

## **AAMI's 129-B POLICY FOR REPORTING INCIDENTS OF SEXUAL MISCONDUCT**

### **A. Affirmative Consent**

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity (see definition below). 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 affirmative consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Consent is free and informed permission. Consent given verbally is evidenced by affirmative agreement to engage in specific sexual activity. Consent through action is active participation in the specific sexual activity. 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. In other words, past consent to sexual activity cannot be presumed to be consent to engage in the same sexual activity in the future. Consent may be initially given but can be withdrawn at any time, and, when consent is withdrawn or can no longer be given, the sexual activity must cease. Consent to some sexual activity (e.g., kissing, fondling) cannot be presumed consent for other sexual activity (e.g., intercourse). Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Certain conditions prevent a person from being able to consent. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. A person cannot consent if they are unaware of the who, what, when and how of a sexual interaction. 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 or drugs or other intoxicants may be incapacitated and therefore unable to consent. A person who has been drinking or using drugs is still responsible for ensuring that the person has the other person's affirmative consent and/or appreciating the other person's incapacity to consent. This means that, even if the accused was drunk or high and, as a result, did not realize that the other person was not consenting to or was unable to consent to sexual activity, the person who committed the non-consensual act is still responsible for having violated this policy. Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.

### **B. Other Definitions**

#### **Sexual Activity**

Affirmative consent is required prior to sexual activity, defined as:

1. contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
2. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
3. 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; or
4. 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.
5. 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.

### Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

### Domestic Violence

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; or by a person with whom the victim shares a child in common; or by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

### Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition -

**Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or

means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

**Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

**Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### Sexual Assault

Sexual Assault includes any sexual activity or sexual contact with another person without affirmative consent. It includes an offense that meets the definitions of rape, [fondling](#), [incest](#), or [statutory rape](#):

**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, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental 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.

### Sexual Misconduct

An umbrella term used in this policy to more conveniently refer to any form of conduct prohibited by this policy.

#### C. Reporting Individuals

Individuals who report incidents of sexual misconduct will be advised of certain rights, including, but not limited to, their right to notify local law enforcement, and/or state police, their rights regarding reporting to confidential institution representatives, and their right to consult, and have emergency access to, the institution's Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available on the first instance of disclosure by a reporting individual (see below for more information), and their right to notify other institution representatives for assistance and information.

At the first instance a "Reporting Individual" discloses an incident of sexual misconduct to a representative AAMI, the Reporting Individual is to be presented a uniform statement of his or her rights to report or not report the incident, to be protected from retaliation, and to receive

assistance and resources from the institution. Such Statement should state: “You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.”

“Reporting individual” shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

AAMI will provide reporting Individuals with emergency access to a Title IX coordinator or other appropriate school official who, among other things, is trained in interviewing victims of sexual assault. (AAMI will maintain records of such training.) who shall be available at the first instance of disclosure by a reporting individual to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. Such official shall also explain whether he, she or they are authorized to offer the reporting individual confidentiality or privacy, and shall inform the reporting individual of other reporting options.

The reporting individual also has a right to:

- a. Disclose confidentially the incident to institution representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals, and/or disclose confidentially to the state or local government and obtain services from them;
- b. Disclose the incident to institution representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;
- c. File a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance. Reports shall be investigated in accordance with institution policy and a reporting individual’s identity shall remain private at all times if said reporting individual wishes to maintain privacy; (Note - “Confidentiality” may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law. Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality. “Privacy” may be offered by any employee of AAMI, as such individuals are unable to offer confidentiality under the law (employees are required to report known incidents of sexual assault, or other crimes, so they are not confidential resources), but they shall not disclose

information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials).

