

# **Manhattan School of Music**

## **2025 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT**

### **Introduction**

This report is provided in compliance with the Jeanne Clery Campus Safety Act. It provides students and employees of Manhattan School of Music ("School") with information on: the School's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the School will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

### **Policy for Preparing the Annual Report**

This report is prepared by the Clery Compliance Coordinator in cooperation with local law enforcement authorities and includes information provided by them as well as by the School's campus security authorities and various other elements of the School. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Bryan Greany, [bgreany@msmnyc.edu](mailto:bgreany@msmnyc.edu), (917) 493-4448. The School is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

### **General Safety and Security Policies**

#### **Campus Security Personnel & Relationship with Local Law Enforcement**

MSM contracts security services through Allied Universal.

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 Associate Vice President of Facilities and Campus Safety. Campus security staff is charged with enforcing school policy only, and they do not have the authority to make arrests. If and when incidents reported include offenses deemed illegal by city, state or federal law, security staff are required to notify the Associate Vice President of Facilities and Campus Safety, who will then make reports to the 26th precinct. The 26th precinct is called if alleged criminal offenses have been reported to Manhattan School of Music staff. Investigations from that point on are conducted by the 26th 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

## **Campus Security Authorities**

The School has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the School's annual report of crime statistics. The campus security authorities to whom the School would prefer that crimes be reported are listed below.

- Associate Vice President of Facilities and Campus Safety at [bgreaney@msmnyc.edu](mailto:bgreaney@msmnyc.edu) | (917) 493-4448
- Dean of Students at [mchristensen@msmnyc.edu](mailto:mchristensen@msmnyc.edu) | (917) 493-4036
- Title IX Coordinator at [cmatos@msmnyc.edu](mailto:cmatos@msmnyc.edu) | (917) 493-4450
- Title IX Deputy at [hdeblock@msmnyc.edu](mailto:hdeblock@msmnyc.edu) | (917) 493-4114
- Assistant Title IX Deputy at [jpoulos@msmnyc.edu](mailto:jpoulos@msmnyc.edu) | (917) 493-4114
- Assistant Dean & Director of Residence Life at [ajenkins@msmnyc.edu](mailto:ajenkins@msmnyc.edu) | (917) 493-4161
- Assistant Director of Residence Life at [mkirchner@msmnyc.edu](mailto:mkirchner@msmnyc.edu) | (917) 493-4035
- Assistant Dean for Youth Programs at [rkamm@msmnyc.edu](mailto:rkamm@msmnyc.edu) | (917) 493-4564
- Director of Student Engagement at [jgoldberg@msmnyc.edu](mailto:jgoldberg@msmnyc.edu) | (917) 493-4588
- Coordinator of Student Engagement at [hysynn@msmnyc.edu](mailto:hysynn@msmnyc.edu) | (917) 493-4180

## **Reporting a Crime or Emergency**

The School encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the School, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged when the victim of a crime elects to, or is unable to, make such a report.

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 in-person or by phone to the security desk in the main building (917-493-4444) or residence hall (917-493-4700) at the earliest possible opportunity.

If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.

Survivors of or witnesses to crime at any other location are encouraged to promptly report any crime in-person or by phone to the security desk in the main building (917-493-4444) or residence hall (917-493-4700), and/or the New York City Police Department promptly by calling 911. The police can help anyone get assistance and prevent others from becoming crime victims. The staff of the Student Affairs Division can also help connect individuals to resources and other sources of assistance in New York City. These staff members include the Dean of Students (917-493-4036), the Director of Student Engagement (917-493-4588) and the Student Engagement Coordinator (917-493-4180), the Assistant Dean and Director of Residence Life (917-493-4161) and the Assistant Director of Residence Life (917-493-4035), Campus Health Nurse (917-493-4278) 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.

Students, staff, and visitors should also report situations to one of the campus security authorities listed above, as well as to the Dean of Students (917-493-4036), the Director of Student Engagement (917) 493-4588, the Student Engagement Coordinator (917-493-4180), the Assistant Dean and Director of Residence Life (917-493-4161), Assistant Director of Residence Life (917-493-4035), an RA, and/or the Security staff (917-493-4444/917-493-4700). Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a School staff member will assist in making the report to the police.

Incidents occurring during the summer camp or during Precollege events should be reported to Security, and the Assistant Dean for Youth Programs 917-493-4564). Incidents involving guests in Andersen Hall will be reported to Security, the Associate Vice President of Facilities and Campus Safety, and/or the Director of Residence Life.

## **Confidential Reporting**

The School will protect the confidentiality of victims. Only individuals with a legitimate need to know, such as for investigating the crime, assisting the victim, or disciplining the perpetrator, will be provided the victim's identity.

All MSM employees will treat crime reports as discreetly as possible; however, most personnel are required to report incidents they learn about to the Front Desk Security, Residence Life or the Dean of Students. The exceptions are the Campus Health Nurse and the counseling staff, who are not required to report the name and/or other identifying information about an alleged victim to the Dean of Students. 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.

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@msmnyc.edu](mailto:cmatos@msmnyc.edu). Students, staff and faculty may also use the [Title IX Sexual Misconduct and Discrimination 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.

A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the School's disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the School without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the School take appropriate steps to ensure the future safety of the victim and others. With such information, the School can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the School.

References made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean Manhattan School of Music offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and respond. The School will limit the disclosure as much as practicable.

The School encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The School does not have pastoral counselors.

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

Security staff at the Front Desk of the Main Building and the Front Desk of the Andersen Hall are able to monitor key locations in our campus buildings at all times via the MSM security camera infrastructure. The Associate Vice President of Facilities and Campus Safety regularly communicates and collaborates with Columbia and Barnard Security, whose officers patrol the neighborhood, including the streets which abut Manhattan School of Music at regular intervals.

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.

The academic and administrative areas of campus are typically open 7:00AM to 11:30PM, seven days a week. The residential area of campus is open 24 hours a day, seven days a week to Andersen Hall residents and their guests. With degrees offerings largely focused on the performing arts, the School hosts a number of events throughout the year that are open to the public, as advertised on the School's website.

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.

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. Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured.
- Do not lend keys or access cards to non-students and do not leave them unattended.

Keys to the offices on campus will be issued to employees only as needed and after receiving the proper authorization. Each department supervisor is responsible for assuring his/her area is secured and locked.

Employee and student identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

### **Security Considerations in the Maintenance of Facilities**

Security staff work with the Facilities Office to identify maintenance issues on campus that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on the School perimeter and that egress lighting is working in hallways and stairwells.

Security staff regularly scans the two buildings that make up the MSM campus to identify maintenance issues that may become safety hazards. Students and staff are invited to report maintenance issues to the Department through the department's [online work order system](#) or by sending an email to [facilities@msmnyc.edu](mailto:facilities@msmnyc.edu).

### **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The School seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs occur at least four times per year and are discussed below.

Manhattan School of Music works as a community to enhance the awareness and prevention of crime, and to ensure members of our community are familiar with our campus security procedures and practices. The staff, faculty, and students are encouraged to work with the Facilities Office 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. Students, staff, and faculty are educated about the best practices to optimize personal safety through email blasts and programming focusing on crime prevention and situational awareness. Students, staff and faculty are encouraged to assume responsibility for being observant, reporting problems to the appropriate staff, and taking responsibility for their own security and the security of others in the Manhattan School of Music community.

### **Safety Awareness Programming:**

- **Emergency Preparedness Training for Staff & Faculty – 2024**
  - What to expect in a variety of scenarios that may require evacuation or sheltering in place on campus. An overview of MSM’s Emergency Management Team and Emergency Response Plan. An overview of fire and life safety systems in place throughout MSM’s campus.
- **Self Defense Class for MSM Students, Staff & Faculty- 2023, 2024**
  - Participants learned about situational awareness, street smarts and commuter safety, and basic self-defense techniques.
- **Orientation Training by the NYPD LGBTQIA Unit – 2024**
  - Participants learned about situational awareness strategies.

