

## **2019 Annual Security Report**

*For the period of January 1, 2019 - December 31, 2019*

Manhattan School of Music was founded in 1917 by Janet D. Schenck, pianist and philanthropist, as the Neighborhood Music School. It is now an internationally recognized conservatory offering both classical, jazz and musical theatre training. The School fulfills a major role in society by preparing talented students for careers as performing musicians, teachers, administrators, and involved audience members who will keep the legacy of great music alive. From its inception, the welfare of the students, faculty, and staff has been a priority. This report is just a part of the overall plan to keep the conservatory safe.

This report has been developed in order to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly known as the Clery Act). Most of the information provided in this report is required by federal law enacted by Congress and implemented by the United States Department of Education.

### **What is the Clery Act?**

The Clery Act was enacted to insure that colleges and universities make information related to the safety of the institution available to students, parents, faculty, and staff. The Clery Act is named after Jeanne Clery, who was a 19-year-old first-year student at Lehigh University in Pennsylvania in 1986. Her life was cut tragically short when an assailant entered her residence hall room. Jeanne Clery's parents, Connie and Howard, led a crusade to change the way institutions of higher education share information about safety and security. The Clerys' hard work resulted in the Campus Security Act, renamed in their daughter's honor as the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act.

### **Awareness and Prevention**

Manhattan School of Music works as a community to enhance the awareness and prevention of crime. The staff, faculty, and students are encouraged to work with the security staff to take measures to optimize the safety of each person, their possessions, and the entire Manhattan School of Music community. A multipronged approach is used to enhance safety. First, students, staff, and faculty are educated about the best practices to optimize personal safety; second, opportunities for crime are minimized; third, students, staff and faculty are encouraged to assume responsibility for being observant, reporting problems to the appropriate staff, and taking responsibility for both their own security and the security of others in the Manhattan School of Music community.

Manhattan School of Music's Title IX Coordinator is responsible for overseeing compliance with the law regarding prevention, education and training related to sexual misconduct. She is assisted in this effort by the Dean of Students and the Advisory Committee on Campus Security, appointed

annually by the President according to the dictates of New York State law. The frequency and form of training, including awareness campaigns, is determined annually by the Title IX Coordinator and the Advisory Committee based on the conditions at the School. The Advisory Committee will ensure that awareness programs (programs which help community members learn about sexual misconduct), bystander intervention education (ways community members can safely intervene to prevent sexual misconduct), on-going prevention and awareness campaigns (reminders in public places regarding sexual misconduct and institutional policies) and risk reduction efforts (educational programming intended to reduce occurrences of sexual misconduct) take place at Manhattan School of Music.

Beginning in 2014, under the requirements of the Violence Against Women Act, all students and all personnel in the direct, full-time employ of the School were fully informed of School policy related to Title IX, Title IX reporting obligations, and the School's grievance procedures, as well as educated in sexual misconduct prevention and bystander intervention.

Training in 2019 included:

- EduRisk Sexual Misconduct (“Protecting Our Children”) training for full camp staff and counselors
- Protect Children online training program (New Precollege Faculty and Substitutes)
- Dean of Students’ presentation on sexual misconduct to the Summer English Study students (2015-16, 2016-17, & 2017-2018, 2018-2019, 2019-2020)
- *Title IX Response at MSM*; a training by Dean Christensen for Residence Assistants (2015-16, 2016-17, 2018-19, 2019-20)
- *Understanding Title IX Response at Manhattan School of Music and Guidelines for Conversations about Title IX topics with ESL Students*. A training for summer English Study staff, faculty, and RA’s. (2018-19, 2019-20)
- *Enough is Enough: Combatting Sexual Assault at MSM* training for all incoming students facilitated by a Senior Investigator for New York State Police (2018-19, 2019-20)
- *#WHYISTAYED: The Complexity of Domestic Violence with Beverly Gooden*. Columbia University Event (Title IX Team, 2018-19)
- *New Proposed Title IX Regulations and Their Effect On Your Campus*. Husch Blackwell and Bond Schoeneck Webinar (Title IX Team, 2018-19)
- *Student Conduct Institute Training: Basic Compliance* NYS training undertaken by the Title IX team and selected President’s Council members (2018-19)
- *MSM SPARC (sexual and interpersonal violence prevention and response course adapted from SUNY SPARC)* for students (2019-20)
- *Sexual Consent: an RA training by the Columbia University Violence Prevention Team* for MSM RA’s (2019-20)

## **Preparing the Annual Crime Report**

In order to prepare this report, the Director of Student Engagement gathers information and statistics from the Director of Facilities and Campus Safety, the Dean of Students, the Director of Residence Life, the Vice President for Administration and Human Relations, who also serves as the Title IX Coordinator, the Dean of Precollege and the Director of Community Partnerships and MSM Summer. The Facilities Office compiles the statistics contained in this report based on information reported and documented at the Security desks and requests statistics from the New York Police Department about crimes reported in the School’s Clery geography. The New York

Police Department is unable to break their statistics down to reflect only crimes occurring in our specified geographic area. The Dean of Students and designees compile information reported and documented through the administrative and judicial processes. The Director of Facilities and Campus Safety includes additional information about crimes that occur in our vicinity based on additional information reported to him by police, Columbia University security, neighbors, guests, staff, faculty, or students.

Any questions concerning this report should be directed to the Director of Student Engagement.

### **Campus Security and Law Enforcement**

Because Manhattan School of Music is located in New York City, it faces concerns similar to those of other institutions located in major cities. The conservatory is located on the Upper West Side, near Sakura Park, Riverside Park, Grant's Tomb, and the Hudson River. As part of Morningside Heights, Manhattan School of Music has joined with other institutions in the area to form the Morningside Area Alliance. This alliance provides a variety of services, such as mobile patrols of the area around the School. In addition to the alliance, the neighborhood around the School is also served by the 26th precinct of the New York City Police Department.

Campus security staff, contracted through Allied Universal, report incidents directly to the Manhattan School of Music Director of Facilities and Campus Safety. Campus security staff is charged with enforcing school policy only. If and when incidents reported include offenses deemed illegal by city, state or federal law security guards are required to notify the Director of Facilities and Campus Safety, who will then make reports to the 26<sup>th</sup> precinct. The 26<sup>th</sup> precinct is called if alleged criminal offenses have been reported to Manhattan School of Music staff. Investigations from that point on are done by the 26<sup>th</sup> precinct. Manhattan School of Music staff will comply with requests made by the precinct, to further investigations.

Manhattan School of Music has a Memorandum of Understanding with the New York City Police Department detailing that both institutions will cooperate with the other in the following ways:

- Reporting and investigation of a violent offense as defined by Section 70.02 of the Penal Law
- Reporting and investigation of any Manhattan School of Music resident student reported as missing

### **Security of and Access to Campus Facilities**

There is a security desk at the entrance of the School and the Residence Hall. All students, staff, and faculty must show valid School identification cards to enter the School and must show the residence hall access sticker with valid School ID for entry into the residence hall. All guests must sign in and abide by guest policies for each building. Closed-circuit cameras are located at various locations around the campus and are monitored in the Facilities Office and at security desks. Emergency phones are located at the security desks, and an intercom system is installed in both buildings. Resident Assistants conduct rounds of Andersen Hall in the evening hours and the security staff conducts rounds routinely throughout the day and night in both buildings.

In the residence hall, students are encouraged to keep their room locked at all times. They must sign in and escort their guests at all times. In both buildings, students are encouraged not to leave valuables unattended.

## Security Policies and Procedures

### *Timely Warnings*

The Manhattan School of Music community is kept up to date about safety and security concerns as well as relevant crimes occurring in the area or on campus by a variety of communications. “Community Alerts” are issued by the local precinct and the Office of Facilities alerts the MSM community about safety issues or crimes in the area, when incidents are in the vicinity of our campus. The Department of Student Affairs assists in alerting the MSM community about safety issues and crimes occurring in the area at the request of the Facilities Office. These alerts are primarily circulated via email but are also sometimes posted at the security desks and in some instances in other designated visible areas as appropriate. In addition, meetings and programs are held for students by the Department of Student Affairs staff to convey information about crime prevention and awareness and to update students about safety issues occurring in the area. As appropriate, students are also notified about crime prevention, safety concerns, crime alerts, or other concerns via memo and/or email from the Dean of Students or other administrators. Students are encouraged to sign up for the School’s emergency text service during Orientation. In extreme situations, the building’s intercom system and the School’s text alert system are used to relay timely warnings.

### *Reporting of Crime and Criminal Activities*

Anyone who is a survivor of, or witness to crime anywhere on property owned by Manhattan School of Music or on any sidewalk adjacent to Manhattan School of Music is encouraged to report the incident to the security desk in the School or residence hall at the earliest possible opportunity. Survivors of or witnesses to crime at any other location are encouraged to promptly report any crime to the Security desks, and/or the New York City Police Department promptly. The police can help anyone get assistance and prevent others from becoming crime victims. The staff of the Student Affairs Department can also help connect individuals to resources and other sources of assistance in New York City. These staff members include the Dean of Students, the Director and the Assistant Director of Student Engagement, the Director of Residence Life and the Housing Operations Coordinator, Campus Health Nurse and members of the counseling staff. Campus administrators that receive information about alleged crime and/or policy violations will take appropriate steps to involve the proper authorities. In regard to incidents of sexual misconduct, Manhattan School of Music has specific procedures for reporting alleged violations of School policy, as well as state and federal laws and regulations. Students, staff, and faculty involved in sexual misconduct issues should report the incident to the Title IX Coordinator, Carol Matos at [cmatos@msmny.edu](mailto:cmatos@msmny.edu). Students, staff and faculty may also use the [Sexual Misconduct Report Form](#) to anonymously report a violation of the Title IX/sexual misconduct policy. Students can make confidential reports of sexual misconduct to the Campus Health Nurse and counseling staff. All other incidents should be reported to the Dean of Students, the Director of Student Engagement, the Assistant Director of Student Engagement, the Director of Residence Life, the Housing Operations Coordinator, an RA, and/or the Security staff. Incidents occurring during the summer camp or during precollege events are reported to Security, the Director of Community Partnerships and MSM Summer, and the Dean of the Precollege Division. Incidents involving ABT and/or New York Institute of Technology students, or guests in Andersen Hall will be reported to Security, the Director of Facilities and Campus Safety, the Director of Residence Life, and/or to the Administrators at ABT or NYIT as appropriate.

