an aid, benefit, or service of the Institute on an individual's participation in unwelcome sexual conduct (commonly referred to as a "quid pro quo");
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institute's education programs or activities (commonly referred to as a sexually or gender-based "hostile environment").

**Sexual assault.** "Sexual assault" is a sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault consists of the following specific acts:

- a. Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of any person and regardless of gender or gender identity.
- b. Nonconsensual Sexual Contact. The touching of the private body parts (including the genital area, anus, groin, buttocks or breast), whether contact is under or over clothing, of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

**Dating violence.** "Dating violence" means violence committed by a person on the basis of sex: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

**Domestic violence.** "Domestic violence" means violence on the basis of sex committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the Institute is located, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Stalking.** "Stalking" is engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. Stalking that does not occur based on sex may be addressed under as an Institute Category Violation as described below.

## **B. Institute Category Violations**

The Institute prohibits the following behavior. For purpose of Institute Category violations, the below conduct is prohibited even if the conduct occurs off-campus, outside the United States, the Complainant is not participating or seeking to participate in the Institute's education programs or activities, or otherwise in circumstances over which the Institute does not have influence or control, including but not limited to during academic breaks. The Institute retains discretion to not respond to, investigate or adjudicate circumstances in which no Institute interest is implicated.

**"Sexual Harassment"** means unwelcome conduct, based on sex or on gender stereotypes that a reasonable person would find intimidating, hostile or offensive. Sexual harassment may include, for example, repeatedly subjecting a person to unwelcome sexual attention or sexual advances, requesting sexual favors, exposing a person to unwanted sexually graphic conversation and/or pictures that do not serve an academic purpose, punishing a refusal to comply with a sexual based request, conditioning an academic or educational benefit on submitting to sexual advances, engaging in inappropriate or unnecessary touching or rubbing against another, making sexually suggestive or degrading jokes or comments. A "hostile environment" is created when the offensive behavior reaches a level of severity or pervasiveness such that it interferes with an individual's ability to participate in the Institute's programs (i.e., to work and to learn) when judged against a reasonable person standard. However, MWPAl/PrattMWP encourages individuals experiencing or witnessing sexually offensive behavior to make a report as early as possible to have the situation corrected before it reaches the level of a hostile environment. Individuals with a concern need not worry about whether the behavior is sufficiently serious to constitute a hostile environment. The Institute may, and in the appropriate circumstances will, take action to respond to offensive behavior even if the behavior does not rise to the level of a hostile environment within the meaning of the law.

The Institute also prohibits "quid pro quo" sexual harassment, which means "this for that" harassment. It is a violation of this policy for any person to condition any benefit on submission to sexual activity. No person should believe that any other person – regardless of their position of authority – has a right to require sexual activity in exchange for any benefit or advantage.

A determination of whether sexual harassment has occurred depends on the totality of the circumstances, including the seriousness or severity of the incident, whether the conduct was an isolated incident or repeated, whether it was threatening or merely annoying, the relationship of the individuals involved in the communication or incident, the context in which the incident or interaction occurred, and the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the community.

**"Sexual Assault"** is defined by the Institute as including:

"Non-consensual sexual intercourse." Sexual assault of this type can include the following:

Rape: penetration, however slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person, without affirmative consent or by force or where the victim is incapable of affirmative consent due to mental or physical incapacity. This offense includes the rape of any person and regardless of gender or gender identity.

Statutory Rape: non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.



“Non-consensual sexual contact” means any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, of any private body part of another person without affirmative consent. Intentional sexual contact includes contact with the breasts, buttocks, or groin, or touching another with any of these body parts or forcing another person to touch any of these private body parts.

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

“**Domestic Violence**” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of New York, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York.

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

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

“Reasonable person” means a person under similar circumstances and with similar identities to the victim.

“**Sex Discrimination**” is an act that disadvantages a person and that occurs because of the affected individual’s gender, sexual orientation, gender identity, or gender expression. Examples of sex discrimination include, but are not limited to, denying a student a research opportunity because of the student’s gender; giving a student a lower grade than they deserved because of the student’s gender; denying an employee a raise or promotion because of the employee’s gender.

“**Sexual Exploitation**” occurs when, without affirmative consent, a person takes sexual advantage of another. Sexual Exploitation includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; causing the prostitution of another person; acts of incest, electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person without the individual’s affirmative consent; allowing third parties to observe sexual acts without the consent of all involved; engaging in voyeurism; distributing intimate or sexual information about another person without that person’s consent; engaging in consensual sexual activity with another person while knowingly infected with

HIV or some other sexually transmitted disease without informing the other person of such infection, and/or exposing one's genitals in non-consensual circumstances.

**“Retaliation”**. Retaliation is an adverse act perpetrated to “get back” at a person because the person reported sexual misconduct, filed a complaint, or participated in an investigation or proceeding conducted pursuant to this policy by the Institute or by an external agency. An act of retaliation may be anything that would tend to discourage an individual from reporting sexual misconduct, pursuing an informal or formal complaint, or from participating in an investigation or adjudication as a party or a witness. A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good faith; a person may provide inaccurate information believing it is accurate, which is still good faith. If a person makes a statement knowing that it is false, the person has acted without good faith.

## **GENERAL DEFINITIONS**

**“Advisor of Choice”** An advisor of choice is a person selected by the Complainant or Respondent to advise and accompany the Complainant or Respondent throughout the investigation and adjudication process. An advisor of choice may be any person, including an attorney. The institution does not appoint or pay for an advisor of choice. An advisor of choice's role is limited to the functions further described in this policy.

**“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. All references to “consent” in this policy will mean affirmative consent as defined in this policy.

Affirmative consent to engage in one form of sexual contact (such as kissing or fondling) does not imply consent to other forms of sexual activity (such as intercourse). Past consent to engage in sexual activity cannot be presumed to be consent to sexual activity in the future with the same or a different person. A current or previous dating relationship is not sufficient to constitute consent. Consent cannot be obtained from sexual coercion, force, intimidating behavior or threats. Certain conditions prevent a person from being able to consent. 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 can be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if the individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent. Consent is required regardless of whether the initiator is under the influence of alcohol or other drugs.

As noted above, silence or lack of resistance alone is not deemed affirmative consent and should never be the basis for continued sexual activity. A person can withdraw consent at any time during sexual activity by expressing in words or actions that they no longer want the act to continue; when consent is withdrawn or can no longer be given, the other person must stop immediately.

Sexual relationships between faculty and students and staff and students are problematic due to the inherent power differential. Therefore, sexual or romantic relationships between faculty and students and between staff and students are absolutely prohibited.

**“Complainant”** refers to the person who allegedly experienced the sexual misconduct in violation of the policy whether or not a formal complaint is filed. If a complainant declines to sign a formal complaint or does not wish to participate in the complaint and adjudication process, or the complainant’s identity is unknown, and the Title IX Coordinator determines there is sufficient cause to file a formal complaint, the Title IX Coordinator may file a formal complaint and thereby initiate an investigation and adjudication process pursuant to this policy. In that instance, the Title IX Coordinator is not the “Complainant”; the complainant remains the person who allegedly experienced the sexual misconduct.

**“Formal Complaint.”** A formal complaint refers to a written complaint filed in accordance with the grievance process below. A formal is necessary to initiate an investigation and adjudication process.

**“Institution Advisor.”** A Complainant or Respondent who does not opt to be accompanied by an advisor of choice at a hearing is entitled to be appointed an advisor by the Institute at no charge to the party. This advisor is referred to an “institution advisor” who may be but need not be an attorney. The institution advisor may be a campus community member or external to the Institute, at the Institute’s discretion. An institution advisor’s role is limited to asking cross examination questions of the other party during a hearing. An institution advisor does not represent a party in any legal sense. The party is responsible for formulating the cross-examination questions the institution advisor will pose during the hearing.

**“Respondent”** means the individual alleged to have committed acts constituting sex discrimination, sexual harassment, sexual misconduct or other violation of this policy.

**“Sexual Coercion”** is the application of unreasonable pressure, including emotionally or physically manipulative actions or statements, or direct or implied threats, in order to compel the person to engage in sexual activity. Coercion is more than an effort to persuade, seduce, entice, or attract another person to engage in sexual activity. A person’s words or conduct is sufficient to constitute coercion if they deprive another individual of the ability to freely choose whether to engage in sexual activity.

**“Sexual Misconduct”** is an umbrella terms used to refer generically to all the categories of sex-related behaviors prohibited by this policy, including sex discrimination, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking. Sexual misconduct can occur between strangers, acquaintances, or people who know each other well, including those who are involved in an intimate or sexual relationship, and can be committed by anyone regardless of gender, sexual orientation, gender identity or gender expression. Sexual misconduct may occur between members of the same or opposite sex and in heterosexual and homosexual relationships. While certain forms of sexual misconduct can constitute a criminal offense under New York State law, a person’s conduct may violate this policy even if it does not violate State law.