### **Monitoring Off Campus Locations of Recognized Student Organizations**

The School does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the School will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the School against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## **Drug and Alcohol Policy**

Manhattan School of Music is committed to maintaining a drug-free school and an environment that is free of alcohol abuse. 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.

The School enforces federal and state drug laws as well as state underage drinking laws.

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 or marijuana by individuals under 21 years of age without a prescription and the knowing distribution of alcohol or marijuana 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 or marijuana to students who are not of legal drinking/marijuana possession 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 or high 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.

### **Federal Drug Laws (updated 07.18.2025)**

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. § 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, “liquid ecstasy”), or flunitrazepam (or, “rohypnol”), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled

substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at <https://www.campusdrugprevention.gov/content/drug-scheduling-and-penalties>.

## Drug and Alcohol State Laws

Category	Summary (New York Consolidated Laws)
Possession of Marijuana	It is lawful for adults aged 21 or older to possess, display, purchase, obtain, or transport up to three ounces of marijuana or up to 24 grams of concentrated cannabis. N.Y. Penal Law § 222.05. A person is guilty of unlawful possession of cannabis when they knowingly and unlawfully possess cannabis weighing more than three ounces or concentrated cannabis weighing more than twenty-four grams. N.Y. Penal Law § 222.25. Unlawful possession of cannabis is a violation punishable by a fine of not more than \$125. <i>Id.</i> A person is guilty of criminal possession of cannabis in the third degree (a class A misdemeanor) when they knowingly and unlawfully possess cannabis weighing more than sixteen ounces or concentrated cannabis weighing more than five ounces. N.Y. Penal Law § 222.30. A class A misdemeanor is punishable by up to 364 days of imprisonment or a fine of up to \$1,000. N.Y. Penal Law §§ 70.15,



Category	Summary (New York Consolidated Laws)
	<p>80.05. The penalties increase as the amount of cannabis or concentrated cannabis possessed increase. See N.Y. Penal Law §§ 222.35-222.40.</p> <p>The acquisition, possession, use, or transportation of marijuana by a certified patient is also lawful, so long as they use it as part of the treatment of a serious condition, and as prescribed by a qualified practitioner. N.Y. Pub. Health Law §§ 3360-3362. A certified medical use does not include smoking. N.Y. Pub. Health Law § 3360(1). A lawful amount shall generally not exceed a thirty-day supply of the dosage as determined by the licensed medical practitioner. N.Y. Pub. Health Law § 3362(1)(a).</p>
Controlled Substances	<p>New York has a wide range of laws governing controlled substances and their possession and sale. N.Y. Penal Law §§ 220.00–220.78. Penalties vary widely based on the amount and type of substance used. N.Y. Penal Law §§ 220.03-220.21.</p> <p>For example, possession of certain controlled substances in an aggregate weight of eight ounces or more is a Class A-I felony, resulting in a fine of up to \$100,000 and imprisonment of 15 to 25 years. N.Y. Penal Law §§ 220.21, 80.00(1)(c)(i), 70.00(3)(a)(i).</p> <p>Selling or offering to sell a controlled substance is also illegal. Doing so results in felony offenses punishable by a range of fines and prison sentences depending upon several factors. N.Y. Penal Law §§ 220.31–220.44. There are separate offenses, both of which are Class B felonies (carrying up to 25 years imprisonment and a fine of up to \$30,000), for sale of a controlled substance to a person under the age of seventeen or on or near school grounds. N.Y. Penal Law §§ 220.44, 220.48, 70.00(2)(b), 80.00(1)(c)(iii). Using drug paraphernalia is a Class A misdemeanor upon the first offense (carrying a maximum fine of \$1,000 and imprisonment for up to 364 days) and a Class D felony for subsequent offenses (carrying a maximum fine of \$5,000 and up to seven years imprisonment). N.Y. Penal Law §§ 220.50-220.55, 70.15(1), 80.05, 70.00(2)(d), 80.00(1).</p> <p>For example, if a person is found guilty of selling a narcotic drug, they are guilty of criminal sale of a controlled substance in the third degree, which is a Class B felony, resulting in imprisonment up to 25 years and a fine of up to \$30,000. N.Y. Penal Law §§ 220.39, 70.00(2)(b), 80.00(1)(c)(iii). With respect to marijuana, a person is guilty of unlawful sale of cannabis when they knowingly and unlawfully sell cannabis or concentrated cannabis. N.Y. Penal Law § 222.45. The violation is punishable by a maximum fine of \$250. <i>Id.</i></p>
Alcohol and Minors	<p>No person under the age of 21 shall possess, purchase, or attempt to purchase any alcoholic beverage with the intent to consume it. N.Y. Alco. Bev. Con. § 65-c(1). Doing so can result in any combination of the following: (1) a fine of up to \$50; (2) the completion of an alcohol awareness program; and (3) community service of up to 30 hours. N.Y. Alco. Bev. Con. § 65-c(3). Likewise, misrepresenting the age of a person under the age of 21 for the purpose of procuring an alcoholic beverage for</p>

Category	Summary (New York Consolidated Laws)
	<p>them is subject to a fine of up to \$200 or imprisonment for up to five days, or both. N.Y. Alco. Bev. Con. § 65-a.</p> <p>It is also prohibited for any person under the age of 21 to present or offer any false evidence of their age for the purpose of purchasing or attempting to purchase any alcoholic beverage. N.Y. Alco. Bev. Con. § 65-b(2)(a). Doing so is a violation, the first of which results in payment of a fine of up to \$100 and/or community service of up to 30 hours, and the possibility of an alcohol awareness program. <i>Id.</i> The penalties increase for subsequent offenses. N.Y. Alco. Bev. Con. § 65-b(3)(b)-(c).</p>
Driving Under the Influence (DUI)	<p>No person shall operate a motor vehicle while in an intoxicated condition, with a blood alcohol concentration of 0.08 or more, while ability impaired by drugs, or while ability impaired by the combined influence of drugs (or of alcohol and any drug). N.Y. Veh. &amp; Traf. Law § 1192(2), (4). A first violation of this law results in a fine of \$500 to \$1,000, imprisonment for not more than one year, or both. N.Y. Veh. &amp; Traf. Law § 1193(1)(b)(i). Penalties increase for subsequent offenses. N.Y. Veh. &amp; Traf. Law § 1193. It is also illegal to operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the consumption of alcohol. N.Y. Veh. &amp; Traf. Law § 1192(1). A violation of this provision is a traffic infraction and is punishable by imprisonment for up to 15 days, a \$300 to \$500 fine, or both. N.Y. Veh. &amp; Traf. Law § 1193(1). Penalties increase with subsequent offenses. <i>Id.</i> Additional penalties for operating while intoxicated or while ability impaired may apply, such as license suspensions. N.Y. Veh. &amp; Traf. Law § 1193(2).</p> <p>No person under the age of twenty-one shall operate a motor vehicle after having consumed alcohol as defined in statute. N.Y. Veh. &amp; Traf. Law § 1192-a. This is punishable by driver's license revocation or suspension and a civil penalty of \$125. N.Y. Veh. &amp; Traf. Law § 1194-a(2).</p>

## Drug and Alcohol Abuse Prevention Program

In compliance with the Drug Free Schools and Communities Act (DFSCA), the School has a drug and alcohol abuse and prevention program, which includes an annual notification to students and employees regarding certain drug/alcohol-related information (such as legal sanctions for violations of applicable laws, health risks, etc.) and a biennial review of this program to evaluate its effectiveness and assess whether sanctions are being consistently enforced. For more information, see below.

- The Manhattan School of Music Drug and Alcohol Policy can be found in the Policies Section of the [Student Handbook](#) as well as in the [MSM Employee handbook](#).
- Annual notification is sent via email by the Dean of Students.

MSM's Biennial Drug and Alcohol review report can be obtained from the Dean of Students at [mchristensen@msmnyc.edu](mailto:mchristensen@msmnyc.edu), (917) 493-4036, or visit office M120.