The judicial process may be used, as appropriate, to research incidents, assess violations, and hold students accountable for violations. The School has policies governing academic progress, standards of conduct, ethics, anti-harassment and nondiscrimination, and many other matters. Some of those policies include provisions for investigations, meetings, and other responses when problems or violations occur. Complaints regarding sexual misconduct are adjudicated according to the procedures outlined in our Title IX/Sexual Misconduct Policy Protecting Students. With respect to all matters related to the School and student progress and conduct, assessment and determination of the appropriate course of action is within the discretion of the School's administration. In appropriate cases, the administration may take action without invoking the Campus Judicial Process. Immediate action may be taken involving non-students and guests to escort them out of buildings, ban future entry, or change behavior as deemed appropriate.

Those involved in incidents are invited to talk with support staff in the Department of Student Affairs. In some cases, especially in response to complaints of sexual misconduct, interim measures to protect students are put in place while a complaint is being investigated by the School. These measures may include restricting contact between involved parties, restricting persons from areas of campus, altering class schedules, providing academic support, and removal or restriction of persons from residential areas. Referral to psychological counselors at MSM and in the New York City area is also available.

During 2019 Manhattan School of Music did not have student organizations operating off campus or at noncampus locations, thus our report does not contain that information.

### ***Student Handbook and Residence Life Handbook***

The Student Handbook and the Residence Life Handbook are published annually and contain detailed information about procedures and policies to enhance safety and respectful community living. The Student Handbook is required reading of all students, and all resident students are also required to read the Residence Life Handbook. Both handbooks are available on line on the MSM Website (at <https://www.msmnyc.edu/campus/student-affairs/student-handbook/> and <https://www.msmnyc.edu/residence-life-handbook/>)

### ***Emergency Response Program***

The Manhattan School of Music Emergency Response Program establishes the policies, procedures, and organizational structure for response to incidents that cause a significant disruption to all or portions of the School. The School's formal Emergency Response Plan describes the roles and responsibilities of the Emergency Management Team as well as the roles and responsibilities of the School's departments, units, employees, and individuals during emergency situations. It also includes specific information about how the campus community can protect itself during emergencies and how the School, community, and law enforcement will work together to achieve this.

As emergencies are often sudden and without warning, the emergency information in the formal Emergency Response Plan, while providing directions and guidance, is designed to be flexible. The School and community need to be able to respond in any given situation. Nothing in this Program should be construed in a manner that limits the use of good judgment and common sense in matters not foreseen or covered by the elements of the Program.

The School's Emergency Response Program includes protocols to address specific types of emergencies. These protocols are meant to guide the School's stabilization of, and recovery from, an incident. The School's Implementation and Emergency Response Plan discusses how the School will

analyze hazards, decide how to respond, decide when and how to notify the campus community, and communicate with personnel, students, law enforcement, and the public about potential emergencies. The Plan also identifies who serves on the Emergency Management Team and how decisions will be made and communicated within that Team.

This Program is consistent with established practices related to emergency response actions and incorporates aspects of the National Incident Management System (NIMS) to facilitate coordination among responding agencies. The School will cooperate fully with federal, state, and local emergency management agencies and other responders in the development, implementation, and execution of its emergency response plans.

Select details from the Program are detailed below; the full Program can be found online at <http://www.msmnyc.edu/Emergency-Plan>. Frequently asked questions and answers related to emergency management can be found here: <https://www.msmnyc.edu/about/offices-staff/facilities/emergency-response-plan/frequently-asked-questions/>

### **Overview, Priorities, and Leadership of the Plan**

The School intends to respond to any emergency situation in a safe, effective, and timely manner. Our mission and priorities in the event of an emergency are, in this order, to:

1. protect human life;
2. preserve health, safety, and basic care of human lives;
3. protect School assets;
4. maintain School services;
5. assess damages; and
6. restore general campus operations

When the School receives a report of an incident, the Emergency Management Team will analyze the report or hazard, determine whether it appears to trigger any of the above threat levels, and proceed accordingly. The formal Emergency Response Plan will work in tandem with the School's internal Continuity of Operations Plan and its separate building emergency plans to achieve the priorities and respond to the threat levels above. And, as noted, we will always cooperate fully with federal, state, and local authorities and public health officials in any matter potentially implicating those interests or whenever cooperation with authorities will help protect the safety of our campus community.

### **Authorization and Emergency Management Team**

This Program is promulgated under the authority of the President and Board of Trustees of Manhattan School of Music. All decisions concerning the declaration of an emergency situation, the discontinuation of School operations or public performances, or the cancellation of classes will rest with the President or his designated representative.

The School has appointed an Emergency Management Team (EMT) to plan and execute emergency preparedness, response, and recovery functions. The EMT also oversees review and updating of this Plan and coordination of plans and operations with local and federal emergency management authorities.

The members of the Emergency Management Team include these personnel or designates:

## **EMT's Core Leadership**

- President
- Executive Vice President and Provost
- Senior Vice President and Chief Financial Officer
- Director of Facilities and Campus Safety

## **Other Members of EMT**

- Vice President for Media and Communications
- Dean of Students
- Vice President for Administration and Human Relations
- Assistant Vice President for IT / Chief Information Officer
- Dean of Precollege
- Director of Community Partnerships and MSM Summer
- Director of Residence Life
- Production Manager
- President's Chief of Staff
- Dean of Academic Operations
- Assistant to the Provost
- Dean of Performance and Production Operations

There is a chain of command within the EMT. The EMT's Core Leadership is ultimately responsible for making decisions about when and how to react to a given emergency. The main point of contact for the Emergency Plan is, however, the Director of Facilities and Campus Safety, who is in charge of setting and administering preventative and response policies, as well as managing the MSM community in the event of an emergency. The Director of Facilities and Campus Safety is also in charge of placing and training Fire Wardens throughout both the Main Building and Andersen Hall, and can provide supplemental information about Fire Wardens upon request.

The other members of the EMT (i.e., those not on the Core Leadership) serve in an advisory role in crafting, reviewing, and implementing the Emergency Plan. They are also involved in key aspects of emergency response, such as the MSM Communications Strategy.

### ***How the School will notify the Community***

**General Emergency Situation:** When sudden incidents or emergencies arise requiring immediate evacuation, lockdown, lockout, or sheltering-in-place, the School will give notification campus-wide using multiple means of communication, following its Emergency Communications Strategy. This will include electronic notifications, P.A. systems, sirens, website postings, social media, notice from Campus Safety and Resident Assistants, and any other communication method that is available and most effective under the circumstances. Information may also be provided by news outlets or law enforcement.

Electronic notification to your phone or mobile device is often the best form of notice. All members of the campus community are strongly encouraged to provide electronic contact information to the School so that electronic notification can be provided through texts or e-mails regarding emergencies. MSM's electronic notification form is available at the links below.

[Student Notification Sign up](#)  
[Precollege Students Notification Sign up](#)  
[Faculty and Staff Notification Sign up](#)

**Fire:** When fire or suspected fire threatens a building or area of campus, the School will give notice through use of fire alarms, use of the Public Address system in the AFFECTED building, and use of electronic notifications or website communications to inform the campus community of evacuation instructions and status of the incident. News outlets or law enforcement may also provide notice and information.

**Severe Weather:** When an emergency weather condition requires immediate evacuation, shelter-in-place, or other emergency action, the School will use its Public Address system, website, social media, and electronic communications, as appropriate, to send notifications and instructions to the campus community. MSM will also notify building occupants of the need to seek appropriate shelter. In addition, city emergency sirens may be activated in a sudden weather emergency such as a tornado.

**Localized Emergency Situation:** When sudden incidents or emergencies arise that are localized to a particular area of campus or building, the School will give notification to affected community members through electronic communication, P.A. system notifications, use of Campus Safety or Building Coordinators to provide notice and directions, and the School website.

***“All Hazards” Safety Procedures***

Emergencies are unpredictable events that can arise from a variety of circumstances. Accordingly, when frequenting School buildings or venues, members of the Manhattan School of Music community must be prepared to take action during any emergency to protect their well-being.

Although emergencies can vary greatly in terms of the damage they cause, many of the safety procedures taken in response to the emergency remain consistent. The following section describes four safety procedures that School students, faculty, staff, and visitors can take to promote their safety in an emergency situation.

Some procedures will be appropriate for certain hazards; other hazards may require the use of more than one – or a combination of procedures. The incident-specific procedures described below indicate which of these procedures, or combination of procedures, is most appropriate to the circumstance. But choosing the proper procedures should be done in consideration of your circumstances at the time.

**Evacuation**

Evacuation means to exit a facility as directly and safely as possible. Evacuation is appropriate when conditions inside a structure pose a threat to the health and safety of building occupants, and leaving the facility is safer than remaining inside of it. Fire or unsafe conditions within a building are examples of situations in which evacuation may be necessary.



Evacuation should occur through the nearest exit but, depending on the circumstances, an alternate or secondary evacuation route may need to be used.

#### Strategies for an Effective Evacuation

The goal of evacuation is to leave the premises as quickly and safely as possible. The following strategies MAY promote an effective evacuation:

- Exit the premises through the nearest marked exit (which may be an interior stairwell).
- Evacuation should occur through the nearest exit but, depending on the circumstances, an alternate or secondary evacuation route may need to be used.
- Exit immediately; do not return for personal items.
- Leave the building; do not go to another floor or search for others within the building.
- If possible, inform others of the evacuation.
- If possible, help others evacuate.
- Evacuate regardless of whether others agree to follow.
- Prevent individuals from entering an area where the hazard might be.
- DO NOT USE ELEVATORS unless directed to by law enforcement or School emergency personnel.

#### Notifying Building Occupants:

The School notifies its community of an emergency using a combination of notification systems, including fire alarms, P.A. announcements, personal notifications, website postings, and electronic notifications. However, due to the fast-moving nature of the event, it may not be possible to notify building occupants in a timely manner. Therefore, evacuation may be prompted by signaling of fire alarms or notification from building coordinators, law enforcement, or other building occupants that are aware of the immediate danger.

If you feel your safety is jeopardized and evacuating is an appropriate strategy given your circumstances, you do not have to wait for an official notification to evacuate.

#### Staff/Faculty Procedures for Evacuation:

After an emergency evacuation, the procedure for accountability of employees is as follows: when each staff supervisor or faculty member (or their designee) evacuates their area or classroom, they should make best efforts to bring with them a complete listing of their employees and students, including their work stations. If students or employees are not accounted for, they should make best efforts to report the identity and last known location of missing persons to emergency responders for search and rescue operations.

Employees from each department will report to their Supervisor upon evacuation. Students should report to their faculty member, if applicable. Or, they should report to either the Dean of Students or the Director of Residence Life.

#### Evacuation for Persons with Disabilities:

During an event that requires evacuation, a person with disabilities may have the following evacuation options:

- Horizontal evacuation (e.g., going from one building into a connected, adjacent building on the same level).
- Vertical (e.g., stairway) evacuation (toward the ground floor of the building).
- Proceeding to an Area of Rescue Assistance to await evacuation.