## **MANDATORY & DISCRETIONARY DISMISSAL OF TITLE IX CATEGORY VIOLATIONS**

The Title IX Coordinator will review a formal complaint filed by a Complainant. In order to comply with Title IX regulations, the Title IX Coordinator must “dismiss” the Title IX Category violation(s) if it is apparent that the allegations are not within the scope of Title IX, including that the conduct alleged:

- would not constitute sexual harassment as defined above as a Title IX Category violation, even if proved,
- did not occur in the Institute’s education programs or activities, or
- did not occur against a person in the United States.

Notice of dismissal of the Title IX Category violation(s) will be in writing and issued to both the Complainant and Respondent. The Title IX Coordinator may determine at any point in the process that facts have emerged that require the dismissal of a Title IX Category violation. A decision to dismiss a Title IX Category violation is immediately appealable by the complainant, pursuant to the appeals section of this Policy. Even if Title IX Category violations are subject to dismissal, the Institute may continue to process the allegations as Institute Category violations, assuming that the allegations, if true, would constitute Institute Category violations.

The Title IX Coordinator may, but is not required to, dismiss formal complaints in the following circumstances:

- ☐ When the Complainant withdraws a formal complaint;
- ☐ When the Respondent is no longer enrolled in or employed by the Institute; and
- ☐ Where specific circumstances prevent the Institute from gathering evidence (such as where a Complainant refuses to cooperate but does not withdraw a formal complaint).

The decision to dismiss or not to dismiss a charge under these circumstances will depend on the totality of the situation. Any party may appeal a dismissal determination under the appeals process set forth below.

**RESOURCES AND REPORTING OPTIONS**

Any Institute community member who has been the victim of sexual misconduct has the right to make a report to Campus Safety or one of the Responsible Administrators listed below, local law enforcement, and/or the New York State Police, or choose not to report. If reported to the Institute under this policy, a reporting individual will be protected from retaliation and will receive appropriate assistance and resources from the Institute. A Students’ Bill of Rights for cases involving sexual assault, domestic violence, dating violence or stalking is attached at the end of this policy. An additional Statement of Rights for any individual reporting a sexual assault, domestic violence, dating violence or stalking is also attached at the end of this policy.

**Immediate Medical Assistance and Counseling**

If you or someone you know is or may be the victim of any form of sexual misconduct, the Institute strongly urges you to seek immediate assistance. Assistance is available 24 hours a day, 7 days a week, from local police, emergency assistance and MWPAI/PrattMWP’s Campus Safety.

**Confidential Resources**

A victim is encouraged to seek support for his/her emotional and physical needs. A person seeking confidential emotional or medical care may contact the following resources:

**Confidential Campus Resources**

Counselor

Meetinghouse

1124 State St. (First Floor)

Utica, NY 13502  
315-797-0000 ext. 2012  
Nurse  
Student Center  
501 Kirkland St. (Lower Level)  
Utica, NY 13502  
(315) 797-0000 ext. 2230

These counseling and health services are available to students free of charge.

Professional, licensed counselors whose official responsibilities include providing mental health counseling to Institute students, including those who act in that role under the supervision of a licensed counselor, are not required to report any information about an incident of sexual misconduct to the Title IX Coordinator without a victim's permission. State law requires professional counselors to report: (i) when a patient is likely to engage in conduct that would result in serious harm to the patient or to others; or (ii) if there is reasonable cause to suspect that a minor has been sexually abused.

#### Off-Campus Confidential Resources

In addition, there are off campus, community confidential resources that are available. Reports to these resources will not constitute a report to the Institute and will not result in the Institute taking any action against the accused. These resources, which may or may not charge service fees, include:

- YWCA of the Mohawk Valley - (24 hours per day/7 days per week); Rape Crisis/Domestic and Sexual Violence Hotline (315) 797-7740

- NYS Domestic Violence Hotline

1-800-942-6906

- St. Elizabeth Medical Center  
2209 Genesee Street, Utica, NY 13501  
315-801-8100

- St. Luke's Medical Center  
1656 Champlin Ave, Utica, New York 13501  
315-624-6000

If you have been physically injured or sexually assaulted, the Institute strongly encourages you to obtain a medical examination to determine the extent of your injuries. In addition, the hospital, with your permission, will collect physical evidence in a sexual offense evidence collection kit. Your consent to the completion of a sexual offense evidence collection kit does not obligate you to pursue criminal charges with the police; it is a way to preserve evidence should you choose to pursue criminal charges at a later time. Hospitals are required by law to preserve such evidence for a minimum of 30 days. If you choose to seek medical assistance, it is important that you do not bathe, wash, shower, douche, brush your teeth, comb your hair, change your clothes, or clean up so that no evidence of the attack is destroyed. A specially trained nurse or physician will interview you about the circumstances of your assault.

#### **Law Enforcement Notification**

If you are the victim of a crime, the Institute strongly encourages you to promptly report the incident to the police. Campus Safety and other Institute representatives, indicated below, are available to assist you in notifying law enforcement of an incident of sexual misconduct. You also have the right to choose not to report to local law enforcement. In criminal cases, timing is a critical factor in collecting and preserving evidence. To preserve evidence, it is best that you not change your clothes, shower or even brush your hair, as physical evidence may be lost.

The Utica Police Department, which can be reached at (315) 735-3301, can assist in filing a criminal complaint and in securing appropriate examination, including by a Sexual Assault Nurse Examiner. The New York State Police Sexual Assault Hotline, which can be reached at 1-(844) 845-7269, may also be of assistance in reporting an incident to law enforcement. In addition, an individual making a report to local law enforcement may also be able to obtain services through the New York State Office for Victim Services. The OVS funds local Victim Assistance Programs which will, among other things, offer a crime victim advocate that can provide direct assistance to victims and their families as they navigate the criminal justice process.

Sexual misconduct may constitute a violation of both law and Institute policy. The Institute encourages individuals to report alleged sexual misconduct promptly to local law enforcement agencies. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Therefore, criminal investigations or reports are not determinative of whether sexual misconduct, for purposes of the policy, has occurred. In other words, conduct may constitute sexual misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

The filing of a complaint of sexual misconduct under this policy is independent of any criminal investigation or proceeding. The criminal process and the Institute's disciplinary processes are not mutually exclusive or dependent on each other. A person may pursue either a criminal complaint or Institute complaint or both. Any internal investigation and/or hearing process conducted by the Institute will be conducted concurrently with any criminal justice investigation and proceeding. However, in some cases the Institute may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation. Such delays will not last more than 10 days except when law enforcement authorities specifically request and justify a longer delay.

Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by an Institute community member or other person. In appropriate circumstances, an order of protection may be available that restricts the offender's right to enter the Institute's property, and MWP/PrattMWP will abide by a lawfully issued order of protection. Institute officials will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order, including providing that person with:

- a copy of an order of protection or equivalent when received by the Institute and providing that person with an opportunity to meet or speak with an Institute representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;
- an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and

- assistance in contacting local law enforcement to effect an arrest for violating such an order of protection.

Sex Offenses under New York law are described in Sections 130.00 to 130.96 of the New York State penal Code, available at <http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>

### **Reporting to the Institute - Non-Confidential Resources**

The Institute is committed to providing a prompt, fair, and impartial investigation and resolution to all allegations of sexual misconduct. Therefore, the Institute also encourages the reporting of sexual misconduct to an Institute representative in a timely manner. The following offices and individuals are Responsible Administrators who have been trained to receive and respond to reports under this policy:

- Shannon Hitchcock Schantz, Student Life Director/Title IX Coordinator, (315) 797-0000 ext. 2183 or [shschantz@mwpai.edu](mailto:shschantz@mwpai.edu)
- Jeanette Breish, Human Resources Manager/Deputy Title IX Coordinator, (315) 797-0000 ext. 2108 or [jbreish@mwpai.edu](mailto:jbreish@mwpai.edu)
- Chris Holmer, Campus Safety Director, (315) 797-0000 ext. 2126 or [cholmer@mwpai.edu](mailto:cholmer@mwpai.edu)

If a report is made to anyone other than the Responsible Administrators listed above, the Complainant risks the possibility that the information will not come to the attention of the proper Institute officials and may, therefore, not be acted upon. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address or by mail to the office address of any of the individuals listed above.

Certain Institute employees, including but not limited to faculty and Resident Assistants, are considered “responsible employees” who, once they are made aware of an incident of sexual misconduct, have a duty to report that information to the Title IX Coordinator. A responsible employee must report all relevant details about the alleged sexual misconduct shared by the victim to the Title IX Coordinator. These employees, as well as the Responsible Administrators listed above, are not confidential resources. However, even Institute offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information related to a non-confidential resource will be relayed on a need-to-know basis and only as necessary for the Institute to investigate and/or seek a resolution.

Employees who believe that they are being subjected to harassment or another form of sexual misconduct in violation of this Policy, or who have witnessed or otherwise become aware of behavior prohibited by this Policy should promptly report that behavior to a supervisor, the Human Resources Manager, the Title IX Coordinator, or a member of the College’s administration. If an employee makes a report of workplace harassment to his/her supervisor or manager and believes the supervisor or manager is not taking appropriate action, the employee should report this inaction to any member of the College’s administration. All supervisors and managers are required to report all complaints of workplace sexual harassment that they receive or that they observe or become aware of immediately to the Human Resources Manager or the Title IX Coordinator even when the complaining employee asks to keep the complaint confidential, or indicates that they do not wish to file a formal complaint.