### **Drug and Alcohol Prevention Programs (2022-2024):**

- **Sound Choices for SES Students - Presented by April Jenkins and Makila Kirchner (2024)**
  - Sound Choices is an alcohol and drug education initiative designed to engage students in making informed decisions about their well-being, particularly in the context of substance use. The program aims to raise awareness about the impact of alcohol and drugs by allowing students to understand the concept of impairment. The audience of this event were the incoming SES cohort.
- **Sound Choices for RA - Presented by April Jenkins (2024)**
  - The goal of this program was to teach Resident Assistants interactive ways to conduct programs that focus on alcohol education. RAs learned about how to use Kahoot quizzes and an interactive simulation of impairment to engage with peers around the topics of alcohol. They learned through going through the workshop themselves.
- **Residence Life Orientation Session – Presented by April Jenkins & Makila Kirchner (2023, 2024)**
  - During this session, students were informed about MSM's Alcohol and Drug Policy and participated in an impairment simulation to experience the effects of impairment firsthand. Additionally, they completed a quiz to assess their understanding of the policy and reinforce key points related to alcohol and drug use on campus.
- **Mandatory Canvas Course – Online training (2022, 2023, 2024)**
  - Mandatory Canvas course for all incoming students to MSM in any degree program.

## **Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Consistent with applicable laws, the School prohibits dating violence, domestic violence, sexual assault, and stalking. The School's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Title IX Sexual Misconduct Policy: <https://www.msmnyc.edu/msm-title-ix-sexual-misconduct-policy/>
- Equal Employment and Educational Opportunity Sexual Harassment Policy: <https://www.msmnyc.edu/equal-employment-and-educational-opportunity-sexual-harassment-policy/>

The following sections of this report discuss the School's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

### **Primary Prevention and Awareness Program:**

The School conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the School prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

### Crime Definitions

<b>Crime Type (New York Consolidated Laws)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that New York law does not define the term dating violence.
Domestic Violence (N.Y. Fam. Ct. Act § 812)	<p>The institution has determined, based on good-faith research, that New York's criminal laws do not define the term domestic violence.</p> <p>However, Section 812 of New York's Family Court Act indicates that the family court and criminal courts have concurrent jurisdiction over any proceeding concerning acts which would constitute a number of crimes under New York's Penal Law, including, but not limited to, disorderly conduct, harassment, sexual misconduct, stalking, menacing, and assault, when such crimes are committed against members of the same family or household. "Members of the same family or household" means the following: (a) persons related by consanguinity or affinity; (b) persons legally married to one another; (c) persons formerly married to one another regardless of whether they still reside in the same household; (d) persons who have a child in common regardless of whether such persons have been married or have lived together at any time; (e) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors the court may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; and (f) persons who are related by consanguinity or affinity to parties who are or have been in an intimate relationship as defined in paragraph (e) of this subdivision.</p>
Stalking	<ul style="list-style-type: none"> <li>Stalking in the fourth degree (N.Y. Penal Law § 120.45): A person is guilty of stalking in the fourth degree when he or she intentionally, and for no 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,</li> </ul>

Crime Type (New York Consolidated Laws)	Definitions
	<p>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. For the purposes of subdivision two of this section, "following" shall include the unauthorized tracking of such person's movements or location through the use of a global positioning system or other device.</p> <ul style="list-style-type: none"> <li>• Stalking in the third degree (N.Y. Penal Law § 120.50): A person is guilty of stalking in the third degree when he or she: (1) Commits the crime of stalking in the fourth degree in violation of section 120.45 of this article against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or (2) Commits the crime of stalking in the fourth degree in violation of section 120.45 of this article against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime, as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) With intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) Commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.</li> <li>• Stalking in the second degree (N.Y. Penal Law § 120.55): A person is guilty of stalking in the second degree when he or she: (1) Commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 of this article and in the course of and in furtherance of the commission of such offense: (i) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shuriken, throwing star, dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (ii) displays what appears</li> </ul>

Crime Type (New York Consolidated Laws)	Definitions
	<p>to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) Commits the crime of stalking in the third degree in violation of subdivision three of section 120.50 of this article against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) Commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree as defined in subdivision four of section 120.50 of this article against any person; or (4) Being twenty-one years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) Commits the crime of stalking in the third degree, as defined in subdivision three of section 120.50 of this article, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.</p> <ul style="list-style-type: none"> <li>• Stalking in the first degree (N.Y. Penal Law § 120.60): A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, he or she: (1) intentionally or recklessly causes physical injury to the victim of such crime; or (2) commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, 130.40 or 130.85 of this chapter, or a class D felony defined in section 130.30 or 130.45 of this chapter [Article 130 and the sections mentioned cover various sex offenses]. <ul style="list-style-type: none"> <li>○ (1) intentionally or recklessly causes physical injury to the victim of such crime; or:</li> <li>○ (2) commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, former section 130.40 or section 130.85 of this chapter, or a class D felony defined in former section 130.45 or section 130.30 of this chapter.</li> </ul> </li> </ul>
Sexual Assault	<ul style="list-style-type: none"> <li>• Predatory sexual assault (N.Y. Penal Law § 130.95): <ul style="list-style-type: none"> <li>○ A person is guilty of predatory sexual assault when he or she commits the crime of rape in the first degree, a crime formerly defined in section 130.50 of this title, the crime of aggravated sexual abuse in the first degree, or course of</li> </ul> </li> </ul>

Crime Type (New York Consolidated Laws)	Definitions
	<p>sexual conduct against a child in the first degree, as defined in this article, and when: (1) In the course of the commission of the crime or the immediate flight therefrom, he or she: (a) Causes serious physical injury to the victim of such crime; or (b) Uses or threatens the immediate use of a dangerous instrument; or (2) He or she has engaged in conduct constituting the crime of rape in the first degree, a crime formerly defined in section 130.50 of this title, the crime of aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, against one or more additional persons; or (3) He or she has previously been subjected to a conviction for a felony defined in this article, incest as defined in section 255.25 of this chapter or use of a child in a sexual performance as defined in section 263.05 of this chapter.</p> <ul style="list-style-type: none"> <li>• Predatory sexual assault against a child (N.Y. Penal Law § 130.96): <ul style="list-style-type: none"> <li>◦ A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of rape in the first degree, a crime formerly defined in section 130.05 of this title, the crime of aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and the victim is less than thirteen years old.</li> </ul> </li> </ul>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under New York law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape in the third degree (N.Y. Penal Law § 130.25): <ul style="list-style-type: none"> <li>◦ A person is guilty of rape in the third degree when: (1) He or she engages in vaginal sexual contact with another person who is incapable of consent by reason of some factor other than being less than seventeen years old; (2) He or she engages in oral sexual contact with another person who is incapable of consent by reason of some factor other than being less than seventeen years old; (3) He or she engages in anal sexual contact with another person who is incapable of consent by reason of some other factor other than being less than seventeen years old; (4) Being twenty-one years old or more, he or she engages in vaginal sexual contact with another person less than seventeen years old; (5) Being twenty-one years old or more, he or she engages in oral sexual contact with another person less than seventeen years old; (6) Being twenty-one years old or</li> </ul> </li> </ul>

