

City University of New York

The CUNY School of Labor and Urban Studies

2019 Annual Security Report

Includes crime statistics for 2016, 2017, and 2018

The CUNY School of Labor and Urban Studies
25 West 43rd Street
New York, N.Y. 10036

John Flaherty, Director of Public Safety



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College Overview

CUNY School of Labor and Urban Studies
25 West 43rd Street
New York, N.Y. 10036

The CUNY School of Labor and Urban Studies (SLU) offers undergraduate and graduate degree programs in Labor Studies and Urban Studies that are designed to meet the needs of working adults as well as traditional-age college students who seek to learn more about the challenges confronting poor and working class populations in the workplace and in the community. It also collaborates with other units of CUNY to offer a range of college-credit programs designed to give workers the academic and technical skills they need for professional advancement. Its faculty includes distinguished scholars in the social sciences as well as expert practitioners in government, labor, and public service. In addition to its academic programs, SLU sponsors research; organizes forums and conferences; and publishes a national journal, *New Labor Forum: A journal of ideas, analysis, and debate*.

Classes are generally held at 25 West 43rd Street, New York, NY 10036 on the 18th and 19th floors. A few CUNY School of Labor and Urban Studies classes are held at Guttman Community College located at 40 West 40th Street, New York, NY 10018. SLU also offers a class at the Department of Citywide Administrative Services (DCAS) located at 1 Centre St, New York, NY 10007.

Policy Statements

These policy statements provide information regarding the CUNY School of Labor and Urban Studies' security and safety policies.

Campus security and public safety services, fire safety, emergency procedures, security alerts and other information on Public Safety can be found on the CUNY School of Labor and Urban Studies' Public Safety website at <https://slu.cuny.edu/current-students/additional-resources/public-safety/>. Guttman Community College security policies and procedures can be viewed at <https://guttman.cuny.edu/about/campus-safety/>.

Annual Disclosure of Crime Statistics

The CUNY School of Labor and Urban Studies' Annual Security Report includes statistics for the previous three years of reported crimes that occurred on campus; in certain off-campus buildings owned or controlled by the CUNY School of Labor and Urban Studies; and on public property within, or immediately adjacent to and accessible from the campus. This Annual Report is published prior to October 1st of each year and distributed to all students and employees via the college website. Current students and employees will be notified via email of the Annual Security Report's publication. As required, this report is available to all students, faculty and staff annually. The report also includes institutional policies concerning campus security, such as policies about alcohol and drug use, crime prevention, the reporting of crimes, including crimes involving sexual misconduct, sexual assault, and other matters. The report can be found at <https://slu.cuny.edu/current-students/additional-resources/public-safety/>. Hard copies of the Annual Security Report are located in Room 1915 and can be obtained by calling 212-642-2086.

Students and faculty at Guttman Community College can view their Annual Security report at <https://guttman.cuny.edu/about/campus-safety/>. To obtain a hard copy of the report, please contact Public Safety at 646-313-8112.

Public Safety Authority

The CUNY School of Labor and Urban Studies floors are patrolled by contract security officers provided by building management when classes are in session and are assigned to special events as needed. At the CUNY School of Labor and Urban Studies, incidents of a criminal nature that are reported to a security officer are referred, with the complainant's consent, to the New York City Police Department. The Office of Public Safety conducts administrative investigations involving CUNY policies, rules and regulations. These investigations may involve students, staff, and visitors on college property. Appropriate referrals necessitating further review and action may be made to Student Affairs and/or Human Resources.

The department is supervised by the Graduate Center's Director of Public Safety and Lieutenant and consists of two security officers when classes are in session. Security officers are licensed as NYS Licensed Security Guards and do not have arrest powers (outside of the powers of a private citizen).

In addition, 25 West 43rd Street has contract security officers supplied by building management in the lobby to serve as an additional layer of screening and protection. Building management also employs Fire Safety/Emergency Action Plan Directors as required by New York City Law to monitor fire alarm systems and coordinate emergency evacuations and responses.

At the CUNY School of Labor and Urban Studies, incidents of a criminal nature that are reported to a security officer are referred, with the complainant's consent, to the New York City Police Department. The City University of New York and CUNY School of Labor and Urban Studies has a Memorandum of Understanding with the NYPD for emergency, nonemergency and investigative response.

The fire alarm system is controlled by facilities and security services personnel hired by building management.