## **Confidentiality**

If a Complainant reports an incident of sexual misconduct to a Responsible Administrator or other non-confidential Institute employee, but elects not to file a formal complaint and requests that no investigation into the incident be conducted or disciplinary action taken or wishes to have his/her identity kept confidential, the Institute will weigh that request against the Institute's obligation to provide a safe, nondiscriminatory environment for all members of the campus community, including the Complainant. The Institute endeavors to comply with Complainant's wishes with respect to whether responsive action is taken. However, that is not always possible.

If a Complainant declines to file a formal complaint and requests that no action be taken against the accused and/or to have his/her identity kept confidential (i.e., no investigation or disciplinary action or no disclosure of the complainant's identity), the Title IX Coordinator will consult with the Institute President, Dean, and/or Human Resources in order to consider Complainant's request. The Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- The seriousness of the offense;
- Whether there have been other sexual misconduct complaints about the same Respondent.
- Whether the Respondent has a history of violent behavior or is a repeat offender.
- Whether the Respondent threatened further sexual misconduct or other violence against the Complainant or others.
- Whether the sexual misconduct was committed by multiple perpetrators.
- Whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.
- Whether the alleged sexual misconduct was perpetrated with a weapon.
- Whether the Complainant is a minor
- Whether the Institute has other means to obtain relevant evidence (e.g., security cameras or personal, physical evidence)
- Whether circumstances otherwise suggest an ongoing or future risk to the campus community or the Complainant.

A decision will be made and shared with the Complainant. If, after considering these factors, the Institute determines that it is able to respect the Complainant's request that no responsive action be taken, the Institute will nevertheless take all reasonable steps to respond to the complaint consistent with the Complainant's confidentiality request, and will determine whether supportive measures are appropriate or necessary. The Institute will also consider broader remedial action, such as increased monitoring, supervision of security at locations where the reported sexual misconduct occurred, increasing training, education and prevention efforts, and conducting climate surveys.

Ultimately, the Institute retains the right to act upon any information that comes to its attention.  
Supportive Measures and Accommodations

Supportive measures and accommodations may be taken by MWPAI/PrattMWP to immediately respond to a situation. Once a report is made under this Policy, the Complainant will be contacted by the Title IX Coordinator and offered individualized support as more fully described below. A report that triggers supportive measures need not be a formal complaint, and it may be made by a third party (i.e., someone other than the complainant himself/herself). Once the respondent is informed of a



report or a formal complaint, the Respondent will be contacted by the Title IX Coordinator and offered individualized support as more fully described below.

Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the Institute's educational programs and activities and protect the safety of all parties without unreasonably burdening the other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties.

Accordingly, after the intake meeting, the Title IX Coordinator may impose a mutual "no-contact" order, which typically will include a directive that the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means, pending the investigation and, if applicable, the adjudication. The Title IX Coordinator may also implement any further supportive measures that he/she deems appropriate, including, but not limited to, directing appropriate officials to alter an individual's academic, transportation, housing, and/or employment arrangements, implementing an emergency removal of a student respondent or other appropriate measures. Supportive measures may also include access to campus escorts or other reasonable security or monitoring measures and/or counseling services.

In addition, both parties may submit a request to the Title IX Coordinator that the Institute take supportive measures and/or make accommodations, including, but not limited to, changes in academic, living, transportation, or working situations or the issuance of a no-contact order. The Institute will grant such supportive measures and accommodations, provided they are reasonable and available, regardless of whether the Complainant chooses to proceed with a formal complaint. The Institute will provide information about any supportive measures and/or accommodations to only those having a need to know such information in order to implement them. Supportive measures will be offered free of charge.

Upon request, the Complainant or Respondent may request a prompt review of the need for and terms of any supportive measures and accommodations imposed or requested that directly affects him/her, including the potential addition, modification or elimination of those measures. Such a request may be made by submitting a written request for review to the Title IX Coordinator, providing the basis for that request and any evidence in support of the request. Upon receipt of such a request, the Title IX Coordinator will inform the other party of the request and allow the other party to respond, including submitting evidence if desired. The Title IX Coordinator may, in his/her discretion, modify or suspend the supportive measures or accommodations on a temporary basis while the parties are submitting their information and responses. The Title IX Coordinator will respond to any such requests as soon as possible, but generally no later than one calendar week of the request and the parties' submission of any evidence.

Violation(s) of the Title IX Coordinator's directives and/or a no-contact order will constitute a violation of this policy that may lead to additional disciplinary action.

A Complainant or Respondent with a disability who requires accommodation in the complaint, investigation, hearing or any other phase of the process is responsible for disclosing the need for accommodation to the Title IX Coordinator. The Title IX Coordinator may consult with the appropriate Institute offices/officials in deciding whether to grant a disability accommodation request.

Emergency Removal of Student Respondents

In some cases, the Institute may undertake an emergency removal of a student respondent in order to protect the safety of the campus community, which may include contacting local law enforcement to address imminent safety concerns.

Emergency removal is not a substitute for reaching a determination as to a Respondent's responsibility for the sexual misconduct allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which may arise out of the sexual misconduct allegations.

Prior to removing a student respondent through the emergency removal process, the Institute will undertake an individualized safety and risk analysis. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student, including the student respondent, or other individual justifies removal, then a student respondent will be removed. This is the case regardless of the severity of the allegations and regardless of whether a formal complaint was filed.

After determining a student respondent is an immediate threat to the physical health or safety of an individual, the Title IX Coordinator will provide written notice of the emergency removal to both the complainant and respondent. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision.

If a student respondent disagrees with the decision to be removed from campus, the Respondent may appeal the decision. The Respondent must provide written notice of the intent to appeal, which shall include the substance of the appeal, to the Title IX Coordinator within 10 days of receiving the notice of removal. The removal shall continue in place pending the appeal. The burden of proof is on the student respondent to show that the removal decision was incorrect. This section applies only to student respondents. Employee respondents are not subject to this section and may be placed on administrative leave pursuant to the Institute's policies and/or collective bargaining agreements during the pendency of a Title IX grievance process.

#### Advisors

In any investigatory meeting or disciplinary hearing held under this policy, the Complainant and Respondent have the right to be accompanied by an advisor of their own choosing (at the party's own expense if the advisor is a paid advisor). The advisor's role is to support the Complainant or Respondent throughout the process and aid in his/her understanding of the investigatory and/or disciplinary hearing process. The advisor cannot be a witness in the proceedings. The advisor may talk quietly with the party, but, except with respect to questioning the other party and witnesses, may not participate in the interview/hearing or be disruptive to the investigation and/or hearing. The parties are required to speak on their own behalf. The advisor is not to present evidence or address the Investigator(s) and/or Adjudicator, except to ask for a short recess if one of the parties requires some time to compose him/herself or collect his/her thoughts. In the hearing process, the advisor is responsible for cross-examination of the other party and witnesses. An advisor's questioning of the other party and any witnesses must be conducted in a respectful, non-intimidating, and non-abusive manner. The adjudicator will clear questions. If a complainant or respondent does not have an advisor of choice at the hearing, the Institute will assign an Institution Advisor, without fee or charge to that party, for the limited purpose of conducting cross-examination questioning on behalf of that party. The

Institute has the right at all times to determine what constitutes appropriate behavior on the part of an advisor and violators of these expectations will be asked to leave the proceeding. Absent an approved disability accommodation, witnesses and others involved in the investigation or hearing are not entitled to have an advisor.

### **Reports of Sexual Misconduct from Others or Anonymous Sources**

If the Institute receives a report of alleged sexual misconduct by someone other than the victim (e.g., by a friend or roommate, resident assistants, etc.), the Institute's Title IX Coordinator will promptly notify the individual who was allegedly the subject of the sexual misconduct, and inform the individual of the available supportive measures, resources and assistance. The Institute will accept anonymous reports. However, due to the nature of anonymous reports, MWPAI/PrattMWP's ability to take responsive action may be limited if the Complainant does not wish to sign a formal complaint.

### **Time for Reporting**

There is no time limit for reporting sexual misconduct. However, the passage of time may make effective responsive action difficult. Further, if the Respondent is no longer a member of the campus community, the Institute's ability to respond may be limited. Therefore, any member of the campus community who believes that he or she has been subjected to sexual misconduct is encouraged to report the incident immediately in order to maximize the Institute's ability to obtain evidence, conduct a thorough investigation and take corrective actions.

## **GRIEVANCE PROCESS - INVESTIGATORY AND ADJUDICATORY PROCEDURES**

The Institute is committed to providing a prompt, fair, and impartial investigation and resolution to all allegations of sex discrimination, sexual harassment, sexual assault, domestic/dating violence, stalking and any other form of sexual misconduct.

### **Initial Steps**

#### **Intake Meeting with Complainant**

Upon notice of any allegation of sexual misconduct, the Title IX Coordinator will schedule an individual intake meeting with the Complainant as soon as practical. At the intake meeting, the Title IX Coordinator will provide the Complainant with a general understanding of this policy, and identify forms of support or immediate assistance available to the Complainant (e.g., referrals to appropriate law enforcement agencies; referrals for medical treatment at local hospitals and trauma centers). The Title IX Coordinator will also provide the Complainant with a copy of this policy. The intake meeting may also involve a discussion of any supportive measures or accommodations that may be appropriate concerning the Complainant's academic schedule, Institute housing, and/or Institute employment arrangements.