Crime Type (New York Consolidated Laws)	Definitions
	<p>more, he or she engages in anal sexual contact with another person less than seventeen years old; (7) He or she engages in vaginal sexual contact with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent; (8) He or she engages in oral sexual contact with another person without such person's consent where such a lack of consent is by reason of some factor other than incapacity to consent; or (9) He or she engages in anal sexual contact with another person without such person's consent where such lack of consent is by reason of some factor other than the incapacity to consent.</p> <ul style="list-style-type: none"> <li>• Rape in the second degree (N.Y. Penal Law § 130.30):             <ul style="list-style-type: none"> <li>○ A person is guilty of rape in the second degree when: (1) being eighteen years old or more, he or she engages in vaginal sexual contact with another person less than fifteen years old; (2) being eighteen years old or more, he or she engages in oral sexual contact with another person less than fifteen years old; (3) being eighteen years old or more, he or she engages in anal sexual contact with another person less than fifteen years old; (4) he or she engages in vaginal sexual contact with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated; (5) he or she engages in oral sexual contact with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated; or (6) he or she engages in anal sexual contact with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.</li> </ul> </li> <li>• Rape in the first degree (N.Y. Penal Law § 130.35):             <ul style="list-style-type: none"> <li>○ A person is guilty of rape in the first degree when : (1) He or she engages in vaginal sexual contact with another person: (a) By forcible compulsion; or (b) Who is incapable of consent by reason of being physically helpless; or (c) Who is less than eleven years old; or (d) Who is less than thirteen years old and the actor is eighteen years old or more; (2) he or she engages in oral sexual contact with another person: (a) By forcible compulsion; or (b) Who is incapable of consent by reason of being physically helpless; or (c) Who is less than eleven years old; or (d) Who is less than thirteen years old and the actor is eighteen years old or more; (3) he or she engages in anal sexual contact with another person: (a) By forcible compulsion; or (b) Who is incapable of consent by reason of being physically helpless; or (c) Who is less than eleven years old; or (d) Who is less</li> </ul> </li> </ul>



Crime Type (New York Consolidated Laws)	Definitions
	<p>than thirteen years old and the actor is eighteen years old or more.</p> <ul style="list-style-type: none"> <li>• Fondling: The institution has determined, based on good-faith research, that New York law does not define the term fondling.</li> <li>• Incest in the third degree (N.Y. Penal Law § 255.25): <ul style="list-style-type: none"> <li>◦ A person is guilty of incest in the third degree when he or she marries or engages in vaginal sexual contact, oral sexual contact or anal sexual contact with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.</li> </ul> </li> <li>• Incest in the second degree (N.Y. Penal Law § 255.26): <ul style="list-style-type: none"> <li>◦ A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, as defined in section 130.30 of this part, or a crime formerly defined in section 130.45 of this part, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.</li> </ul> </li> <li>• Incest in the first degree (N.Y. Penal Law § 255.27): <ul style="list-style-type: none"> <li>◦ A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, as defined in paragraph (c) or (d) of subdivision one, paragraph (c) or (d) of subdivision two or paragraph (c) or (d) of section 130.35 of this part, rape in the first degree as defined in former subdivision three or four of section 130.35 of this part, a crime formerly defined in subdivision three or four of section 130.50 of this part, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.</li> </ul> </li> <li>• Statutory Rape: The institution has determined, based on good-faith research, that New York law does not define the term statutory rape.</li> </ul>
Other “sexual assault” crimes	<p>Other crimes under New York law that may be classified as a “sexual assault” include the following:</p> <ul style="list-style-type: none"> <li>• Sexual misconduct (N.Y. Penal Law § 130.20): <ul style="list-style-type: none"> <li>◦ A person is guilty of sexual misconduct when: (1) He or she engages in vaginal sexual contact with another person without such person's consent; or (2) He or she engages in oral sexual contact with another person without such</li> </ul> </li> </ul>

Crime Type (New York Consolidated Laws)	Definitions
	<p>person's consent; or (3) He or she engages in anal sexual contact with another person without such person's consent; or (4) He or she engages in sexual conduct with an animal or a dead human body.</p> <ul style="list-style-type: none"> <li>• Forcible touching (N.Y. Penal Law § 130.52): A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose: (1) forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person, or for the purpose of gratifying the actor's sexual desire; or (2) subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions.</li> <li>• Sexual abuse in the third degree (N.Y. Penal Law § 130.55): A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and (c) the defendant was less than five years older than such other person.</li> <li>• Sexual abuse in the second degree (N.Y. Penal Law § 130.60): A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is: (1) Incapable of consent by reason of some factor other than being less than seventeen years old; or (2) Less than fourteen years old.</li> <li>• Sexual abuse in the first degree (N.Y. Penal Law § 130.65): A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact: (1) By forcible compulsion; or (2) When the other person is incapable of consent by reason of being physically helpless; or (3) When the other person is less than eleven years old; or (4) When the other person is less than thirteen years old and the actor is twenty-one years old or older.</li> <li>• Aggravated sexual abuse in the fourth degree (N.Y. Penal Law § § 130.65-a): A person is guilty of aggravated sexual abuse in the fourth degree when: (a) He or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or (b) He or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is</li> </ul>

Crime Type (New York Consolidated Laws)	Definitions
	<p>incapable of consent by reason of some factor other than being less than seventeen years old.</p> <ul style="list-style-type: none"> <li>• Aggravated sexual abuse in the third degree (N.Y. Penal Law § 130.66): <ul style="list-style-type: none"> <li>○ A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object or a finger in the vagina, urethra, penis, rectum or anus of another person: (a) By forcible compulsion; or (b) When the other person is incapable of consent by reason of being physically helpless; (c) When the other person is less than eleven years old; or (d) When the other person is less than thirteen years old and the actor is eighteen years of age or older.</li> <li>○ A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.</li> </ul> </li> <li>• Aggravated sexual abuse in the second degree (N.Y. Penal Law § 130.67): A person is guilty of aggravated sexual abuse in the second degree when he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person: (a) By forcible compulsion; or (b) When the other person is incapable of consent by reason of being physically helpless; or (c) When the other person is less than eleven years old.</li> <li>• Aggravated sexual abuse in the first degree (N.Y. Penal Law § 130.70): A person is guilty of aggravated sexual abuse in the first degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person: (a) By forcible compulsion; or (b) When the other person is incapable of consent by reason of being physically helpless; or (c) When the other person is less than eleven years old.</li> <li>• Course of sexual conduct against a child in the first degree (N.Y. Penal Law § 130.75): <ul style="list-style-type: none"> <li>○ A person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration: (a) he or she engages in two or more acts of sexual conduct, which includes at least one act of vaginal sexual contact, oral sexual contact, anal sexual contact or aggravated sexual contact, with a child less than eleven years old; or (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of vaginal sexual contact, oral sexual contact, anal sexual contact or</li> </ul> </li> </ul>

Crime Type (New York Consolidated Laws)	Definitions
	<p>aggravated sexual contact, with a child less than thirteen years old.</p> <ul style="list-style-type: none"> <li>• Course of sexual conduct against a child in the second degree (N.Y. Penal Law § 130.80): A person is guilty of course of sexual conduct against a child in the second degree when, over a period of time not less than three months in duration: (a) he or she engages in two or more acts of sexual conduct with a child less than eleven years old; or (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old.</li> </ul>
Consent (as it relates to sexual activity) (N.Y. Penal Law § 130.05)	<p>Lack of consent results from:</p> <ul style="list-style-type: none"> <li>a. Forcible compulsion; or</li> <li>b. Incapacity to consent; or</li> <li>c. Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or</li> <li>d. Where the offense charged is rape in the third degree as defined in subdivision seven, eight or nine of section 130.25, or a crime formerly defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of vaginal sexual contact, oral sexual contact or anal sexual contact, 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.</li> </ul> <p>A person is deemed incapable of consent when he or she is:</p> <ul style="list-style-type: none"> <li>a. less than seventeen years old; or</li> <li>b. mentally disabled; or</li> <li>c. mentally incapacitated; or</li> <li>d. physically helpless; or</li> <li>e. committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital. For purposes of this paragraph, "employee" means (i) an employee of the state department of corrections and community supervision who, as part of his or her employment, performs duties: (A) in a state correctional facility in which the victim is confined at the</li> </ul>