- i. AAMI's Title IX Coordinator may be contacted at:

Martin Goldstein, Title IX Coordinator Administration Office,  
212-757-1190; [mgoldstein@aami.edu](mailto:mgoldstein@aami.edu)

A report may be filed using this document:

<https://funeraleducation.org/wp-content/uploads/2023/06/Title-IX-Sexual-Misconduct-Report-Form-11202019Final.pdf> and submitted by Secure Mail to [mgoldstein@aami.edu](mailto:mgoldstein@aami.edu) or [mggfc@aol.com](mailto:mggfc@aol.com)

- d. Disclose, if the accused is an employee of the institution, the incident to the institution's human resources authority or the right to request that a confidential or private employee assist in reporting to the appropriate human resources authority;
- e. Receive assistance from appropriate institution representatives in initiating legal proceedings in family court or civil court; and
- f. Withdraw a complaint or involvement from the institution process at any time.

AAMI will provide Reporting Individuals with access to mental and physical health resources and information, including information on intervention, mental health counseling and medical services, which shall include information on whether such resources are available at no cost or for a fee. AAMI will also provide information on sexually transmitted infections, sexual assault forensic examinations, and resources available through the New York State Office of Victim Services.

1. Such informational services are available at the New York State Department of Health Website under Rape Crisis and Sexual Violence Prevention Program Resources: [https://www.health.ny.gov/prevention/sexual\\_violence/resources.htm](https://www.health.ny.gov/prevention/sexual_violence/resources.htm)

2. AAMI has a Memorandum of Understanding with local community organizations to provide mental and physical health resources such as, but not limited to, rape crisis centers and domestic violence shelters, such as Mount Sinai Hospital. In addition, AAMI has a Memorandum of Understanding with Mount Sinai hospital to provide sexual assault examinations.

The following Confidential Resources are available to members of the college community free of charge:

1. **Mount Sinai Sexual Assault and Violence Intervention (SAVI) | 212-423-2140**  
Free counseling, emergency department advocacy, training and support to survivors and co-survivors

2. **Mount Sinai Adolescent Health Center | 212-423-3000** Wellness care, medical treatment, counseling, etc. (ages 10-22)

AAMI will also ensure that individuals are provided the following protections and accommodations:

1. Where the accused or respondent is a student, AAMI will issue a “No Contact Order” in accordance with the institution’s policies and procedures, whereby continued intentional contact with the reporting individual would be a violation of institution policy subject to additional conduct charges; if the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. Both the Accused/Respondent and the Reporting Individual, will, upon request and consistent with AAMI policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of their request. AAMI may establish an appropriate schedule for the accused and respondents to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the reporting individual.

2. The Reporting Individual also has a right to:

(a) Receive assistance from AAMI’s security, if applicable, or other officials in obtaining an order of protection, or if outside NYS, an equivalent protective or restraining order. AAMI will not bring or offer actions on behalf of reporting individuals, provide or pay for attorneys, or provide direct support. AAMI serves only as a resource to students in “initiating” these proceedings.

(b) Receive a copy of the order of protection or equivalent when received by AAMI and have an opportunity to meet or speak with an AAMI representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the accused’s responsibility to stay away from the protected person or persons

(c) An explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension;

(d) To receive assistance from AAMI campus security or the equivalent AAMI professional in calling on and assisting local law enforcement in effecting an arrest for violating such an order;

3. If the accused or respondent is a student determined to present a continuing threat to the health and safety of the institute community, AAMI will impose an interim suspension on such student pending the outcome of a judicial or conduct proceeding consistent with New York Article 129-B and its institution’s policy and procedures.

(a) Like a No Contact Order, both parties will be afforded the right to request a prompt review, reasonable under the circumstances of the institution’s decision regarding the

need for and terms of an interim suspension, including potential modification, and AAMI will allow either party to submit evidence in support of this request.

4. When the accused is not a student but is a member of AAMI's community and presents a continuing threat to the health and safety of the community, AAMI will subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and rules and policies of the institution;

5. The Reporting Individual has the right to obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation or other applicable arrangements in order to help ensure safety, prevent retaliation and avoid an ongoing hostile environment, consistent with the institution's policies and procedures. Both the Accused/Respondent and the Reporting Individual shall, upon request and consistent with AAMI's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects them, and shall be allowed to submit evidence in support of their request.