At the initial intake meeting, the Title IX Coordinator will seek to determine how the Complainant wishes to proceed, (i.e., whether the Complainant wishes to pursue Formal Resolution, Informal Resolution, or does not wish to pursue resolution of any kind). If the Complainant wishes to proceed with either Formal Resolution or Informal Resolution, the Title IX Coordinator will encourage the Complainant to promptly submit a formal complaint, which is a signed, written statement of his/her narrative of the incident. A formal complaint is necessary to initiate the Institute's grievance process, meaning an investigation and adjudication process. A third party or anyone other than the victim of

the misconduct may not file a formal complaint. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail to:

Shannon Hitchcock Schantz, Student Life Director/Title IX Coordinator, Meetinghouse, 1124 State St., Utica, New York 13502, 315-797-0000 ext. 2183, shschantz@mwpai.edu.

### **Investigation**

Where a formal complaint has been filed, and in the absence of an informal resolution, the Institute will appoint an investigator to conduct an investigation into the allegations in the formal complaint. The Title IX Coordinator will promptly appoint a trained Investigator to conduct the investigation. The Institute may appoint any qualified investigator, who may be a person internal or external to the Institute. The Title IX Coordinator also may appoint more than one investigator in his/her sole discretion.

The Complainant and Respondent will be provided with notice of the name of the appointed investigator and an opportunity of not more than two (2) calendar days after the notice to raise an objection to the investigator based on any alleged conflict of interest known to the party. If an objection is raised, the Title IX Coordinator will determine whether a conflict of interest in fact exists and necessitates the replacement of the investigator.

The purpose of investigation is to gather any and all information relevant to a report of sexual misconduct. The Complainant and Respondent shall receive a Notice of Investigation and Allegations (NOIA) referencing the violation(s) of this policy alleged to have been committed and the range of possible disciplinary sanctions and remedies following any determination of responsibility. The NOIA will include, to the extent known:

- a. the identities of the involved parties.
- b. the date, time, location, and factual allegations concerning the alleged violation.
- c. the policy provisions allegedly violated.
- d. a description of the investigation and adjudication process.
- e. potential sanctions.
- f. the right to an advisor of their choice, who may be, but is not required to be, an attorney.
- g. their right to inspect and review evidence in accordance with this policy.
- h. that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process.

If, in the course of the investigation, the Institute decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator or designee will provide notice of the additional allegations to the parties.

The Complainant and Respondent will be provided with advance written notice of the date, time, location, participants, and purpose of any meeting or interview in which they are invited to or expected to participate. The Complainant and Respondent will be given an equal opportunity to present separately information in the context of the investigation. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. However, at all times, the burden of gathering evidence remains with the Institute. The Investigator will meet individually with parties involved, and may interview witnesses and collect and

review such evidence as the Investigator deems necessary or helpful to his or her investigation into the alleged sexual misconduct, including written statements from the parties involved. The investigator may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the complainant with a person other than the respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The investigator will determine the order and method of investigation.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or interviews.

The Institute endeavors to complete the investigatory phase within 30 days, but this timeframe may be extended if necessary under the circumstances.

#### **Opportunity for Inspection and Review of Evidence**

The Complainant and Respondent will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation and regardless of whether the information will be relied on in reaching a determination. The parties and their advisors may not make photocopies or take photographs of the materials and are prohibited from disseminating any of the materials subject to inspection and review with any individuals outside of those engaged in the grievance process. Prior to the conclusion of the investigative report, the Complainant and Respondent, and each party's advisor of choice, if any, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/or required by law. The Complainant and Respondent will be provided with at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. The investigator will determine if additional investigation is necessary and, if so, will complete any additional investigative steps.

#### **Investigative Report**

At the conclusion of the investigation, the investigator will complete a written investigative report that fairly summarizes the relevant evidence. The investigator need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The investigator will submit the investigative report to the Title IX Coordinator. At least ten (10) calendar days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Respondent, and each party's advisor if any, will be provided a copy of the final investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law. An Adjudicator will then be assigned and a hearing scheduled no sooner than 10 calendar days after receipt of the final report.

#### **Formal Resolution – Hearing Procedures**

At the conclusion of the investigation, the Title IX Coordinator will appoint a trained Adjudicator from a pool of specially trained officials taking into account the circumstances of the case, including the status of the Respondent as a student, faculty member, employee, or non-community member. In certain cases, the Title IX Coordinator may decide, in his/her discretion, to assign an Adjudicator who is external to the Institute to conduct the hearing.

The Title IX Coordinator will send the Complainant and Respondent written notification of the identity of the Adjudicator. A party wishing to challenge the participation of the Adjudicator must notify the Title IX Coordinator, in writing, within two business days of receipt of the notice of the Adjudicator, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine, in his/her discretion, whether the party's challenge to the Adjudicator has merit and, if so, will assign a new Adjudicator. The Title IX Coordinator will notify the parties in writing of the date, time, and location of the hearing.

Participants in the hearing will include the Adjudicator, the Complainant and the Respondent, their respective advisors, the investigator(s) who conducted the investigation and witnesses (solely during their own testimony). Hearings are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the IX Coordinator for purposes such as accommodation of a disability. The parties or their advisors in the hearing room may not use cell phones and recording devices.

The Title IX Coordinator may postpone the hearing for good cause as determined by the Title IX Coordinator. Good cause may include, without limitation, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

### **Conduct of the Hearing**

The hearing will be conducted as follows:

- Both parties will be given an opportunity to make an Opening Statement.
- The Adjudicator may, at his/her discretion, ask questions of the Investigator and/or any party or witness directly as part of the hearing process. Questions for the investigator, the other party, and any witnesses may, if desired, be asked on behalf of the Complainant and Respondent by their respective advisors. However, questions that seek disclosure of information protected under a legally recognized privilege will not be permitted unless the person or entity holding the privilege has waived the privilege in writing.
- Only relevant questions may be asked by a party's advisor to a party or witness. Before the party or witness answers a question posed by an advisor, the Adjudicator will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Such decisions by the Adjudicator are final and not subject to further objection or reconsideration during the hearing.
- At the end of the hearing, both parties will have the opportunity to make a Closing Statement.
- Both the Complainant and the Respondent may have an advisor, of their own choosing, present to support and accompany them during hearing. If a party does not have an advisor present at the hearing, the Institute will provide, without fee or charge to that party, an Institution Advisor of the Institute's choice for the limited purpose of conducting questioning on behalf of that party. No later than two days prior to the hearing, both the Complainant and Respondent shall inform that Title IX Coordinator whether they have an Advisor of Choice who will be attending the hearing.
- The hearing will take place in person or over technological platforms, such as Zoom, with technology enabling the Adjudicator and the parties to simultaneously see and hear any party or witness providing information or answering questions. If either party so requests, the hearing will be

conducted with the parties located in separate rooms using technology as described in the preceding sentence.

- Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant at any stage of this process, other than questions and evidence about the Complainant's prior sexual behavior that (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Similarly, questions and evidence about any party's medical, psychological or other similar records are not relevant unless the party has given voluntary, written consent.

- During the hearing, advisors will have the opportunity to question witnesses and the other party. All questions will be assessed by the Adjudicator for relevance.

- At no time will the Complainant and Respondent be permitted to question each other. Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this Policy, any information that the Adjudicator determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the investigative report as described above will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of questioning.

If a party or witness does not submit to cross-examination at the hearing by a party's advisor as described above, the Adjudicator may not rely on any statement of that party or witness, during the hearing or otherwise, in reaching a determination regarding responsibility. The Adjudicator will not draw an inference as to responsibility based solely on a party or witness's absence from the hearing or refusal to answer cross-examination questions.

The hearing will be recorded through either an audio recording or transcript. That recording or transcript will be made available to the parties, upon request, for inspection and review. Prior to obtaining access to the recording or transcript, the parties and their advisors must acknowledge in writing that they will not disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the grievance process.

Upon the conclusion of the hearing process, both the Complainant and Respondent shall have access to a full and fair record of the hearing. The record of the Adjudicator's hearing shall be protected from public release until a final determination is made. A final determination is made under this policy when no appeal of the decision of the Adjudicator is sought, or in the event of an appeal, when the decision of the Appeals Officer(s) is communicated to the Complainant and Respondent. Any public release of the full and fair record of the hearing shall be made in accordance with MWPAI/PrattMWP policy and federal and state laws.

**Determination** Following conclusion of the hearing, the Adjudicator will deliberate and render a determination as to whether the Respondent is responsible or not responsible for the alleged violation(s). The Adjudicator will use a "**preponderance of the evidence**" standard to determine whether each alleged violation of this policy occurred. A preponderance of the evidence means that information shows it is "**more likely than not**" that the Respondent violated this policy.