- Staying in place to await evacuation (e.g., office, classroom, dormitory room).

Individuals with mobility impairments may not be able to exit a building without help from emergency response personnel. Persons who are unable to evacuate should await evacuation assistance in designated rescue locations, such as an Area of Rescue Assistance.

#### Safe Outside Assembly Locations:

After evacuating, you should report to a pre-designated assembly area outside the building and wait for further instructions. Assembly areas are designated safe locations away from buildings or the hazardous location, where emergency officials can debrief regarding the incident.

MSM has one pre-selected site off-campus where community members are to meet:

- The main auditorium of the Riverside Church
- If Riverside Church is unavailable, then proceed to Grant's Tomb

If reporting to the assembly area is not safe or feasible, contact your supervisors, campus security, or resident assistants to inform them of your safety and location.

#### Preparedness:

It is important to be aware of the nearest exits and building emergency evacuation routes prior to an emergency. Employees and students should take note of primary and secondary building evacuation routes before an event occurs, so that you will be equipped to act fast and ensure your safety.

### **Crime and Criminal Threat**

Manhattan School of Music does not take lightly acts of criminal intent, threats, or acts of violence against anyone for any reason. This includes hate crimes, forcible and non-forcible sexual assault, or aggressive acts of any kind that might lead to death or either physical or mental harm to another individual. The School has policies against such behavior and will assist authorities to the fullest extent in implementing fair prosecution of criminal acts and threats.

Committing acts of sexual misconduct will have severe consequences at Manhattan School of Music, which may include loss of employment and/or expulsion from the School. Sexual assault is a criminal offense that may be prosecuted in a court of law and is punishable by prison sentence. Whether or not legal charges are filed, students accused of sexual misconduct are subject to disciplinary actions as described in the Manhattan School of Music Title IX/Sexual Misconduct Policy Protecting Students. These actions may include one or more of the following:

Sanctions for Employees- A written warning placed in personnel file, reassignment of responsibilities, suspension of employment, termination of employment, educational sanctions such as counseling; courses in anger management; education on alcohol and, or drug use; written apology; substance abuse treatment.

Sanctions for Students- Disciplinary warning or probation, reassignment of housing, removal from housing, adjustment of class schedule, reassignment or removal from on-campus employment, educational sanctions such as counseling; courses in anger management; education on alcohol and,

or drug use; reflection paper or written apology; substance abuse treatment; community service, suspension, dismissal, restrictions on reapplication to Manhattan School of Music.

## **Prevention, Education, and Training**

The Title IX Coordinator is responsible for overseeing compliance with the law regarding prevention, education, and training related to sexual misconduct. She is assisted in this effort by the Advisory Committee on Campus Security, appointed annually by President Gandre according to the dictates of New York State Law 129A. The frequency and form of training is determined annually by the Title IX Coordinator, the Dean of Students and the Advisory Committee on Campus Security based on conditions at the School. All students and all personnel in the direct, full-time employ of the School will be fully informed of School policy related to Title IX, Title IX reporting obligations, and the School's grievance procedures, as well as educated in sexual misconduct prevention and bystander intervention. Finally, the Title IX Coordinator ensures that she and all others involved in the investigation and resolution of complaints under Title IX receive annual training on a variety of Title IX related topics in compliance with the law. Training during the academic years from 2014 through 2019 include:

- NACUA Title IX Coordinator Training (Title IX Coordinator and deputies, 2014-15)
- Academic Impressions Title IX Coordinator Training (Title IX Coordinator and deputies, 2014-15)
- PETA (Personal Empowerment Through Training on Sexual Assault) video (Resolution Officers, RAs, and Students, 2014-15)
- EduRisk Online Course – Workplace Harassment Prevention 110 (Employees, including Title IX Coordinator and deputies and Resolution Officers, 2014-15)
- EduRisk Online Course – Intro to Campus Sexual Violence Elimination (Students, Faculty and Staff, including Title IX Coordinator and Resolution Officers, 2014-15)
- Behind Closed Doors: Survivor Challenge (Event for Students, 2014-15)
- Title IX Sexual Misconduct training by consultant to the Council of Chairs (2014-15)
- Title IX Sexual Misconduct training by consultant to the President's Council (2014-15)
- Sexual Jeopardy (Event for Students -2015-16, 2016-17, & 2017-2018)
- Title IX Sexual Misconduct/NYS 129B training by Dean of Students to the President's Council (2015-16)
- MSM Doctoral Fellows training by Dean of Students (2015-16)
- Bond, Schoeneck and King seminar on Enough is Enough (2015-16)
- Think About It online course for incoming students (2015-16, 2016-17, & 2017-2018)
- Dean of Students' presentation on sexual misconduct to the Summer English Study students (2015-16, 2016-17, & 2017-2018, 2018-2019, 2019-2020)
- EduRisk Sexual Misconduct ("Protecting Our Children") training for full camp staff and counselors (2015-16 & 2016-17)
- It's on Us Campaign by Advisory Committee on Campus Safety (2016-17)
- Title IX Investigations: Case Studies In Intimate Partner Violence & Stalking (Title IX Coordinator, Deputies, Trained Official, Dean of Students, Chief Resolution Officer, 2015-16)
- Intersections: Supervisor Anti-Harassment & Title IX/Campus SaVE Act online training program (New Employee Supervisors, 2016-17)
- Intersections: Preventing Harassment & Sexual Violence (Title IX/Campus SaVE Act) online training program (New Employees Non-Supervisor, 2016-17)

- Protect Children online training program (New Precollege Faculty and Substitutes, 2016-17)
- Why Sexual Assault Investigations Should be Trauma Informed presentation by Jeffrey Nolan sponsored by the National Center for Campus Public Safety (via YouTube, Title IX Team, 2016-17)
- Mythbusters: a workshop on consent and sexual assault, breaking down what we learn and what we don't. Presented by Olivia Gatwood, Poet and Educator (2017-18)
- Life On and Off-Stage: A Panel Discussion for Actors on Sexual Harassment: presented by Mary McColl - Executive Director of Actors' Equity and Lillian Gallina - Licensed Clinical Social Worker with The Actors Fund for the Musical Theatre students and MSM student body (2017-2018)
- Sexual Harassment: Audit Your Campus Policies & Procedures to Minimize Risk & Ensure Compliance. Presented by Andrew W. McLaughlin Esq. (Title IX Team, 2017-2018)
- New York State Enough is Enough Sexual Assault Training in Bronx County (2017-2018)
- *Understanding Title IX Response at Manhattan School of Music and Guidelines for Conversations about Title IX topics with ESL Students.* A training for summer English Study staff, faculty, and RA's. (2018-19, 2019-20)
- *#WHYISTAYED: The Complexity of Domestic Violence with Beverly Gooden.* Columbia University Event (Title IX Team, 2018-19)
- *New Proposed Title IX Regulations and Their Effect On Your Campus.* Husch Blackwell and Bond Schoeneck Webinar (Title IX Team, 2018-19)
- *Student Conduct Institute Training: Basic Compliance* NYS training undertaken by the Title IX team and selected President's Council members (2018-19)
- *Enough is enough: Combatting Sexual Assault at MSM* presented by NY State Trooper Kim Bryson for incoming students (2018-19, 2019-20)
- *MSM SPARC (sexual and interpersonal violence prevention and response course adapted from SUNY SPARC)* for students (2019-20)
- *Title IX Response at MSM;* a training by Dean Christensen for Residence Assistants (2015-16, 2016-17, 2018-19, 2019-20)
- *Sexual Consent: an RA training by the Columbia University Violence Prevention Team* for MSM RA's (2019-20)

## What To Do If Sexually Assaulted

Students who believe that they have experienced an incident of sexual misconduct, domestic violence, dating violence, or stalking may choose to report to the School and/or to law enforcement, or may choose not to make a report. As noted above, allegations may be reported anonymously or confidentially to the Campus Health Nurse or counseling staff during office hours, or via the Sexual Misconduct Report Form <https://www.msmnyc.edu/sexual-misconduct-report-form/>. MSM offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information students provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. Students, faculty and staff can report an incident even if they are not the victim in order to make the School aware of the misconduct. If an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public event, the institution is not obligated to begin an investigation based on such information. The institution may use the information provided at such an event to inform its efforts for additional education and prevention.

Allegations of violations of this Policy may be made to the Title IX Coordinator, Carol Matos, Vice President for Administration and Human Relations: [cmatos@msmnyc.edu](mailto:cmatos@msmnyc.edu) or (917) 493-4450. The

Title IX Coordinator will handle all matters brought to her attention in as confidential a manner as possible. A victim who makes a report may choose not to participate in the MSM Sexual Misconduct Resolution process, and will never be forced to do so. However, the Title IX Coordinator may choose to investigate the report to the extent possible without that cooperation, if she, in consultation with others, believes not to do so would pose a danger to the community or violate Title IX or MSM policy. A complainant may withdraw a complaint and/or his or her involvement in the MSM Title IX process at any time.

MSM provides emergency access to a trained official, the Director of Residence Life, when a student needs assistance outside of regular business hours. She/he can be reached at (917) 376-2418 or (917) 683-7864 at any time and can help students understand their options and their rights. Tell whoever picks up the phone that you wish to speak to the Director of Residence Life about a Title IX matter.

Students who wish to report a violation of this Policy may also approach any employee of Manhattan School of Music, including any faculty member or administrator -- including the Student Affairs staff, the Provost, etc. -- to make an allegation of sexual misconduct. In accordance with the requirements of Title IX, all College employees other than the Campus Health Nurse or the counseling staff are “responsible employees” who must report the allegation to the Title IX Coordinator.

Note: The health and safety of every student at MSM is of utmost importance. MSM recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. MSM strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to School officials. A bystander acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to MSM’s officials or law enforcement will not be subject to MSM’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. In addition, at a Complainant’s request, the School will review any disciplinary actions taken against the Complainant to see if there is a connection between the incident of sexual misconduct, domestic violence, dating violence, or stalking and the misconduct that may have resulted in the Complainant being disciplined (e.g., absence from class).

Students may also wish to file a report with the New York City Police Department or other local law enforcement agency, or may want to seek an order of protection. The MSM system for responding to allegations and the police/criminal justice system work independently. Thus, students can file a report with either or both institutions. Because the standards for finding a violation of criminal law are different from the lower standards of proof which colleges and universities are required to follow, findings in one system are not necessarily going to be the same as the findings in another. The School will investigate alleged or suspected violations of this Policy regardless of whether a victim chooses to pursue a criminal complaint.