Crime Type (New York Consolidated Laws)	Definitions
	<p>time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to incarcerated individuals; or (B) of supervising persons released on community supervision and supervises the victim at the time of the offense or has supervised the victim and the victim is still under community supervision at the time of the offense; or (ii) an employee of the office of mental health who, as part of his or her employment, performs duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law in which the incarcerated individual is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such incarcerated individuals; or (iii) a person, including a volunteer, providing direct services to incarcerated individuals in a state correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the state department of corrections and community supervision or, in the case of a volunteer, a written agreement with such department, provided that the person received written notice concerning the provisions of this paragraph; or</p> <p>f. committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, 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 facility. For purposes of this paragraph, “employee” means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for incarcerated individuals. For purposes of this paragraph, “employee” shall also mean a person, including a volunteer or a government employee of the state department of corrections and community supervision or a local health, education or probation agency, providing direct services to incarcerated individuals in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or</p> <p>g. committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this</p>

Crime Type (New York Consolidated Laws)	Definitions
	<p>paragraph, “employee” means an employee of the office of children and family services or of a residential facility in which such person is committed to or placed at the time of the offense who, as part of his or her employment, performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training, or direct supervision to persons committed to or placed in a residential facility operated by the office of children and family services; or</p> <p>h. a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, a crime formerly defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or</p> <p>i. a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, “employee” means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further, however, “employee” shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact; or</p> <p>j. detained or otherwise in the custody of a police officer, peace officer, or other law enforcement official and the actor is a police officer, peace officer or other law enforcement official who either: (i) is detaining or maintaining custody of such person; or (ii)</p>

Crime Type (New York Consolidated Laws)	Definitions
	<p>knows, or reasonably should know, that at the time of the offense, such person was detained or in custody.</p> <p>k. EFFECTIVE NOV. 1, 2025: under the supervision of a local probation department, pursuant to section two hundred seventy-two of the correction law, or another local department or agency which fulfills a similar function and the actor is an employee who knows or reasonably should know that such person is committed to the supervision of a local probation department. For purposes of this paragraph, “employee” means an employee of such local probation department or agency who, as part of his or her employment, supervises the victim at the time of the offense or has supervised the victim and the victim is still under supervision of a local probation department or agency at the time of the offense.</p>

### School Definition of Consent

The University uses the following definition of consent in its Title IX Sexual Misconduct policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

“Consent” means affirmative consent. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression. Past consent does NOT imply future consent. Someone who is incapacitated cannot consent. Consent to engage in one sexual activity does NOT necessarily constitute consent to any other sexual act. Consent can be withdrawn at any time. Consent must be free of coercion, force, intimidation, restraint or threat of harm. A person initiating sexual activity is still responsible to obtain consent even if the initiating person is under the influence of drugs or alcohol. When consent is withdrawn or can no longer be given, sexual activity must stop.

### Risk Reduction

**If you are in an uncomfortable or unwanted sexual situation, consider the following:**

- Communicate your boundaries clearly and early. Consent must be ongoing, mutual, and can be withdrawn at any time.
- If you feel unsafe, seek support from friends or bystanders. Don’t hesitate to remove yourself from the situation.
- If you need help, ask someone nearby or contact campus safety or a trusted resource.
- Be mindful of your surroundings and reach out for support if you feel uneasy.
- Remember, it is never your fault if someone disrespects your boundaries or violates your consent.

**If you are initiating sexual activity, remember these guidelines:**

- Respect your partner's boundaries and communicate clearly. Consent must be mutual, enthusiastic, and can be withdrawn at any time.
- If your partner seems unsure, confused, or has mixed signals, pause and have a clear conversation.
- Avoid assuming consent based on past interactions. Each sexual activity requires its own consent.
- Do not engage in sexual activity with someone who is incapacitated due to drugs or alcohol.
- Be aware of and avoid coercion, pressure, or any form of manipulation.

**Recognizing Warning Signs of Abusive Behavior:**

- Be mindful of behaviors that can indicate abuse, such as controlling actions, threats, or patterns of jealousy. Seek support if you notice these signs in relationships around you.

*Bystander Intervention*

**In addition to reporting incidents to appropriate authorities, here are safe and positive ways individuals can take action to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking:**

- **Stay aware of your surroundings** and look out for the safety of friends, peers, and others around you.
- **Recognize the importance of intervention.** Stepping in can make a difference in preventing harm.
- **Treat everyone with respect and dignity.** Avoid escalating situations through hostility or aggression.
- **Be calm, honest, and direct** when you decide to intervene. Clearly express your concern or intention to help.
- **Enlist help from others.** If you're unsure or feel unsafe, ask others to assist in intervening.
- **Keep personal safety a priority.** Only intervene in ways that do not put yourself or others in harm's way.
- **Create a distraction** or use non-confrontational methods to interrupt potentially harmful situations.
- **Call for help when needed.** If a situation escalates or feels dangerous, do not hesitate to contact authorities, such as the police or campus security.

*Other Information Covered by the PPAP*

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.



## **Ongoing Prevention and Awareness Campaign:**

The School also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

## **PPAP and OPAC Programming Methods:**

The Title IX Coordinator is responsible for overseeing the PPAP and OPAC. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. The Title IX Coordinator is assisted in this effort by the Deputy Title IX Coordinator, the Assistant Deputy Title IX Coordinator, the Director of Student Engagement, the Dean of Students, and 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 Deputy Title IX Coordinator, the Assistant Deputy Title IX Coordinator, the Director of Student Engagement, 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.

## **Combined Student and Employee Training (2022-2024):**

- **EVERFI Preventing Harassment & Discrimination Employee Training**
  - Preventing Harassment & Discrimination
  - Completed by all MSM employees (2021–22).
- **Vector Sexual Harassment Prevention Training and Title IX Training**
  - As mandated by New York State and New York City, all new employees are required to take a training covering Sexual Harassment Prevention and Title IX . After that initial training, they are required to take an annual training reviewing Sexual Harassment Prevention. In addition, because they work with minors, all Precollege and MSM Summer employees are required to take a Protecting Youth training as new hires, and again every three years.
  - Completed by all MSM employees (2022, 2023, 2024).
- **Student Conduct Institute Training: Basic Compliance NYS Training**
  - Undertaken by the Title IX team and selected President's Council members (2021–22).
- **Title IX Training Course**
  - Required online training course for all incoming students (2023, 2024).
- **MSM SPARC (Sexual and Interpersonal Violence Prevention and Response Course)**
  - Adapted from SUNY SPARC for new students (2021–22).
- **Student Conduct Institute New York State Student Title IX Training**

- For new students, including new Summer English Study students (2021–22, 2022–23).
- **Orientation Title IX Training**
  - With Gabrielle Jobity (2022).
  - With Olivia Warren from Columbia University’s violence prevention team (2023, 2024).
- **Mandatory Title IX Training in Canvas** (2024).
- **Title IX Response at MSM**
  - A training by Dean Christensen for Residence Assistants (2021–22, 2022–23).
- **Sexual Consent Training**
  - An RA training by the Columbia University Violence Prevention Team for MSM RAs (2023).
- **Title IX Training for RAs – Confidentiality, Reporting, Rights & Resources**
  - Presented by Hannah DeBlock (2024).
- **Presentation on Sexual Misconduct by Olivia Warren**
  - Columbia University presentation for Summer English Study students (2023).
- **Consent and Sexual Misconduct Presentation by Lindsay Curtis**
  - From Mt. Sinai SAVI for Summer English Study students (2024).
- **“Is Consent Sexy?” Lunch and Learn**
  - Presented by the Black Student Union and Campus Health Office (2023–24).
- **Loving Me Means This** (2024)  
 In *Loving Me Means This*, students consider what it means for a partner to love them and then examine toxic relationship habits that most people believe are acceptable, or even romantic, as well as healthy behaviors often considered venomous, following the framework established by author Mark Manson.