Campus Security Authorities

The following persons are designated as Campus Security Authorities:

- Office of the Dean, CUNY School of Labor and Urban Studies, 25 West 43rd Street, 19th Floor, 212-827-0200

- Office of the Associate Dean of Operations, 25 West 43rd Street, Room 1915, 212-857-1973
- Office of the Director of Finance and Business Affairs, 25 West 43rd Street, Room 1801, 212-642-2016
- Office of the Associate Dean of Academic Affairs and Title IX Coordinator, 25 West 43rd Street, 19th Floor, 212-642-2042
- Office of the Director of Student Affairs and Community Affairs, 25 West 43rd Street, Room 1820, 212-642-2081
- Office of the Manager of Academic Support and Retention, 25 West 43rd Street, Room 1815, 212-642-2068
- Office of the Director of Public Safety, The Graduate Center, 365 Fifth Avenue, Room 9117, 212-817-7761

Members of the college community may report crimes and security incidents to these officials. Each year, the Office of Security and Public Safety requests data from these authorities via an official letter, for inclusion in this report.

Crime Reporting Procedures

Faculty, staff, students, and others who may be on campus or on the contiguous geographic perimeter of the campus are encouraged to promptly report any crime, attempted crime, or criminal activity to the Office of Public Safety. The department will expeditiously respond to the condition reported and make necessary notifications to the local police precinct. Criminal activities, as well as other emergencies, can be reported by:

1. Reporting the information to an on duty security officer.
2. Calling the Office of the Associate Dean of Operations at 212-857-1973 or the Office of the Director for Finance and Business Affairs at 212-642-2016.
3. Calling the Graduate Center's Director of Public Safety at 212-817-7761 or Assistant Director at 212-817-7768.
4. All counselors are strongly encouraged to inform the persons they are counseling of the School's procedures for reporting crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
5. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime – without divulging the name of the victim or witness – to the Department of Public Safety for inclusion in the annual crime report. Names and numbers of Campus Security Authorities are located in the next section of this report. The School recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Clery Act in the School's annual crime report, victim and witness information will not be included. However, complete confidentiality cannot be guaranteed in all other contexts. The School reserves the right to notify the police when it believes that such reporting is necessary for the protection of the School community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.
6. In the event of an extreme or life-threatening situation, call 911, the New York City Police Department's emergency phone number. Please also notify the Department of Public Safety. They will respond, assist and direct the police and other emergency personnel to the reported emergency.
7. The CUNY School of Labor and Urban Studies classes holds some classes at Guttman Community College, located at 40 West 40th Street, New York, NY 10018. Incidents can be reported in person to the uniformed Guttman Community College officers in the main lobby or the Public Safety office (Rm. 015) or by calling 38101 from any campus telephone. Public Safety will assist you in reporting a crime to the NYPD as necessary.
8. The CUNY School of Labor and Urban Studies also offers a class at the Department of Citywide Administrative Services (DCAS) located at 1 Centre St, New York, NY 10007. Incidents can be reported to the DCAS Police Officer in the lobby or by calling the DCAS Police Operations Desk (212-669-4300). At your earliest convenience, also notify the Office of the Dean of Operations at 212-857-1973, the Office of the Director for Finance and Business Affairs at 212-642-2016 or the Graduate Center's Director of Public Safety at 212-817-7761.

Reporting and Prevention of Sexual Misconduct including Sexual Assault, Harassment, Stalking and Dating/Intimate Partner and Domestic Violence

The City University of New York policy on Sexual Assault is attached to the end of this report. To directly view a copy of the City University of New York Policy on Sexual Misconduct, please go to <http://policy.cuny.edu/wp-content/uploads/sites/6/page-assets/general-policy/EDITED-CUNY-Policy-on-Sexual-Misconduct-2018-with-links-8.2.2018.pdf>

Allegations of misconduct, including sexual assault, stalking, or domestic and intimate partner violence should be reported to one of the individuals listed below.

- Title IX Coordinator – Dr. Gladys Palma Schrynemakers, Associate Dean of Academic Affairs, Rm 1904, 212-642-2042, Gladys.Schrynemakers@slu.cuny.edu
- Director of Public Safety - John Flaherty, The Graduate Center/Room 9117, 212-817-7761, jflaherty@gc.cuny.edu
- Director of Student and Community Affairs - Rochel Pinder-Cuffie, Rm. 1820, 212-642-2081, Rochel.Pinder-Cuffie@slu.cuny.edu;
- Executive Director of Human Resources and Labor Designee – Sonia Pearson, CUNY/205 East 42nd Street, 646-664-3264, Sonia.pearson@cuny.edu

For more information, please see section "Reporting and Prevention of Sexual Assault and Sexual Misconduct Offenses, Stalking and Dating/Intimate Partner/Domestic Violence" later in this document. For more detailed information on Title IX including Community Resources, CUNY policies, Getting Help and Understanding and Preventing Sexual Assault and Sexual Harassment please go to <http://www1.cuny.edu/sites/title-ix/campus/the-graduate-center/> or <http://www1.cuny.edu/sites/title-ix/campus-websites/> for other CUNY colleges.