### **Confidential and Anonymous Reporting**

All MSM employees will treat reports of sexual misconduct as confidentially as possible; however, most personnel are required to report incidents they learn about to the Title IX Coordinator. The exceptions are the Campus Health Nurse and the counseling staff, who are not required under Title IX to report the name and/or other identifying information about an alleged victim to the Title IX Coordinator. The School’s Campus Health Nurse and counselors are subject to Mandated Reporter

requirements under New York State Law regarding abuse or maltreatment of persons under the age of eighteen.

To contact MSM's Campus Health Nurse, please visit her in Room 105, or via email and phone at 917-493-4278 / [campushealth@msmny.edu](mailto:campushealth@msmny.edu) . The school counselors work in Room 104 and Room 106. To contact them for an appointment, please email any one of the following addresses: Michael Alcee, [malcee@msmny.edu](mailto:malcee@msmny.edu); Shara Sand, [shara@drsharasand.com](mailto:shara@drsharasand.com); Michelle Bartnett, [drmicheleB@verizon.net](mailto:drmicheleB@verizon.net); Peter Haddad, [peterjhaddad@gmail.com](mailto:peterjhaddad@gmail.com); Vanessa Bing, [drvbing@gmail.com](mailto:drvbing@gmail.com).

To make an anonymous report of sexual misconduct, visit the School's Campus Health Nurse or a member of the counseling staff during business hours, or fill out our anonymous on-line [Sexual Misconduct Report Form](#).

### **After a Report is filed with the School**

If you file a report regarding any type of sexual misconduct by visiting or calling the counseling staff or MSM Campus Health Nurse, the Campus Health Nurse and counselors must keep your name and any other personal identifiers completely confidential. They will immediately provide emotional support and help you identify resources. They will support you as you decide whether or not to make a report to the Title IX Coordinator and/or the police if what you report is considered a violation of criminal law and can provide ongoing support as requested. They can also provide someone to accompany you to obtain medical treatment or to file a police report.

If you file a report with any faculty member or administrator, that employee will help you get help. MSM employees (other than the Campus Health Nurse and counseling center employees) are "responsible employees" who are required to report the incident to the Title IX Coordinator, Carol Matos. When the Title IX Coordinator learns either directly or indirectly of alleged sexual misconduct, she will:

- Make every attempt to inform you when she learns of an allegation through a third party, and make every attempt to meet with you.
- Connect you with support services; any request for assistance that is reasonably available will be provided regardless of whether or not you choose to ask the School to pursue an investigation and/or file a formal complaint with the police or other legal authorities. This support can include counseling, arranging for changes in housing, providing academic accommodations, providing changes to a student's on-campus work schedule, arranging for someone to accompany you to the hospital or to get HIV testing, or to have an examination by a Sexual Assault Nurse Examiner. All of the above can be obtained free-of-charge through local community services; the exception is a change in housing. Individuals must pay the charges for any room in Andersen Hall to which a student agrees to be moved. Every effort will be made to find options which are financially neutral, but given limited space, this will not always be possible.
- Inform you of your right to contact the police if the complaint is a violation of criminal law, and arrange for someone to accompany you if you choose to do so.
- Assist you in initiating proceedings in family or civil court if applicable and if desired, usually through the auspices of a local agency which specializes in such assistance.
- In some cases, issue a no-contact order between the Respondent and Complainant pending the outcome of the College's investigation.

- Inform you that you have a right to be free from retaliation from the Respondent or anyone connected with the Respondent. The Title IX Coordinator will fully investigate any complaint of retaliation that is brought to her attention.
- Inform all parties who are asked to cooperate in an investigation, and alert them to their obligation to maintain confidentiality, privacy, and non-retaliation.

### ***Confidentiality***

If the victim requests that his or her name not be disclosed to the alleged perpetrator or requests that the School take no investigatory or disciplinary action, the Title IX Coordinator will evaluate the request and determine whether the request can be honored in light of the School's obligation to provide a safe and nondiscriminatory environment for all members of its community. If a victim's request for confidentiality limits the School's ability to investigate a particular matter, the School may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant.

The Title IX Coordinator may determine that a request for confidentiality cannot be honored when failing to investigate could result in a hostile or unsafe environment, or would violate Title IX or another MSM policy. In all instances, the School will protect the privacy of all parties to a report of sexual misconduct (including sexual assault), dating violence, domestic violence, and stalking to the extent possible consistent with the School's obligation to address such conduct. However, in no event will a Complainant or Respondent be required to abide by a nondisclosure agreement.

### ***Timeframe***

MSM does not limit the timeframe for filing a report alleging sexual misconduct; however, timeliness in reporting increases the School's ability to fully investigate. MSM will make every effort to resolve an allegation of sexual misconduct within sixty (60) calendar days after receipt of the first report. Circumstances may arise in which more time may be needed to resolve a complaint, such as the number of or unavailability of witnesses, the School holiday calendar, or the effect of a concurrent criminal investigation. In the event that an investigation cannot be concluded within sixty (60) calendar days after the initial report, the School will notify both the Complainant and the Respondent of the reasons for the delay. Both Complainant and Respondents may ask the Title IX Coordinator for status updates at reasonable intervals.

The School is not required to wait for the completion of a criminal investigation by police or legal authorities to proceed with its own investigation. In fact, the School must base any findings on "preponderance of the evidence," not "beyond reasonable doubt," which makes the two investigations very different. There may be times, however, when the School may choose to or be required to delay proceedings until the fact-finding portion of a criminal investigation has been concluded; this delay should not last longer than 10 days except when law enforcement requests or justifies a longer delay.

### ***Unaffiliated Offenders***

If the offender is not a member of the MSM community, the School will still respond to reported sexual misconduct by offering support and appropriate resources to a Complainant. MSM will also assist the Complainant in filing a report with the police if the allegation is of a violation of criminal law. MSM will take the measures it deems necessary to protect the community in any case where there is a perceived threat to the well-being of students and/or other members of the community.

### ***Interim Measures***

During an investigation, the School reserves the right to impose certain interim measures which are deemed necessary by the Title IX Coordinator. These include, but are not limited to, restricting

contact between the Complainant and the Respondent, restricting the Respondent from areas of campus, altering class schedules, altering on-campus work schedules, providing academic support, and removal or restriction of the Respondent from residential areas. The Respondent's failure to comply with these interim measures will be considered a violation of the MSM Sexual Misconduct Policy, and the Respondent will be subject to additional conduct charges. If the Respondent and Complainant observe each other in a public place, it shall be the responsibility of the Respondent to leave the area immediately and without directly contacting the Complainant.

Upon request and consistent with School policies and procedures, students have the right to be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a "no contact" order, housing adjustment or interim suspension, and for a review to determine if additional, desired measures are needed. Students shall be allowed to submit evidence in support of his or her request.

### ***Orders of Protection***

Complainants have the right to seek an order of protection from a court of law. In cases of domestic violence, dating violence, stalking, and sexual assault, Complainants who choose to seek an order of protection will be assisted in doing so by MSM, usually with the help of a local agency. If the School receives a copy of an order of protection, School officials will explain what it means and the legal consequences of violating it. MSM will assist in contacting the NYPD if the School becomes aware that the order is violated.

### ***Informal Resolution***

The Title IX Coordinator can pursue an informal resolution between the Complainant and Respondent, *except in the case of an accusation of sexual misconduct, domestic violence, dating violence, or stalking, which cannot be handled through informal resolution.* If the Complainant agrees, the Title IX Coordinator can contact the person alleged to have committed an act or acts of misconduct. If a conclusion can be reached which satisfies the Complainant, the matter can be considered completed without a formal investigation and adjudication. Efforts to resolve an accusation informally will end at any time in the informal resolution process when either Complainant or Respondent decides that an informal resolution is not desired.

Appeal is not an option following a mutually accepted resolution arrived at through informal resolution

### ***Investigation***

Once the Title IX Coordinator determines an investigation is warranted, an investigation of sexual misconduct will be conducted in a prompt and thorough manner. The Respondent and Complainant will be given the opportunity to meet with the Title IX Coordinator and another official who has received training regarding Title IX and sexual misconduct. In cases involving sexual misconduct offenses, domestic violence, dating violence, or stalking, both the Complainant and the Respondent have the right to have an advisor of their own choosing present when they meet with the Title IX Coordinator and/or her designee during the investigation process. The advisor may not represent the student nor ask questions of the Title IX Coordinator.

The Title IX Coordinator and/or her designee will attempt to interview the Complainant, the Respondent, and any other witnesses, and gather any appropriate documentation materials. Both parties will have equal opportunity to present witnesses and other evidence, and will have equal access to information during the investigation.



The Title IX Coordinator will NOT interview witnesses whose sole contribution will be to provide character witness. The romantic and sexual history of either the Complainant or Respondent will not be considered in the investigation, except for relevant romantic or sexual history between the parties, where appropriate. It should be noted that a prior romantic or sexual history is not in and of itself proof of consent.

All witnesses are expected to give truthful testimony as part of the investigation. Presenting purposely false or misleading information may result in separate disciplinary action.

In cases where the Respondent refuses to participate in the investigative process, the Title IX Coordinator will continue the investigation and proceed to the adjudication process. As noted above, if the Complainant refuses to participate in the investigative process, the Title IX Coordinator will make a determination as to whether the investigation must continue.

### ***Findings***

A written investigative report and summary of provisional findings will be produced as a result of the Title IX Coordinator's investigation of alleged sexual misconduct and will be transmitted to the Chief Resolution Officer for adjudication.

### ***Retaliation and Intimidation are Prohibited***

As outlined above, retaliation and intimidation are violations of the MSM Sexual Misconduct Policy. Complainants should contact the Title IX Coordinator immediately to report any attempts at retaliation from any community member.

### ***Right to Review***

Pertaining only to cases of domestic violence, dating violence, stalking, and sexual assault, both the Complainant and the Respondent have the right to review available evidence in the case file or otherwise in possession of MSM. The School will make such evidence, subject to limited redaction, available for review at MSM. Photographing or copying the case file will not be permitted. Complainant and Respondent have the right to have past sexual history (other than with the other party) and mental diagnosis and/or treatment excluded from adjudication (though this information may be used when determining a sanction). Complainant and respondent have three (3) business days to submit via email to the Chief Resolution Officer any additional or corrective information pertaining to the Investigative Report.

### ***Resolution by Decision***

The Title IX Coordinator will present the results of the investigation, including provisional findings, to the Chief Resolution Officer. The Chief Resolution Officer will be a School official who has received thorough training on Title IX and this Policy, in most cases the Executive Vice President and Provost. The Chief Resolution Officer will review the investigative report and may consult with other School officials as needed. In some cases, he or she may choose to convene a panel of up to two Deputy Resolution Officers to help review a particular complaint. If either party believes that the Title IX Coordinator, Chief Resolution Officer, or a Deputy Resolution Officer has a conflict of interest, the party should bring this to the attention of the Chief of Staff.