AAMI will ensure that every student is afforded the following rights:

1. The right to request that student conduct charges be filed against the accused in proceedings governed by this article and the procedures established by the institution's rules.

2. The right to a process in all student judicial or conduct cases once a report of sexual assault, sexual misconduct, domestic violence, dating violence, stalking, has been made by a reporting student, including (i) notice to the Accused/Respondent describing the date, time, location, factual allegations, provisions of code of conduct in question, and potential sanctions associated with the alleged violation.

3. Both parties will also be provided with reasonable notice of any and all meetings that require their attendance, an opportunity to present evidence and testimony during an investigation and hearing, where appropriate, a full and fair record of any such hearing (e.g., a transcript or recording, and which shall be preserved for at least five years from the hearing), and written notice of the findings of fact, decision, and sanction(s), if any. Such written notice will also include the rationale for the decision and sanction(s).

4. To at least one level of appeal, before a panel, of a determination in a sexual misconduct proceeding, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest. A respondent and reporting individual in such cases will receive written notice of the findings of fact, the decision and the sanction, if any, as well as the rationale for the decision and sanction. In such cases, any rights provided to a reporting individual must be similarly provided to a respondent and any rights provided to a respondent must be similarly provided to a reporting individual.

Throughout proceedings involving an accusation of sexual assault, domestic violence, dating violence, stalking or sexual activity that may otherwise violate AAMI's Code of Conduct, the right:

1. The respondent, accused, and reporting individual have the right to be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process. Rules for participation of such advisor are on p. 41 of the Student code of conduct.

2. To a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made pursuant to NYS Education Law 129-B and AAMI’s policies and procedures, and other issues, including but not limited to, domestic violence, dating violence, stalking or sexual assault.

3. To an investigation and process that is fair, impartial and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest.

4. To have the institution’s judicial or conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

5. To review and present available evidence in the case file, or otherwise in the possession or control of the institution, and relevant to the conduct case, consistent with institution policies and procedures.

6. To exclude their own prior sexual history with persons other than the other party in the judicial or conduct process or their own mental health diagnosis and/or treatment from admittance in the institution disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.

7. To receive written or electronic notice, provided in advance pursuant to the college or university policy and reasonable under the circumstances, of any meeting they are required to or are eligible to attend, of the specific rule, rules or laws alleged to have been violated and in what manner, and the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process, at which time the designated hearing or investigatory officer or panel shall provide a written statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.

8. To make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

9. To simultaneous (among the parties) written or electronic notification of the outcome of a judicial or conduct process, including the sanction or sanctions.



10. To be informed of the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process and the rationale for the actual sanction imposed.

11. To choose whether to disclose or discuss the outcome of a conduct or judicial process. To have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law. For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), AAMI will make a notation on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, AAMI will make a notation on the transcript of such students that they “withdrew with conduct charges pending.” AAMI publishes a policy in the Student Handbook on transcript notations and appeals seeking removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

AAMI will, to the extent practicable, enter into memoranda of understanding, agreements or collaborative partnerships with existing community-based organizations, including rape-crisis centers and domestic violence shelters and assistance organizations, to refer students for assistance or make services available to students, including counseling, health, mental health, victim advocacy, and legal assistance, which may also include resources and services for the respondent.

AAMI will, to the extent practicable, ensure that students have access to a sexual assault forensic examination by employing the use of a sexual assault nurse examiner in their campus health center or entering into memoranda of understanding or agreements with at least one local health care facility to provide such a service.

