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The Belanger School of Nursing (“BSON” or the “School”) is committed to maintaining a productive, professional learning environment, in which our students can flourish and fully benefit from faculty and staff guidance. In furtherance of that principle, this Code of Conduct sets standards for members of our community.

BSON will provide this Code of Conduct to all enrolled students during orientation to the program, along with the BSON Student Handbook. The policies contained in this Code of Conduct shall govern the conduct of students, faculty and other staff at BSON, as well as visitors and other licensees and guests to the School. Professional conduct is exhibited in behaviors which reflect personal accountability, values, integrity, responsibility and ethical practices. Students are held responsible for their conduct at all times, both on and off campus. Any student who becomes disorderly, is involved in a disturbance, interferes with the rights of others, damages property, brings the name of the School into disrepute, or is individually or as a member of a group involved in unacceptable social behavior, on or off campus, shall be subject to disciplinary action.

The rules and procedures outlined in this Code of Conduct apply under normal circumstances, typical to the operations of the School. However, in the event of a situation that requires immediate, nonstandard actions by the School, BSON reserves the right to take actions deemed to be in the best interest of the School, its faculty and staff, and students. This document does not limit the authority and discretion of the School to act under such circumstances.

Nothing contained in this policy is intended nor shall it be construed to limit or restrict freedom of speech or peaceful assembly. The protections in this policy apply regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status or domestic violence victim status.

When used in this Code of Conduct, the term “Director” of BSON shall include an appropriate designee.

It is important to recognize that in addition to this Code of Conduct, BSON students, faculty and staff may be subject to additional policies, procedures and responsibilities by virtue of their employment (at Ellis Medicine or elsewhere), and in connection with their participation in BSON credit-earning programs outside the School. This includes entities in which student are completing clinical assignments, and other educational institutions students attend during their affiliation with BSON. Accordingly, BSON students, faculty and staff are required by this Code of Conduct to familiarize themselves with the applicable rules and requirements of these other entities and to abide by them. Violations of applicable policies at BSON credit-earning programs, other educational institutions and/or in employment may be considered a violation of this Code of Conduct and may constitute grounds for discipline.
PROHIBITED CONDUCT (NON-SEXUAL)

In determining whether reported conduct violates this Code of Conduct, the School will consider the totality of the facts and circumstances involved in the incident, including the nature of the reported conduct and the context in which it occurred. Lack of familiarity with the School’s policies is not a defense to a violation. Unless specifically noted, intent is not a required element to establish a violation. Additionally, intoxication or impairment from alcohol, drugs or other substances is not a defense to a violation. Some forms of Prohibited Conduct (defined below) may also violate federal, state and/or local law and criminal prosecution may occur independently of any disciplinary action imposed by the School.

The following acts are unacceptable and are prohibited:

**Academic Misconduct** Commission of an act which violates the BSON Academic Integrity Policy, including, but not limited to, cheating, plagiarism, the sale/purchase/exchange of papers or research; and theft of another’s work. Students are expected to fully review and abide by the BSON Academic Integrity Policy, which is incorporated herein.

**Bullying (Non-Sexual)** Bullying is any unwanted aggressive behavior(s) by one person or group of persons that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated. Bullying may inflict harm or distress on the targeted person including physical, psychological, social, or educational harm.

Workplace Bullying is repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators. It is abusive conduct that is:

- Threatening, humiliating, or intimidating, or
- Work interference - sabotage - which prevents work from getting done, or
- Verbal abuse

Although there are various types of bullying, it is typified by three characteristics:

- Imbalance of power. People who bully use their power to control or harm and people being bullied may have a hard time defending themselves.
- Intent to cause harm. Actions done by accident are not bullying; the person bullying has a goal to cause harm.
- Repetition. Incidents of bullying happen to the same person over and over by the same person or group.

**Illegal Demonstrations** A demonstration which endangers life, public or private property or violates local, state or federal law.

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1 The term “non-sexual” as used in this Code of Conduct is intended to denote conduct and processes that are not covered or controlled by the BSON Sexual Misconduct Policy, set forth in this Code of Conduct, below.
**Dishonesty** The falsification of information which includes any form of providing false or misleading information in writing, orally, or electronically in a manner which has the intent or effect of deceiving School personnel, or altering or falsifying official BSON records or documents; and/or the misinterpretation of oneself as an agent of BSON.

**Disorderly Conduct** Any disruptive conduct which substantially threatens, harms or interferes with the peace and good order of the School community, students, visitors, personnel and/or other School processes and functions.

**Explosives** The possession or use of firecrackers or other explosive devices of any description for any purpose.

**Failure to Comply** The willful obstruction and/or the failure to comply with the directions of an authorized School official acting in performance of his/her prescribed duty; failure to provide valid student identification upon request of a School official; failure to comply with all regulations regarding student conduct on campus.

**Fire Safety** Violation of campus safety regulations, including but not limited to, setting fires, tampering with fire safety and/or firefighting equipment or rendering such equipment inoperable, turning in a false fire alarm, tampering or improper use of campus emergency phones, or failure to evacuate facilities upon the sounding of a fire alarm drill.

**Gambling** Gambling is prohibited on School owned- or controlled property. Fundraising events, including raffles, must be approved by the Director of the School.

**Harassment/Retaliation (Non-Sexual)** BSON is committed to providing all students with a safe and supportive school environment. Members of the School are expected to treat each other with mutual respect and to accept the diversity which makes up the community. Disrespect among members of our community is unacceptable behavior which threatens to disrupt the learning environment.

A. **Harassment (Non-Sexual)**

Harassment is a form of unlawful discrimination as well as disrespectful behavior which will not be tolerated. It is the policy of BSON to oppose and prohibit, without qualification, unlawful harassment based on protected status, including race, color, religion, national origin, marital status, sexual orientation, or disability. “National origin” includes a student’s ethnicity, country of origin or the country of origin of the student’s parents, family members or ancestors. “Disability” includes a physical and/or mental impairment.

Harassment refers to unwelcome and unwanted acts related to a student’s protected status that makes the student feel afraid, embarrassed, helpless, angry or unsafe or upsets the student to the point that it interferes with the student’s educational performance and creates an intimidating, hostile, or offensive environment. Any unlawful harassment of a student by another student, or by faculty or staff, is a violation of this policy. Counseling is available for all students who are victims of bias-related crimes through the Ellis Works Office (518-243-4483).
For purposes of this policy, harassment of a student consists of verbal or physical conduct relating to an individual’s race, color, religion, national origin, marital status, sexual orientation, or disability when the harassing conduct:

1. is sufficiently severe, persistent or pervasive that it affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment;

2. has the purpose or effect of substantially or unreasonably interfering with an individual’s academic performance; or

3. otherwise adversely affects an individual’s learning opportunities.

Examples of conduct which may constitute harassment include:

- graffiti, notes or cartoons containing offensive language
- name calling, jokes or rumors
- threatening or intimidating conduct directed at another because of the other’s protected status
- slurs, negative stereotypes, and hostile acts which are based upon the student’s protected status
- written or graphic material containing comments or stereotypes based on protected status which is posted or circulated and which is aimed at degrading individuals or members of protected classes
- a physical act of aggression or assault because of, or in a manner reasonably related to the student’s protected status
- other kinds of aggressive conduct such as theft or damage to property which is motivated by the student’s protected status

B. Retaliation (Non-Sexual)

Retaliation means words or acts committed against an individual for making a good faith complaint under this policy, filing an external complaint (for example with the police or in court), or participating in proceedings under this policy or with external authorities. Retaliation includes adverse action, violence, threats and/or intimidation that would discourage a reasonable person (under similar circumstances and with similar identities to the targeted individual) from filing or pursuing a complaint, or participating in proceedings under this policy.

Identification Badges Photo student identification badges are provided to students at the start of the school year and must be worn at all times while on School and Ellis Medicine property, and at off-campus classroom and clinical assignments. The use of another student’s badge by anyone other than the rightful owner is a violation of this policy.
**Removal of books and other materials** Removal of books and other materials from BSON in violation of the normal lending procedures is prohibited. Students with such materials and books in their possession will be deemed to have knowingly participated in the use of stolen materials.

**Soliciting** The advertisement, solicitation or sale of any item or service on BSON property without prior approval from the Director of BSON is prohibited, including any soliciting done by telephonic or electronic means.

**Substance Abuse** The possession and/or consumption of alcoholic beverages by students while in the role of a BSON student (and while on any Ellis Medicine campus or any clinical/observation sites outside of the Ellis Medicine organization) is prohibited. In addition, possession and/or use of any illegal controlled substance, drug, or drug paraphernalia is prohibited and will be reported to local and state authorities. BSON will cooperate with authorities on any cases of suspected illegal use, possession or distribution of controlled substances.

Reporting to the School and being incapable of working at usual efficiency or effectiveness as a result of narcotic, substance or alcohol use is prohibited. If this situation occurs, the procedure for disciplinary action relating to Major Offenses will apply.

The following outlines the procedure faculty and staff should follow if a student appears under the influence of substances or impaired in the classroom or clinical setting. The employee evaluating the incident will:

1. Request a second opinion (if possible) from another faculty or staff member.
2. Remove the student from patient care area, and escort the student to Employee/Student Health Office. If the student is in the classroom, refer to Employee/Student Health Office. The student will be offered safe transportation to Ellis Medicine via hospital van or cab and will be escorted by faculty or staff. If the Health Office visit is refused, the student will be instructed to arrange transportation home.
3. Prepare a Conference Record documenting observed student behaviors indicative of impairment and action taken. This record is submitted to the Course Coordinator and Director of BSON, and will be placed in the student’s academic folder.
4. BSON will determine whether to institute student conduct proceedings under this Code of Conduct.

Additional information regarding controlled substances, substance abuse, and addiction support/resources, appears at the end of this Code of Conduct.

**Theft** Theft or attempted theft of the property or services of the School, any organization, or any individual by any means of talking, selling, deceiving, misappropriating, or misusing, as well as receiving and or possessing such stolen property is prohibited.
**Threats (Non-Sexual)** Threats are words or actions intended, causing or reasonably likely to cause fear, pain, harm, injury, emotional distress or damage to any person or property. Threats can be communicated through electronic, verbal or physical means.