The Chief Resolution Officer (and other members of the Panel if applicable) will have an opportunity to ask questions of the investigator to gain clarification on any elements of the report if needed and to discuss provisional findings. Based on the review of the investigation and provisional findings, and in consultation with Panel members if applicable, the Chief Resolution Officer will determine if the Respondent is responsible or not and will issue a sanction and remedial measures as

appropriate. The standard of proof for determining whether a violation of this Policy occurred is the “preponderance of the evidence” standard (*i.e.*, whether it is more likely than not a violation occurred).

As is permitted under the Federal Education Right to Privacy Act (FERPA), both the Respondent and the Complainant will be simultaneously informed in writing of the outcome of the investigation, including any sanctions imposed and their rights to appeal.

In cases of domestic violence, dating violence, stalking, and sexual assault, both the Respondent and the Complainant will be simultaneously informed in writing of the outcome of the investigation. When the Respondent has been found responsible, prior to the determination of any sanctions, both parties have the right make an impact statement to be submitted to the Chief Resolution Officer within three (3) business days of receiving the outcome of the investigation. After sanctions have been imposed, both parties will be simultaneously informed.

### ***Range of Sanctions***

Sanctions will depend on the nature of the misconduct. Sanctions for individuals found responsible for violation of this Policy may include one or more of the following:

Sanctions for Employees:

- A written warning placed in the Respondent’s personnel file
- Reassignment of responsibilities
- Suspension of employment
- Termination of employment
- Educational sanctions, such as counseling, courses in anger management, education on alcohol and/or drug use, written apology, substance abuse treatment

Sanctions for Students:

- Disciplinary warning or probation
- Reassignment of housing
- Removal from housing
- Adjustment of class schedule
- Reassignment or removal from on-campus employment
- Educational sanctions, such as counseling, courses in anger management, education on alcohol and/or drug use, reflection paper or written apology, substance abuse treatment, community service
- Suspension
- Dismissal
- Restrictions on reapplication to Manhattan School of Music

When students are found responsible for sexual assault or other violent offenses as defined by the Clery Act and are suspended or expelled as a result, it will be noted on their transcripts as a finding of responsibility for a code of conduct violation.

MSM allows for an appeal to remove the notation for a suspension, but this may be granted only after one year of the suspension. The notation for an expulsion may never be appealed. New York State law requires that a notation be made on the transcript when a student leaves the School before the conclusion of an active investigation.

### ***Remedial Measures***

In addition to any sanctions imposed, the School may implement appropriate remedial measures to the Complainant. Such remedial measures may include, but are not limited to:

- Providing or facilitating access to holistic victim services, including medical, counseling, academic accommodations, and academic support services, even if refused as an interim measure.
- Ensuring the Complainant and Respondent do not share classes or extracurricular activities.
- Moving the Respondent or Complainant (if the Complainant so requests) out of the residence hall or to a different room or floor.
- Establishing an on-going no contact order between the parties.

The School may also implement remedies (e.g., training or prevention programming) for the broader campus population as needed.

### ***Appeals Process***

In cases involving sexual misconduct, domestic violence, dating violence, and stalking, the Complainant and the Respondent have the right to file an appeal with the Title IX Coordinator, who will present the appeal to an Appeals Panel comprised of the President and two members he selects from the President's Council for a decision. President's Council members who have had involvement with the Investigation or the Resolution by Decision process in the case cannot be selected. In cases involving sexual harassment and gender harassment, only the Respondent will have the right to appeal. In most cases, appeals will not be entertained if they are filed more than five (5) business days from the date the parties are notified of the panel adjudication. As noted earlier, appeal is not an option following a mutually accepted resolution arrived at through informal resolution. Appeals will be entertained for the following reasons only:

- When new evidence comes to light
- When an error has been made in following the resolution process
- When either Complainant or Respondent finds the sanction too severe/not severe enough given the gravity of the infraction

The President's Panel will issue a decision within 30 business days of the filing of the appeal. If the President's Panel finds any of the above circumstances to be present, the President will modify the outcome and/or sanctions as he or she deems appropriate. The parties will be notified simultaneously in writing of the outcome of any appeal. The decision of the President's Panel is final.

### **Resources for Students Who Experience Sexual Misconduct**

If you believe you are a victim of violence, get to a safe place, and get help! The following resources are available for immediate assistance following an incident of sexual misconduct.

If you are on campus, you can call the Resident Assistant, the Director of Residence Life, the Director of Student Engagement, or the Dean of Students. (The Dean of Students and the Student Affairs and Residence Life staff are required to report all incidents of Sexual Misconduct to the Title IX Coordinator.)

- They can be reached through the Security Desk of Andersen Hall (917) 493-4700 at any time or by visiting their offices during office hours.
- The Campus Health Nurse and counseling staff at MSM are available to provide confidential assistance, and they can provide someone to accompany you to get medical treatment or to file a police report if you so choose. The Campus Health Nurse and counseling staff can also provide ongoing support during the institutional investigation or criminal process. To contact the School's Campus Health Nurse, please visit her in Room 107, or via phone or email at 917-493-4278 / [campushealth@msmny.edu](mailto:campushealth@msmny.edu). Our School counselors work Room 104 and Room 106. To contact them for an appointment, please email any one of the following addresses: Michael Alcee, [malcee@msmny.edu](mailto:malcee@msmny.edu); Shara Sand, [shara@drsharasand.com](mailto:shara@drsharasand.com); Michele Barnett, [drmicheleB@verizon.net](mailto:drmicheleB@verizon.net); Peter Haddad, [peterjhaddad@gmail.com](mailto:peterjhaddad@gmail.com); Vanessa Bing, [drvbing@gmail.com](mailto:drvbing@gmail.com).
- You may also contact the Title IX Coordinator, Carol Matos, Vice President for Administration and Human Relations, located in A-427. She can be reached by telephone at 917-493-4450 and by email at [cmatos@msmny.edu](mailto:cmatos@msmny.edu).
- Contact the New York City Police Department at 911 for assistance with criminal sexual misconduct, such as sexual assault, domestic violence, dating violence, or stalking. Anyone who reports an assault to police may have a member of the Special Victims Squad speak with them. Reports of criminal sexual misconduct can also be made by calling the NYPD's sex crimes hotline at (212) 267-RAPE or the Manhattan District Attorney's hotline at (212) 335-9373.
- Go to Mount Sinai St. Luke's Hospital located at, 1111 Amsterdam Avenue (or other hospital near you) to get medical help, and, in the case of sexual assault, to be tested for sexually transmitted disease and to preserve evidence to ensure a full range of options for holding the perpetrator accountable.  
IMPORTANT: To preserve evidence, do not shower, bathe, brush teeth, change clothing, or drink any liquids.

**Further assistance for victims of all forms of sexual misconduct is available from:**

- The **Dean of Students, Director of Student Engagement, or Director of Residence Life**
- SUNY SAVR website- listing of local resources in 120 languages [response.suny.edu](http://response.suny.edu)
- **Crime Victims Treatment Center**, 40 Exchange Pl., Suite 510 (212) 523-4728
- **MSM's Campus Health Nurse and Counseling Staff** located in Room 105 and Counseling Staff located in Room 104 and 106 in the Main Building
- **Safe Horizon Sexual Assault 24-Hour Hotline** at (866) 689-HELP (Safe Horizon offers victims' services program locations throughout New York City.)
- **National Domestic Violence Hotline** at 1-800-799-7233
- **National Teen Dating Abuse Helpline** at 1-866-331-9474
- **Stalking Resource Center** at 1-202-467-8700
- The **New York State courts**. For instructions regarding filing an Order of Protection in New York State go to: <http://www.nycourts.gov/faq/orderofprotection.shtml>
- **Center for Changing our Campus** at [www.changingourcampus.org](http://www.changingourcampus.org)

The School wants to help you. The counselors, the Campus Health Nurse, the Student Affairs staff, and the Title IX Coordinator can answer questions, assist in connecting you to these resources and provide moral support.

## **Recordkeeping and Reporting**

The Title IX Coordinator will keep a confidential record of complaints of violations of this Policy for a period of ten (10) years after a final decision is reached, although the Title IX Coordinator will keep the records longer as needed. The Title IX Coordinator will also keep records of investigation reports, decisions, and sanctions for ten (10) years, but has the discretion to keep the records longer.

Manhattan School of Music, in compliance with the Clery Act, publishes an annual statistical report of campus crime. This report is available to students on the School website. The School also issues timely warnings to apprise its community about safety and security concerns and about relevant crimes occurring in the area.

## **Megan's Law and Manhattan School of Music**

Information about registered sex offenders on campus can be obtained at the 26th precinct of the New York City police department. The Community Affairs Officer can be reached at 212 678-1330.

### ***Sexual Offenders Identification Policy***

Registered sex offenders must identify themselves to the Office of Administration and Human Relations, the Admissions office, Dean of Students' office, and the 26th Precinct before visiting any Manhattan School of Music institutional events or buildings. In addition, anyone applying for enrollment or a position on campus must self-identify as a sex offender and register with all the appropriate and required authorities including the 26th Precinct and Manhattan School of Music.

The FERPA amendment makes it clear that FERPA does not prevent educational institutions from disclosing information about registered sex offenders enrollment or employment at institutions of higher education.

Manhattan School of Music, in compliance with the Campus Sex Crimes Prevention Act, makes the following information available to the university community in order to afford the community with the opportunity to be aware of the condition of their environment concerning known sex offenders. This information is not to be used in any other fashion or for any other purpose. The Campus Sex Crimes Prevention Act description is listed below.

The Campus Sex Crimes Prevention Act, CSCPA, supplemented the Wetterling Act's general standards for sex offender registration and community notification programs by enacting provisions that are more specifically designed to ensure that the members of campus communities have information available concerning the presence of registered sex offenders.

Manhattan School of Music will work with the 26th Precinct New York City Police Department to appropriately deal with situations related to registered sex offenders. Information about registered sex offenders can be obtained by the internet address listed below.

The link regarding student notification of registered sex offenders is:

<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht10-24-02.html>

New York State's Web site for registered sex offenders is:

<http://www.criminaljustice.ny.gov/nsor/>

This site contains the New York State Sex Offender Registry information center, and the following information is quoted from the site.

“The Sex Offender Registration Act, New York’s version of Megan’s Law, was signed by Governor George E. Pataki in July 1995 and became effective on January 21, 1996. The text of the statute is contained in Correction Law Article 6-C (Section 168 et seq.).

Registered sex offenders in New York are classified by the risk of re-offense. A court determines whether an offender is a level 1 (low risk), 2 (moderate risk) or 3 (high risk). The court also determines whether an offender should be given the designation of a sexual predator, sexually violent offender, or predicate sex offender. Sex offenders registered on or after March 11, 2002 register for a minimum of 10 years unless they have been given a designation. If they have been given a designation, they register for life. Level 1 and 2 sex offenders registered prior to March 11, 2002 register for 10 years while level 3 offenders register for life.

