

SEXUAL MISCONDUCT PREVENTION PROGRAM

New York Methodist Hospital's Center for Allied Health Education (the Center) is committed to fostering a healthy and safe environment in which every member of the community can realize his or her fullest potential. Harassment and non-consensual sexual conduct and violence -- what the Center calls sexual misconduct -- can be traumatizing and detrimental to a person's learning experience and total health and has no place in our community. Sexual harassment and misconduct is a serious problem on college campuses throughout the country. The Center does not tolerate sexual harassment or misconduct of any kind.

It is the policy of the Center to provide a work and educational environment free of unlawful discrimination, which includes freedom from sexual harassment. The Center is committed to eliminating such practices through heightened employee, faculty and student awareness, training and the prompt confidential investigation of all complaints. This policy applies to all employees, students and staff of, and served by, the Center.

The Center policy prohibits unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature constituting sexual harassment when:

- submission of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or student's enrollment/academic progress, or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions, enrollment decisions or academic progress decisions, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or scholastic performance or creating an intimidating, hostile or offensive working environment or classroom setting (even if the employee or student is otherwise treated well), or
- such conduct has the purpose or effect of unreasonably interfering with the establishment of an adequate collegial, professional working relationship or student – teacher relationship.

Definition of Sexual Misconduct

The Center specifically defines sexual misconduct as "non-consensual, intentional, physical conduct of a sexual nature, such as unwelcome physical contact with a person's genitals, buttocks or breasts".

Lack of consent may be inferred from the use of force, threat, physical intimidation, or advantage gained by the victim's mental or physical incapacity or impairment, of which the perpetrator was aware or should have been aware.

Sexual misconduct encompasses a range of non-consensual actions that include, but are not limited to, acts of sexual assault and rape. Sexual misconduct can occur in interactions and relationships between women and men, women and women, and men and men.

A critical factor that distinguishes acceptable sexual behavior from unacceptable behavior is the consent of all parties involved. When individuals willingly and knowingly engage in sexual activity with each other, it is consensual. It is the responsibility of individuals to engage only in sexual activity to which their partners consent.

Definition of Sexual Harassment

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or classroom performance or creates an intimidating, hostile or offensive work or educational environment.

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Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, faculty member, supervisor in another area, co-worker, non-employee, instructor or student.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

Examples of misconduct or harassment include but are not limited to:

- Verbal comments of an overly sexual nature, whether in the form of a joke, innuendo, or other statement
- The use of sexual teaching materials or comments of a sexual nature not relevant to the material being taught or any other academic purpose
- Remarks of a sexual nature about a person's clothing or body
- Remarks speculating about sexual orientation, activity or previous sexual experiences
- Verbal harassment or abuse of a sexual nature
- Failure to provide equal consideration, acknowledgement or access to educational or professional opportunities on the basis of gender
- The display of sexually offensive photographs, drawings, graffiti, computer graphics or programs when sexual content is not justified by an academic purpose
- Non-verbal behaviors of a sexually degrading or offensive nature, such as gesturing, leering or staring
- Verbally flirtatious statements
- Flirtatious comments sent via electronic means, i.e. instant messaging, email, text messages, etc.
- Unnecessary or unwanted touching, hugging or brushing against a person's body
- Epithets
- Slurs
- Negative stereotyping
- Intimidating or hostile acts
- Denigrating jokes
- Display or circulation of written or graphic material that denigrates or shows hostility or aversion toward an individual or group

Sexually harassing behavior subjects the offender to disciplinary action up to and including termination.

There shall be no retaliation against any employee or student for invoking or participating in the sexual harassment complaint procedure.

Procedure for a Complaint of Sexual Misconduct or Harassment

If an employee or student has a complaint of sexual harassment or misconduct, he/she must contact the Center's Director or any associate director.

All complaints of sexual harassment will be initially investigated by the Center's Director (or his/her designated representative). After review of the investigation results, the Center's Director will, if warranted, route the allegation and any other relevant information he became aware of secondary to his internal investigation, to the Hospital's Human Resources Sexual Harassment Compliant Coordinator (or his/her designated representative) who will then assign a Human Resources Representative (HR Representative) to investigate further, if warranted.

As soon as possible, but no longer than fifteen (15) days after beginning an official investigation into the matter, the director will produce a summary of the investigation including recommendations and actions taken to address the situation. This summary will be provided to the complainant upon request.

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The school will disclose the results of any disciplinary hearing conducted by the school against a student who is the alleged perpetrator of a crime of violence or a non-forcible sex offense to the alleged victim or the alleged victim's next of kin upon if the alleged victim is deceased, upon written request of the alleged victim or the alleged victim's next of kin if the alleged victim is deceased.

Procedure for an Allegation of Sexual Misconduct or Harassment

If a management representative (The Center's Director, Associate Director, Administrator, a Program Director, etc.) becomes aware of a situation that they believe may be sexually harassing in nature or may involve sexual misconduct, to either a staff member, faculty member or a student, they will immediately inform the Center's Director. This holds true even in situations where the alleged victim requests that the complaint be kept confidential and/or that management refrain from taking action against the alleged harasser.

All allegations of sexual harassment, not accompanied by a formal complaint, will be investigated by the Center's Director (or his/her designated representative). After review of the investigation results, the Director may consult or convene the oversight committee to review the allegation.

As soon as possible, but no longer than fifteen (15) days after beginning an official investigation into the matter, the director will produce a summary of the investigation including recommendations and actions taken to address the situation.

Sexual Assault Prevention and Response

The Center educates the student community about sexual assaults and date rape through mandatory orientations. The New York City Police Department (NYPD) offers sexual assault education and information programs to students and employees upon request. Literature on date rape education, risk reduction, and the Center's response is available through the Director of The Center for Allied Health Education.

If you are a victim of a sexual assault, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The NYPD strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to a Center staff member. Filing a report with a Center staff member will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions.

Filing a police report will

- ensure that a victim of sexual assault receives the necessary medical treatment and tests.
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam).
- assure the victim has access to confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

When a sexual assault victim contacts the NYPD, the Sex Crimes Unit will be notified as well. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the Center's Director, or only the latter. A Center representative will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available.

Assistance Resources

The following organizations are available to assist victims of sexual violence.

1. NYC Alliance Against Sexual Assault – Guide for victims after an assault focusing on counseling, transportation to an emergency room, legal help, etc. - 212-229-0345.

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2. NYC Police Department Sex Crimes Report Line – All female detectives can give advice or initiate an investigation, send police, give referrals for counseling, etc. - 212-267-7273
3. National Sex Assault Hotline – 800-656-4673
4. Mount Sinai Hospital Sexual Assault and Violence Intervention Program – 212-577-7777

Student - Faculty Relationships

Interactions between student and faculty or administration members outside of the classroom setting, which are of a non-educational or social nature, are strongly discouraged.