**Trespassing** Unauthorized entry, use, or occupancy of BSON, its campus, or in any Ellis Medicine building or grounds.

**Vandalism** The intentional and/or reckless, but not accidental, destruction of property; damaging, destroying, defacing, tampering, misuse, or abuse of student, staff or School property.

**Violation of Law** Conviction of a violation of any municipal, state or federal criminal law is immediate grounds for discipline. Further, BSON retains the discretion to initiate student conduct proceedings upon receipt of credible information that a student has committed a crime or has engaged in behavior that is a civil offense, even if the student is not convicted of the crime or found liable for the civil misconduct.

**Violence (Non-Sexual)** is the use of physical force with intent, effect or reasonable likelihood of causing pain, harm, injury or damage to any person or property. For purposes of this policy, “violence” includes any actual or threatened violence as well as “threats.”

**Weapons** The possession, storage, use or threat of use of any weapon at BSON, its campus, or any Ellis Medicine building or grounds is strictly prohibited and will be reported to local and/or state authorities. For purposes of this provision, a weapon is defined as: anything within the definition of a weapon set forth in Penal Law 265.00; and any instrument, device or object possessed, carried, or used for the purpose of inflicting physical harm or death.

**Other acts of misconduct (not specifically listed)** A violation of any policy, procedure, rule, regulation or directive of the School not specifically listed above, including in the BSON Student Handbook, may be grounds for student conduct proceedings, as is any act that willfully, knowingly or negligently endangers the health, safety or welfare of any member of the BSON community or visitors.

**STUDENT CONDUCT PROCESS (NON-SEXUAL VIOLATIONS)**

BSON’s primary goals in its student conduct process is to educate students and to treat them as fairly as possible when rules are broken. BSON is a private school and, as such, its conduct processes may differ from public entities or official government proceedings. For example, the student conduct processes described here are not intended to be a “trial” as contemplated by a court system and formal rules of evidence do not apply. Any disciplinary action BSON takes is intended to be corrective, and not punitive, in nature, and is based on individualized treatment of the student. Discipline will take into account the circumstances and the seriousness of a student’s misconduct.

Violations of the Code of Conduct not related to the BSON Sexual Misconduct Policy set forth below will be addressed by the BSON Admissions and Evaluations (“A&E”) Committee. At its discretion, the A&E Committee may consult for guidance with legal counsel, BSON administrators and/or Ellis Medicine administrators.
Code of Conduct violations are divided into two categories, General Offenses and Major Offenses. Each category reflects the relative seriousness of the violation and the severity with which the A&E Committee must respond in the event the offense is established. Any conduct that violates the BSON Sexual Misconduct Policy (discussed below), including sexual assault, domestic or dating violence, and stalking, will be addressed through the processes and standards outlined in that separate policy. In addition, students are reminded that violations of policies that apply to students either in clinical placements or at other educational institutions students are attending (including off-campus conduct), also may constitute a violation of this Code of Conduct that subject students to discipline under the following processes.

**General Offenses**
General Offenses are minor violations of this Code of Conduct and other School policies and procedures by a student that are typically of less severity, with no or minimal impact on the health and safety of other members of the community. They include, but are not limited to, the following examples:

- Irregular attendance
- Recurring tardiness
- Unauthorized absence (no call and/or no show)
- Repeated failure to follow policy regarding notification of absence to the School
- Repeated failure to be prepared for class or clinical responsibilities
- Parking violation on Ellis Medicine and School campuses
- Repeated failure to wear proper uniform and/or attire on School grounds and/or in hospital/clinical placement or a dress code violation
- Any other violation of School policies and procedures, including this Code of Conduct and the BSON Student Handbook, that BSON determines (in its discretion) is of less severe impact, with no or minimal impact on the health and safety of other individuals
- Any violation of the policies of a student’s clinical placement or other educational institution that is of less severity and is comparable to General Offenses listed in this Code of Conduct

**Reporting and Conduct Process for General Offenses**
Anyone with knowledge of a General Offense should report it to BSON faculty or staff. Where a BSON faculty member or staff determines that a student has committed a General Offense, notice will be provided to the student through the issuance of a General Offense Notice. A separate General Offense Notice will be issued for each General Offense.

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2 If a student engages in Prohibited Conduct covered by both the Sexual Misconduct Policy, and this portion of the Code of Conduct or other School policy, the terms and processes contained in the Sexual Misconduct Policy shall control.
General Offense Notices provide notice to students of their non-compliance with School rules and standards of conduct, and an opportunity for correction and improvement. For this reason, typically, a General Offense Notice will be issued along with informal counseling of the student by faculty or administration. No other action is taken. However, General Offense Notices are a matter of record throughout the program and will be reported monthly to the A&E Committee and the Director of BSON.

The A&E Committee and the Director will review all issued General Offense Notices and determine whether a General Offense Notice is sufficient for the violation or whether a Major Offense is more appropriately charged based on the seriousness of the conduct, a student’s history concerning General Offenses, or other reasonable basis. If a charge is upgraded to a Major Offense, the A&E Committee chairperson or the Director will notify the student about the change to a Major Offense, and the student conduct process for Major Offenses will be initiated.

**Major Offenses**

Major Offenses are moderate to serious violations of this Code of Conduct and other School policies and procedures by a student that are typically of more severity, and/or may impact the health and safety of other members of the community. They include, but are not limited to, the following examples:

- Academic Misconduct
- Substance Abuse
- Abuse of patients, fellow students or others in School or clinical placement.
- Bullying, Harassment and Retaliation (Non-Sexual)
- Immoral and/or indecent conduct on School grounds and/or in a clinical placement
- Insubordination or willful disobedience or failure to comply with legitimate request of BSON faculty and administrators
- Theft
- Threats and/or Violence (Non-Sexual)
- Violations of Law
- Repeated General Offense Notices
- Any other violation of School policies and procedures, including this Code of Conduct and the BSON Student Handbook, that BSON determines (in its discretion) is of more severity and/or impacts the health and safety of other individuals.
- Any violation of the policies of a student’s clinical placement or other educational institution that is of more severity and is comparable to Major Offenses listed in this Code of Conduct.
**Reporting Major Offenses**
Anyone with knowledge of a Major Offense should report it to any faculty or staff member, including the Director. All allegations concerning Major Offenses shall ultimately be reported to the Director. The Director will notify the Human Resources Department of Ellis Medicine, should the Director deem such notification necessary. The Director will further determine whether law enforcement authorities should be notified, and will make such notification through Ellis Medicine Safety and Security.

Regarding a Major Offense, the term “Complainant” refers to a person who is reported to have experienced the Major Offense conduct, regardless of whether the person makes a report or seeks disciplinary action. The term “Respondent” refers to a person who has been accused of a Major Offense.

**Interim Measures (Non-Sexual)**
Following receipt of an allegation of a Major Offense, the Director will determine the necessity for any reasonable and appropriate interim measures designed to preserve access to educational opportunities; address safety concerns of the Complainant, the Respondent or broader School and Ellis Medicine community; maintain the integrity of the investigative and/or resolution process; and deter retaliation. These actions may be supportive (measures designed to provide support and maintain continued access to educational opportunities) or protective (involving a restrictive action against a Respondent).

In the Director’s sole discretion, an Interim Support Measure may be provided a Complainant and/or Respondent, regardless of whether the Complainant seeks a disciplinary resolution. In contrast, Interim Protective Measures are available (at the Director’s sole discretion) only after the School initiates a disciplinary process against a Respondent. Interim Protective Measures may be imposed when BSON has an articulable factual foundation that would support the taking of a restrictive measure prior to the conclusion of a Major Offense student conduct process.

**Interim Support Measures (Non-Sexual)** may include:

- Facilitating access to counseling and medical services.
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines.
- Voluntary changes in the Complainant’s or Respondent’s BSON-related clinical placement or job assignment.
- Escort and other safety planning steps.
- Mutual “no contact order,” an administrative remedy designed to curtail contact and communications between two or more individuals.
- Referral to resources to assist in obtaining a protective order.
• Any other remedial measure that does not interfere with either party’s access to education can be used to achieve the goals of this policy.

**Interim Protective Measures (Non-Sexual)** may include:

• Imposition of a “no contact order” prohibiting certain individuals from having contact or communications with other individuals.

• Change in the Respondent’s BSON clinical placement or job assignment.

• Exclusion from specified activities or areas of campus, including clinical placement.

• Prohibition from participating in student activities or representing the School in any capacity such as participating in a student organization or participating in academic honor ceremonies.

• Any other protective measure that can be used to achieve the goals of this policy.

The availability of supportive and protective measures will be determined by the specific circumstances of each report and interim measures will be tailored to avoid depriving all parties of their education. The School will consider a number of factors in determining which measures to take, including the needs of the student or employee seeking supportive and/or protective measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the parties; whether the Complainant and the Respondent share the same clinical placement, academic course(s), or job location(s); and whether court proceedings have been used to protect any parties (e.g., protective orders). The School will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority. BSON will provide reasonable supportive and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the School.

If a supportive or protective measure is allowed, the Director will designate a School employee who will be responsible for ensuring the implementation of the interim measure(s). The Director will have the discretion to impose and/or modify any interim measure based on all available information provided by the parties to the Director’s designee. BSON will maintain the privacy of any supportive and protective measures provided under this policy to the extent practicable and will promptly address any violation of an Interim Protective Measure.

All individuals are encouraged to report to the Director’s designee any concerns about the failure of another to abide by any restrictions imposed through an Interim Protective Measure. In the event of an immediate health or safety concern, individuals should contact 911 or Ellis Medicine Safety and Security (on campus) immediately. The School will take action to enforce a previously implemented measure, which may include additional interim restrictions and/or disciplinary penalties for failing to abide by a School-imposed Interim Protective Measure.

**Student Conduct Process for Major Offenses**

The Director of BSON shall determine whether allegations of a Major Offense requires investigation. If investigation is necessary, the Director or designee shall conduct prompt
investigation concerning the Major Offense. The Director and a class advisor will review the Major Offense allegations, and any information gathered in an investigation, and determine whether there is adequate information to warrant a student conduct hearing.

If a hearing is warranted, the Director will notify the Respondent in person of the nature of the reported Major Offense. Written notice will be provided if a prompt in-person meeting is not possible. The Director further will notify the Chairperson of the A&E Committee of the necessity of a hearing. The Director will make a determination whether any interim and/or protective measures are appropriate. The Director will complete a Conference Record, and a copy will be provided to the Respondent. The Director will advise the Respondent to contact his or her BSON advisor. If the Respondent's advisor is a member of the A&E Committee involved in the hearing, another faculty member can serve as the Respondent’s advisor. The advisor should act as support for the Respondent throughout the student conduct process.