Confidential Reporting Options

The School recognizes the importance of confidentiality to victims and witnesses of crimes. If you are the victim of or a witness to a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a Public Safety officer can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, the CUNY School of Labor and Urban Studies can keep accurate records and determine crime patterns with regard to locations, methods, assailants and victims; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. Pastoral and professional counselors are encouraged to refer persons they are counseling to report crimes to Public Safety on a voluntary, confidential basis for inclusion in the annual security report by following this procedure.

Civilian Complaints

A proper relationship between the Office of Public Safety and the college community, fostered by trust and confidence, is essential to a successful security and safety program. In order for us to better understand the community's perception of our service; it is important that we investigate any allegation of inappropriate officer conduct. Your criticisms and constructive suggestions for improvement are welcome. Each complaint will be thoroughly investigated and appropriate corrective action will be taken when warranted. You can file a complaint with the Graduate Center's Director of Public Safety by calling 212-817-7761 or emailing jflaherty@gc.cuny.edu.

If you feel that you would rather not contact the college, you can make your complaint directly to the Office of University Director of Public Safety at 646-664-2900. A member of the University Director's staff will be assigned to investigate the complaint and recommend appropriate action.

In a case where an officer is alleged to have committed an illegal or criminal act, the complaint can be made to the New York City Police Department and/or the Director of Public Safety.

Clery Crime Log

A daily Crime Log is maintained that records any crime that occurred on campus, on a non-campus building or property, or on public property or within the patrol jurisdiction of the Office of Public Safety going back to the School's opening in 2018. It includes the following: 1.) the date the crime was reported, 2.) the date and time of the crime, 3.) the nature of the crime, 4.) the general location of the crime, and 5.) the disposition. The log is updated within two business days of the reporting of a crime or a change in disposition. The log is kept in Room 1915 and is available for public inspection during regular building hours or by calling 212-642-2086.

The Guttman Community College crime log can be viewed in the Public Safety Office (Rm. 008) during normal business hours.

Working Relationship with Other Law Enforcement Agencies

The CUNY School of Labor and Urban Studies maintains a cooperative relationship with local, state and federal law enforcement agencies. A written Memorandum of Understanding exists between all City University colleges and the New York City Police Department in compliance with New York State Law. The NYPD provides the college with crime statistics for incidents that occurred within the geographical area of the campus in compliance with the Department of Education's Students Right to Know Act.

Investigations of Violent Felonies

In accordance with New York State Education Law, the CUNY School of Labor and Urban Studies maintains a plan for the investigation of violent felonies, which includes coordination with appropriate law enforcement agencies. In addition, in compliance with New York State Law and subject to applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code 1092 (f) which gives the victim of a sexual offense the right to decide whether or not to report, the College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a violent felony.

The Office of Public Safety also conducts investigations involving CUNY rules and policies. These investigations may involve students, staff and visitors of the college. If necessary, further review and action may be referred to the Chief Student Affairs Officer, Human Resources or other administrative staff.

Hate Crime and Bias Related Incidents

Bias or hate crimes are crimes motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity,

disability or alienage. Bias-related incidents are behaviors that constitute an expression of hostility against the person or property of another because of the targeted person's race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, disability or alienage. According to New York Penal Law Section 485, a person commits a hate crime when he or she commits a specified criminal offense and either:

- (1) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- (2) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail (including electronic mail), physical assaults, vandalism, destruction of property, and fire bombings. Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous conviction of the offender. Students, staff or faculty who commit bias crimes are also subject to University disciplinary procedures and a range of sanctions up to and including suspension, expulsion or termination of employment.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous conviction of the offender. Students, staff or faculty who commit bias crimes are also subject to University disciplinary procedures and a range of sanctions up to and including suspension, expulsion or termination of employment. In order to effectively handle incidents of bias related crimes and prevent future occurrences of such crimes, victims or witnesses of a hate crime are encouraged to immediately report the incident to the Public Safety Department. Victims of bias crime can also avail themselves of counseling and support services through the Office of Student Services.

