



Policy Name:	Policy on the Maintenance of Public Order and Campus Violence		
Associated Form(s):	N/A	Policy Number:	2024-13
Reviewed:	Non-Academic Policy Committee	Approved:	June 24, 2024
Approval Authority:	President <i>Susan L Parish</i>	Adopted:	June 25, 2024
Responsible Executive:	1.Vice President for Operations and Facilities 2.Chief of Staff 3.Vice President for Student Affairs	Revised:	August 2023, November 2017
Responsible Office:	1.Office of Safety and Security 2.Office of Human Resources 3.Office of Student Affairs	Contact:	1. Executive Director of Safety and Security 2. Executive Director of Human Resources 3. Associate Dean of Student Affairs

I. Policy Statement

Mercy University is committed to providing a safe and secure environment for all community members, including faculty, staff, students, vendors and visitors. The University will not tolerate any act of violence or behavior that is perceived to be violent or threatening from any member of the University community. This Policy was created to prevent, reduce, and manage violence and maintain order on all Mercy University campuses and workplaces to ensure a safe environment for community members to live, learn and work.

II. Prohibited Conduct

Any behavior that is violent, threatens violence, bullies, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, the academic environment, or the University's ability to provide a safe community environment is prohibited under this Policy. Examples of prohibited conduct include, but are not limited to:

- A. Disruptive behavior that disturbs, interferes with or prevents normal work or educational activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists);
- B. Physical attacks, such as stabbing, slapping, punching, hitting, pushing, shoving, inappropriate touching, or throwing objects;
- C. Intimidation or threats that cause a person to fear that they are in danger of injury or other harm;
- D. Bullying, which is aggressive language or actions with the intent of humiliating, intimidating, or demeaning another individual;
- E. Obstruction or disruption of teaching, research, administration, disciplinary proceedings, pedestrian or vehicular traffic, or other University activities, including authorized activities on University-owned or University-controlled premises;
- F. Detention or physical abuse of any person on University-owned or University-controlled premises or conduct which threatens or endangers the health or safety of any such person;
- G. Destruction of or damage to University premises or the property of any person where such property is located on University-owned or University-controlled property;
- H. Entry on or use of University facilities or property without authorization or violation of regulations governing the use of University facilities or property;
- I. Failure to comply with directives of University officials or law enforcement officers acting in performance of their duties;

- J. Any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization;
- K. Bias-related crimes, as set forth in detail in *Mercy's Policy Regarding Bias-Related Crimes*.
- L. Stalking,¹ which is harassment by electronic, physical, verbal or written communication, or physically in a manner that is likely to cause reasonable fear of material harm to the physical health, safety or property of a person;
- M. Illegal or unauthorized possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instruments on University-owned or University-controlled premises (except in certain circumstances, an exception can be made to the possession of a firearm for a carrier who possesses a permit and with valid reason shown, if there is advanced written approval by the Vice President for Operations and Facilities);
- N. Use of any weapon or instrument in a threatening manner; and
- O. Aiding any other person to engage in any act or conduct herein proscribed.

III. Reporting Procedures

It is the responsibility of every member of the campus community to take violations of this Policy seriously and to immediately report campus violence or threats of violence to the appropriate campus officials or law enforcement authorities, as set forth below.

Students, faculty, staff and visitors are urged to promptly report emergencies, criminal activity, accidents, unsafe situations, and suspicious activity to Campus Safety at (914) 674-9999 (x9999) and by calling 911. If the situation is of an extreme or life-threatening nature, please contact 911 immediately and then follow up by contacting Campus Safety so that preparations can be made for the arrival of municipal first responders. In addition, incidents can be reported to any uniformed Campus Safety officer. A crime victim who does not wish to pursue action either through the institution or the criminal justice system may still voluntarily file a confidential report describing the details of the incident. Depending on the circumstances of the crime, the option exists to file a report while maintaining the confidentiality of the reporter. The purpose of a confidential report is to allow the complainant to maintain confidentiality while still allowing the University to take steps to ensure the safety of the community. A confidential report also allows the University to compile accurate and complete crime statistics for the purpose of making timely warning reports and publishing annual statistics. In exceptional circumstances, where it is not possible to fully guarantee the confidentiality of the complainant, the complainant will be so