#### D. Campus Climate Assessments

AAMI will conduct biennial anonymous campus climate assessments to ascertain general awareness and knowledge of the provisions of Article 129-B/ reporting and adjudicatory processes and publish the results of such assessments on its website, including, but not limited to:

1. the role of the institution’s Title IX coordinator,
2. campus policies and procedures addressing sexual assault,
3. how and where to report domestic violence, dating violence, stalking or sexual assault as a victim, survivor, or witness,

4. The availability of resources on and off campus, such as counseling, health, and academic assistance;
5. the prevalence of victimization and perpetration of domestic violence, dating violence, stalking, or sexual assault on and off campus during a set time period;
6. bystander attitudes and behavior;
7. whether reporting individuals disclosed to the institution and/or law enforcement, experiences with reporting and institution processes, and reasons why they did or did not report;
8. the general awareness of the difference, if any, between the institution's policies and the penal law; and
9. general awareness of the definition of affirmative consent.

Such assessment, in form and content, will be developed by the Title IX coordinator and assessments will be anonymous.

#### E. Options for Confidential Disclosure

AAMI will ensure that reporting individuals have:

1. Information regarding privileged and confidential resources they may contact regarding domestic violence, dating violence, stalking or sexual assault;
  - (See above and p. 50 in Student Handbook for more information.)
2. Information about counselors and advocates they may contact regarding domestic violence, dating violence, stalking, or sexual assault;
3. A plain language explanation of confidentiality which shall, at a minimum, include the following provision: “Even AAMI offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.”;
4. Information about how the institution shall weigh a request for confidentiality and respond to such a request. Such information shall, at a minimum, include that if a reporting individual discloses an incident to an institution employee who is responsible for responding to or reporting domestic violence, dating violence, stalking, or sexual assault but wishes to maintain confidentiality or does not consent to AAMI's request to initiate an investigation, the Title IX Coordinator must weigh the request against AAMI's obligation to provide a safe, non-discriminatory environment for all members of its community. AAMI shall assist with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of reporting choices;

5. Information about public awareness and advocacy events, including guarantees that if an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public event, AAMI is not obligated to begin an investigation based on such information. AAMI may use the information provided at such an event to inform its efforts for additional education and prevention efforts;

6. Information about existing and available methods to anonymously disclose including, but not limited to information on relevant confidential hotlines provided by New York state agencies and not-for-profit entities;

7. Information regarding institutional crime reporting including, but not limited to: reports of certain crimes occurring in specific geographic locations that shall be included in the institution's annual security report pursuant to the Clery Act, 20 U.S.C. 1092(f), in an anonymized manner that identifies neither the specifics of the crime nor the identity of the reporting individual; that the institution is obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual; that a reporting individual shall not be identified in a timely warning; that the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, allows institutions to share information with parents when i. there is a health or safety emergency, or ii. when the student is a dependent on either parent's prior year federal income tax return; and that generally, the institution shall not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual.

AAMI may take proactive steps, such as training or awareness efforts, to combat domestic violence, dating violence, stalking or sexual assault in a general way that does not identify those who disclose or the information disclosed.

If AAMI determines that an investigation is required, it will notify the reporting individuals and take immediate action as necessary to protect and assist them.

AAMI will seek consent from reporting individuals prior to conducting an investigation. Declining to consent to an investigation shall be honored unless the institution determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community. Honoring such a request may limit the institution's ability to meaningfully investigate and pursue conduct action against an accused individual. Factors used to determine whether to honor such a request include, but are not limited to:

1. Whether the accused has a history of violent behavior or is a repeat offender;
2. Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
3. The increased risk that the accused will commit additional acts of violence;

4. Whether the accused used a weapon or force;
5. Whether the reporting individual is a minor; and
6. Whether the institution possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

#### F. Student Onboarding and Ongoing Education

AAMI implements a student onboarding and ongoing education plan through its Student Orientation Program to educate the campus community about sexual misconduct, sexual assault, domestic violence, dating violence and stalking. This plan among other things, educates students about general awareness of sexual misconduct, sexual assault, domestic violence, dating violence and stalking, consequences of violations of the institution's policies, the role of the institution in preventing and investigating such incidents, and the importance of bystander intervention. It is the responsibility of the Director of Admissions to include this education a part of Student Orientation.