## Sanction

The sanction(s) for a violation of this policy will be based on a consideration of all of the circumstances, including the severity of the conduct and the Respondent's disciplinary history. The range of sanctions imposed may include, but are not limited to, any one or more of the following:

- Reprimand or warning
- Change in academic schedule
- Disciplinary probation
- Revocation of honors or awards
- Restricting the Respondent's access to Institute facilities or activities
- Community service
- Issuing a "no-contact" order to the Respondent or requiring that such an order remain in place
- Loss of attendance and/or participation privileges for social functions or Institute programs
- Change or removal of housing assignment and/or housing privileges
- Letter of reprimand
- Change of job assignment and/or work location
- Loss of employment
- Suspension (limited time or indefinite)
- Demotion or reduction in pay
- Expulsion
- Revocation of degree

Each party may submit a written personal impact statement to the Title IX Coordinator for consideration by the Adjudicator in determining an appropriate sanction if there is a finding of responsibility on one or more of the charges. The parties must submit their statements to the Title IX Coordinator within 24 hours after the conclusion of the hearing. The Title IX Coordinator will provide each of the parties an opportunity to review any statement submitted by the other party.

In making a determination regarding sanctions, the Adjudicator may consider the parties' impact statements, if any; the nature and severity of, and circumstances surrounding, the violation(s); the need to remedy the effects of the conduct on the Complainant and/or the community; the impact of potential sanctions on the Respondent; sanctions imposed by the Institute in other matters involving comparable conduct; and any other lawful factors deemed relevant by the Adjudicator. The Adjudicator may also consult with the Title IX Coordinator and other appropriate MWPAI/PrattMWP officials. The Respondent's disciplinary history, including, but not limited to, past findings of domestic violence, dating violence, stalking or sexual assault, may also be considered for purposes of determining an appropriate sanction.

A final determination letter will be issued to the Respondent and the Complainant. Both parties, concurrently, will receive a copy of this determination letter to the extent permitted by law. The determination letter will include the following information: (i) the name of the Respondent; (ii) a



description of the charges that were adjudicated; (iii) a description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (iv) whether the Respondent has been found responsible or not responsible for specific violation(s) of this policy; (v) conclusions regarding the application of the Policy to the facts; (vi) factual findings supporting the determination; (vii) the sanction imposed, if any; (viii) the rationale for the decision and sanction; (ix) whether remedies designed to restore or preserve equal access to the Institute's educational programs or activities will be provided to the Complainant; and (x) a notation regarding the right to appeal, including the procedures and permissible bases for the Complainant and Respondent to appeal.

For those crimes of violence, MWP/PrattMWP is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after a hearing and appeal, if any, shall include the following notation:

- Suspended after a finding of responsibility for a code of conduct violation.
- Expelled after a finding of responsibility for a code of conduct violation.
- Withdrew with conduct charges pending.

Transcript notations for suspensions may be removed at the discretion of the Institute, but no earlier than one year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed.

### **Appeal**

The Complainant and Respondent, if a student, faculty member or employee, may file an appeal of the determination of the Adjudicator. A respondent or complainant may also appeal the Institute's dismissal of a formal complaint or any allegations therein. When a party requests an appeal, the other party will be notified.

A party has four grounds under which to appeal the Institute's determination: (i) the Adjudicator committed procedural errors that had a direct impact on the decision or a procedural irregularity that affected the dismissal of the matter, (ii) there is new evidence that has come to light that could have a direct impact on the outcome and which was not reasonably available before or during the investigation and/or hearing before the Adjudicator, (iii) a claim that the sanctions are not consistent with past practices or the severity of the alleged sexual misconduct and (iv) the Title IX Coordinator, investigator(s), or Adjudicator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the determination regarding responsibility or dismissal of the matter. The professional experience of an individual need not disqualify the person from the ability to serve impartially. Furthermore, bias is not demonstrated by working in complainants or respondents' rights organizations.

Sanctions imposed by the Adjudicator will remain in effect until any timely appeal of the decision is resolved, unless the Title IX Coordinator decides otherwise. Supportive measures will remain in effect until the appeal is resolved.

The procedure to file an appeal is as follows:

1. A party wishing to file an appeal must file a notice of intent to appeal within five (5) business days of the date the party receives the decision letter. The intention to file an appeal must be submitted in writing (either email or hard copy) to the Title IX Coordinator. This notice of intent to appeal must contain the party's grounds for the appeal.
2. Each party will be given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Each party will have at least three (3) business days to submit its written statement.
3. The Title IX Coordinator will appoint an Appeals Officer or, if the Respondent is a student of MWPAI/PrattMWP, a panel of up to three (3) Appeals Officers. No Appeals Officer shall have a conflict of interest. The decision-maker for the appeal will not be the same person as the Adjudicator that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.
4. The Appeals Officer(s)' entire review process will be based on the party's written request for appeal, the parties' written statement in response to the appeal and MWPAI/PrattMWP's record of the case. The Appeals Officer(s) will have access to the investigatory report, the Adjudicator's decision and may, if the Appeals Officer(s) deem it necessary, communicate with the Investigator, the Adjudicator, and/or any party or witness directly as part of the appeals process. However, appeals are not intended to be full re-hearings of the complaint. In most cases, appeals will be considered upon a review of the written documentation in the case file, including the Investigatory Report and the Adjudicator's written decision, and any pertinent documentation regarding the grounds for appeal.
5. The Appeals Officer(s) may affirm the Adjudicator's decision, alter the Adjudicator's decision (with respect to a finding of responsibility and/or sanctions), or return the case to the Investigator for further investigation.
6. A preponderance of the evidence standard will be applied on appeal.
7. The Appeals Officer(s) will make a final determination on the appeal. The Appeals Officer(s) will normally render a decision regarding the appeal within 20 calendar days of the request for appeal.
8. Both the Complainant and Respondent will be notified in writing, concurrently, of the decision on appeal. The Appeals Officer(s)' decision will be final and binding.

### **Informal Resolution**

A Complainant who wishes to file a formal complaint but who does not wish to pursue Formal Resolution at a hearing may request a less formal proceeding, known as "Informal Resolution." Both parties must agree upon informal resolution, and the Title IX Coordinator must agree that informal resolution is appropriate. The Informal Resolution Process is, generally, not

available if the respondent in a sexual misconduct complaint is a faculty or staff member of MWP/PrattMWP and the complainant is a student, unless the Title IX Coordinator deems it to be appropriate.

The Title IX Coordinator will offer the Informal Resolution Process to the parties after a formal complaint is filed by a complainant. Supportive measures are available to both parties in the same manner as they would be if the formal complaint were proceeding under the formal grievance and hearing process. No party should feel intimidated, coerced or threatened to participate in an Informal Resolution Process, or to withdraw from an Informal Resolution Process.

An informal resolution usually takes the form of mediation in which a designated third party explores whether the parties can agree on a result. The facilitator of the informal resolution process will be screened to ensure that such a person is free from conflicts of interest and bias. The facilitator will not be available as a witness in any hearing that may occur should either party terminate the Informal Resolution process before a resolution. Informal Resolution provides an opportunity for the Complainant to confront the Respondent in the presence of, and facilitated by, a presiding officer or mediator, and to communicate his or her feelings and perceptions regarding the incident, the impact of the incident, and his or her wishes and expectations regarding protection in the future. The parties will not, however, be required to meet together as part of the Informal Resolution. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator “shuttles” between the parties. In either event, the Respondent will have an opportunity to respond. The Complainant and the Respondent each may bring an advisor to the Informal Resolution. Advisors are subject to the same restrictions set forth for advisors in Formal Resolution, outlined above.

The Complainant, Respondent and/or Institute may, at any time, elect to end the Informal Resolution process and initiate Formal Resolution instead. In order to promote honest, direct communication, information disclosed during Informal Resolution must remain private, except where disclosure may be required by law or authorized in connection with duties on behalf of the Institute. If there is no agreement on a resolution, the complaint is returned to the formal grievance and hearing process. If an agreement is reached, the facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by both parties. This written and signed resolution indicates that the complaint has been resolved under this policy without the need for further investigation or to pursue the formal grievance and hearing process.

### **TIME FRAME FOR RESOLUTION**

MWP/PrattMWP seeks to resolve every report of sexual misconduct within 90 calendar days of the filing of the formal complaint, excluding any appeal. The time frames included in this policy may vary depending on the details of the complaint and, in some cases, extenuating circumstances that may require an extension of the time frames. Extenuating circumstances may include the time of the academic year (e.g., during Institute breaks or final exams), the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal

investigation by local law enforcement, or other unforeseen circumstances. In the event that the investigation and resolution exceed this time frame, MWPAI/PrattMWP will notify the Complainant and Respondent of the reason(s) for the delay and the expected adjustment in the time frame.

### **APPLICATION TO FACULTY AND STAFF**

One or more of the Institute's personnel policies or faculty and staff handbook policies may overlap with this policy in a particular situation. This policy applies to any situation where a student is the complainant or respondent. In all other situations, MWPAI/PrattMWP reserves the right to apply this policy or another applicable policy or process. The Institute will apply this policy to any situation where the Institute determines that Title IX requires the application of this policy.