¹ Stalking is also prohibited under the *College's Policy and Procedures Relating to Sexual Misconduct*. Any other act involving harassment or violence of a sexual nature is covered under the *Sexual Misconduct Policy*.

advised. The University strongly encourages campus mental health counselors who deem it appropriate to inform persons whom they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Emergency numbers at the respective campuses/worksites are:

- Dobbs Ferry/Tarrytown and all University locations: (914) 674-9999 (x 9999)
- Bronx campus: (718) 678-8983 (x 8983)
- Manhattan campus: (212) 615-3319 (x 3319)

IV. University Action for Violations of this Policy

Violations of this Policy are taken very seriously by the University, and may lead to the following actions and/or sanctions:

A. Removal from Premises

Any faculty, staff, student, vendor or visitor while on University-owned or University-controlled premises who refuses the request or command of an authorized University official to desist in any prohibited conduct may be ejected from such premises where such conduct constitutes a substantial danger to public order on such premises. Additionally, removal from and/or denial of access to University property (including residential housing) may also result from a sanction imposed for violation of this Policy.

B. Violations and Sanctions

Mercy students, faculty, staff, vendors and visitors shall be subject suspension, expulsion, or other appropriate disciplinary action or sanction, including removal from campus property and/or denial of access to University property (including but not limited to residential housing), and in the case of an organization which authorizes such conduct, rescission of permission for that organization to operate on campus property. Such penalties shall be in addition to any penalty pursuant to the penal law or any other law to which a violator or organization may be subject.

1. Students charged with violating the prohibitions listed above will be subject to the disciplinary sanctions and procedures outlined in the University Student Handbook;
2. Core faculty charged with violating the prohibitions listed above will be subject to the disciplinary sanctions and procedures outlined in the Faculty Handbook;
3. Adjunct faculty charged with violating the prohibitions listed above will be subject to the disciplinary sanctions and procedures outlined in the Collective Bargaining Agreement between Mercy and the Service Employees International Union (SEIU); and

4. Member of the union staff charged with violating the prohibitions listed above will be subject to the disciplinary procedures and sanctions outlined in the Collective Bargaining Agreement between Mercy and the United Auto Workers (UAW)

All other individuals, including staff, administrators, vendors and visitors may be subject to disciplinary action or other sanctions as determined by the Office of Human Resources, in consultation with the Office of the General Counsel.

In certain circumstances where there is a concern for the health and safety of the University community, the President or their designee may suspend the accused person or remove them from campus pending hearing of the charges (where applicable).

C. CARE Team Referral

In certain circumstances, a referral to the University's Concern-Assessment-Response-Evaluation (CARE) Team may be appropriate where there are behavioral concerns exhibited by a student, such as signs of distress. After the referral is made, the CARE team will convene as soon as practicable to make a determination regarding the appropriate action to take with the student in light of the seriousness of the allegations.

If the behavior exhibited by a student would be in violation of University policy, the CARE Team may refer the matter for disciplinary action to the Office of Student Affairs. The matter can also result in referral to law enforcement authorities. In other circumstances, the student may be referred to resources (internally or externally), including mental health counseling. The CARE Team may also refer to the University's *Involuntary Medical Withdrawal Policy* concerning students with a mental health or other disability who pose a direct threat to the health and safety of themselves or others or disrupts to learning or working environment of the University.

V. Obtaining Immediate Medical Attention and Emotional Support

In addition to making a prompt and accurate report as per the above, Mercy encourages anyone who experiences violence under this Policy to seek medical attention as necessary. In addition, individuals who have experienced or witnessed such actions are encouraged to seek emotional support. On-campus resources for students, at no cost, include a nurse/nurse practitioner and registered nurses at the Dobbs Ferry campus and licensed mental health counselors at the Dobbs Ferry, Bronx and Manhattan campuses. Students and employees are encouraged to contact the Office of the Director of Title IX/Equity Compliance in the case of sexual violence, discrimination, or harassment. Employees may contact the Office of Human Resources to obtain information regarding the Employee Assistance Program (EAP), which provides short-term counseling services.