In addition to the Student Orientation training, AAMI provides training to all students, including, but not limited to, first-year, transfer, international, online, and distance education students, leaders and officers of student organizations recognized or seeking recognition from the institution, and student-athletes. It is the responsibility of the Director of Admissions to provide and make this training available.

Specifically, the training will address:

1. That AAMI prohibits sexual and interpersonal violence and will offer resources to any victims and survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of AAMI;
2. Relevant definitions including, but not limited to, the definitions of sexual assault, domestic violence, dating violence, stalking, confidentiality, privacy, and consent;
3. That policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression;
4. The role of the Title IX Coordinator, campus security or the equivalent AAMI professional, and other relevant offices that address domestic violence, dating violence, stalking, and sexual assault prevention and response;
5. Awareness of violence, its impact on victims and survivors and their friends and family, and its long-term impact;
6. Bystander intervention and the importance of taking action to prevent violence when one can safely do so;

7. Risk assessment and reduction including, but not limited to, steps that potential victims, perpetrators, and bystanders can take to lower the incidence of violations, which may contain information about the dangers of drug and alcohol use, including underage drinking and binge drinking, involuntary consumption of incapacitating drugs and the danger of mislabeled drugs and alcohol, the importance of communication with trusted friends and family whether on campus or off campus, and the availability of institution officials who can answer general or specific questions about risk reduction; and

8. Consequences and sanctions for individuals who commit these crimes and code of conduct violations.

AAMI will also provide specific training to members of groups it identifies as high-risk populations.

With respect to leaders and officers of student organizations and student-athletes, such training is a prerequisite to their participation in a student organization and/or intercollegiate athletic competition.

G. Submission of Certificates of Compliance, Rules and Policies, and Aggregate Data to NYS Department of Education

By July 1, 2016, and annually thereafter, AAMI is required to file a certificate of compliance with the New York State Education Department (NYSED). In addition, beginning July 1, 2016, and once every ten years thereafter, and in 2024 coinciding with the filing required by Article 129-A of the New York State Education Law, AAMI is required to file a copy of all written rules and policies it has adopted in accordance with Article 129-B.

AAMI is also required to annually report aggregate data to the New York State Education Department regarding reports of domestic violence, dating violence, sexual assault, and stalking, consistent with the requirements of Article 129-B, applicable regulations, and NYSED guidance. It is the responsibility of the Registrar to report such information.

H. Bystanders

“Bystander” shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution. A bystander is an individual who witnesses or learns of violence or impending violence, but is not directly impacted as a victim or survivor of this violence. Bystanders do not have equivalent rights under federal or state law as a “reporting individual” (victim) who is directly impacted by the violence. A bystander does not become a “reporting individual” when they bring forth a report. They remain a bystander. See also Amnesty Policy below.

## I. Amnesty Policy

The health and safety of every student at AAMI is of utmost importance. AAMI recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. AAMI strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to AAMI's officials or law enforcement will not be subject to AAMI's code of conduct action for violations of alcohol or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

AAMI will regularly assess its programs and policies pursuant to NY Education Law 129-B to determine effectiveness and relevance for students.

## J. Students' Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by AAMI;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few AAMI representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of AAMI;
9. Access to at least one level of appeal of a determination;

10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of AAMI.

AAMI's Title IX Coordinator may be contacted at:

Martin Goldstein, Title IX Coordinator Administration Office, 212-757-1190;  
[mgoldstein@aami.edu](mailto:mgoldstein@aami.edu)

A report may be filed using this document:

<https://funeraleducation.org/wp-content/uploads/2023/06/Title-IX-Sexual-Misconduct-Report-Form-11202019Final.pdf> and submitted by Secure Mail to [mgoldstein@aami.edu](mailto:mgoldstein@aami.edu) or [mggfc@aol.com](mailto:mggfc@aol.com)

AAMI will provide students with the options to:

(aa) notify proper law enforcement authorities, including local police; (bb) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and (cc) decline to notify such authorities.