There are four ways to obtain information about sex offenders in New York State:

1. You can call 1-800-262-3257 to determine if someone is on the Registry. You will need the name of the offender and one of the following: an exact address, a complete date of birth, a driver’s license number or a social security number.
2. You can access the Subdirectory of Level 3 Sex Offenders on the web site by clicking on the “Search for Level 3 Sex Offenders” button. You can search for level 3 offenders by name, county or zip code. Please note that a federal court injunction currently prohibits the release of information on this Web site concerning sex offenders who committed their crime prior to January 21, 1996 and were assigned a risk level prior to January 1, 2000.
3. The local law enforcement agency where the offender currently resides, can, if it chooses, release information on sex offenders residing in the community to “entities with vulnerable populations related to the nature of the offense”. The law enforcement agency can only release information on level 2 and level 3 offenders through this method. Also, while the exact address of level 3 offenders can be provided, the law provides that only an approximate address based on zip code can be provided for level 2 offenders. Please note that a federal court injunction currently prohibits the release of information through this method concerning sex offenders who committed their crime prior to January 21, 1996 and were assigned a risk level prior to January 1, 2000.
4. Each local law enforcement agency receives from the New York State Division of Criminal Justice Services a copy (electronically or on a CD ROM) of the Subdirectory of Level 3 Sex Offenders, which is maintained on this site. Local law enforcement is required to maintain the Subdirectory for the public to view upon request.

(Information provided by: NYS Division of Criminal Justice Services, 2004).

### ***Violation of Public Laws and Serious Criminal Offenses***

The School reserves the right to take appropriate disciplinary action against students convicted of violations of public laws on and off campus. Students accused of serious criminal offenses on or off campus shall be subject to School disciplinary action, including interim suspension, pending review and determination by the School’s administration. Serious criminal offenses shall include behavior, which (a) is defined as a felony under New York law, and (b) indicates that the student constitutes a substantial danger to the safety of property of the School or members of the campus community. The School reserves the right to take action prior to the disposition of any action that may result from criminal proceedings.

### ***Violence to Persons, Investigation of Violent Felony Offenses***

The School will not tolerate acts of violence to other persons by individuals or groups. Actions with reckless disregard for human life and safety or any act which places a person in fear or which has the effect of harassing or intimidating a person will not be tolerated. At the discretion of the School's administration, a sanction of suspension or expulsion may be imposed on a student found by the School to have committed such a violation on or off campus.

### ***Investigation of Violent Felony Offenses and Missing Persons***

Manhattan School of Music works closely with the New York City 26th Precinct to investigate alleged violent felony offenses occurring at the School. There will be a coordinated effort to investigate alleged crimes and share information as appropriate. There will be a prompt investigation of all reports of violent felony offenses, including missing students. When students are reported missing, a prompt investigation of missing students will ensue.

The security staff will work with the Department of Student Affairs or precollege staff, as appropriate, to conduct an internal investigation about the student and his/her whereabouts. Often, friends and teachers of students provide helpful information that locates students. If a student is still missing after following internal leads and procedures, or if a situation does not appear appropriate, the local law enforcement agency will be contacted within 24 hours of the student being reported missing.

### ***Weapons and Explosives***

Possessing or introducing dangerous weapons to campus is strictly prohibited. These include, but are not limited to, switchblades, knives with a blade exceeding three inches, straight razors, pistols, guns, mace, pepper spray, martial arts weapons, live ammunition, or paintball guns. Fireworks are considered explosive devices and are also not permitted on campus.

### **Drug and Alcohol Policies**

Manhattan School of Music is committed to maintaining a drug-free school and workplace. The school is dedicated to excellence in musical performance and academic achievement; to promote this goal, the school requires that faculty, staff, and students maintain the highest standards of personal and professional conduct. The illegal or abusive use of drugs and alcohol by members of the community adversely affects the quality of campus life and the mission of the institution and is therefore prohibited.

The unlawful manufacture, distribution, dispensing, possession, solicitation, or use of illegal drugs or alcohol is prohibited at all times in the school and in the course of any school- or work-related activity.

Employees and students are prohibited from appearing on school premises or property owned or leased by the institution while visibly and significantly intoxicated or impaired by the use of alcohol or illegal drugs. This prohibition includes, consistent with New York State law, the consumption of alcohol by individuals under 21 years of age and the knowing distribution of alcohol to individuals under 21 years of age. In accordance with the Drug-Free Schools and Communities Act, and with the safety and well-being of members of our community in mind, Manhattan School of Music has established guidelines for dealing with the issues of alcohol and drug use.

Manhattan School of Music expects all staff and faculty members and students to become familiar with the law and school policy and the penalties and risks that can result from violations. The law places major responsibility and liability on both the person who serves and the person who buys the

alcohol. Included in these laws are those that govern driving under the influence of alcohol, purchasing alcohol by and for persons under the legal drinking age, and serving alcohol to persons who are either underage or intoxicated. Persons who unlawfully furnish alcoholic beverages to students who are not of legal drinking age shall be in violation of school policy and subject to disciplinary action and may be liable for personal injuries or property damages resulting from misconduct committed by underage, intoxicated students.

Students living in Andersen Residence Hall, their guests, and all who enter the hall must also abide by policies stated in the Residence Life Handbook.

***Institutional and Legal Sanctions for violations of the Drug and Alcohol Policy***

Disciplinary sanctions for violation of the Drug and Alcohol Policy that may be imposed on students include warning, residence hall fine, disciplinary probation (NOTE: Students on disciplinary probation may lose eligibility for Manhattan School Music scholarships.), community service, removal from residential facilities, suspension, and dismissal or expulsion. A student found engaging in any of the above offenses will be subject to disciplinary actions, up to and including expulsion.

The institution will also consider as a possible sanction referral of the matter to law enforcement, which may result in criminal prosecution. The penalty imposed as a result of criminal prosecution depends on many factors, including the type and amount of controlled substance involved, the number of prior offenses, if any, and whether any other crimes were committed in connection with the use of the controlled substance. Possible sanctions include incarceration and imposition of substantial monetary fines.

The school will offer no protection or immunity from prosecution by federal, state, or local law enforcement agencies.

***Federal, State and Local Laws Regarding Alcohol and Other Drugs***

Some of the federal, state, and local laws regarding alcohol and other drugs that apply to all members of the Manhattan School of Music community and, as applicable, their guests are listed below. Federal, state, and local penalties may change and are adjusted to circumstances of the persons involved. Repeat offenders may be obligated to stiffer penalties than those listed.

LAW	PENALTIES
Minimum Drinking Age Law (21)	Fine—up to \$50 Alcohol Awareness program 30 hours community service
Procurement of Alcohol and Serving Alcohol to those under 21	Fine—up to \$200 Imprisonment—up to 5 days Suspension of liquor sales license and/or \$1000 fine



False Identification Laws Community Service Alcohol Awareness Program	Fine—up to \$100
Open Container/Public Consumption Law	Fine—\$250 for first time violators, more for others
Driving While Intoxicated	Fines—up to \$1000 Driver's license revoked for at least Six months Imprisonment—up to 1 year
Driving While Ability Impaired	Fine—up to \$1000 Revocation of driver's license for 90 days Imprisonment—up to 15 days
Zero Tolerance Law	Fine—up to \$225 Suspension of driver's license for 6 months
Illegal Use, Possession & Distribution of Drugs Law	Depends on amount and type of drug
Possession of 25g marijuana	Fine of \$500 Imprisonment—3 months
Possession of 1 mg LSD	Imprisonment—15 years
Other: possession, use, distribution, sale, etc., of controlled substances and other illegal substances	Depends on amount and type of drug Fines—up to \$100,000 for first offence Imprisonment—at least 15 days, up to 2 years Forfeiture of property possible Forfeiture of federal benefits such as student loans possible Forfeiture of federal licenses and benefits possible
<p>General Obligations Law: Anyone involved in selling, procuring, or providing controlled substances, illegal drugs, or alcohol for others may face civil liability if injuries result in a situation with the impaired individual. Those helping those under 21 or those already intoxicated to obtain alcohol may be liable for injuries to the individual or others.</p>	

## **Harmful Effects of Drug and Alcohol Abuse**

Manhattan School of Music believes that activities involving alcohol or illegal drugs have the potential to damage the quality of life at our institution in the following ways:

- By injuring the physiological and psychological well-being of individuals.
- By disrupting and endangering the welfare of those in the immediate environment of the illegal activity.
- By attracting criminal activity to the campus.

Manhattan School of Music discourages the irresponsible use of alcohol under any circumstances. Binge drinking—drinking several drinks in one sitting, often with the intent of getting drunk—is significantly associated with reduced academic/musical performance, property damage, injury (to oneself or others), and sexual assault. The use of drugs and alcohol adversely affects the student and employee’s health and is potentially a safety hazard to coworkers and other students. Persons will be held fully accountable for any actions they may take while intoxicated which violate the school’s standards of individual and group conduct.

The use of alcohol and all drugs, regardless of type, presents the risk of physical or psychological dependency. Every effort will be made by the school to help a student or an employee seeking and undertaking treatment or rehabilitation, although the decision to accept treatment is the responsibility of the employee or student. Individuals who do suffer from alcohol and drug addiction are not alone and can be helped. Students should see the Campus Health Nurse, room 105 or visit the Counseling Center, room 104 & 106; employees should see the Vice President for Administration & Human Relations.

## **Legal Sanctions for Sexual Assault**

Under New York Law, depending on the severity of the offense, sexual abuse, aggravated sexual misconduct, or any of the three degrees of rape may be punishable by a prison sentence of up to 25 years and/or a fine of up to \$5,000.

Any internal investigations and disciplinary matters related to sexual assault will be handled by Administration under the provisions set forth in the Manhattan School of Music Title IX/ Sexual Misconduct Policy Protecting Students.

## **New York State Sex Offense Definitions and Law**

**Dating violence:** New York State does not specifically define “dating violence.” However, under New York Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an intimate relationship with the victim.

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

**Rape:** 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. In compliance with the Campus Sexual Violence Elimination Act, Manhattan School of Music uses the FBI definition of rape for the purposes of this report.

**Sexual Assault:** New York State does not specifically define sexual assault. However, according to Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.

**Stalking:** When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

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

**Lack of consent results from:** forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse of forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or where the offense charged is rape in the third degree or criminal sexual act in the third degree, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse or deviate sexual intercourse, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

A person is deemed incapable of consent when he or she is: less than seventeen years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services or a hospital, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

The following chart highlights some of the applicable New York State laws with their corresponding minimum and maximum sentencing requirements for different sexual offences.