**Major Offense Hearing**
The process for addressing Major Offenses charged under this Code of Conduct is as follows:

1. The Director will notify the Chairperson of the A&E Committee of the necessity for a hearing within twenty-four hours of the Director’s determination a hearing is required. The Director will provide the Chairperson information concerning the Major Offense, including any information established through investigation.

2. The Chairperson will initiate proceedings for the hearing by:
   a) Scheduling a hearing within three school days to review the alleged Major Offense.
   b) Informing the following persons about the hearing date and time:
      1) The Complainant and the Respondent;
      2) The Respondent's BSON advisor, and the Complainant’s BSON advisor, if the Complainant requests such notification;
      3) Any witness the Chairperson deems necessary;
      4) The BSON Course Coordinator.

3. The hearing will take place at the appointed time and place. A majority of the A&E Committee members must be present. In the event sufficient Committee members are not available, the Chairperson or the Director will appoint substitute faculty members to serve.

4. At the hearing, the Complainant and the Respondent will have the opportunity to present an oral or written statement concerning the facts and circumstances concerning the Major Offense, and any other information they believe the Committee should consider.

5. The Committee may, in its discretion, also hear from any witness who possesses personal or relevant knowledge of facts related to the matter, and may also consider documents and other evidence it considers relevant. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, the parties or related matters.
Witnesses may not participate solely to speak about an individual’s character. The Committee will consider other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the treated person), and other electronic records, as appropriate.

6. The Committee members may ask questions and discuss the matter with the Complainant, the Respondent, and any other person who appears at the hearing.

7. The Respondent and his/her advisor will remain present in the room throughout the hearing until the time for the Committee’s decision-making, at which time they will leave the room.

8. The Committee will then confer and determine whether a Major Offense has been established by a preponderance of the evidence. The Committee will further determine whether sanctions and/or corrective action are warranted. Decision is by simple majority of the members present.

9. Possible sanctions and corrective actions for Respondents include, but are not limited to, written reprimand with warning that continuation or repetition of misconduct may result in further disciplinary action, disciplinary probation, restitution, dismissal from the School, restriction from placement at a clinical program, educational program attendance, educational project, assessment by a professional, mandated counseling or referral to a treatment program, removal from specific courses/activities/organizations, No Contact Order, transcript notation and/or notification to other institutions, withholding or delaying the conferral of a degree, prohibitions against participation in academic honor ceremonies (such as graduation), training, guidance, and other measures to protect health and safety. Any costs related to a sanction or corrective action shall be borne by the Respondent.

10. The Chairperson promptly will orally inform the Respondent and the Course Coordinator of the outcome of the hearing.

11. The Respondent will be provided subsequent written notification of the Committee's decision. A copy will be filed in the student's academic file and sent to the Course Coordinator.

**Allegations involving BSON Faculty/Staff**

To the extent faculty or staff are accused of misconduct under this Code of Conduct or otherwise become the subject of a complaint, the Director of BSON will notify and coordinate a response with the Ellis Medicine Director of Human Resources concerning any investigation and potential discipline of faculty/staff. All policies contained in this Code of Conduct apply to BSON faculty and staff. However, any disciplinary proceedings and actions against faculty and staff (who cannot be disciplined under this Code of Conduct) will be carried out pursuant to their applicable employment agreements with Ellis Medicine. The Director retains the discretion to impose interim measures that affect faculty and staff as appropriate under this policy.

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3 A preponderance of the evidence means the proof at the hearing shows the Respondent has “more likely than not” engaged in the Prohibited Conduct that is the subject of the Complaint and disciplinary proceeding. That is, that at least 51% of the credible evidence favors the decision that the Respondent is responsible for the Code of Conduct violation.
THE BSON SEXUAL MISCONDUCT POLICY

In compliance with Title IX of the Education Amendments of 1972 ("Title IX") and related provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), the BSON adopts this policy for matters involving sexual misconduct, including sexual assault, sexual harassment, sexual exploitation, dating violence, domestic violence, stalking and related retaliation.

BSON has a zero tolerance policy regarding all forms of sexual misconduct. Violators of this policy will be subject to serious penalties, up to and including dismissal from the School, termination and/or being barred from the School, School activities, and clinical placements including Ellis Medicine facilities. Some forms of Prohibited Conduct defined below may also violate federal, state and/or local law and criminal prosecution may occur independently of any disciplinary action imposed by the School.

The School has designated its Title IX Coordinator to oversee the implementation of this policy and to ensure compliance with applicable laws. The Title IX Coordinator is Sue Arpei:

Sue Arpei
Title IX Coordinator
Ellis Medicine Nott St. Campus, B2 Office #83
518-243-3245
arpeis@ellismedicine.org

The protections set forth in this policy applies to all students regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or any other protected characteristic under federal or state law.

SCOPE AND JURISDICTION

This policy governs the conduct of faculty, staff, students, volunteers and other participants in School programs and activities that occur both on and off campus. It also governs the conduct of third parties, including visitors to the School, vendors, alumni, independent contractors and others.

In this policy, the term “Complainant” refers to a person who is reported to have experienced Prohibited Conduct, regardless of whether the person makes a report or seeks disciplinary action. The term “Respondent” refers to a person who has been accused of Prohibited Conduct.

This policy covers Prohibited Conduct that occurs:

- On campus property

- In the context of any School-related or sponsored education program or activity, regardless of the location (including School-sponsored travel, research or internship programs and recreational activities);
• Through the use of School-owned or provided technology resources; or

• When the conduct has continuing adverse effects or the creation or continuation of a hostile environment on campus.

The School’s Title IX Coordinator will determine whether the School has jurisdiction or disciplinary authority over the Respondent or the conduct. In cases where the School does not have jurisdiction, the School will take reasonably available steps to support a Complainant or other community members through Interim Support Measures and provide assistance in identifying external reporting mechanisms.

This policy covers discrimination on the basis of sex as it relates to the Prohibited Conduct reportedly committed by a student, employee, or third party. Other forms of discrimination, harassment and related-retaliation based on other federally protected classes, including race, color, religion, national origin, age, disability, veteran status, sexual orientation, gender identity or expression, or any other basis prohibited by applicable law, is governed by the policies outlined above concerning non-sexual forms of this misconduct, including the Major Offense conduct process.

**THE ROLE OF THE TITLE IX COORDINATOR**

The School’s Title IX Coordinator has primary responsibility for coordinating BSON efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this School, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

Sexual misconduct against students, including sexual harassment, sexual assault, and sexual exploitation, can be a form of sex discrimination under Title IX. The Title IX Coordinator oversees the School’s response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the School can address issues that affect the wider School community.

The Title IX Coordinator also oversees the School’s centralized response to all reports of Prohibited Conduct defined in this policy to ensure consistent implementation of this policy and compliance with applicable federal, state, and local law.

A student should contact the Title IX Coordinator in order to:

• seek information or training about student’s rights and courses of action available to resolve reports or complaints that involve potential sex discrimination

• file a complaint or make a report of sex discrimination and any Prohibited Conduct

• notify the school of an incident or policy or procedure that may raise potential Title IX and related provisions of the Clery Act
• get information about available resources (including confidential resources) and support services relating to sex discrimination

• ask questions about the school’s policies and procedures related to sex discrimination, including this sexual misconduct policy

The BSON Title IX team includes the Title IX Coordinator, the Deputy Title IX Coordinator and the Director of Safety and Security:

• Sue Arpei is the school’s Title IX Coordinator and can be reached in person on the Nott St. Campus, B2 Office #83, by telephone at 518-243-3245, or by email at arpeis@ellismedicine.org

• Carolyn Lansing is the school’s Deputy Title IX Coordinator and can be reached in person on the school campus - Office 030, by telephone at 518-243-1582, or by email at lansingc@ellismedicine.org

• Keith Edwards is the Director of Safety and Security and can be reached by telephone at 518-243-4691 or by email at edwardsk@ellismedicine.org

The Title IX Coordinator maintains broad oversight responsibility but may delegate responsibilities under this policy to designated administrators or external professionals who will have appropriate training and/or experience. When used in this policy, the term “Title IX Coordinator” may include an appropriate designee.

Inquiries or complaints that involve potential violations of Title IX may also be referred to the U.S. Department of Education’s Office for Civil Rights, contact information for regional office is https://wdcrrobcolp01.ed.gov/cfapps/OCR/contactus.cfm or the Civil Rights Division of the U.S. Department of Justice (DOJ): https://www.justice.gov/crt/how-file-complaint.

**PROHIBITED CONDUCT (SEXUAL)**

In determining whether reported conduct violates this policy, the School will consider the totality of the facts and circumstances involved in the incident, including the nature of the reported conduct and the context in which it occurred. Lack of familiarity with the School’s policy is not a defense to a violation of this policy. Unless specifically noted, intent is not a required element to establish a policy violation. Intoxication or impairment from alcohol, drugs or other substances is not a defense to a violation of this policy.

This policy prohibits the following forms of conduct:

**Sexual Assault**

“Sexual Assault” includes a sexual assault as defined under federal and/or state criminal law. Under federal law, the term “sexual assault” means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s UCR program and as set forth in Appendix A to the Clery Act regulations (34 C.F.R. § 668.46). In Appendix A to the Clery Act regulations, these terms are defined as follows:
• **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

• **Fondling** – the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

• **Incest** – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

• **Statutory Rape** – sexual intercourse with a person who is under the statutory age of consent. Under New York law, the age of consent is 17 years old. See New York State Penal Law Article 130.

Under New York law, “sexual assault” includes any and all “sexual offenses” defined in New York State Penal Code Article 130. These sexual offenses include sexual misconduct, rape, sexual abuse, forcible touching, and aggravated sexual contact, and involve conduct that would generally fall within the above-listed definitions. However, these offenses also cover certain actions, such as sexual assault with an object, which may not be included within the above-listed definitions. Students are encouraged to review the full definitions and elements of these offenses, which can be found in New York State Penal Law §§ 130.00 to 130.96.