### **ACADEMIC FREEDOM**

The Institute is an academic institution at which academic freedom possessed by those who are teaching/conducting research and their students is necessary and valued. MWPAI/PrattMWP will not construe this policy to prevent or penalize a statement, opinion, theory, or idea offered within the bounds of legitimate, relevant, and responsible teaching, learning, working, or discussion.

### **PREVENTION AND AWARENESS EDUCATION PROGRAMS**

Creating a safe and respectful environment is the responsibility of all members of the Institute community. To promote and maintain this environment, the Institute engages in comprehensive educational programming to prevent sexual misconduct, including sexual harassment, domestic violence, dating violence, sexual assault, stalking, and retaliation. The Institute provides primary prevention and awareness programs for all incoming students and employees, and ongoing prevention and awareness campaigns for all students and employees. If a victim discloses actions constituting a violation of this policy through a public awareness event, such as "Take Back the Night" or a candlelight vigil, the Institute is not obligated to begin an investigation. The Institute may, however, use the information to inform the need for additional education and prevention efforts.

### **AMNESTY**

The health and safety of every student at MWPAI/PrattMWP is of utmost importance. The Institute realizes 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. MWPAI/PrattMWP strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to MWPAI/PrattMWP 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 Institute officials or law enforcement will not be subject to MWPAI/PrattMWP'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.

### **DESIGNATION OF AUTHORITY**

Any person assigned a role pursuant to this policy may designate their authority to another appropriate person to avoid conflicts of interest or in other circumstances, as deemed necessary.

## **COORDINATION WITH OTHER POLICIES**

A particular situation may potentially invoke one or more Institute policies or processes. The Institute reserves the right to determine the most applicable policy or process and to utilize that policy or process.

## **CLERY ACT COMPLIANCE**

The Institute is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Names of individuals involved in incidents are not reported or disclosed in ASRs. In the case of an emergency or ongoing dangerous situation, MWPAI/PrattMWP will issue a timely warning or emergency alert to the campus. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the Complainant will not be disclosed.

## **TRAINING**

Responsible administrators, persons assigned as investigators, and individuals appointed to adjudicate alleged violations of this policy will receive annual training on relevant topics, including discrimination, harassment, stalking, domestic violence, dating violence, sexual misconduct and how to conduct investigations and disciplinary proceedings that protect the safety and respectful treatment of all parties and promote accountability to the MWPAI/PrattMWP community.

## **ADMINISTRATION OF THIS POLICY**

The Institute's Title IX Coordinator is responsible to ensure compliance with this policy. Any questions or concerns about the administration of this policy should be directed to the Title IX Coordinators, Shannon Hitchcock Schantz, 315-797-0000, ext. 2183 or shschantz@mwpai.edu, Inquiries and complaints may be made externally to the U.S. Department of Education, Office for Civil Rights, 400 Maryland Avenue, SW, Washington, DC 20202-1100. Customer Service Hotline #: 800-421-3481. This policy shall be effective August 14, 2020.

## **STUDENTS' BILL OF RIGHTS IN CASES INVOLVING SEXUAL ASSAULT, DOMESTIC/DATING VIOLENCE, AND STALKING**

All students have the right to:

- Make a report to local law enforcement and/or New York state police.
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
- 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 MWPAI/PrattMWP.
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
- Be treated with dignity and to receive from the Institute courteous, fair, and respectful health care and counseling services, where available.
- 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.
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident.
- Be protected from retaliation by MWPAI/PrattMWP, any student, the accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of MWPAI/PrattMWP.
- Access to at least one level of appeal of a determination;
- 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.
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of MWPAI/PrattMWP.

## **STATEMENT OF RIGHTS IN CASES INVOLVING SEXUAL ASSAULT, DOMESTIC/DATING VIOLENCE AND STALKING**

Anyone reporting an incident of sexual assault, domestic violence, dating violence, or stalking has the right to:

- A. Notify Campus Safety, Local Law Enforcement or the New York State Police.
- B. Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
  - 1) options to proceed, including the right to make a report to Campus Safety (reports to Campus Safety are reported to the Title IX Coordinator), Local Law Enforcement, and/or the New York State Police or choose not to report; to report the incident to MWPAI/PrattMWP; to be protected by the Institute from retaliation for reporting an incident; and to receive assistance and resources from the Institute, as set out in MWPAI/PrattMWP's Sexual Misconduct Policy.
  - 2) where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
  - 3) that the criminal justice process utilizes different standards of proof and evidence than the Institute's misconduct procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
  - 4) whether the person they are reporting to is authorized to offer the confidentiality or privacy; and
  - 5) any other reporting options.
- C. If they are a student, to contact the Institute's Health and/or Counseling Offices, where they may be offered confidential resources pursuant to applicable laws and can be assisted in obtaining services for reporting individuals; or to contact non-Institute confidential resources, including the New York State Office of Victim Services at 1-800-247-8035 or <https://ovs.ny.gov>.
- D. Disclose confidentially the incident and obtain services from the state or local government.
- E. Disclose the incident to the Institute's Responsible Employees who can offer privacy or, in appropriate cases determined by the Title IX Coordinator, confidentiality, subject the Institute's Sexual Misconduct Policy, and can assist in obtaining resources for reporting individuals.
- F. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate Institute personnel for information and assistance. Reports shall be investigated in accordance with MWPAI/PrattMWP policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the Institute's obligations under the law and its policies and procedures.
- G. Disclose, if the accused is an employee of the institution, the incident to Human Resources or to request that a confidential or private employee assist in reporting to Human Resources.
- H. Receive assistance from appropriate MWPAI/PrattMWP representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings.
- I. Withdraw a complaint or involvement from the Institute's processes at any time, with the understanding that in appropriate cases, MWPAI/PrattMWP may nonetheless be required to proceed even if the reporting individual does not wish to do so.

## **Campus Safety Policies**

### **Building Access**

The Student apartment entrances are locked 24 hours a day, with access granted via a state of the art proximity card access system. All entrance and exit doors are alarmed and monitored via computer and a fiber-optic closed circuit camera system.

Classroom/ Studio building entrances are locked 24 hours a day, with access granted via proximity card and PIN pad access system. All entrance and exit doors are alarmed and monitored via computer and a fiber-optic closed circuit camera system.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic have security surveys conducted of them. Administrators from the Dean's Office, Facilities, Residence Life, and other concerned areas review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the Directors of Facilities, Residence Life, Campus Safety, and Maintenance meet to discuss issues of pressing concern.

### **Building Closing Times**

Due to the various times different buildings must be closed, it is requested that all inquiries be made to the Campus Safety Department. All buildings are closed on official school holidays and over breaks.

### **Residence Hall Security and Safety**

PrattMWP is located in an urban environment; therefore, all students must be keenly aware of their own personal safety and security and must contribute to the overall safety and security of all members of the community. PrattMWP's Campus Safety Department is located at 1208 State St. Campus Safety Department is available 24 hours a day, 7 days a week. If you experience a security-related problem or need to report an incident, you may do so by calling the Campus Safety at 797-0000 ext. 4444. Security escorts are available by calling ext. 2175. Although the Campus Safety department provides 24-hour coverage, each student must be conscious of their personal safety.

It is highly recommended not to:

- Walk around the neighborhood/campus alone after dark.
- Leave the door to your room/apartment unlocked, whether or not you are home.
- Carry large amounts of cash.
- Leave personal property alone unattended in public areas.

### **Emergencies**

In case of emergency, call Campus Safety from on campus phone at ext. 4444. When experiencing a problem, which does not necessarily require Campus Safety or the law enforcement, you should contact the RA on duty. In case of fire in your room, leave immediately and pull the closest fire pull box as you exit the building. Once you have left the building, call security and give your name, location and type of fire. Each room or apartment is equipped with a smoke detector. Students who tamper in any way with any fire safety equipment, jeopardize their continued residency in PrattMWP Residence Halls. Students who falsely activate a fire alarm will be disciplined.



## **Lockdown and Lockout Procedures**

The lockdown and lockout procedures are established to protect PrattMWP students, faculty, staff and visitors from threats or emergencies involving gunfire, dangerous intruders and safety hazards. When a lockdown emergency is announced, all activity is to cease and all are to find a safe space within a lockable room. No one is to leave that space or open the door for anyone for any reason. When a lockdown warning is issued, students are to follow all directions given by Campus Safety, faculty members, or administrators. When a lockout warning is issued, the main entrance to PrattMWP and MWPAI buildings will be locked and only accessible to authorized people. Students, faculty, and administration will be asked to return inside the building. When it is certain that there is no danger, the Campus Safety department will announce an "All Clear" and normal operations can resume. LOCKDOWN. LOCKOUT AND EVACUATION POSTERS ARE IN ALL CLASSROOMS AND STUDIOS.