**New York State Sex Offense Law**

<b>Offense</b>	<b>Section</b>	<b>Type</b>
<b>Class B Violent Felony</b>	<b>130.35</b>	<b>Rape in the First Degree</b>
<b>Minimum sentence/imprisonment</b>		<b>Maximum sentence/imprisonment</b>

At least 1/3 maximum authorized sentence	6–25 years
--	------------

<b>Offense</b>	<b>Section</b>	<b>Type</b>
----------------	----------------	-------------

<b>Class B Violent Felony</b>	<b>130.50</b>	<b>Sodomy in the first degree</b>
<u>Minimum sentence/imprisonment</u>		<u>Maximum sentence/imprisonment</u>
At least 1/3 maximum authorized sentence		6–25 years
<b>Class B Violent Felony</b>	<b>130.70</b>	<b>Aggravated sexual abuse in the first degree</b>
<u>Minimum sentence/imprisonment</u>		<u>Maximum sentence/imprisonment</u>
At least 1/3 maximum authorized sentence		6–25 years

<b>Class C violent felony</b>	<b>130.67</b>	<b>Aggravated sexual abuse in the second degree</b>
<u>Minimum sentence/imprisonment</u>		<u>Maximum sentence/imprisonment</u>
At least 1/3 maximum authorized sentence		4 1/2–15 years

<b>Class D violent felony</b>	<b>130.65</b>	<b>Sexual abuse in the first degree</b>
<u>Minimum sentence/imprisonment</u>		<u>Maximum sentence/imprisonment</u>
1 to 2 1/3 years		1 year or less, or 3–7 years

<b>Class D felony</b>	<b>130.30</b>	<b>Rape in the second degree</b>
<u>Minimum sentence/imprisonment</u>		<u>Maximum sentence/imprisonment</u>
1 to 2 1/3 years		1 year or less, or 3–7 years

<b>Class D felony</b>	<b>130.45</b>	<b>Sodomy in the second degree</b>
<u>Minimum sentence/imprisonment</u>		<u>Maximum sentence/imprisonment</u>
1 to 2 1/3 years		1 year or less, or 3–7 years

<b>Class E felony</b>	<b>130.25</b>	<b>Rape in the third degree</b>
-----------------------	---------------	---------------------------------

<b><u>Minimum sentence/imprisonment</u></b>	<b><u>Maximum sentence/imprisonment</u></b>
At least one year, must not exceed	3–4 years
1/3 maximum authorized sentence	

<b>Class E felony</b>	<b>130.40</b>	<b>Sodomy in the third degree</b>
<b><u>Minimum sentence/imprisonment</u></b>		<b><u>Maximum sentence/imprisonment</u></b>
At least one year, must not exceed		3–4 years
1/3 maximum authorized sentence		

<b>Class A misdemeanor</b>	<b>130.20</b>	<b>Sexual misconduct</b>
<b><u>Minimum sentence/imprisonment</u></b>		<b><u>Maximum sentence/imprisonment</u></b>
None listed		up to 1 year

<b>Class A misdemeanor</b>	<b>130.60</b>	<b>Sexual abuse in the second degree</b>
<b><u>Minimum sentence/imprisonment</u></b>		<b><u>Maximum sentence/imprisonment</u></b>
None listed		up to 1 year

<b>Class B misdemeanor</b>	<b>130.55</b>	<b>Sexual abuse in the third degree</b>
<b><u>Minimum sentence/imprisonment</u></b>		<b><u>Maximum sentence/imprisonment</u></b>
None listed		up to 3 months

### **Violence to Persons, Investigation of Violent Felony Offenses, and Missing Persons**

The school will not tolerate acts of violence to other persons by individuals or groups. Actions with reckless disregard for human life and safety or any act which places a person in fear or which has the effect of harassing or intimidating a person will not be tolerated. At the discretion of the School's administration, a sanction of suspension or expulsion may be imposed on a student found by the school to have committed such a violation on- or off-campus in accordance with the Code of Conduct and the Campus Judicial Process. By law, all violent felony offenses (excluding sexual offenses) on MSM property must be reported to law enforcement within 24 hours of being reported to the Institution.

## **Investigation of Violent Felony Offenses and Missing Persons**

Manhattan School of Music works closely with the New York City 26th Precinct to investigate alleged violent felony offenses occurring at the school. There will be a coordinated effort to investigate alleged crimes and share information as appropriate. There will be a prompt investigation of all reports of violent felony offenses, including missing students.

When students are reported missing, a prompt investigation of missing students will ensue.

The security staff will work with the Office of Student Engagement or precollege staff, as appropriate, to conduct an internal investigation about the student and his/her whereabouts. Often, friends and teachers of students provide helpful information that locates students. If a student is still missing after following internal leads and procedures, or if a situation does not appear appropriate, the local law enforcement agency will be contacted in a timely fashion for assistance.

### **Crime Definitions**

For definitions of each term used in the crime report statistics, please see the Security On Campus, Inc. Web page or Federal Register, April 29, 1994, Vol. 59, No. 82; Federal Register, November 1, 1999, Vol. 64, No. 210. Both resources provide clear definitions in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The Security on Campus Web site can be accessed at the following address: [clerycenter.org](http://clerycenter.org)

Select definitions are additionally listed in the appendix of this report.

## Crime Statistics Report

The following chart summarizes crimes that have occurred in Manhattan School of Music facilities or in the areas immediately surrounding the School and Residence Hall for the period from January 1, 2019 to December 31, 2019. The data and the definition of terms are also available at:

<http://surveys.ope.ed.gov/security>

CRIMINAL OFFENSES									
OFFENSES	On Campus			On Campus Student Housing			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Sex offences - Forcible									
Sexual Assault-Rape	5	2	2	5	2	2	0	0	0
Sexual Assault-Fondling	1	0	0	1	0	0	0	0	0
Sex offenses - Non-Forcible									
Sexual Assault-Incest	0	0	0	0	0	0	0	0	0
Sexual Assault -Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	1	0	0	0	0	0	0	0
Aggravated assault	0	1	0	0	0	0	0	0	0
Burglary	0	3	0	0	0	0	0	0	0
Motor Vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

VIOLENCE AGAINST WOMAN ACT OFFENSES									
OFFENSES	On Campus			On Campus Student Housing			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	2	2	0	2	2	0	0	0	0
Stalking	0	1	0	0	0	0	0	0	0

ARRESTS									
CRIME	On Campus			On Campus Student Housing			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Weapons: carrying possessing, etc.	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0

DISCIPLINARY ACTIONS									
CRIME	On Campus			On Campus Student Housing			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Weapons: carrying possessing, etc.	0	0	0	0	0	0	0	0	0
Drug abuse violations	16	0	1	16	0	1	1	0	0
Liquor law violations	22	7	9	22	7	9	0	0	0

2017 HATE CRIMES																								
OFFENSES	On Campus								On Campus Student Housing Facilities								Public Property							
	Categories of Bias								Categories of Bias								Categories of Bias							
	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses - Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses - Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

2018 HATE CRIMES																								
OFFENSES	On Campus								On Campus Student Housing Facilities								Public Property							
	Categories of Bias								Categories of Bias								Categories of Bias							
	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses - Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses - Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

2019 HATE CRIMES																								
OFFENSES	On Campus								On Campus Student Housing Facilities								Public Property							
	Categories of Bias								Categories of Bias								Categories of Bias							
	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin	Race	Religion	Sexual orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses - Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses - Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	2	1	0	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



ANNUAL FIRE SAFETY REPORT  
MANHATTAN SCHOOL OF MUSIC  
ANDERSEN HALL  
136 CLAREMONT AVENUE  
NEW YORK, NY 10027

Report Period: January 2019 – December 2019  
Report Completed on: December 14, 2020

Andersen Hall is the on campus residential building for the Manhattan School of Music. It is a 20 story building which in addition to practice rooms, two performance halls, administration offices, a library and building system and maintenance rooms, houses approximately 334 double occupancy and 145 single occupancy residence hall rooms. In 2017, there were 463 MSM students residing in the building. In addition, the 10<sup>th</sup> floor housed 73 New York Institute of Technology students and 73 ABT students. In the spring, we also had 17 students from Barnard College residing on the 5<sup>th</sup> floor. We have no other school residential building, on or off campus.

A. Statistics:

1. In February of 2019, there was a fire on a resident floor caused by a self-tanning apparatus that fell into a Styrofoam-based mattress (both items are prohibited in the building). Building staff and FDNY were able to quickly bring the fire under control.
2. There have never been any injuries relating to fire in the building.
3. There have never been any deaths related to a fire in the building.

B. Description of the On-Campus Student Housing Facility Fire Safety System, including the Fire Sprinkler System:

The G. Chris and Sung Eun Andersen Residence Hall at Manhattan School of Music is equipped with a state of the art fire system which includes an interior fire alarm, sprinkler alarm, smoke detector, PA and central station callout systems.

All of the above equipment is regularly tested and maintained with Tesco Fire Services, Inc. (ESP3 fire system repairs & programming); Fire Systems Testing Company (Annual Pre-Action Valve Sprinkler Trip Test & Fire Pump Annual Test and monthly inspection and maintenance of Fire Extinguishers), Citywide Fire Sprinkler (Monthly Inspections of the sprinkler, standpipe, siamese systems & fire pump); Rapid Response/Protection Industries Corporation (Central Station callout monitoring); Telebeam (P.A. System) and American Pipe & Tank (Clean, maintain and repair of Wood Fire Tank = water supply for sprinklers on upper floors).

ESP3 Fire Alarm System: This advanced microprocessor-based monitoring system can detect flame and fire conditions. After being programmed with the desired thresholds, the UPES system will transmit light (LED) and sound alarms as well as signals to responding devices, such as warning systems, automatic sprinkler systems, ventilation systems, and emergency shutdown controls. It is tested and maintained by Tesco Fire Services, Inc.

Sprinkler System: A pre-action System serves the BSMT IT Room and Piano Repair Shop. Main System Control is located on the twentieth floor with sprinklers installed in all rooms including student bedrooms, mechanical rooms, practice rooms, performance spaces and corridors.

Standpipe System: Has its main control on the 20th floor. The Standpipes are run down the “E” and “F” Stairwells.

Siamese System: Siamese Connections are pipe inlets on the standpipe system that permit the attachment of hoses from two separate fire pump trucks to enable the standpipe to be charged with water from two sources to assist fighting fires especially in a high rise building. They are inspected on a monthly basis to insure the system will function on an optimal level in the event of a fire.

P.A. System: The Public Announcement intercom system main control is by the security desk in the lobby and has one speaker located in the hallway on each floor. In the event of an emergency, instructions may be given to all occupants within the residence hall.