**Sexual Activity**

“Sexual Activity” has the same meaning as “sexual act” and “sexual contact” as provided in 18 U.S.C. § 2246(2) and 18 U.S.C. § 2246(3). Therefore, the term “sexual activity” includes the following:

• contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight;

• contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

• the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

• the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

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

Individuals must obtain Consent (defined below) prior to engaging in sexual activity.
Sexual Harassment

“Sexual Harassment” of a student consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when one of the conditions outlined in (1), (2) or (3) below, is present:

1. Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of a student’s instruction, academic standing, or participation in any School program, activity or benefit.

2. A school employee makes submission to, or rejection of, such conduct as a basis for evaluation in making academic decisions.

3. Such conduct creates a hostile environment. A hostile environment exists when the unwelcome sexual conduct is sufficiently severe, persistent or pervasive that it unreasonably interferes with, limits or deprives a student from participating in or benefitting from the School’s educational programs or activities when viewed through both a subjective and objective standard. A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe.

Sexual harassment may occur by or against an individual of any sex, gender identity, gender expression or sexual orientation. Examples of conduct which may constitute sexual harassment include:

- sexual assault, dating and domestic violence, stalking or any of the forms of prohibited conduct defined in this policy if they are committed on the basis of sex

- threatening or taking a negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making a student’s academic work more difficult because the student rejected sexual advances or activity

- unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is not wanted

- unwelcome physical contact of a sexual nature, including touching, patting, grabbing or pinching another person’s intimate parts or coercing, forcing or attempting to coerce or force the touching of anyone’s intimate parts

- graffiti of a sexual nature or sexual gestures, noises, remarks, or jokes

- touching oneself sexually or talking about one’s sexual activity in front of others

- spreading rumors about or rating other students as to sexual activity or preference
• questions or comments about a person’s sexuality that are so severe, persistent or pervasive that they would reasonably be perceived as creating a hostile educational environment

• other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual’s educational status or implied or overt promises of preferential treatment

**Sexual Exploitation**

“Sexual Exploitation” occurs when a person violates the sexual privacy of another or takes advantage of another person’s sexuality without affirmative consent. Sexual exploitation may include:

- Surreptitiously observing another person’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all of the parties involved
- Recording, photographing, transmitting, showing, viewing, streaming or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all of the parties involved
- Exposing one’s genitals or causing another to expose their own genitals in non-consensual circumstances.

**Dating and Domestic Violence**

“Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement and consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

“Domestic Violence” is a felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the Complainant
- a person with whom the Complainant shares a child in common
- a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner

“Violence” is the use of physical force with intent, effect or reasonable likelihood of causing pain, harm, injury or damage to any person or property. For purposes of this policy, “violence” includes any actual or threatened violence as well as “threats.”

“Threats” are words or actions intended, causing or reasonably likely to cause fear, pain, harm, injury, emotional distress or damage to any person or property. Threats can be communicated through electronic, verbal or physical means.
Stalking
“Stalking” is engaging in a course of conduct (i.e., more than one act) directed at a specific person that would cause a reasonable person (under similar circumstances and with similar identities to the Complainant) to experience fear or substantial emotional distress, or to fear for their safety or the safety of others. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, acts in which the stalker directly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatened or communicates to or about a person or interferes with a person’s property or movement. It may also include threats of harm to self, others, pets or property; pursuing or following; nonconsensual communication by any means; unwanted gifts; and trespassing.

Stalking includes cyberstalking through telephonic and electronic media, like the internet, social networks, blogs, cell phones or text messages.

“Substantial emotional distress” is significant mental suffering or anguish, whether or not medical or professional treatment or counseling is sought.

Retaliation (Sexual)
“Retaliation” means words or acts committed against an individual for making a good faith complaint under this policy, filing an external complaint (for example with the police or in court), or participating in proceedings under this policy or with external authorities. Retaliation includes adverse action, violence, threats and/or intimidation that would discourage a reasonable person (under similar circumstances and with similar identities to the targeted individual) from filing or pursuing a complaint, or participating in proceedings under this policy.

CONSENT

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

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choosing to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent.
• Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.

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

UNDERSTANDING PRIVACY AND CONFIDENTIALITY

Privacy refers to the discretion that School employees and designees, including the Title IX Coordinator, will exercise in connection with investigation and disciplinary processes under this policy. Information related to a report of Prohibited Conduct will be handled discreetly and shared with a limited circle of School employees or designees who need to know in order to assist in the assessment, investigation and resolution of the report and related issues. In all proceedings, the school will maintain the privacy of the parties as much as possible while complying with the law, including Clery Act reporting (see below) and School policy. The privacy of student educational records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA) and school policies. Access to an employee’s personnel records is governed by Ellis Medicine policies and by law.

Confidentiality refers to the legal protections provided to individuals who disclose information in legally protected or privileged relationships, including professional mental health counselors, medical professionals, and ordained clergy (Confidential Resources). These Confidential Resources must maintain the confidentiality of communications disclosed within the scope of the provision of professional services. When an individual shares information with a Confidential Resource as a confidential communication in the course of a protected relationship, the Confidential Resource cannot disclose the information (including information about whether an individual has received services) to any third party without the individual’s written permission unless legal or ethical obligations permit or require disclosure. Examples of when an otherwise confidential resource may be able and/or required to disclose information include an imminent health or safety risk, or a lawfully-issued subpoena.

RESPONSIBILITIES OF FACULTY AND STAFF

It is important to understand the different responsibilities of faculty and staff. Some employees are designated “Confidential Resources,” meaning they will maintain the confidentiality of information shared with them as described above. Other employees are designated “Responsible Employees,” meaning they are required to promptly share all information about Prohibited Conduct with the School’s Title IX Coordinator. Even where a Responsible Employee must share information under this policy, the employee will offer “privacy.” All other employees are encouraged, but not required, to share information with the Title IX Coordinator.

Confidential Resources include any School or Ellis Medicine employee who has the ability to maintain the confidentiality of communications under applicable law. These include medical, clinical or mental-health professionals when acting in that professional role in the provision of services; and any employee providing administrative, operational and/or related support for such providers in their performance of such services.
**Responsible Employees** are required to promptly report any information they learn about suspected Prohibited Conduct or potential violations of this policy. Responsible Employees include those School and Ellis Medicine employees who have the authority to redress harassment or the duty to report harassment and individuals who School community members would reasonably conclude have the responsibility or duty to report. While not an exhaustive list, Responsible Employees include:

- The Director of BSON
- Faculty
- Anyone who directly supervises student workers, faculty and other staff
- The Deputy Title IX coordinator
- Academic Advisors
- All Ellis Medicine Human Resources Department staff
- Ellis Medicine Safety and Security staff and employees
- Individuals designated as Campus Security Authorities under the Clery Act

Responsible Employees must report all known information, including the identities of the parties, the date, time and location and any details about the reported incident to the Title IX Coordinator. The Title IX Coordinator may share reports with other School or Ellis Medicine employees to ensure a coordinated response. Responsible Employees may also provide support and assistance to a Complainant, witness or Respondent; but they cannot promise confidentiality or withhold information about Prohibited Conduct. Failure by a Responsible Employee to report suspected Prohibited Conduct in a timely manner may subject them to appropriate discipline, including removal from a position or termination of employment.

**Clery Act Reporting** Under the Clery Act, the School must report statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident.

**CAMPUS AND COMMUNITY RESOURCES**

A Complainant or witness has many options, including seeking counseling or assistance from a Confidential Resource, making a report under this policy and/or making a report to law enforcement. The School encourages prompt reporting of Prohibited Conduct to the Title IX Coordinator and law enforcement. The School also recognizes that deciding among these options can be difficult and is a personal decision for each student.

**Emergency Resources and Law Enforcement**

Emergency medical assistance and campus safety/law enforcement assistance are available 24/7 both on and off campus. Individuals are encouraged to seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense. An incident can be anonymously reported to Ellis Medicine Campus Security.

Individuals who believe their safety or the safety of others is threatened or who have experienced or witnessed Prohibited Conduct that may be criminal in nature should immediately call Ellis
Medicine Safety and Security at 518-243-4480 or the Schenectady Police Department at 911 or 518-382-5200

**Medical Treatment and Preservation of Evidence**
Regardless whether a report is filed with local law enforcement, individuals should seek medical aid. Not only can internal and external injuries be treated, but measures can be taken to combat the possibilities of disease or pregnancy, as well as to collect evidence that could be relevant to criminal charges that may be brought or that might be needed to obtain a protection order.

Students can obtain medical attention from Ellis Medicine Emergency Department 518-243-4121.

Within 96 hours of an assault, an individual can get a Sexual Assault Forensic Examination (or “SAFE,” commonly referred to as a rape kit) at a local hospital. A SAFE may be obtained at Ellis Medicine Emergency Department at 1101 Nott St, Schenectady NY, 518-243-4121 or the Ellis Medicine Emergent Care Center 103 Sitterly Rd, Clifton Park, NY 518-579-2555. Completing a SAFE will not require you to file a police report, but will help to preserve evidence in case you decide at a later date to file a police report. Before obtaining a SAFE, you should avoid showering, washing, changing clothes, combing hair, drinking, eating or altering your physical appearance. There should be no charge for a rape kit, but there may be charges for medical or counseling services off campus, and in some cases, insurance may be billed for services. You should notify hospital personnel if you do not want your insurance policyholder to be notified about your access to these services.

The New York State Office of Victim Services may also be able to assist in compensating you (victims/survivors) for health care and counseling services, including emergency funds.

More information may be found here: [https://ovs.ny.gov/forensic-rape-examination-fre-direct-reimbursement-program](https://ovs.ny.gov/forensic-rape-examination-fre-direct-reimbursement-program) or by calling 1-800-247-8035.

**Campus Resources**
Information about resources related to Prohibited Conduct may be obtained from:

- The Title IX Coordinator, 518-243-3245, arpeis@ellismedicine.org
- The Deputy Title IX Coordinator, 518-243-1582, lansingc@ellismedicine.org
- The Director of Safety and Security, 518-243-4691, edwardsk@ellismedicine.org

**Confidential Resources**
Students may contact Ellis Medicine Emergency Department Charge Nurse/Sherry Thurman, RN SAFE Nurse and Fr. Anthony Green, Director Pastoral Care, 1101 Nott St, Schenectady NY, 518-243-4064 to obtain confidential medical and counseling services on campus.

