

CHRISTIE'S

EDUCATION | NEW YORK

Sexual Misconduct Policy

2018-2019

Statement of Purpose

Christie's Education (CE) will not tolerate sexual abuse, rape, sexual assault, domestic violence, intimate partner violence, stalking, sexual coercion, or other forms of sexual violence by or against students, staff, faculty, alumni, or visitors. Conduct prohibited by this policy may also be unlawful. Individuals may decide to use this policy and the legal system simultaneously to address covered conduct.

The policies outlined in this document are in support of CE's commitment to a safe learning environment and go hand in hand with CE's Title IX policies. The policies will outline the following:

- Definition of sexual misconduct and terms
- Definition of Consent
- Awareness and prevention
- Reporting guidelines
- Prompt response and investigation
- Continued support and resources

Definition of Terms

To make these policies as clear as possible, this policy will first define certain terms.

Sexual Activity: shall refer to both "sexual act" and "sexual contact" as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3)-

"sexual act" means—

- (A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
- (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- (C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
- (D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

"sexual contact" means-

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

Sexual misconduct is a broad term encompassing any of the above behavior committed without consent or by force, intimidation, coercion, or manipulation as well as verbal communication regarding sexual acts that is unwelcome. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender.

Consent

Affirmative consent: is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression."

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Consent may be initially given but withdrawn at any time.

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol,

drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

When consent is withdrawn or can no longer be given, sexual activity must stop.

Sexual Assault: Sexual activity without affirmative consent.

Domestic Violence, Dating Violence, Stalking and Sexual Assault Awareness and Prevention

Christie's Education will provide education on domestic violence, dating violence, stalking and sexual assault to each incoming class during orientation week in September. These events will be required of all students enrolled in degree programs. Students will be required to confirm their participation in the programs and acknowledge their understanding of the CE policies by signing a Sexual Misconduct Policy acknowledgement form.

In addition to the live event in the fall, resources will be listed in the student handbook and posted on campus bulletin boards.

The health, safety, and well-being of all members of the CE community are of the utmost importance. Among the requirements for Article 129-B of the New York Education Law is that every institution conduct campus climate surveys to ascertain general awareness, experience and knowledge of sexual misconduct, and policies and procedures surrounding these issues. Every spring term, CE will conduct a Campus Climate Survey for all students and will post the results on the website. The information obtained therein will be used to improve both the policies and awareness campaign each year.

Sexual Misconduct Process

Students, faculty, staff, administrators and visitors who experience any form of sexual misconduct on campus or on a school sponsored trip or event are strongly encouraged to immediately report the incident by contacting CE's Title IX Coordinator or Deputy Coordinator, and/or local law enforcement by calling 911.

Title IX Coordinators

Christie's Education has designated two Title IX Coordinators to help address issues of sexual and gender-based harassment within the school. The Title IX Coordinators play an integral role in carrying out the school's commitment to a positive learning, teaching and working environment for the entire Christie's Education community. The Title IX Coordinators are a resource for any questions or concerns about sexual harassment, sexual violence, or sexual misconduct and are available to discuss the rights and judicial options of all members of the school community.

Title IX Coordinator:

Margaret Conklin / Vice President, Director of Business Affairs and Student Services
1230 Avenue of the Americas, 20th Floor
New York, NY 10020
Phone: (212) 355-1501, ext. 3302
Email: mconklin@christies.edu

Deputy Title IX Coordinator:

Hilary Smith / AVP, Admissions and Recruitment Officer
1230 Avenue of the Americas, 20th Floor
New York, NY 10020
Phone: (212) 355-1501, ext. 3309
Email: hsmith@christies.edu

Reporting Misconduct to Christie's Education

CE encourages individuals who have experienced sexual harassment, gender-based harassment or sexual violence to report the incident(s) to campus authorities, even if they have reported the incident to outside law enforcement. Notifying CE will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Should the reporting individual wish to move forward with legal or code of conduct processes, CE will start an investigation within 48 hours of the reporting. Such reporting will allow the reporting individual to get the support he or she needs, and provide CE with the information it needs to take appropriate action. However, individuals should be aware that there are employees with whom they can speak on a strictly confidential basis before determining whether to make a report.

Statement of Privacy and Confidentiality

All CE employees, except the Academic Director and MCAM Program Director, are responsible for redressing and immediately reporting actual or suspected discrimination, harassment, or sexual and gender-based misconduct to appropriate officials. CE is committed to protecting the privacy of all individuals involved in a report under this policy. CE is also committed to providing assistance to help reporting Individuals make informed choices. With any report under this policy, CE will make reasonable efforts to protect the privacy interests of the individuals involved in a manner consistent with the need for a careful assessment of the allegation and reasonable steps available to eliminate the reported conduct, prevent future incidents and address its effects. Privacy and confidentiality have distinct meanings under this policy.