There were no reported Hate Crimes for the years 2016, 2017, & 2018.

Off Campus Organizations Crimes and Safety Hazard Monitoring

Because the CUNY School of Labor and Urban Studies has no housing facilities or recognized student organizations with off-campus locations, the CUNY School of Labor and Urban Studies does not monitor or use local police to monitor the activities of student organizations off-campus.

Disclosure of Hearing Outcomes

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Security and Access to College Facilities

Generally, the CUNY School of Labor and Urban Studies is open to students and visitors from 9:00 A.M. to 10:00 P.M., Monday through Thursday, 9:00 A.M. to 5:00 P.M. on Friday and 8:00 A.M. to 4:00 P.M. on Saturday. The CUNY School of Labor and Urban Studies is closed on Sunday. Those entering the building are subject to screening by lobby security officers for compliance with expectations for sobriety, sanitation and peacefulness. Contract security officers supplied by building management do the same on CUNY School of Labor and Urban Studies floors when classes are in session. Those entering CUNY School of Labor and Urban Studies floors must show identification upon the request of a security officer. The School reserves the right to refuse entry or remove anyone regardless of status for rule infractions or safety reasons.

Guttman Community College is opens seven days a week from 7:00am until 11:00pm. Access is granted upon presentation of a CUNY ID card. Library hours are posted at <http://library.guttman.cuny.edu/library/hours/>. The College reserves the right to refuse entry or remove anyone regardless of status for rule infractions or safety reasons.

Identification Cards

All employees and students of the CUNY School of Labor and Urban Studies are required to carry a CUNY School of Labor and Urban Studies identification (ID) card. Employees and students are subject to screening by building-provided contract officers in the lobby and building provided contract security officers on CUNY School of Labor and Urban Studies floors when classes are in session. Permission to enter onto the college property is revocable at any time. Persons not having a legitimate purpose to be on campus may be asked to leave by Public Safety personnel.

CUNY policy requires members of the college community to show their identification cards when requested to do so by public safety officers or other officials of the college. All students enrolled at the CUNY School of Labor and Urban Studies will be issued an identification card that may be used for entry to the various CUNY libraries. Students may be asked to show the card when entering the CUNY School of Labor and Urban Studies or other CUNY buildings.

There is no replacement fee for lost ID cards during the CUNY School of Labor and Urban Studies' inaugural year. ID replacement fees will be implemented in accordance with the CUNY Tuition and Fee Manual once the CUNY School of Labor and Urban Studies implements its permanent ID infrastructure.

College Issued Access Cards and Keys

Entrance keys, office keys, classroom and other room keys are kept, issued and collected by Keysha Rodriguez, Facilities Assistant, 212-642-2013; Keysha.Rodriguez@cuny.edu.

Recipients of keys are responsible for their safekeeping and at no time should leave them unattended (i.e., hanging in a door lock, lying on a desk, etc.). All keys shall be surrendered to the Facilities Assistant upon termination of employment, transfer to another department or upon the request of the department head or administrator. The loss or suspected loss of any keys must be reported to the Facilities Assistant or the Office of Public Safety immediately.

Guests

Guests are subject to screening by building-provided contract officers in the lobby and building provided contract security officers on CUNY School of Labor and Urban Studies floors when classes are in session for compliance with expectations for sobriety, sanitation, and peacefulness. Permission to enter onto the college property is revocable at any time. Persons not having a legitimate purpose to be on campus may be asked to leave by Public Safety personnel.

Security Considerations Used in the Maintenance of Campus Facilities

Building Management facilities staff maintains the building to minimize hazardous conditions. Office of Public Safety officers also conducts regular patrols and inspections in an effort to uncover and report hazards. Special emphasis is placed on the need to ensure safe accessibility to the building with special attention to doors, locks, stairs, elevators, lighting and fire safety. You are encouraged to contact Keysha Rodriguez, Facilities Assistant at 212-642-2013 or at Keysha.Rodriguez@cuny.edu if you observe any hazardous conditions.

Safety Escort Service

While there is no regularly scheduled escort program, The Office of Public Safety can provide escorts to the nearest subway station if you are a victim of sexual harassment, sexual assault, stalking or dating/intimate partner/domestic violence. Contact the Director of Public Safety at 212-817-7761 or jflaherty@gc.cuny.edu to make arrangements.