## **Identification Cards**

Students are required to arrange to have their picture taken for an identification card. It must be carried while on the PrattMWP campus or using PrattMWP facilities. Further, students are required to produce this card when requested by an authorized person, such as Campus Safety personnel or an administrator/faculty person. The card will enable them to use all campus facilities and services. Students may be entitled to discounts at student and/or Institute sponsored events and is required for resident and non-resident students to gain access to student apartments. The card serves as identification for the meal plan and must be presented when entering the dining hall. Verification of College status is always required prior to the issuance of an I.D. card. Students who provide false information or misrepresent other persons for obtaining a falsified I.D. card will be subject to disciplinary action. Students will not be permitted access into the residence halls, dining hall and classroom and studio buildings without presenting a valid PrattMWP I.D. Maintaining safe residence halls are one of the major goals of the Campus Safety Department and PrattMWP. Students who fail to show a valid I.D. upon entrance to a residence hall may face judicial action. Lost or stolen identification and/or proximity cards must be reported to Campus Safety immediately. A fee of \$25 will be charged for replacement.

## **Keys**

All issued keys remain the property of PrattMWP. Students will sign for keys when they move into their residence halls. If students move, they must return their keys to the Campus Safety Department and sign for the keys to the new residence halls. Trading of keys is not allowed and will result in a fine. All lost/stolen keys must be reported to the Campus Safety Department immediately. The fee for replacement of a lost suite or bedroom key is \$10 per key (all issued keys for that core will be replaced) and \$50 per core. The individual who lost the key will be assessed for all keys and cores. The fee for replacement of a lost mailbox key is \$25.

## **Key Sign-out**

Students may sign out keys to the studios when the appropriate monitors are available, during designated hours. Keys are not to be transferred to anyone. When signing-out keys students must surrender their apartment keys, they will be returned when the student returns the studio keys. Lost keys will result in a charge for replacement and loss of key sign-out privileges for the semester.

### **Campus Insurance and Liability Policy**

While every effort is made to ensure the safety and security of individuals and their property at PrattMWP, students' property is not covered by an insurance policy that covers losses or accidents sustained. It is important to note that works of art by students are not deemed to be of any monetary value beyond the costs of materials used, which must be properly documented. For this reason, students may want to purchase their own comprehensive insurance (including theft, accident, and personal liability) to protect themselves.

### **Lost and Found**

The Campus Safety Department is responsible for the administration and functioning of PrattMWP's Lost and Found program. All items of value found on PrattMWP Campus should be turned into the Campus Safety Department located at 1208 State St. or to a Campus Safety Officer. Campus Safety can be reached at ext. 2175. The individual should provide the date, time and location the property was found.

#### **Items valued at under \$100**

- If the items have identifying marks and/or information, the Campus Safety Department will attempt to contact the owner. If the owner cannot be located within (90) ninety days, the property will be given to charity. If the Campus Safety Department has available storage space, the items will remain in the Campus Safety Department, 1208 State St., until the end of the academic year. There is no guarantee the items will remain longer than the 90 days.
- Clothing, shoes, umbrellas fall into the under \$100 category.

#### **Items with a value over \$100**

- If the items have identifying marks and/or information, the Campus Safety Department will attempt to contact the owner and will check to make sure the item is not reported as stolen. All items will be disposed of in accordance with New York State Law.
- Purses, wallets, checkbooks, bicycles and computers generally fall into this category.

### **Locating Lost items**

Contact Campus Safety at ext. 2175 located at 1208 State St. If you have lost an item and it has not been turned in, the information will be logged in case the item is turned in.

### **Weapons**

The possession of any dangerous instrument on campus is prohibited. These include, but not limited to; any gun, rifle, pistol or other firearm (whether operable or inoperable, loaded or unloaded), dynamite cartridge, bomb, grenade, mine, incendiary or explosive device, BB gun, air rifle, air pistol, airsoft pistol, firecracker, knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, "nun-chucks", razor and razor blades (except solely for personal shaving) or any device which may readily be used as a weapon or to inflict or cause harm to any person or structure. Likewise, metal darts, dartboards and laser pointers are prohibited as well. (Prohibited items will be confiscated and not returned). Any resident found in violation will be subject to disciplinary action and possible legal action, as well. Disciplinary action may include immediate removal and loss of all housing privileges.

## **Campus Parking Policy**

The PrattMWP campus is designated as private property and the use of the roadways and parking areas are a privilege restricted to persons who have a direct and legitimate relationship with the Institute. The object of these regulations is to provide more effective and convenient use for all. Parking is permitted only in designated areas. Regulations are enforced throughout the year, including vacation periods. Any questions pertaining to the regulations must be directed to the Campus Safety department. All motor vehicles to be parked on campus must be registered with the Campus Safety Department and properly display a current permit. Parking permits cost \$120 annually. The expiration date is located on the permit application. It is the responsibility of the person who registers a vehicle to ensure that the permit is displayed at all times while parked on-campus and is clearly visible. All updates of vehicle registrations must be reported to Campus Safety. Motorcycles are subject to the same regulations as other vehicles. Areas designated for parking, as established by the regulations of this college, are the only legal parking areas on campus. All other areas, whether marked or not, are illegal.

Lock your vehicle and conceal all valuables. The college assumes no responsibility for vehicles or their contents on campus property. Any incident must be reported to the Campus Safety Department immediately. Parking violations are issued when necessary. Repeated violations may result in the loss of parking privileges and/or the vehicle may be towed by a commercial towing service at the owner's expense. Vehicles may also be "booted" until outstanding fines have been paid. Student transcripts, diplomas, and re-registration will be held until all financial obligations have been resolved by the Campus Safety Department. Vehicles without permits displayed so they can be easily viewed by Campus Safety officers may be booted without notice. All permit holders will be responsible for their permit number regardless of what vehicle it is displayed. There is a \$25 replacement fee for lost permits.

For complete rules and regulations see the "Parking and Traffic Handbook" available in the Campus Safety Office. Fines are payable in the Campus Safety Office Monday to Friday 9:30 a.m. to 3 p.m. cash, check or charged to the student's account.

## **Campus Law Enforcement Authority**

PrattMWP Campus Safety officers have the authority to ask persons for identification and to determine whether individuals have lawful business at PrattMWP. Campus Safety officers have the authority to issue parking tickets, which are billed to financial accounts of students. PrattMWP Campus Safety officers do not possess arrest power. Criminal incidents are referred to the local law enforcement who have jurisdiction on the campus. All crime victims and witnesses are strongly encouraged to immediately report the crime to Campus Safety and the appropriate law enforcement agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics. The Campus Safety Department maintains a close working relationship with the Utica Police Department. The Campus Safety officers of PrattMWP and Utica police department communicate regularly of incidents that occur in and around the campus area. There is no written memorandum of understanding between PrattMWP Campus Safety and the Utica police department.

### **Accurate and Prompt Crime Reporting**

If a crime or emergency occurs on campus, call Campus Safety at Extension 4444 from any on-campus phone. Dispatchers are available at this telephone number 24 hours a day to answer your call. In response to a call, the Campus Safety Department will take the required action, dispatching an officer or asking the victim to report to the Campus Safety Office to file an incident report. Incident reports are forwarded to the Student Life Director's office for review and potential action by Student Judicial Services. If assistance is required from the Utica Police Department or the Utica Fire Department, (UFD) PrattMWP Campus Safety will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including PrattMWP Campus Safety, will offer the victim a wide variety of services. The Student Handbook contains information about on-campus and off campus resources. That information is made available to provide the PrattMWP community members with specific information about the resources that are available in the event that they become the victim of a crime. The information about "resources" is not provided to infer that those resources are "reporting entities" for PrattMWP. Crimes should be reported to the PrattMWP Campus Safety Department to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, a crime that was reported only to the YWCA Rape Crisis Center would not be included in the PrattMWP crime statistics.

### **Counselors and Confidential Crime Reporting**

Because of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors", when acting as such, are not considered a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The Federal rulemaking committee defines counselors as:

#### ***Pastoral Counselor***

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

***Professional Counselor*** An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

### **Security Awareness Programs for Students and Employees**

During orientation in the beginning of the fall semester, students are informed of services offered by the PrattMWP Campus Safety Department. Video and PowerPoint presentations outline ways to maintain personal safety and residence hall security. Students are told about crime on-campus and in surrounding neighborhoods. Similar information is presented to new employees. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. In addition to seminars, information is disseminated to students and employees through crime prevention awareness e-mails, security alert posters, displays, videos, and articles. When time is of the essence, information is

released to the Institute community through security alerts posted prominently throughout campus, through computer memos sent over the Institutes electronic mail system and a voice broadcasting system.

### **Sex Offender Registration**

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the "Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act", the "Jeanne Clery Act" and the "Family Educational Rights and Privacy Act of 1974", the PrattMWP Campus Safety Department is providing a link to the New York State Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

The New York State Division of Criminal Justice Services is responsible for maintaining this registry. Follow the link below to access the NYS DCJS website.

[http://www.criminaljustice.state.ny.us/SomsSUBDirectory/search\\_index.jsp](http://www.criminaljustice.state.ny.us/SomsSUBDirectory/search_index.jsp)

Munson-Williams-Proctor Arts Institute or PrattMWP are in Utica, NY Zip Code 13502. To access records for the rest of the City of Utica use zip code 13501.