## **Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

If you are the victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911, or contact the security desk in the main building (917-493-4444), or residence hall (917-493-4700). You may also contact the School’s Title IX Coordinator, Carol Matos, Vice President for Administration and Human Relations at [cmatos@msmnyc.edu](mailto:cmatos@msmnyc.edu) or (917) 493-4450.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim’s options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution’s responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at Mount Sinai St. Luke's Hospital, 1111 Amsterdam Avenue, New York, NY 10025 (212) 523-4000.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### Security/Law Enforcement & How to Make a Police Report

- Main Building Security Desk: 917-493-4444 / Andersen Residence Hall Security Desk: 917-493-4700
- New York City Police Department, 26th Precinct 520 West 126th Street New York, NY 10027 (212) 678-1311
- 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.

### Information about Legal Protection Orders

Victims 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, victims who choose to seek an order of protection will be assisted in doing so by MSM, usually with the help of a local agency.

- 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>

- **Advocacy Support:** Columbia University Sexual Violence Response (SVR) is a remote Temporary Order of Protection (TOP) site in New York State, meaning they can facilitate online Orders of Protection for students facing intimate partner, dating, domestic, family, or relationship violence. This helps to reduce the amount of time student survivors spend going to the courthouse to file temporary petitions.

- Call [212-854-4357 \(HELP\)](tel:212-854-4357) to discuss your options with an advocate, available 24/7/365.
- Schedule a virtual or in-person appointment by calling [212-854-3500](tel:212-854-3500) or emailing [SVResponse@columbia.edu](mailto:SVResponse@columbia.edu).

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

The School will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the School will take all reasonable and legal action to implement the order.

The School does not issue legal orders of protection. However, as a matter of institutional policy, the School may impose a no-contact order between individuals in appropriate circumstances. The School may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

### **Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the School and in the surrounding community. Those services include:

#### *School Resources*

If you are on campus, you can call the Resident Assistant, the Assistant Dean and Director of Residence Life (917-493-4161), the Assistant Director of Residence Life (917-493-4035), the Dean of Students (917-493-4036), the Director of Student Engagement (917-493-4588), the Student Engagement Coordinator (917-493-4180), the Assistant Dean for Youth Programs (917-493-4564) or the Associate Vice President for Facilities and Campus Safety (917-493-4448). (Note: these staff members are required to report all incidents of Sexual Misconduct to the Title IX Coordinator.)

- The Assistant Dean and Director of Residence Life 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 105, or via phone or email at 917-493-4278 / [campushealth@msmnyc.edu](mailto:campushealth@msmnyc.edu). Our School

counselors work Room 104 and Room 106. To contact them for an appointment, please use the MSM Counseling Center Scheduling Form:

<https://forms.office.com/Pages/ResponsePage.aspx?id=ZkOpiUEdJkGeifALzzCm85CjxRIZPxVLvAn8mSqhyBxUOUdXUFFHSFpUU0RZOEtEUzhNTzZIUjRCUyQIQCN0PWcu>

- 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@msmnyc.edu](mailto:cmatos@msmnyc.edu).

- 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
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The School's financial aid website can be found at:  
<https://www.msmnyc.edu/admission/financing-your-education/>

### ***State/Local Resources***

- 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.

- SUNY SAVR website- listing of local resources in 120 languages [response.suny.edu](https://response.suny.edu)
- Crime Victims Treatment Center, 40 Exchange Pl., Suite 510 (212) 523-4728
- Safe Horizon Sexual Assault 24-Hour Hotline at (866) 689-HELP (Safe Horizon offers victims' services program locations throughout New York City.)
- <https://legallaidnyc.org/>

*National Resources-* 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

- Center for Changing our Campus Culture at [www.changingourcampus.org](http://www.changingourcampus.org)

- National Sexual Assault Hotline: 1-800-656-4673

- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

### **Community Mental-Health and Counseling Resources**

- NAMI NYC Helpline – Peer support and information: 212-684-3264, [naminycmetro.org](http://naminycmetro.org)
- 988 Suicide & Crisis Lifeline – 24/7 national crisis support: Call or text 988, <https://nyc988.cityofnewyork>

### **Accommodations and Protective Measures:**

The School will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the School is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Complainants, who report allegations that could constitute covered sexual harassment under the Title IX policy, have the right to receive supportive measures from Manhattan School of Music regardless of whether they desire to file a complaint. The Title IX Coordinator, the Deputy Title IX Coordinator, and the Assistant Deputy Title IX Coordinator will work with the complainant and the Dean of Students to determine what measures or accommodations, if any, are desired; the Dean of Students will determine what measures or accommodations can be implemented. As appropriate, supportive measures may include, but are not limited to: counseling, restricting contact between the Complainant and the Respondent, altering class schedules, altering on-campus work schedules, changes in work or housing locations, providing academic support, extensions of deadlines or other course-related adjustments, leaves of absence, and increased security and monitoring of certain areas of the campus. Supportive measures are non-disciplinary and non-punitive.

When determining the reasonableness of such a request, the School may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The School will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the School's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure.

Such decisions will be made by the School in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the School will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

### **Procedures for Disciplinary Action:**

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the School's [Title IX Sexual Misconduct Policy](#) and the related complaint resolution procedures when these reports are covered under Title IX according to current federal guidance. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

The complaint resolution procedures are invoked once a report is made to one of the following individuals:

#### **Title IX Coordinator, Carol Matos**

Office Address: A-427 Andersen Hall

Email Address: [cmatos@msmnyc.edu](mailto:cmatos@msmnyc.edu)

Telephone number: (917) 493-4450

#### **Deputy Title IX Coordinator, Hannah Deblock**

Office Address: Room 216 in the Main Building

Email Address: [hdeblock@msmnyc.edu](mailto:hdeblock@msmnyc.edu)

Telephone Number: (917) 493-4401

#### **Assistant Deputy Title IX Coordinator, Jacob Poulos**

Office Address: Room 407 in the Main Building

Email Address: [jpoulos@msmnyc.edu](mailto:jpoulos@msmnyc.edu)

Telephone Number: (917) 493-4114

An electronic form available at: [Title IX Sexual Misconduct and Discrimination Report Form](#) can also be used to file a report.

If you file a report with any faculty member or administrator, that employee will help you get help. All employees of Manhattan School of Music, other than the Campus Health Nurse and counseling staff identified above, are Reporting Officials who are required to report an allegation of conduct prohibited under this policy 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 supportive measures such as supportive measures may include, but are not limited to: counseling, restricting contact between the Complainant and the Respondent, altering class schedules, altering on-campus work schedules, changes in work or housing locations, providing academic support, extensions of deadlines or other course-related adjustments, leaves of absence, and increased security and monitoring of certain areas of the campus. Supportive measures are non-disciplinary and non-punitive.
- 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.

### **Timeframe**

The time frame for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) calendar days after the filing of the Formal Complaint, provided that the Process may be extended in the School's discretion for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

To file a Formal Complaint, a complainant must provide to the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Manhattan School of Music, including



as an employee. For complainants (or complaints) not meeting these criteria, the College will utilize existing policy in Student Code of Conduct for students, the Faculty Handbook for faculty, or the Staff Handbook for any other employee.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The School will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

### **Informal Resolution**

At any time after the parties are provided written notice of the Formal Complaint and before the completion of any appeal specified in “Appeal,” the parties may voluntarily consent, with the Title IX Coordinator’s approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. Information about this Process may be obtained from the Title IX Coordinator.

### **Investigation**

The Title IX Coordinator or Deputy Title IX Coordinator will investigate and may designate one or more investigators to perform an investigation under a reasonably prompt time frame of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

The School, and not the parties, has the burden of proof and of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the School and does not in itself indicate responsibility.

The School cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. The School will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;

2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or a hard copy. The institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) calendar days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. The institution will provide copies of the parties' written responses to the investigator to all parties and their advisors, if any.

The institution will provide the parties five (5) calendar days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and will then provide the parties five (5) calendar days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses will be disclosed to the parties.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. The parties and their advisors must also agree in writing not to photograph or otherwise copy the evidence.