Privacy: Privacy generally means that information related to a report of misconduct will be shared with a limited group of individuals considered “need-to-know” in order to assist in the active review and investigation of the misconduct. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. All CE employees who cannot guarantee confidentiality will maintain Reporting Individuals’ privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator or designee to investigate and/or seek a resolution.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual, or as otherwise permitted by law. Campus and community professionals designated as such include medical providers, mental health providers, and ordained clergy, all of whom normally have privileged confidentiality that is recognized by the law. These individuals are prohibited from breaking confidentiality unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18, or (iv) otherwise required or permitted by law or court order.

Non-Confidential/Not Private: Any other CE employee who is not designated as a confidential resource under this policy is required to share a report of sexual and gender-based misconduct with the Title IX Coordinator or designee. The Title IX Coordinator or designee will conduct an initial assessment of the conduct, the reporting Individual’s desired course of action, and the necessity for any accommodations to protect the safety of the reporting Individual or the community. The goal is to eliminate any hostile environment.

All CE proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, Violence Against Women Act (VAWA), New York's Enough is Enough law and other state and local laws, and Institute policy. No information shall be released from such proceedings except as required or permitted by law and CE policy.

Action by Bystanders and Other Community Members

CE encourages all community members, including faculty, students and visitors, to take reasonable actions to prevent or stop an act of sexual misconduct that they may witness as a bystander. Although these actions will depend on the circumstances, they include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

In addition, CE encourages all bystanders to report sexual misconduct incidents that they observe or become aware of to the Title IX Coordinator or Deputy Coordinator. Bystanders who take action in accordance with this paragraph will be supported by the college, and anyone who retaliates against them will be subject to disciplinary action.

Reporting Retaliation

An individual may file a complaint with the Title IX Coordinator if she/he has been retaliated against for reporting sexual misconduct, assisting someone making such a report, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in this policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

Amnesty for Drug and Alcohol Use

CE strongly encourages students to report instances of sexual misconduct as soon as possible, even if those reporting or the alleged victim may have engaged in the inappropriate or unlawful use of alcohol or drugs. Therefore, a student who reports or experiences sexual harassment, gender-based harassment or sexual violence will not be disciplined by the college for any violation of CE's Drug and Alcohol Policy in connection with the reported incident.

Statement Addressing Sex Offender Registration

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed at, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies to provide Christie's Education with a list of registered sex offenders who have indicated that they are either enrolled or employed at Christie's Education.

Christie's Education is required to inform the campus community that a registration list of sex offenders enrolled or employed at Christie's Education will be maintained and available upon request.

In addition, a list of all registered sex offenders in New York is available from the New York State Division of Criminal Justice Services at: <http://www.criminaljustice.ny.gov/nsor/>

The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Interim Accommodations

The college will take immediate steps to protect the complainant and other affected parties, as well as

the college community at large, following an allegation of sexual harassment, gender-based harassment or sexual violence. In general, when taking such interim and supportive measures, CE will seek to minimize the burden on the reporting individual. Accommodations will be determined on a case by case basis.

Interim and supportive measures may include, among other things:

1. Making necessary changes to academic programs, including a change in class schedule, making appropriate accommodations to permit the reporting individual to take an incomplete without penalty, permitting the reporting individual to attend a class via skype or other alternative means where appropriate, or extending deadlines for assignments;
2. Changing an employee's work assignment or schedule;
3. Prohibiting contact between the complainant and the respondent ("no contact" orders);
4. Providing the reporting individual with assistance in obtaining medical and other services, including access to rape crisis centers;
5. Providing the reporting individual assistance with filing a criminal complaint and seeking an order of protection;
6. Enforcing an order of protection;
7. Addressing situations in which it appears that a reporting individual's academic progress is affected by the alleged incident;
8. In exceptional circumstances, seeking an emergency suspension of a student or an employee

No Contact Order

Should the decision be made to investigate a "No Contact Order" will be put in place if the accused or respondent is a student or employee. Continued intentional contact with the reporting individual would be a violation of institutional policy and may be subject to additional conduct charges; if the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. Both the accused or respondent and the reporting individual shall, upon request and consistent with institutional policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request. Due to the nature of the programs at Christie's Education and space constraints, the accused or responder may be put on temporary leave while the investigation is carried out.

Investigating Complaints

The institution will conduct an investigation when it becomes aware that sexual harassment, gender-based harassment or sexual violence may have been committed against a student, employee or visitor, unless the reporting student has requested that CE refrain from such an investigation and CE has determined that it may do so.