Wood Fire Tank: a 15,000 gallon wood fire tank is the sprinkler and standpipe systems from the 14th to the 20th floors working on gravity.

Fire Pump: A Patterson centrifugal pump with a Torna Tech Controller pumps a water supply provided by the wood gravity fire tank for the 14th through 20th floors which are above the height that the street fire pumps can service.

Central Station Callout Monitoring: A 6 zone central office monitoring transmitter with 'normally open' contacts & communicator with programming for supervision of tampers, pump fail, pump run, water flow smoke detection and pull station. Rapid Response contacts the facilities office whenever they detect a signal interruption or problem with the signal receipt of the system.

Fire Extinguishers: On a monthly basis all fire extinguishers are inspected and serviced or replaced as necessary. Fire extinguishers are installed throughout the building in accordance with the NYC Fire Code.

Smoke and Carbon Monoxide Detectors: Units are installed throughout the building including each student bedroom, hallways, mechanical rooms, performance areas, practice rooms, etc.

The building is fully covered with sprinklers, strobe lights, alarms and public address speakers installed throughout the building. Smoke and carbon monoxide detectors are in each room which is maintained on a monthly basis. In addition, there is a central station monitoring system which automatically notifies the fire department in case of smoke/fire. Fire Drills are periodically performed throughout the year under the direction of Croker Fire Drill in coordination with the Building Superintendent, Director of Facilities and the Director of Residence Life. A log of fire drills conducted is kept at the security desk in the main lobby of Andersen Hall. In addition, Facilities staff members hold a certificate of Fitness as a Fire Alarm System Safety Director. Finally, there are evacuation wardens assigned to each floor, each of whom has CPR training.

- C. The Number of Regular, Mandatory Supervised Fire Drills: Six fire drills are regularly scheduled every year. They are under the direction of Croker Fire Drill, the Facilities Dept., Director of Residence Life and the Building Superintendent (who also has fire safety director certification). One day & one night drill is performed in the building every fall and spring semester as well as for the Summer Camp students. A log of all drills is kept at the lobby security desk.

1. Policies/Rules: Residence Hall Basic Fire Prevention & Fire Preparedness Measures

- Every room is equipped with a smoke detector. A low battery signal or a missing smoke detector should be reported to the residence life office immediately. Do not tamper with or remove smoke detectors.
- Smoking is not permitted in the residence hall.
- Never overload electrical outlets. Replace electrical cords that are cracked or frayed. Never run extension cords under rugs. Use only power strips with circuit breakers.
- Any device that generates heat may not be used while unattended.
- Keep halls, doorways and emergency exits free of obstruction. Report rubbish accumulations or obstructions in the halls, stairwells, emergency exits, or other means of egress to the residence life office or building superintendent.
- Care should be taken in the use and placement of plants and flowers. If possible, keep them planted or in water. Keep them away from any flame. Do not keep flowers for an extended period of time as they dry out and become easily combustible.
- Only UL-approved lighting and UL-approved holiday lighting may be used.
- Real holiday trees, wreaths, or decorative greens are prohibited in the residence hall.
- Familiarize yourself with all stairwells for egress.

2. Evacuation Procedures:

SPECIFIC RESIDENCE EMERGENCY RESPONSE PROCEDURES – FIRE

In the event of a fire, stay calm, notify the fire department, and follow the directions of fire department personnel. If immediate action is required, use your judgment as to the safest course of action, guided by the following information. You are in a non-combustible (fireproof) building.

If the fire is in your room:

1. Close the door to the room where the fire is located and leave.
2. Make sure that everyone in the room leaves with you.
3. Take your keys.
4. Close, but do not lock, the room door.
5. Alert people on your floor by knocking on their doors on your way to the exit.
6. Use the nearest, enclosed interior stairwell to leave the building. Stay to the right so that firefighters can come up the stairs.
  - a. Stair E, located at the center core, leads to the street via the lobby
  - b. Stair F, at the center core, leads to the cellar then to the street via C stair
  - c. Stair C, on west side of the building, leads from the 5th floor to street level
7. Do NOT use the elevator.
8. Do NOT return to your room or stop on a different floor.
9. Listen to instructions from firefighters.
10. Call 911 once you reach a safe location or transmit an alarm from the nearest fire alarm box located adjacent to each stairway. Do not assume that the fire has been reported unless firefighters are on the scene.
11. Meet the members of your residence hall at your predetermined location outside the building. Your RA will notify you in advance where your location is. Notify the firefighters if anyone is unaccounted for.

If the fire is not in your room or outside your door:

1. Feel the door and doorknob for heat. If not hot, open the door slightly and check the hallway for smoke, heat, or fire.
2. If safe to exit your room, proceed to the intercom on your floor. Intercoms are located between the stairwells on each floor.
3. Alert people on your floor by knocking on their doors on your way to the exit.
4. If away from your room, do not return, but go immediately to the intercom.
5. At the intercom, press the red “call” button and say what floor you are on.
6. Security and the fire department will communicate further instructions through the intercom.
7. Do NOT wait in the stairwell or go to another floor.
8. If you cannot safely exit your room or the building, call 911 and tell them your address, floor, room number, and the number of people in your room.
9. Seal the door to your room, air ducts or other openings where smoke may enter with wet towels or sheets.
10. Open windows a few inches unless flames and smoke are coming from outside.
11. Do not break any windows.
12. If conditions appear life threatening, open a window and wave a towel or sheet to attract the attention of firefighters.
13. If smoke conditions worsen, get down on the floor taking short breaths through your nose. If possible, retreat to a balcony or terrace away from the source of the smoke, heat, or fire.

BASIC RESIDENCE EVACUATION

If you are asked to evacuate, stay calm and follow the instructions of security, the Residence Life Director, Residence Assistants, Facilities staff, authorized staff, or

emergency officials. Follow the instructions for “If the fire is in your room.” Evacuation procedures are posted on the back of each room door.

#### EVACUATING PEOPLE WITH SPECIAL NEEDS

Disabled persons may require assistance during evacuation. It is their responsibility to request special arrangements if they have a temporary or permanent disability affecting their ability to evacuate on their own. During normal work hours, notify the Director of Administration and Human Relations or the Dean of Students. During Saturday Precollege hours, notify the Dean of the Precollege Division. Security may be notified at any time, but, after regular School hours, you must notify Security.

To meet special evacuation needs, the following strategies may be employed:

1. A “buddy system,” pairing each disabled person with an individual who will locate and be responsible for her/him in an emergency. Responsibilities include ensuring their awareness of an emergency and may extend to carrying or leading them down stairs. Pairing a disabled person with two aides is preferable.
2. Designation of an alternate(s) in an emergency where the person(s) responsible for assisting a handicapped individual is not available.
3. When possible, work spaces of handicapped persons will be on the ground floor, lower floors, and/or as close to exits or stairs.
4. Special notification procedures may be developed for hearing-impaired individuals.
5. During an emergency, blind persons should keep physical contact with their aides by placing a hand on the aide’s shoulder.

#### EVACUATING SPECIFIC AREAS

William R. and Irene D. Miller Recital Hall

Primary Exit: Main Theatre Doors

1. Egress through the main theatre doors and then exit through the Claremont Avenue doors.
2. If the Claremont Avenue doors are blocked, exit the building by going through the Anderson passageway and exiting through the door to 136 Claremont Ave.

Secondary Exit: Fire Exit on House Left

1. Evacuate via the fire exit on the left side of the house, and exit through the door of 132 Claremont Ave.
2. If this exit is blocked, use the main theatre doors.

Alan M. and Joan Taub Ades Performance Space

Primary Exit: Main Theatre Doors

1. Egress through the main theatre doors and then exit through the Claremont Avenue doors.
2. If the Claremont Avenue doors are blocked, go through the Anderson passageway and exit through the door to 136 Claremont Avenue.

Secondary Exit: Pantry Doors

If the main doors are blocked, exit the pantry doors on the west side of the room; take the Anderson passageway and then exit through the door to 136 Claremont Avenue.

Tertiary Exit: Stairway to Basement

If the pantry doors are blocked, exit through the stairway on the northeast side of the room; go down the stairs to the basement, and follow the exit signs to go out on Broadway next to the parking garage.

Peter Jay Sharp Library and Evelyn Sharp Performance Library Evacuation

The Peter Jay Sharp and Evelyn Sharp Performance Libraries, located within Andersen Residence Hall, will therefore evacuate when prompted by an alarm or emergency within Andersen Hall. In case of a fire, stay calm, notify the fire department, and follow the

directions of fire department personnel. If immediate action is required, use your judgment as to the safest course of action. You are in a noncombustible (fireproof) building. Wardens and library staff should direct library patrons to proceed to the nearest stairwell within the library to exit the building. Stay to the right so firefighters can come up the stairs. When activated, a fire door will separate the library from the School building. The door should be closed when an alarm sounds in either building.

3. Training:

President’s Council, Emergency Management Team members, fire wardens, security, performance ushers, production personnel and other personnel given leadership roles will be trained accordingly to suit their respective roles. Types of training include CPR; fire drills; emergency systems’ use and maintenance; and emergency response, evacuation and recovery procedures for the different types of possible events.

**RESIDENCE HALL EVACUATION WARDENS**

Designated volunteer evacuation wardens have the following responsibilities:

1. Knowledge of workplace layout, alternate escape routes and responsibilities
2. Maintain a flashlight in the workplace.
3. Trained in Basic evacuation procedure:
  - a. If possible, ensure all persons in their respective area have evacuated.

E. Plans for Future Improvement in Fire Safety:

The Fire Safety Plan was developed to respond to a fire attempting optimal preparedness, response, and recovery; and to facilitate coordination between the School and local emergency management officials. This comprehensive, well-conceived plan, which contributes to the physical and emotional security of students, staff, and visitors, is a living document that is subject to changes, updates, and revisions as the School environment evolves.

<b>FIRE STATISTICS 2019</b>		
<b>On Campus Student Housing Facility</b>		
<b>Name of Facility</b>	<b>Street Address</b>	<b>Number of Fires</b>
<b>Andersen Residence Hall</b>	<b>136 Claremont Ave. New York, NY 10027</b>	<b>1</b>

# Appendix

## *Crime Definitions:*

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Dating Violence:** Violence 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 reporting party'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.

**Domestic Violence:** A felony or misdemeanor crime of violence committed by (i) a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) 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 in which the crime of violence occurred

**Hate Crime:** A criminal offence that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The following eight categories of bias are reported under the *Clery Act*: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

**Murder /Non-negligent Manslaughter:** the willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** the killing of another person through gross negligence.

**Sex Offense:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent (includes rape, fondling, incest and statutory rape).

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or to suffer substantial emotional distress.

**Robbery:** the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.