Faculty and students at Guttman Community College can request an escort from Public Safety by calling 646-313-8101 from any on campus phone or 646-313-8112 from a cell phone. Escorts are provided on an as needed basis to bus stops, train stations, taxis, or other modes of transportation. In addition, escorts can be provided to locations on campus if warranted.

Emergency Telephones

Emergencies can be reported to on duty security officers, by calling the Building Security Desk in the lobby at 212-840-7958 or by calling 911 for imminent threats to safety and health.

At Guttman Community College, there are telephones in each classroom that can be used to dial the Public Safety desk in the event of an emergency.

Emergency Notification and Response

The purpose of this policy is to establish emergency response and evacuation procedures for the CUNY School of Labor and Urban Studies as required by the Higher Education Opportunity Act of 2008. This policy applies to all students and employees of the CUNY School of Labor and Urban Studies

The CUNY School of Labor and Urban Studies' Emergency Response Team is comprised of representatives from Administrative Services, Human Resources, Information Technology, Public Safety and Student Affairs. For the purposes of this policy, a significant emergency or dangerous situation involves an immediate threat to the health or safety of students or employees occurring on campus. In the event of an emergency, the CUNY School of Labor and Urban Studies will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the college community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors.

Guttman Public Safety coordinates emergency notifications and response at Guttman Community College.

CUNY Alert

All students, as well as faculty and staff are strongly encouraged to participate in the CUNY Alert system. The CUNY Alert system is designed to give you immediate and up-to-date information regarding weather, utility and emergency situations. The system can contact you and your family or

friends, as you designate, via text message, cell phone, landline and/or e-mail. The system can offer all methods of notice, a single method or any combination. It is user friendly and can prove to be invaluable before, during and after an emergency. Simply log onto www.cuny.edu/alert and follow the instructions. Contact information for all registered students and employees is included in the CUNY Alert system, except for the contact information for those students who affirmatively choose to opt out of receiving CUNY Alert messages. If you have trouble accessing or modifying your contact information in CUNY Alert, please come to the IT help desk.

The system is activated via a web-based system controlled by the New York State Office of Emergency Management. CUNY Alert is the CUNY branded emergency alert system that is based on the NY Alert system operated by New York State. CUNY makes every effort to inform affected CUNY Alert registered users of an emergency in a timely and appropriate manner. However, please be aware that CUNY is not responsible for, outdated or incorrect subscriber information, technical limitations such as overtaxed communications systems, transmission errors, and cellular telephone roaming and out of range areas that may delay, block, or prevent, the communications of messages to certain users. CUNY also is not responsible for any costs incurred by the user for any alert received or for any actions taken or not taken by the user or any third party in reliance of an alert.

CUNY is committed to respecting your privacy. In order to personalize your CUNY Alert settings, you must sign in at <http://www2.cuny.edu/cuny-alert/>. We do not collect any personal information about you unless you provide that information voluntarily. Any personal information you choose to provide us will only be used by CUNY to conduct official CUNY business. CUNY does not sell, rent, loan, trade or lease personal information collected on this site. For more information about the CUNY privacy policy, please visit <http://www.cuny.edu/website/privacy.html>. CUNY Alert users are responsible for keeping their contact information current. In the event that phone alerts, emails or SMS messages are not found or rejected for incorrect or expired information during a live alert, CUNY reserves the right to delete the problem entry or to deactivate a user's account.

As used in this policy, the Graduate Center's Director of Public Safety and Assistant Director of Public Safety and CUNY School of Labor and Urban Studies' Associate Dean of Operations and Associate Director of Administration are authorized to issue alerts.

Emergency Notification Procedures

Any individual on campus who has information about an emergency or dangerous situation that may affect the CUNY School of Labor and Urban Studies should notify on duty security officers on CUNY School of Labor and Urban Studies floors and the Building Security Desk in the lobby (212-840-7958) as soon as possible. The CUNY School of Labor and Urban Studies and building management will initiate and provide, without delay, emergency notifications to the CUNY School of Labor and Urban Studies community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors occurring on the campus.

The CUNY School of Labor and Urban Studies security officers are responsible for confirming emergencies, in conjunction with the CUNY School of Labor and Urban Studies administrators, building management security and facilities personnel, local first responders, and/or the National Weather Service, that may warrant the distribution of an emergency notification to the CUNY School of Labor and Urban Studies community.