The Title IX Coordinator is responsible for conducting the investigation in a prompt, thorough, and impartial manner. The college Title IX Coordinator shall inform the reporting individual that an investigation is being commenced and shall inform the respondent of the allegations of the reporting individual. If there is a written complaint, the respondent shall be provided with a copy of the complaint unless circumstances prohibit this. The Title IX Coordinator shall coordinate investigative efforts with

CE's administration, and may designate another trained individual to conduct all or part of the investigation.

The college Title IX Coordinator shall take prompt and effective steps reasonably calculated to end any sexual harassment, gender-based harassment or sexual violence, including:

1. taking interim measures;
2. preventing retaliation;
3. providing the reporting individual and the respondent with periodic status updates and notice of outcomes of the investigation;
4. informing the reporting individual of her/his right to file a criminal complaint;
5. coordinating with law enforcement agencies, as appropriate,
6. maintaining all documents of the investigation;
7. drafting a report of findings, which is to be submitted to the College President.

Conflicts of Interest

If any administrator designated by this policy to participate in the investigation or resolution of a complaint (including but not limited to the Title IX Coordinator) is the respondent, the Academic Director will appoint another administrator to perform such person's duties under this policy. If the Academic Director is the respondent, the investigation will be handled by the Title IX Coordinator or her/his designee.

Timing

CE will make every reasonable effort to ensure that the investigation and resolution of a complaint are carried out as timely and efficiently as possible. However, CE may need to delay the fact-finding portion of its investigation during the evidence-gathering phase of a law enforcement investigation. While some complaints may require extensive investigation, whenever possible, the investigation of complaints should be completed within thirty (30) calendar days of the receipt of the complaint. If there is a delay in completing the investigation, the Title IX Coordinator shall notify the reporting individual and the respondent in writing.

Reporting of Outcome

Following the completion of the investigation, the Title IX Coordinator or designee set by the academic Director shall report his or her findings to the Academic Director in writing. Following such report, the Academic Director shall review the complaint investigation report and authorize such action as she/he deems necessary to address the issues raised by the findings. A copy of the report shall be maintained in the files of the Title IX Coordinator.

Medical Attention and Emotional Support

CE is committed to assisting anyone who experiences sexual misconduct with seeking comprehensive medical attention as soon as possible to treat injuries, obtaining preventative treatment for sexually transmitted diseases and preserving evidence, among other things. For rapes in particular, immediate treatment and preservation of evidence of the assault are important for many reasons, including facilitating a criminal investigation.

Below are resources that can aid in medical and emotional support after an incident:

1. Local Police

Midtown North Precinct

Commanding Officer: Inspector Peter Venice
306 West 54th Street, New York, NY, 10019-5102
(212) 767-8400

Contact Information

Precinct: (212) 767-8400
Community Affairs: (212) 767-8447
Crime Prevention: (212) 767-8445
Domestic Violence: (212) 767-8448 /49
Youth Officer: (212) 767-8472
Auxiliary Coordinator: (212) 767-8404
Detective Squad: (212) 767-8415

2. Emergency Medical Centers

Brooklyn:

Brooklyn Hospital Center- Downtown
Address: 121 Dekalb Ave, Brooklyn, NY 11201
Phone: (718) 250-8000

Emergency Department at NYU Langone Hospital—Brooklyn
Address: 150 55th Street, Brooklyn, NY 11220
Phone: 718-630-7185

NYU Langone Health—Cobble Hill
Address: 83 Amity Street, At the Corner of Amity and Hicks Streets, Brooklyn, NY 11201
Phone: 646-754-7900

Bronx:

Bronx-Lebanon Hospital Center
Address: 1650 Grand Concourse, Bronx, NY 10457
Phone: (718) 590-1800

Manhattan:

Bellevue Hospital Center

Address: 462 1st Avenue, New York, NY 10016
Phone: (212) 562-8052

Lenox Hill Hospital
Address: 100 E 77th St, New York, NY 10075
Phone: (212) 434-2000

NewYork-Presbyterian Weill Cornell Medical Center
Address: 525 E 68th St, New York, NY 10065
Phone: (212) 746-5454

Queens:

Mount Sinai Queens
Address: 25-10 30th Ave, Queens, NY 11102
Phone: (718) 932-1000

Staten Island:

Staten Island University Hospital
Address: 475 Seaview Ave, Staten Island, NY 10305
Phone: (718) 226-9000

3. Counseling and other resources:

DOMESTIC AND OTHER VIOLENCE EMERGENCIES (DOVE)
New York-Presbyterian/Columbia University Medical Center
622 West 168 Street
New York, NY 10032
212-305-9060

<http://www.nyp.org/clinical-services/social-work/domestic-and-other-violence-emergencies>

New York City Alliance for Sexual Assault
<http://www.svfreenyc.org/>

Safe Horizons
<https://www.safehorizon.org/>

National Sexual Assault Telephone Hotline
800.656.HOPE (4673)

RAINN- The nation's largest anti-sexual violence organization
<https://www.rainn.org/>