Students may also seek assistance for incidents involving sexual assault, dating violence, domestic violence, or stalking from these organizations not affiliated with the School:

- Rape Crisis Service 518-346-2266
- Equinox Hotline: 518-432-7865
- Unity House Hotline: 518-272-2370
- The National Domestic Violence Hotline: 1-800-799-7233
- The National Sexual Assault Hotline: 1-800-656-4673
• Safe Horizon Hotlines: 800-621-4673 (domestic violence), 866-689-4357 (victims of other crimes, 1-212-227-3000 (rape & sexual assault victims)
• YWCA of Northeastern New York: 518-374-3386
• NYS Office for Prevention of Domestic Violence: website: www.opdv.ny.gov
• In Our Own Voices LGBT Domestic Violence Support Line (residential and non-residential domestic violence services) (Monday-Friday 9am-9pm):
  o Albany County: 518-432-4188
  o Rensselaer/Saratoga/Schenectady County: 518-432-4341
• Wellspring (residential and non-residential domestic violence services) (Saratoga County): 518-584-8188
• Mechanicville Area Community Service Center Domestic Violence Advocacy Program: 518-664-4008

Any student, faculty or staff member may access the New York State Sex Offender Registry online by going to www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp.

REPORTING SEXUAL MISCONDUCT

The School encourages all individuals to report Prohibited Conduct or a potential violation of this policy to the Title IX Coordinator or any Responsible Employee, Ellis Medicine Safety and Security, local police or the New York State Police. A Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, BSON will assist a Complainant in contacting law enforcement. Any person making a report will be protected from retaliation for reporting an incident and will receive assistance and resources from the School.

The School’s Title IX processes and law enforcement investigations operate independently of one another, although the School may coordinate information with law enforcement. Under limited circumstances posing a threat to health or safety of any individual or to comply with applicable law, the School may independently notify law enforcement.

• Make a report to the Title IX Coordinator in person, by telephone, by email at:

  Sue Arpei
  Title IX Coordinator
  Ellis Medicine Nott St. Campus, B2 Office #83
  518-243-3245
  arpeis@ellismedicine.org

• If on campus, you may also contact Ellis Medicine Safety and Security for assistance in filing a criminal complaint and preserving physical evidence at:

  McClellan St Campus
  Bradley Loehr, Senior Security Officer, Security Office-A1, 518-243-4480

  Nott St Campus
  Keith Edwards, Director Safety and Security, C Wing Basement, 518-243-4691

• If off campus, call 911 to reach local law enforcement.
• A report of campus sexual assault, domestic and dating violence, and/or stalking also can be made with the **New York State Police** at:

New York State Police  
Campus Sexual Assault Victims Unit  
1220 Washington Ave, Building 22  
Albany, New York 12226  
dedicated 24-hour hotline: 1-844-845-7269

• If you choose to contact law enforcement, you may have the further option to (but are not required to) pursue the case through the criminal justice system, where you will be assisted by a **District Attorney’s** office.

• If a Complainant wishes to report misconduct by an employee of Ellis Medicine, a report can be made to Ellis Medicine’s **Human Resources** Department at:  
VP Chief Human Resource Officer  
1101 Nott St, A Wing  
Schenectady, New York 12308  
518-243-4002

An individual may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue a Title IX report and a criminal complaint). When initiating any of the above options, an individual does not need to know whether they wish to request any particular course of action nor how to label what happened. As part of a report to the Title IX Coordinator, an individual can also request Interim Measures and support.

**Anonymous Reporting**

A Complainant is not required to reveal their identity with Ellis Medicine Safety and Security in order to report an incident. Anonymous reports can also be made to the Title IX Coordinator. When calling these resources, individuals should simply state they would like to remain anonymous. Providing information may help the School maintain accurate records regarding the number of incidents; determine if there is a pattern of conduct with regard to a particular location or Respondent; and alert the campus community to potential dangers, when appropriate.

**Timeframe for reporting**

Complainants and witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the School’s ability to respond promptly and effectively. The school does not, however, limit the timeframe for reporting. Depending on the relationship of the Respondent to the School, the School may not have the authority to impose disciplinary action. Where the School does not have disciplinary authority, it will seek to meet its Title IX obligations by evaluating the reported conduct, providing reasonably available Interim Support Measures, and assisting the Complainant in identifying external reporting options.

**Bystanders**

Bystanders are those that witness or observe violence or the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. The individual is present and potentially in position to discourage, mitigate, prevent, or
interrupt an incident. Bystander Intervention is a philosophy and strategy for the mitigation of various types of violence.

The Bystander Intervention model gives all community members a specific role which they can identify and adopt in preventing the problem of sexual violence. This role involves interrupting situations that could lead to assault before it happens or during an incident, speaking out against social norms that support sexual violence and possessing the skills to be an effective support to survivors.

These 5 Steps to Intervention are to be used by bystanders before they take action:

1. Recognition of an occurrence surrounding inappropriate behavior or an event that could lead to violence;
2. Consider whether the occurrence requires action on their part;
3. Make the decision to be responsible to act;
4. Look for support when responding to the occurrence;
5. Make sure your safety and the safety of others is considered when responding.

Other Factors to consider before acting as a bystander include:
- The number of people involved and other bystanders;
- The uncertainty of the situation;
- The perceived level of urgency or danger to the victim and surrounding circumstances;
- The environment of the event.

Amnesty
The School encourages reporting and seeks to remove barriers to reporting by providing amnesty for Complainants and witnesses who report Prohibited Conduct (Sexual) for potential conduct violations occurring at or near the time of the incident. In general, the School will not pursue disciplinary action against a student who makes a good faith report to the School as a Complainant or witness to Prohibited Conduct (Sexual) for personal consumption of alcohol or other drugs (underage or illegal) which would otherwise be a violation of the Code of Conduct, provided the misconduct did not endanger the health or safety of others. The School may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

Requests for Anonymity
Once a report has been shared with the Title IX Coordinator, a Complainant may request that their identity not be shared with the Respondent (request for anonymity), that no investigation occur, or that no disciplinary action be pursued. The School will carefully balance this request in the context of the School’s commitment to provide a safe and non-discriminatory environment for all community members. The School will take all reasonable efforts to investigate and respond to the report consistent with a Complainant’s request, but in order to pursue disciplinary action or impose Interim Protective Measures against a Respondent, the Respondent must be provided with sufficient notice of the reported conduct. In some circumstances, the Title IX Coordinator may arrange for limited preliminary fact-finding by an investigator to gain a better understanding of the context of the report or take other appropriate steps, including consulting with Ellis Hospital Safety and Security.
Complaints Involving School Employees
Student complaints involving faculty members and other employees of Ellis Medicine will be referred to the Vice President for Human Resources for Ellis Medicine; however, the School’s Title IX coordinator will be involved in the process and such complaints will be resolved in a manner consistent with Title IX and the Clery Act.

**INTERIM MEASURES**

Upon receipt of a report of Prohibited Conduct, BSON will provide reasonable and appropriate interim measures designed to preserve access to educational opportunities; address safety concerns of the Complainant, the Respondent or broader School and Ellis Medicine community; maintain the integrity of the investigative and/or resolution process; and deter retaliation. These actions may be supportive (measures designed to provide support and maintain continued access to educational opportunities) or protective (involving a restrictive action against a Respondent).

**Interim Support Measures** are available to the Complainant regardless of whether the Complainant pursues an investigation or seeks a disciplinary resolution. Interim Support Measures are also available to Respondents. In contrast, **Interim Protective Measures** are only available when the School initiates an investigation as part of a disciplinary resolution. Interim Protective Measures may be imposed when BSON has an articulable factual foundation that would support the taking of a restrictive measure prior to the conclusion of the investigation.

**Interim Support Measures** may include:

- Facilitating access to counseling and medical services.
- Guidance in obtaining a sexual assault forensic examination.
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines.
- Voluntary changes in the Complainant’s or Respondent’s BSON-related clinical placement or job assignment.
- Escort and other safety planning steps.
- Mutual “no contact order,” an administrative remedy designed to curtail contact and communications between two or more individuals.
- Referral to resources to assist in obtaining a protective order.
- Any other remedial measure that does not interfere with either party’s access to education can be used to achieve the goals of this policy.

**Interim Protective Measures** may include:

- Imposition of a “no contact order” prohibiting certain individuals from having contact or communications with other individuals.
• Change in the Respondent’s BSON clinical placement or job assignment.

• Exclusion from specified activities or areas of campus, including clinical placement.

• Prohibition from participating in student activities or representing the School in any capacity such as participating in a student organization or participating in academic honor ceremonies.

• Any other protective measure that can be used to achieve the goals of this policy.

The availability of supportive and protective measures will be determined by the specific circumstances of each report and interim measures will be tailored to avoid depriving all parties of their education. The School will consider a number of factors in determining which measures to take, including the needs of the student or employee seeking supportive and/or protective measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the parties; whether the Complainant and the Respondent share the same clinical placement, academic course(s), or job location(s); and whether court proceedings have been used to protect any parties (e.g., protective orders). The School will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority. BSON will provide reasonable supportive and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the School.

The Title IX Coordinator is responsible for ensuring the implementation of interim measures and coordinating the School’s response. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of interim measures. BSON will maintain the privacy of any supportive and protective measures provided under this policy to the extent practicable and will promptly address any violation of an Interim Protective Measure.

All individuals are encouraged to report to the Title IX Coordinator any concerns about the failure of another to abide by any restrictions imposed through an Interim Protective Measure. In the event of an immediate health or safety concern, individuals should contact 911 or Ellis Medicine Safety and Security (on campus) immediately. The School will take action to enforce a previously implemented measure, which may include additional interim restrictions and/or disciplinary penalties for failing to abide by a School-imposed Interim Protective Measure.
OVERVIEW OF RESOLUTION PROCESS

BSON is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this policy. The School uses two processes to resolve reports of Prohibited Conduct under this policy:

- **Alternative Resolution**, an informal framework that includes informal or restorative options for resolving reports that typically does not involve disciplinary action against a Respondent.

- **Disciplinary Resolution**, formal procedures that involve an investigation, adjudication and, if appropriate, the imposition of sanctions.

The Title IX Coordinator will determine the appropriate resolution process after making an initial assessment of the reported information, consulting with the Complainant, considering campus safety, and evaluating the School’s obligation to maintain an environment free from harassment and discrimination. Where a Complainant requests a Disciplinary Resolution and the available information raises the elements of Prohibited Conduct, the Title IX Coordinator will initiate an investigation.