### **Investigative Report**

The investigator will create an Investigative Report that fairly summarizes relevant evidence, will and provide that Report to the parties at least ten (10) calendar days prior the hearing, in an electronic format or a hard copy, for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

### **Hearing**

The School will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing, unless otherwise resolved through an informal resolution process.

At the School's discretion, a live hearing may be conducted (1) with all parties physically present in the same geographic location or (2) with any or all parties, witnesses, and other participants appearing virtually by use of video and audio technology enabling all participants to simultaneously see and hear each other. All such formats are hereinafter encompassed within the term "live hearing." At its discretion, the School may delay or adjourn a live hearing based on technological errors not within a party's control.

All live hearings will be recorded through audio recording, audiovisual recording, or transcript at the School's discretion and consistent with applicable law. That recording or transcript will be made available to the parties for inspection and review.

For all live hearings conducted under the Title IX Grievance Process, the procedure will be as follows:

- The Decision-maker will open the hearing and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- The Decision-maker will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the Decision-maker conducts its initial round of questioning; during the Parties' cross-examination, the decision-maker will have the authority to pause cross-examination at any time for the purposes of asking decision-maker's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-maker to use statements made by the Party.

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the decision-maker will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the decision-maker may be deemed irrelevant if they have been asked and answered.

### **Retaliation**

The School will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a

report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. §1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Reports and formal complaints of retaliation may be made in the same manner as a report or formal complaint of sexual harassment under this policy. specified in this policy. Any report or formal complaint of retaliation will be processed under this policy in the same manner as a report or formal complaint of sexual harassment, as the case may be. The College retains discretion to consolidate a formal complaint of retaliation with a formal complaint of sexual harassment for investigation and/or adjudication purposes if the two formal complaints share a common nexus.

### **Right to Review**

The recording or transcript of the hearing will be available for review by the parties within 5 calendar days unless there are any extenuating circumstances. The recording or transcript of the hearing will not be provided to parties or advisors of choice.

### **Determination Regarding Responsibility**

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment made in the Formal Complaint;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

3. Findings of fact supporting the determination;
4. Conclusions regarding the determination of responsibility for each separate potential incident of sexual harassment;
5. For each allegation:
  - a. A statement of, and rationale for, a determination regarding responsibility;
  - b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
  - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

### **Appeals Process**

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) calendar days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- Disproportionate or inappropriate sanctions; and/or
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than 10 pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12 point font, and

single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by an appellate panel. All members of the panel will be free of conflict of interest and bias, and will not have served as investigator, Title IX Coordinator, or hearing decision-maker in the same matter.

The outcome of the appeal will be provided in writing simultaneously to both parties, and it will include the rationale for the decision.

### **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.

### **Alternative Processes**

When allegations of domestic violence, dating violence, sexual assault or stalking are determined by the Title IX Coordinator not to be covered under Title IX according to current federal guidance, the Dean of Students will review the allegations for compliance with the Manhattan School of Music Code of Conduct.

A student accused of violating the Code of Conduct shall be notified of the alleged violation(s) and shall have the opportunity, within a reasonable amount of time, to participate in a formal judicial hearing to discuss them. Depending on the severity of the infraction, the student will meet with one or possibly two judicial administrators. This hearing will consist of a meeting between the accused student and the judicial administrators assigned to the case and is the student's opportunity to present their full and final version of the facts. The only participants in the hearing are the accused student and the judicial administrators. A student may elect to waive the right to a formal conduct meeting if they agree that the policies and procedures were violated. The judicial administrator will in these cases proceed to sanctioning. If the student disputes responsibility for the infraction, the judicial administrator will proceed with the hearing, either immediately or at a later date. The student will have the opportunity to present all related information regarding their infraction, including naming witnesses on their behalf who are directly related to the incident(s) in question. The judicial administrator will decide if a witness or particular testimony is relevant to the incident and will determine if the witness should be called in to be interviewed. Documentary evidence may be accepted, at the discretion of the judicial administrator. The judicial administrator can request that additional witnesses be called and determine the scope of information to be sought from such witnesses. The student speaks for themselves at the judicial hearing. Legal

counsel and other advisors are not permitted to attend the meeting. The formal rules of evidence applicable in courts of law shall not govern the judicial hearing's procedures. If a student fails to attend the hearing, it will be conducted in the student's absence. The judicial administrator will try to clarify any discrepancies in information provided. They will listen to information provided and review all documentation relevant to the case to determine whether the Code of Conduct has been violated. If the Manhattan School of Music Student Code of Conduct, or other School policy, has been found to have been violated, the judicial administrator will assign appropriate disciplinary sanctions.

### **Rights of the Parties in an Institutional Proceeding:**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
  
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - 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. The Title IX Coordinator is assisted in this effort by the Deputy Title IX Coordinator, the Assistant Deputy Title IX Coordinator, and the Dean of Students.

Such training addresses topics such as the definition of sexual harassment; the scope of the School's education programs and activities; how to conduct investigations, hearings, and appeals and informal resolutions (as applicable); relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting a proceeding; and avoiding actual and perceived conflicts of interest.

All Manhattan School of Music personnel tasked with conducting investigations, hearings, and appeals and informal resolutions receive 8 hours of training by the Student Conduct Institute. Additional training on specialized topics are sometimes accessed through Grand River Solutions and through Husch Blackwell LLP.

3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the Preponderance of the Evidence Standard .
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

### **Possible Sanctions or Protective Measures that the School May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:**

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 Grievance Policy.

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 found responsible for sexual misconduct are subject to disciplinary actions as described in the Manhattan School of Music Title IX Grievance Policy. 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.

Complainants, who report allegations that could constitute covered sexual harassment under the Title IX policy, have the right to receive supportive measures from Manhattan School of Music regardless of whether they desire to file a complaint. As appropriate, supportive measures may include, but are not limited to: counseling, restricting contact between the Complainant and the Respondent, altering class schedules, altering on-campus work schedules, changes in work or housing locations, providing academic support, extensions of deadlines or other course-related adjustments, leaves of absence, and increased security and monitoring of certain areas of the campus. Supportive measures are non-disciplinary and non-punitive.

### **Publicly Available Recordkeeping:**

The School will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the School to the extent permitted by law.

### **Victims to Receive Written Notification of Rights:**

When a student or employee reports to the School that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the School will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### **Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the School of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Associate Vice President of Facilities and Campus Safety, Bryan Greaney at [bgreaney@msmnyc.edu](mailto:bgreaney@msmnyc.edu) | ( 917) 493-4448. State registry of sex offender information may be accessed at the following link: <https://www.criminaljustice.ny.gov/nsor/>

## **Timely Warnings & Emergency Response**

### **Timely Warnings**

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Emergency Management Team- EMT's Core Leadership (President, Executive Vice President and Provost, Senior Vice President and Chief Financial Officer, Associate Vice President of Facilities and Campus Safety) and 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, Assistant Dean for Youth Programs, Assistant Dean & Director of Residence Life, Director of Production, President's Chief of Staff, Dean of Academic Affairs, Executive Assistant to the Provost, Dean of Performance and Production Operations) constitutes a serious or continuing threat to members of the campus community, a campus-wide "timely warning" will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Associate Vice President of Facilities and Campus Safety, 917-493-4448
- Dean of Students, 917-493-4036
- Main Building Security, 917-493-4444
- Andersen Hall Security, 917-493-4700
- Assistant Dean & Director of Residence Life, 917-493-4161

The School has communicated with local law enforcement asking them to notify the School if it receives reports or information warranting a timely warning.

### Emergency Response

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.

<https://www.msmnyc.edu/about/offices-staff/facilities/emergency-response-plan/frequently-asked-questions/>

- **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.

- **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 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.

### **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.

Students, staff and visitors are encouraged to notify the Campus Safety at 917-493-4444 of any emergency or potentially dangerous situation.

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 school personnel who first become aware of the situation will alert the leadership of the Emergency Management Team. The Emergency Management Team will be called to an emergency meeting to 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.

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 Associate Vice President 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 Associate Vice President 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.