### **Missing Student Notification Policy and Procedures**

If a member of the Institute/College community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify PrattMWP Campus Safety Department at 315-797-0000 ext-4444. PrattMWP will generate a missing person report and initiate an investigation. In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by PrattMWP in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, PrattMWP will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so through the PrattMWP Student Life Office. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation. After investigating a missing person report, should PrattMWP Campus Safety Department determine that the student has been missing for 24 hours, PrattMWP will notify Utica police department and the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, PrattMWP will notify the student's parent or legal guardian immediately after PrattMWP Campus Safety Department has determined that the student has been missing for 24 hours.

## **FIRE SAFETY**

### **Student Housing Evacuation in the Case of a Fire**

In the event of a fire, PrattMWP expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system, if the system has not already sounded, as they leave. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, PrattMWP policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or

employees, except Campus safety staff, in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm, if necessary as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building. Emergency evacuation plans are posted in every residence hall suite, classroom and studio.

### **Fire Drills**

Fire drills are conducted throughout the year in all campus buildings (student apartments, academic buildings, and administrative buildings). All students, faculty, and staff are required to participate. Evacuate the building immediately if you hear a fire alarm.

### **JANUARY-DECEMBER 2020**

#### **FOUR FIRE DRILLS WERE CONDUCTED IN EACH OF THE THREE RESIDENCE HALLS**

### **Fire Safety Education and Training Programs Provided to Students and Employees**

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the college's fire safety policies. Everyone is also provided with maps of each on-campus student housing facility that illustrate evacuation routes and fire alarm equipment locations. During these programs, trainers emphasize that participating in fire drills is mandatory. Fire safety education and training programs are taught by local fire authorities as well as the Campus Safety Director who is experienced in fire safety matters. If a fire occurs, students are instructed to leave hazardous areas per the evacuation routes and get to a predetermined location. They are to remain in that location so that the Residence Life Coordinator or Resident Assistant has documented that the student has left the building.

### **Person(s) or Organization to Whom Students and Employees Should Report That a Fire Occurred**

Per federal law, PrattMWP is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the **non-emergency** numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which you are unsure whether the PrattMWP Campus Safety Department may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact one of the following:

PrattMWP Campus Safety Department (315) 797-0000 ext. 2175

Student Life Office (315) 797-0000 ext. 2183

When calling, please provide as much information as possible about the location, date, time and cause of the fire.

### **Decorations**

We ask that all students refrain from posting pornographic material or other material that could possibly offend others including, but not limited to, references pertaining to race, religion, sexual orientation and ethnicity. Live, cut Christmas trees are prohibited. String lights are prohibited due to

fire safety requirements. Candles or any other open flame items such as sterno or oil lamps are forbidden.

### **Window Decorations**

No window coverings may be placed over the window. Aluminum foil, cardboard, tape, newspaper, computer paper, garbage bags, contact paper, posters, flags, etc., may not be used to cover windows. Residents are prohibited from installing any blinds or curtains. Decorative lights, such as Christmas lights, party lights are prohibited.

### **Electrical Appliances**

New York State Dormitory fire code prohibits the use of decorative lighting including Christmas lights, party lights, or similar mini-bulb string lighting; the use of lamps without UL approval or covered by decorative shades, the use of extension cords; and the connecting together or “daisy-chaining” of multiple power strips. Appropriate UL approved power strips with surge protectors are permitted. Students are reminded to avoid placing any cords, including computer and television cable under area rugs or overloading any one electrical outlet. We also ask students to consider using energy efficient fluorescent light bulbs in lamps. For a complete list of approved electrical appliances, please refer to your *Residence Hall Housing License*.

OPEN FLAME(S) AND SMOKING ARE PROHIBITED IN ALL INSTITUTE BUILDINGS.

SMOKING IS PROHIBITED ON ALL PrattMWP PROPERTY.

## **JEANNE CLERY ACT & NEW YORK STATE KERRY ROSE FIRE SPRINKLER NOTIFICATION ACT**

### **1229 Hart St.**

- Wet sprinkler throughout the entire building. Including suites, bedrooms, mechanical rooms, stairwells and hallways. Flow and valve tamper switches monitored by the fire alarm panel.
- Addressable fire alarm panel with hard-wired photo-electric smoke detectors in hallways; hard-wired smoke/heat detectors in mechanical rooms, custodial closets, lounges & student rooms; hard-wired heat detectors in kitchens. Mass notification.
- Sounder bases on all smoke detectors.
- All building doors are fire rated. Hallway and stairwell doors close automatically when an alarm signal is received.
- Carbon Monoxide detectors are installed in all bedrooms.
- Staircase and elevator have automatic smoke hatches
- Fire alarm panel annunciates to the Campus Safety Office.

### **512 Plant St.**

- Wet sprinkler in mechanical rooms, stairwells, hallways and basement. Flow and valve tamper switches monitored by the fire alarm panel.
- Addressable fire alarm panel with hard-wired photo-electric smoke detectors in hallways; hard-wired smoke/heat detectors in mechanical rooms, custodial closets, lounges & student rooms; hard-wired heat detectors in kitchens. Mass notification.
- Carbon Monoxide detectors are installed in all bedrooms.
- Hallway and suite doors are fire- rated and hallway doors close automatically when an alarm signal is received.
- Fire alarm panel annunciates to the Campus Safety office.

**16 Cottage Place**

- Wet sprinkler in mechanical rooms, stairwells, hallways and basement.
- Flow and valve tamper switches monitored by the fire alarm panel.
- Addressable fire alarm panel with hard-wired photo-electric smoke detectors in hallways; hard-wired smoke/heat detectors in mechanical rooms, custodial closets, lounges & student rooms; hard-wired heat detectors in kitchens. Mass notification.
- Carbon Monoxide detectors are installed in all bedrooms.
- Speaker Strobes in each suite.
- All building doors are fire rated.
- Hallway doors close automatically when an alarm signal is received.
- Fire alarm panel annunciates to the Campus Safety office.

**RESIDENCE HALL FIRE ALARM STATISTICS**

**Statistics For On Campus Student Resident Facilities**

2018												
	S									Injuries relating to fire resulting in treatment at medical facility	Death related to Fire	Value of Property Damaged by Fire
On-Campus Residence Halls Facilities	Y	T	C	U	O	F	S	A	T			
	S	R	O	N	T	H	E	R	O			
	T	O	S	K	O	E	R	A	T			
	E	O	M	W	R	E	L	E	A			
	M	U	K	N	E	R	A	L	L			
1229 Hart St	1	4	1	0	0	0	1	0	7	0	0	0
512 Plant St.	2	1	2	0	0	0	0	1	6	0	0	0
16 Cottage Pl.	0	1	1	0	0	0	0	0	2	0	0	0
<b>ALARM TOTAL</b>	<b>3</b>	<b>6</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>0</b>



2019												
	S Y S T E M									Injuries relating to fire resulting in treatment at medical facility	Death related to Fire	Value of Property Damaged by Fire
On-Campus Residence Halls Facilities	T R O U B L E	C O U N T Y	S O U T H E A S T	U N I V E R S I T Y	O T H E R	F I R E	S T R U C T U R E	C A T E G O R Y	T O T A L			
1229 Hart St	1	8	0	2	0	0	2	0	13	0	0	0
512 Plant St.	0	1	1	1	0	0	1	0	4	0	0	0
16 Cottage Pl.	1	1	0	0	0	0	2	0	4	0	0	0
<b>ALARM TOTAL</b>	<b>2</b>	<b>10</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>21</b>	<b>0</b>	<b>0</b>	<b>0</b>

2020												
On-Campus Residence Halls Facilities	S											
	Y											
	T	C										
	R	O	S	U	O		S	C		Injuries relating to fire resulting in treatment at medical facility	Death related to Fire	Value of Property Damaged by Fire
	O	O	M	N	T	F	T	A	T			
	U	K	O	O	H	I	E	D	O			
	B	I	O	O	W	E	R	A	T			
	L	N	K	W	E	R	A	L	A			
	E	G	E	N	R	E	M	E	L			
1229 Hart St	0	0	0	1	0	0	0	0	1	0	0	0
512 Plant St.	0	0	0	0	0	0	0	0	0	0	0	0
16 Cottage Pl.	1	0	0	0	0	0	0	0	1	0	0	0
<b>ALARM TOTAL</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Additional resources and references:**

**1. Munson-Williams-Proctor Arts Institute- Emergency Action Plan**

- Hard copies available in the Campus Safety Office or

**2. Munson-Williams-Proctor Arts Institute- Emergency Action Plan Flip Chart and Lockdown, Lockout, Evacuation procedures posted in all classrooms and studios**

**3. Parking and Traffic Handbook**

- Hard copies available in the Campus Safety Office

**4. PrattMWP Residence Hall housing License**

- Contact the Student Life Director, Meeting House 1124 State St, second Floor.

**5. PrattMWP College of Art & Design**

- Sex Discrimination, Sexual Harassment & Sexual Misconduct (Title IX)

- Procedures for Resolution of Complaints of Sexual Misconduct or Sexual Harassment
- Students' Bill of Rights involving Sexual Assault Domestic/Dating Violence and Stalking

For additional information, questions or copies of this report contact:

Chris Holmer, Campus Safety Director

E-mail: [cholmer@mwpa.edu](mailto:cholmer@mwpa.edu) Phone: 315-797-0000 ext. 2126