**Time Frame for Resolution**

BSON will seek to complete the appropriate resolution process as promptly as possible, consistent with the need to conduct sensitive and informed fact-gathering to ensure an equitable resolution. This policy designates reasonably prompt timeframes for the major stages of the investigation and resolution process (typically set forth in business days), but the School may extend any timeframe in this policy for good cause. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the School calendar, School finals periods, the complexity of the investigation, the volume of information, number of witnesses, length of the written record, and/or the severity and extent of the alleged misconduct.

While requests for delays by the parties may be considered, the School cannot unduly or unreasonably delay the prompt resolution of a report under this policy. Reasonable requests for delays by the parties may serve to extend the time period for resolution of the report. The Title IX Coordinator, in consultation with the investigator, has the authority to determine whether an extension is required or warranted by the circumstances. The School will notify the parties in writing of any extension of the timeframes for good cause, the reason for the extension and the length of the extension.

Although cooperation with law enforcement may require the School to suspend the fact-finding portion of a Title IX investigation temporarily, BSON will promptly resume its Title IX investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The School will not, however, wait for the conclusion of a criminal proceeding to begin or conclude its own investigation and, if needed, will take immediate steps to provide appropriate Interim Support Measures.

Investigations will proceed according to the timeframes in this policy to the extent possible during the summer and at other times when classes are not in session. The Title IX Coordinator
will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation. Timeframes for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings and any related review of the finding, apply equally to both the Complainant and the Respondent.

**Advisor of Choice**
Throughout Alternative or Disciplinary Resolution, each party has the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation or whose role in the process does not otherwise create a conflict of interest. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the resolution of a report under this policy. While the advisor may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt or interfere with meetings and/or proceedings. The School will not unduly delay the scheduling of meetings or proceedings based on an advisor’s unavailability. An advisor may be asked to meet with the Title IX Coordinator or a BSON administrator in advance of any proceedings to understand the expectations of the role, privacy considerations and appropriate decorum. The Title IX Coordinator will assess requests by a party for more than one advisor and retains full discretion whether to approve such requests.

**Obligation to Provide Truthful Information**
All BSON community members are expected to provide truthful information in any proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions, in accordance with the Code of Conduct and other applicable BSON procedures. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

**Intake and Initial Assessment**
Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will take immediate and appropriate steps to investigate or otherwise determine what happened and work to resolve the matter promptly and equitably. The first step in this process is called an “Initial Assessment.” As part of the Initial Assessment, the Title IX Coordinator will gather information about the reported conduct and respond to any immediate health or safety concerns raised by the report. The Title IX Coordinator will assess the Complainant’s safety and well-being, offer BSON’s immediate support and assistance, and assess the nature and circumstances of the report to determine whether the reported conduct raises a potential policy violation, whether the reported conduct is within the scope of this policy, and the appropriate manner of resolution under this policy. The Title IX Coordinator may consult with Ellis Medicine Safety and Security, or other School and Ellis Medicine staff, as part of the initial assessment.

As part of the initial assessment, the Title IX Coordinator will typically:

- assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the Complainant, the Respondent, any witness and/or any other individual with knowledge of the reported incident;
- address immediate physical safety and emotional well-being;
notify the Complainant of their right to contact (or decline to contact) law enforcement or seek a civil protection order;
notify the Complainant of the right to seek medical treatment;
notify the Complainant of the importance of preservation of evidence;
refer the report to Ellis Medicine Safety and Security to enter the report into the School’s daily crime log if required by the Clery Act;
with Ellis Medicine Safety and Security, assess the reported conduct and discern the need for a timely warning under the Clery Act;
provide the Complainant with written information about on and off campus resources;
notify the Complainant of the range of interim measures available, including the right to reasonable Interim Support Measures regardless of whether they choose to participate in a School or law enforcement investigation;
notify the Complainant of the range of Interim Protective Measures available if the School pursues an investigation;
provide the Complainant with an explanation of the procedural options, including Disciplinary Resolution and Alternative Resolution;
notify the Complainant of the right to be accompanied at any meeting by an advisor of choice;
assess the available information for any pattern of conduct by Respondent;
discuss the Complainant’s expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns); and
explain the School’s policy prohibiting retaliation and how to report acts of retaliation.

When the Title IX Coordinator decides to initiate an investigation, impose Interim Protective Measures, or take any other action that impacts a Respondent, the Title IX Coordinator will also ensure that Respondent is notified and receives written information on available resources and options, consistent with the list outlined above.

The Initial Assessment will be conducted promptly and the time frame for the Initial Assessment will be tailored to the context and circumstances. The School will seek to complete the Initial Assessment within 10 business days, but recognizes that there may be circumstances in which the Initial Assessment takes longer based on the availability of the Complainant or other necessary information, a Complainant’s request to maintain privacy or not seek disciplinary action, or other factors outside of the School’s control. The School understands that a Complainant may engage in delayed decision-making, which may impact the timing of the conclusion of the Initial Assessment.
The School’s Responsibility to Investigate
In order to protect the safety of the campus community, the Title IX Coordinator may need to proceed with an investigation even if a Complainant specifically requests that the matter not be pursued. The Title IX Coordinator may also initiate an investigation of potential violations of this policy even absent a formal report or identified Complainant or Respondent and even if a report has been withdrawn. In such a circumstance, the Title IX Coordinator will take into account the Complainant’s articulated concerns, the safety of the campus community, fairness to all individuals involved, and the School’s obligations under Title IX.

A Complainant may request that their name or other personally-identifiable information not be shared with a Respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps, the Title IX Coordinator will discuss any concerns with the Complainant and seek to address and remedy barriers to reporting based upon concerns about retaliation or questions about procedural options and potential outcomes. The Title IX Coordinator will balance the Complainant’s request against the following factors in reaching a determination on whether the request can be honored:

- the totality of the known circumstances;
- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the Complainant and Respondent;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of other prohibited conduct or other misconduct by the Respondent;
- the Complainant’s interest in the School not pursuing an investigation or disciplinary action and the impact of such actions on the Complainant;
- whether the School possesses other means to obtain relevant evidence;
- fairness considerations for both the Complainant and the Respondent;
- the School’s obligation to provide a safe and non-discriminatory environment; and
- any other available and relevant information.

The Title IX Coordinator will consider what steps may be possible or appropriate when a Respondent is unknown or the Complainant requests anonymity and what other measures or remedies might be considered to address any effects of the reported behavior on the campus community. The Title IX Coordinator will make a determination regarding the appropriate manner of resolution under the policy. BSON will seek resolution consistent with the
Complainant’s request, if it is reasonably possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the parties and the BSON and Ellis Medicine community.

Where the Title IX Coordinator determines that a Complainant’s request(s) can be honored, the School may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence and remedy its effects on the Complainant and the School/Ellis Medicine community. Those steps may include offering appropriate support measures to the Complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Title IX Coordinator may also re-open a report under this policy if any new or additional information becomes available, and/or if the Complainant later decides that they would like a Disciplinary Resolution to occur.

In those instances when the Title IX Coordinator determines that the School must proceed with an investigation despite the Complainant’s request that it not occur, the Title IX Coordinator will notify the Complainant that the School intends to initiate an investigation. The Complainant is not required to participate in the investigation or in any of the actions taken by BSON. The School’s ability to investigate and respond fully to a report may be limited if the Complainant requests anonymity or declines to participate in an investigation. The School will, however, pursue other steps to limit the effects of the reported conduct and prevent its recurrence. In all cases, the final decision on whether, how and to what extent the School will conduct an investigation and whether other Interim Support or Protective Measures will be taken in connection with a report of Prohibited Conduct will be made in a manner consistent with this policy.

At the conclusion of the Initial Assessment, the School will proceed with one of the following options:

1. Proceed with an investigation under the Disciplinary Resolution process. This will occur when a Complainant requests an investigation, where the Title IX Coordinator determines to proceed with an investigation even when a Complainant requests that no investigation be pursued, or where Alternative Resolution is not appropriate or available.

2. Proceed with Alternative Resolution. This will always require the consent of the Complainant. The consent of the Respondent is also required when the form of resolution involves the Respondent.

3. If outside the scope of this policy, refer the matter to another appropriate office or department for resolution under the relevant policy.

**Alternative Resolution**

Alternative Resolution is a voluntary and remedies-based resolution that typically does not involve taking disciplinary action against a Respondent. In some forms of Alternative Resolution, the remedies imposed will focus on supporting the Complainant with no participation or involvement by the Respondent. In other forms of Alternative Resolution, the Respondent may agree to participate. Depending on the form of Alternative Resolution used, it may be possible for a Complainant to maintain anonymity.
Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. Where an Initial Assessment concludes that Alternative Resolution may be appropriate, the School will take prompt action through the imposition of individual and community remedies designed to maintain access to the educational, extracurricular, and employment activities at the School and to remedy the impacts of conduct on members of the BSON and Ellis Medicine community. Examples of Interim Support Measures are included in the Interim Measures section of the policy.

Other potential remedies include targeted or broad-based educational programming or training, supported direct conversation or interaction with the Respondent, and/or indirect action by the Title IX Coordinator. In some circumstances, Alternative Resolution may involve disciplinary action against a Respondent. Disciplinary action will only be imposed against a Respondent where there is a sufficient factual foundation and both the Complainant and the Respondent have agreed to forego the additional procedures set forth in this policy and accept an agreed upon sanction. The School will not compel a Complainant to engage in mediation, to confront the Respondent directly, or to participate in any particular form of Alternative Resolution. The decision to pursue Alternative Resolution will be made when the School has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in Alternative Resolution is voluntary, and either party can request to end Alternative Resolution at any time. If an agreement acceptable to the School, the Complainant, and the Respondent is reached through Alternative Resolution, the terms of the agreement are implemented and the matter is deemed resolved and closed. If an agreement is not reached, and the Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Disciplinary Resolution.

Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Disciplinary Resolution.

The Title IX Coordinator will maintain records of all reports and conduct referred for Alternative Resolution, which will typically be complete within 60 business days of the initial report.

**Disciplinary Resolution: Investigation**

The School will conduct a prompt and equitable investigation to gather information relevant to the determination of whether there is sufficient information, by a preponderance of the evidence, to determine that a policy violation occurred. The investigation will be impartial and will be conducted by trained individuals who have no actual bias or conflict of interest.