If the EMT concludes that the timely warning notification should be made regarding a danger to the community, the School without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

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 Facilities Office alerts the MSM community about safety issues or crimes in the area, when incidents are in the vicinity of our campus. 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 Facilities Office and Division 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 prompted and 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.

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.

The Associate Vice President of Facilities and Campus Safety; Dean of Students will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

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. 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. If deemed necessary, the School's Emergency Management Team will notify local law enforcement of the emergency if they are not already aware of it, and local media outlets in order that the larger community outside the campus will be aware of the emergency.

#### *Methods for Issuing Timely Warnings and Emergency Notifications*

The method(s) listed below may be utilized when the School issues a timely warning or emergency notification to the campus community.

<b>Method</b>	<b>Sign Up Instructions</b>
Electronic Notifications (Emails and Texts)	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.
P.A. Systems	N/A
Sirens	N/A
Website postings	N/A
Social Media	N/A

### Testing & Documentation

In order to prepare for emergencies, and to prevent them from occurring, the MSM community – particularly the EMT – take the following steps.

- MSM has a quarterly comprehensive review of the Emergency Plan and its related strategies.
- MSM conducts fire drills three times per year and Fire Warden trainings with the cooperation of Croker Fire Drill Corporation.
- MSM conducts annual “tabletop” exercises to orient the MSM EMT to emergency response protocols.
- Members of MSM’s EMT (particularly the Director of Facilities and Campus Services or his delegates) regularly attend training seminars and other professional development opportunities to improve the quality of this Plan.
- Members of the House staff, Production staff, and Residence Life staff participate in supplemental annual training for best practices in emergency response.
- MSM has had its Plan reviewed by external legal and emergency consultants to ensure its effectiveness and completion.

The Associate Vice President of Facilities and Campus Safety maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the School will distribute to its students and employees information to remind them of the School’s emergency response and evacuation procedures.

## **Stop Campus Hazing Policy and Programming**

Hazing, which is defined as any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate that is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and causes or creates risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury, is prohibited by Manhattan School of Music.

If you are a victim of hazing, please contact the Dean of Students at (917) 493-4036, [mchristensen@msmnyc.edu](mailto:mchristensen@msmnyc.edu) or visit Room M-120 on the south side of the Student Union. You may also contact the Vice President for Administration and Human Relations at (917) 493-4450. Those who witness or hear about an incident of hazing are also encouraged to report in the same manner.

When a report of hazing is received, the Dean of Students or the Vice President for Administration and Human Relations will make a determination regarding whether an



investigation must occur. If so, an investigator will be assigned to gather information and conduct interviews, as appropriate. The investigator will report any findings and make a recommendation for sanctions as appropriate to the relevant administrator for implementation. The institution strives to complete the investigation within 30 days.

An individual may appeal the decision to the Dean of Students, or the Vice President of Human Relations within 5 days of being notified of the decision. The appeal officer will render a decision within 14 days of receiving an appeal. The appeal officer's decision is final.

## **Hazing Prevention and Awareness Program**

The institution provides prevention and awareness programming related to hazing annually via online trainings. The community is reminded that hazing is prohibited and is provided information regarding how to file a report how reports of hazing are investigated and information regarding local, state and tribal laws on hazing.

In addition, the institution provides research-informed programming for students and employees that covers a wide range of information designed to stop hazing before it occurs. It includes information regarding bystander intervention, such as how to take steps to watch out for those around you, as well as information regarding ethical leadership. Community members are also provided information regarding how to strengthen group ties without engaging in hazing behavior.

## **Hazing State Laws**

<b>Summary (Code of New York)</b>
<p>A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct, including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.</p> <p>Hazing in the first degree is a class A misdemeanor. N.Y. Penal Law § 120.16.</p> <p>A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct, including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person.</p> <p>Hazing in the second degree is a violation. N.Y. Penal Law § 120.17.</p>

## **Missing Student Policy**

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



Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2024	2023	2022	2024	2023	2022	2024	2023	2022	2024	2023	2022
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	2	0	0	2	0	0	0	0	0	0	0
Fondling	0	1	1	0	1	1	0	0	0	0	0	0
Statutory Rape	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
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	1	0	2	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	2	1
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	1	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Hazing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	5	8	9	5	8	9	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	1	0	0	0	0	0	0	0	0	0	0
Dating Violence	1	1	0	1	1	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

### Hate crimes:

2024: 2 On Campus Housing incidents of Destruction/Damage/Vandalism of Property characterized by race bias; 2 On Campus incidents of Destruction/Damage/Vandalism of Property characterized by race bias; 1 On Campus Housing incident of Destruction/Damage/Vandalism of Property characterized by race bias; and 1 On Campus incident of Destruction/Damage/Vandalism of Property characterized by race bias

2023: No hate crimes reported.

2022: No hate crimes reported.

### Crimes unfounded by the School:

2024: 0 unfounded crimes.

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

### Statistics for unfounded crimes provided by law enforcement agencies:

2024: 0 unfounded crimes.

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

### Data from law enforcement agencies:

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the School's Clery Geography.

## **Additional Information**

*The institution began collecting statistics in 2025 for reported hazing crimes. This data will be reflected in the 2026 Annual Security Report.*

## **Annual Fire Safety Report**

### **Housing Facilities and Fire Safety Systems**

The School maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

Campus: Manhattan School of Music, 130 Claremont Ave, New York, NY 10027

<b>Facility</b>	<b>Fire Alarm Monitoring Done on Site</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>	<b>Evacuation Plans &amp; Placards</b>	<b>Number of evacuation (fire) drills in previous calendar year</b>
Andersen Hall, 136 Claremont Ave	X		X	X	X	X	4

### **Policies on Portable Appliances, Smoking and Open Flames**

- 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.
- Open flames are strictly prohibited in student rooms and throughout residence halls. This includes, but is not limited to, candles (decorative, religious, or candles with the wick removed), incense, oil lamps, alcohol lamps, lighter fluid, and open-flame burners. The use of candles and/or incense for religious observances is not permitted in student rooms. Students wishing to burn candles for religious observance may only do so in monitored public areas with prior permission from Residence Life.

The School reserves the right to make periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items, if found, will be confiscated and donated or discarded without reimbursement.

### **Fire Evacuation Procedures**

In the event of a fire, the School expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is nearby) as they leave. If circumstances permit at the time of the alarm, additional instructions will be given regarding where students and/or staff are to relocate.

### **Fire Education and Training Programs**

Fire safety education programs for all residents of on-campus student housing and all employees with responsibilities related to that housing are held at the beginning of each semester. Their purpose is to: familiarize everyone with the fire safety system in each facility, train them on procedures to follow if there is a fire and inform them of the School's fire safety policies. Attendees are advised that participation in fire drills is mandatory and any student with a disability is given the option of having a "buddy" assigned to assist him or her.

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.

### **Fire Education Programs (2022-2024)**

- **Health & Safety Inspections for Andersen Residents – 2022, 2023, 2024**
  - Andersen Hall Resident Assistants conducted Health & Safety Inspections in each room of Andersen Hall to ensure compliance with general safety and fire safety policies.

- **Bedroom Bingo Dorm Fire Safety Program – 2023, 2024**
  - Students were informed about the fire safety policy in Andersen Hall, including which items are considered fire-safe and which are prohibited.
- **Fire Drills – 2022, 2023, 2024**
  - Fire drills were conducted twice each semester for Andersen Hall residents, faculty, staff, students, and participants in pre-college programs. These drills provided practical training in evacuation procedures and reinforced the institution's overall emergency preparedness efforts.

### **Reporting Fires**

The School is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the Associate Vice President of Facilities and Campus Safety at Associate Vice President of Facilities and Campus Safety. When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

### **Plans for Future Improvements**

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.

## **Fire Statistics**

### **Manhattan School of Music**

#### **2024**

No fires were reported in 2024.

#### **2023**

No fires were reported in 2023.

#### **2022**

No fires were reported in 2022.