During the investigation and disciplinary proceedings, both the Complainant and Respondent have equitable opportunities, including the opportunity to receive a written notice of investigation; to participate in the investigation; to review and present information and evidence; to be accompanied by an advisor of their choice to any meeting; to timely and equal access to information that will be used in disciplinary proceedings; to timely notice of meetings at which their presence will be requested or required; and to simultaneous written notice of the outcome, sanction and rationale.
The Investigator, not the parties, is responsible for gathering relevant evidence. The Complainant and Respondent will be asked to identify witnesses and provide other relevant information, such as documents, communications and other evidence, if available. The parties are encouraged to provide all relevant information as promptly as possible to facilitate prompt resolution and are encouraged to preserve relevant evidence. In the event that a party declines to voluntarily provide material information, the School’s ability to conduct a prompt, thorough and equitable investigation may be impacted.

**Initiating an Investigation**
When the decision is made to initiate an investigation, the School will designate an Investigator to conduct a prompt, thorough, fair and impartial investigation. The Investigator may be a School or Ellis Medicine employee and/or an experienced external investigator. Any Investigator used by the School will receive annual training on issues related to sexual harassment, sexual assault, dating violence, domestic violence and stalking, and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of all participants while promoting accountability. The Investigator will be impartial and free from conflict of interest or actual bias for or against the Complainant or Respondent.

**Notice of Investigation**
The Title IX Coordinator will notify the Complainant and the Respondent, in writing, of the following information: (1) the names of the Complainant and the Respondent; (2) the date, time (if known), location, and a brief summary of the nature of the reported conduct; (3) the reported policy violation(s); (4) the name of the Investigator; (5) information about the parties’ participation in the process; (6) the prohibition against retaliation; (7) the importance of preserving any potentially relevant evidence in any format; (8) how to challenge participation by the Investigator on the basis of a conflict of interest or bias; and (9) a copy of this policy. If the investigation reveals the existence of additional or different potential violations of this policy, the Investigator will issue a supplemental notice of investigation.

**Consolidation of Investigation**
The Title IX Coordinator has the discretion to consolidate multiple reports into a single investigation if evidence relevant to one incident is relevant to the others. Consolidation might involve multiple Complainants and a single Respondent, multiple Respondents, or conduct that is temporally or logically connected.

**Investigative Steps**
During an investigation, the Investigator will seek to meet separately with the Complainant, Respondent and relevant witnesses. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, the parties or related matters. Witnesses may not participate solely to speak about an individual’s character. Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be included in the written investigation report, which the parties will have the opportunity to review at the conclusion of the investigation. The Investigator will also gather other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person), and other electronic records as the Investigator determines is appropriate.
Social Media and Personal Communications
The Investigator may also consider information publicly available from online sources that comes to the attention of Investigator. The School does not actively monitor online sources, however, and as with all potentially relevant information, the Complainant, Respondent or witness should bring online information to the attention of the Investigator if they believe it is relevant.

The Investigator may also consider communications involving or relating to one or both parties that either party brings to the attention of the Investigator or that is provided by the parties in response to a request by the Investigator. The Investigator may also seek review of information available on the devices or servers of the School and/or Ellis Medicine, consistent with applicable technology policies.

Medical and Counseling Records
In general, a person’s medical and counseling records are confidential and not accessible to the Investigator unless the person voluntarily chooses to share those records with the Investigator. In those instances, the relevant information from the records must be shared with the other party.

Prior or Subsequent Conduct
Prior or subsequent conduct may be considered in determining pattern, knowledge, intent or motive. For example, evidence of an articulable pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct. The Investigator will determine the relevance of this information, which may involve additional investigative steps, and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

Prior Sexual History
The sexual history of the Complainant or Respondent will never be used to prove character or reputation. Evidence related to the prior sexual history of the parties is generally not used in determining whether a violation of this policy has occurred and will only be considered when a determination is made that it is directly relevant to the investigation. For example, if Consent is at issue, the sexual history between the parties may be relevant to determine the nature and manner of communications between the parties, which may inform the determination whether Consent was sought and reasonably appeared to have been given during the incident in question. As set forth in the Consent definition, even in the context of a relationship, Consent on one occasion does not constitute Consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain injury, to provide proof of a pattern, or to address another specific issue raised in the investigation. The Investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

Relevance
The Investigator will review all information identified or provided by the parties and will determine the appropriateness, relevance and probative value of the information developed or received during the investigation. In general, the Investigator will not consider statements of
personal opinion or statements as to any party’s general reputation for any character trait. All information considered relevant by the Investigator will be provided to the parties for their review and comment, as described in this policy.

**Expectations of the Parties**

The School expects all members of its community to cooperate fully with the investigation and disciplinary procedures. It is understood that there may be circumstances in which a Complainant or Respondent wish to limit their participation, and the School will respect the choice of the Complainant or Respondent as to how to engage in proceedings under this policy. However, the School may move forward with an investigation and disciplinary action without the participation of a party or parties.

If a Complainant or Respondent chooses not to answer any or all questions in an investigation for any reason, the School will continue its process; and the School will issue any discipline or sanctions as appropriate. The School will not draw any adverse inference solely from a Complainant’s or Respondent’s decision not to participate in the investigation or any form of resolution under this policy; however, the Complainant or Respondent should be aware that declining to participate in the investigation may impact the timing and outcome of the case.

**Effect of Withdrawal**

At any time, the School may place an administrative hold on the Respondent’s BSON transcript, make a transcript notation, or defer or withhold the award of the Respondent’s degree. Although a Respondent may withdraw from BSON while the investigation is pending, this withdrawal may be considered permanent and the Respondent’s transcript may note that there was a withdrawal while under investigation for sexual violence. Even if a Respondent withdraws from the School, the Title IX Coordinator may proceed with further action as necessary to eliminate, prevent or address any impacts of the reported conduct.

**Safeguarding the Privacy of Complainants and Respondents**

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, Complainants and Respondents are not restricted from discussing and sharing information with others who may support or assist them during the process. All parties, however, are encouraged to maintain the privacy of Family Educational Rights and Privacy Act (FERPA)-protected and/or sensitive information gathered or learned in the process.

All documentation related to violations of the BSON Sexual Misconduct Policy will be maintained in the Title IX Office. Records may be released to School faculty or staff, to another entity at which a student is earning academic credits for BSON, and/or to Ellis Medicine staff, on a "need-to-know" basis. Student conduct records may be released to persons and agencies external to the School and these other specified entities with the student's permission, or in compliance with the law. Records subpoenaed or ordered by a judge may be released without the student's permission. A record may also be released if it is in the School's legal interest to do so.

**Timing of Investigation**

The goal of the School is to complete the fact-gathering portion of the investigation within approximately 50 business days.
Coordination with Law Enforcement
If there is a concurrent criminal investigation, the School will seek to work in a collaborative manner in order to respect the integrity of external investigations and School investigations. This may include contacting the law enforcement agency that is conducting any investigation to inform that agency that a School investigation is also in progress, attempting to ascertain the status of the criminal investigation, and seeking to determine the extent to which any evidence collected by law enforcement may be available to the School in its investigation.

Review of Preliminary Investigative Report
At the conclusion of the fact-gathering portion of the investigation, the Investigator will prepare a preliminary investigative report that provides the Complainant and the Respondent equal and timely access to information that will be used in determining whether there was a policy violation. The preliminary investigative report and accompanying documents will be made available to the Complainant and the Respondent to review. After reviewing the preliminary investigative report, each party will have five business days to: (1) provide written comment or feedback, (2) submit additional information, (3) identify additional witnesses, and/or (4) request the collection of other information by the Investigator. The Investigator will determine the appropriateness of additional investigative steps and the relevance of additional information. If either party provides a written response or makes a request for additional investigation, the written response and any additional information gathered by the Investigator will be shared with the other party and incorporated as appropriate in the final investigative report. Any information gathered through additional investigation steps will be shared with both parties, and, if the Investigator deems it appropriate, each will have the opportunity for further response. Typically, each party will have three business days to review any additional substantive information. As necessary, the Investigator will designate reasonably prompt timeframes to ensure a timely completion of the process while also providing an adequate opportunity for both parties to respond thoroughly to the information gathered during the investigation. In the absence of good cause, information that could have been learned that is not provided to the Investigator upon review of the preliminary investigative report will not be considered in the determination of responsibility for a violation of the policy.

Final Investigative Report
Unless there are significant additional investigative steps requested by the parties or identified by the Investigator, normally within five business days after receipt and consideration of additional comments, questions and/or information from the parties, the Investigator will prepare a final investigative report, which will include a determination whether there is sufficient information, by a preponderance of the evidence, to establish that a policy violation occurred. Both parties will receive simultaneous written notification of the availability of the final investigative report.

Actions upon Completion of Final Investigative Report
Where there has been a finding that sufficient evidence exists to support one or more policy violations, the final investigative report will simultaneously be shared with the Disciplinary Authority for the determination of appropriate sanctions and/or corrective action. As set forth below, both the Complainant and Respondent may participate in that process.

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4 A preponderance of the evidence means the proof at the hearing shows the Respondent has “more likely than not” engaged in the Prohibited Conduct that is the subject of the Complaint and disciplinary proceeding. That is, that at least 51% of the credible evidence favors the decision that the Respondent is responsible for the Code of Conduct violation.
Where there has been a finding that insufficient evidence exists to support a policy violation, the matter will be closed.

**Disciplinary Resolution: Sanctions**

BSON’s disciplinary and corrective action resolution process is designed to identify and implement a tailored and individual response intended to eliminate Prohibited Conduct, prevent its recurrence and remedy its effects, while supporting the School’s educational mission, legal obligations and commitment to Title IX. Sanctions or interventions may also serve to promote safety and/or deter other individuals from similar future behavior. Other remedies may include corrective action that is intended to be non-punitive, such as targeted or broad-based educational programming or training.

**Disciplinary Authority**

The Disciplinary Authority is the School administrator designated to review the final investigative report and determine the appropriate sanction(s) and/or remedies to be imposed. The Disciplinary Authority will be impartial and free from actual bias or conflict of interest. The Disciplinary Authority is typically the School with appointing or other authority over the Respondent as follows:

- For student Respondents, the Disciplinary Authority is the Director of the BSON or designee.
- For BSON faculty and staff Respondents, the Disciplinary Authority is the Ellis Medicine Vice President for Human Resources or designee, who may consult with the Respondent’s direct supervisor.

In all instances, the Disciplinary Authority may consult with the Title IX Coordinator to ensure that the sanction and/or remedies satisfy the School’s obligation to eliminate the Prohibited Conduct, prevent its recurrence and address its effects.

**Determination of Sanctions**

Within 10 business days of receipt of all relevant information, the Disciplinary Authority will provide each party with the opportunity to meet with the Disciplinary Authority individually. Typically, within seven business days after the Disciplinary Authority meets with the parties (if such meetings occur), the Disciplinary Authority will determine the appropriate sanction and/or remedy.

In determining the appropriate sanction(s) and/or remedies, the Disciplinary Authority will consider a number of factors, including:

- the nature of the conduct at issue;
- the impact of the conduct on the Complainant;
- the impact or implications of the conduct on the School community;
• prior misconduct by the Respondent, including the Respondent’s relevant prior discipline history, both at the university or elsewhere, and any criminal convictions, if such information is available and known;

• any expression of remorse or acceptance of responsibility by a Respondent;

• maintenance of a safe and respectful environment conducive to learning;

• protection of the School and Ellis Medicine community;

• the necessity of any specific action in order to eliminate the Prohibited Conduct, prevent its recurrence and remedy its effects on the Complainant or other community members; and,

• any mitigating, aggravating or compelling circumstances in order to reach a just and appropriate resolution in each case.

The Disciplinary Authority may also consider restorative outcomes that, taking into account the safety of the School and Ellis Medicine community as a whole, allow a Respondent to develop insight about their responsibility for the behavior, learn about the impact of the behavior on the Complainant and the community, and identify how to prevent or change the behavior. Sanctions may be issued individually, or a combination of sanctions may be imposed.

Sanctions will typically be imposed immediately, although the Disciplinary Authority has the discretion to stay imposition of some or all sanctions for a designated period of time.

Sanctions and Corrective Action for Student Respondents
Sanctions and corrective actions for student Respondents include, but are not limited to, written reprimand with warning that continuation or repetition of misconduct may result in further disciplinary action, disciplinary probation, restitution, dismissal from the School, restriction from placement at a clinical program, educational program attendance, educational project, assessment by a professional, mandated counseling or referral to a treatment program, removal from specific courses/activities/organizations, No Contact Order, transcript notation and/or notification to other institutions, withholding or delaying the conferral of a degree, prohibitions against participation in academic honor ceremonies (such as graduation), training, guidance, and other measures to protect health and safety. Any costs related to a sanction or corrective action shall be borne by the Respondent.

Sanctions and Corrective Action for Faculty and Staff Respondents
Sanctions and corrective actions for faculty and staff Respondents include, but are not limited to, oral or written warning, disciplinary probation, suspension, termination of employment, training, guidance, adjustment of supervisory or evaluative responsibilities, and measures to protect health and safety.

Written Notice of Outcome
The Complainant and Respondent will receive simultaneous written notification of the outcome, including both the rationale for the decision and any sanction and/or corrective action.
Laws and Penalties Governing Alcohol and Controlled Substances
The School believes that it is important for students to know about the laws against illegal drugs and alcohol. Therefore, the following is a brief overview of local, state and federal laws governing the possession, use and distribution of alcohol and illegal drugs. It is not intended as a complete listing of every applicable drug and alcohol statute.

Alcohol Laws: Open Container Law
The City of Schenectady, like many other cities, towns and villages, has an ordinance prohibiting the consumption of or possession of an open container with the intent to consume an alcoholic beverage in any public place or in any vehicle. Violation of this law is punishable by a fine of up to $250 or imprisonment up to 15 days. Second offenses warrant a fine of up to $500 and up to 30 days of imprisonment.

New York Alcoholic Beverage Control Law
New York prohibits selling or giving any alcoholic beverage to a minor or to a person already intoxicated. A violation of this law can be punished by a fine of up to $200, 5 days in jail, or both. Any minor using false identification to purchase alcohol faces a maximum fine of $100; or up to 30 hours of community service; or participation in an Alcohol Awareness Program. If the I.D. used is a New York State driver’s license, the minor faces a 90-day suspension.

New York Vehicle & Traffic Law
It is a misdemeanor punishable by a fine of at least $350 and/or imprisonment for up to 1 year, plus suspension and/or revocation of your driver’s license, to operate a motor vehicle with a blood alcohol content of 1/10 of one percent (0.1%). Multiple convictions result in more serious penalties.

New York Public Health Law: Section 3397(4)
It is a violation of this law to:
A. Sell or possess a hypodermic needle without a doctor’s written prescription.
B. Grow marijuana or allow it to be grown.
C. Manufacture or sell an imitation controlled substance.
D. Inappropriately obtaining prescriptions from multiple practitioners for the possession, use or sale of controlled substances.
The above are misdemeanors punishable by up to one year in a local county jail. Any private vehicle, boat or plane used to transport an illegal substance can be seized and forfeited under the law.

New York Vehicle & Traffic Law
The rules and penalties for drinking and driving also apply to driving while impaired by the use of a drug.

New York Penal Law
Most crimes involving the unlawful possession and distribution of drugs are defined under the New York State Penal Law. The Penal Law contains exhaustive lists of various controlled substances, specific types of offenses, and sanctions ranging from a fine of not
more than $100 to imprisonment for life. Examples of crimes under New York state law include loitering with the intent to use drugs, using or possessing drug paraphernalia, and selling or possessing actual controlled substances. A person with no previous drug or marijuana convictions in three years who is found guilty of possessing less than 25 grams of marijuana for private use may be fined up to a maximum of $100, whereas conviction of possessing even one gram of a controlled substance can result in imprisonment for 1 year. The criminal sanctions become more serious depending on the amount possessed and whether or not it is possessed with the intent to distribute.

**Student Assistance**

In establishing an alcohol-free and drug-free environment, it is the School's policy to work with nursing students suffering from alcohol or drug abuse so that the student will receive the assistance necessary to overcome dependency. Nursing students seeking such assistance are encouraged to contact EAP or Ellis Medicine's Ellis Works Office to discuss the situation before problems surface in the workplace or at school. Disclosure made by a nursing student will be treated as strictly confidential by EAP and the Ellis Works Office. The telephone number is 243-4483.

Other resources include:

- Alcoholics Anonymous Schenectady: 518-463-0906
- Alcoholism Treatment Center, Saratoga Springs: 518-587-8800
- New Choice Recovery Center, Schenectady: 518-346-4436
- Carver Community Counseling Services, Schenectady: 518-382-7838
- Bridge Center, Schenectady: 518-346-1277
- Conifer Park, Glenville: 1-800-989-6446
- Hope House Women & Children: 518-453-8351
- Hope House Bette Center Men’s Adult Residential Program, Albany: 518-465-2441
- Cocaine Helpline/Substance Abuse Treatment: 1-800-662-4357

A nursing student's decision to seek assistance with the Ellis Works Office, Capital EAP or other agency will not be used as the basis for disciplinary action or used against the nursing student in any disciplinary proceedings. See Substance Abuse Emergencies Policy #CS012 for further information.

**Important Notice**

Note that as a condition of employment, employees of Ellis Medicine are to notify the School of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
<table>
<thead>
<tr>
<th>Category and Name</th>
<th>Examples of Commercial and Street Names</th>
<th>Potential Health Consequences</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Depressants</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barbiturates</td>
<td>Amytal, Nembutal, Seconal, Phenobarbital; barbs, reds, tooies, yellows, phennies</td>
<td>Reduced pain and anxiety, feeling of well being, lowered inhibitions, slowed pulse and breathing, lowered blood pressure, memory loss (Rohypnol), respiratory depression and arrest, addiction.</td>
</tr>
<tr>
<td>Benzodiazepines</td>
<td>Ativan, Halcion, Librium, Valium, Xanax; candy, downers, sleeping pills, tranks</td>
<td></td>
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<tr>
<td>Flunitrazepam</td>
<td>Rohypnol; forget-me pill, Mexican valium, roofies, rope, R2, roche, roofinol</td>
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<tr>
<td><strong>Dissociative Anesthetics</strong></td>
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<td></td>
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<tr>
<td>Ketamine</td>
<td>Ketalar SV; cat valium, special K, vitamin K</td>
<td>Increased heart rate and blood pressure, impaired motor function, memory loss, numbness, nausea, vomiting, delirium, depression, respiratory depression and arrest.</td>
</tr>
<tr>
<td><strong>Opioids/Morphine Derivatives</strong></td>
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<tr>
<td>Codeine</td>
<td>Added to Empirin, Fiorinal, Robitussin AC, Tylenol; captain cody, cody, schoolboy, doors and fours, loads, pancakes and syrup</td>
<td></td>
</tr>
<tr>
<td>Fentanyl</td>
<td>Actiq, Duragesic, Sublimaze; apache, china girl, dance fever, goodfella</td>
<td>Pain relief, euphoria, drowsiness, respiratory depression and arrest, confusion, constipation, sedation, unconsciousness, coma, tolerance, addiction.</td>
</tr>
<tr>
<td>Morphine</td>
<td>Roxanol, Duramorph, miss m, miss emma, monkey, white stuff</td>
<td></td>
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<tr>
<td><strong>Stimulants</strong></td>
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<tr>
<td>Amphetamines</td>
<td>Biphetamine, Dexedrine; bennies, black beauties, hearts, speed</td>
<td>Feeling of exhilaration, irregular heartbeat, weight loss, heart failure, seizures, headaches, strokes, respiratory failure, psychoses</td>
</tr>
<tr>
<td>Cocaine</td>
<td>Cocaine Hydrochloride; blow, toot, snow, crack, coke, rock, bump, C</td>
<td></td>
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<tr>
<td>Methylphenidate</td>
<td>Ritalin; JIF, MPH, R-ball, Skippy, smart drug, vitamin R</td>
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</tbody>
</table>
CODE OF CONDUCT ACKNOWLEDGEMENT

I hereby certify that I have read and understand the BSON Code of Conduct, including the BSON Sexual Misconduct Policy and the BSON policies incorporated in the Code of Conduct. I will adhere to the rules and policies set forth therein.

I understand that violations of the Code of Conduct and its incorporated policies are a serious matter and may result in disciplinary action up to and including dismissal from BSON.

Name: _______________________________

Signature: ___________________________

Date: ________________________________