Emergency notifications for incidents that may pose an immediate threat to health and safety will be made, without delay, unless issuing a notification will, in the professional judgment of responsible authorities and taking into account the safety of the CUNY School of Labor and Urban Studies community, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Timely Warnings

The Timely Warning Notice specifically related to compliance with the Clery Act, requires colleges and universities to notify students and employees whenever there is a threat that a serious crime is ongoing or may be repeated – so that campus community members can protect themselves from harm. The Clery Act defines certain specific crimes that require a timely warning notice be issued when crimes are reported to Campus Security Authorities (CSAs) with significant responsibility for student and campus activities, campus safety, or police AND the reported crime(s) are believed to have occurred on campus, in or on non-campus buildings or property, or on public property contiguous to the campus.

Campus officials not subject to the timely warning reporting requirement include licensed or certified professional counselors and recognized pastoral counselors who are functioning in the role of providing confidential counseling to members of the CUNY School of Labor and Union Studies community on behalf of the institution.

The Office of Public Safety issues safety alert bulletins when deemed necessary and provides Timely Warning Notices via email to the campus community when crimes that present a serious or continuing threat occur in areas on or near the campus. Therefore, you should report crimes to the Office of Public Safety immediately so it can be properly evaluated. Timely Warning Notices will be distributed as soon as practicable, with the goal of preventing a similar occurrence. The identities of victims and witnesses will not be included in the Timely Warning Notice. All persons reporting crimes to the Office of Public Safety are also encouraged to promptly report the incident to the local police precinct concerned. A record of each report made to the local precincts is kept as part of the Office of Public Safety's annual statistical report.

Immediate Notifications

Unless such notice and warning compromises the containment of an emergency, or would likely result in an expansion or exacerbation of an emergency, immediate notification of an emergency will take place through one – or a combination of – the following methods: CUNY-Alert, public address system announcements, campus-wide emails and college web-site notices. The Graduate Center's Director of Public Safety and Assistant Director of Public Safety and the CUNY School of Labor and Urban Studies Dean and Associate Director for Administration or his/her designee and building

Fire Safety/Emergency Action Plan Directors are authorized to make such announcements. Again, please note that a circumstance may arise in which it would not be prudent or appropriate to issue an immediate notification if such release would compromise efforts to contain the emergency.

Emergency Response and Evacuation Procedures

The CUNY School of Labor and Urban Studies recognizes the importance of an integrated plan to ensure that the mission of education and research will continue in the event of an emergency. The CUNY School of Labor and Urban Studies Emergency Operations Plan establishes policies and procedures and assigns responsibilities to ensure the effective management of campus operations during emergency situations. Additionally, it provides direction for disseminating emergency public information, establishing emergency communications, alerting and warning procedures, assessing and reporting damage and developing recovery strategies. The main goal is the preservation of life, protection of property, and the continuity of campus operations.

Testing of Emergency Response and Evacuation Procedures

Building Management conducts two fire drills and one emergency action plan drill each year as required by local law. The CUNY School of Labor and Urban Studies participates in these drills. During these drills, building occupants are familiarized with building evacuation procedures. Each floor has assigned fire/evacuation wardens who provide direction to the college community during drills and actual emergency events. These drills will be evaluated in order to assess and improve our emergency response capabilities. The college community will be notified of the drills in advance via community-wide emails. Other portions of the CUNY School of Labor and Urban Studies' Emergency Operations Plan, including emergency notifications, will be tested and evaluated at least once a year through announced and unannounced exercises.

Emergency Procedures

Reporting an Emergency - An emergency can be reported in the following ways:

- Notify on duty security officers when classes are in session or contact the Building Security Desk in the lobby by calling 212-840-7958.
- Notify the Associate Dean of Operations (212-857-1973) or Director of Finance and Administration (212-642-2016).
- Call 911 to report emergencies directly to the New York City Police, Fire and/or Emergency Medical Services. If calling 911 while on campus, also notify the on duty security officer and the Building Security Desk in the lobby (212-840-7958) so the emergency response can be expedited.
- For smoke or fire, pull the Fire Alarm Pull Boxes, which are bright red in color, located adjacent to all fire exits. Lifting the cover and pulling down the handle activates the alarm. A signal is sent to the fire command station in the building's main lobby and to a central dispatch station that notifies the FDNY. When pulled, this device will also activate an audible fire alarm on the floor where pulled and the floor above.

Evacuations - Know your escape route using the building's fire exits and fire stairs in advance (you should know your escape routes well enough to be able to make your way in the dark or in dense smoke). Also, be prepared to use an alternate exit in case your primary route is obstructed. Remain calm and proceed to evacuate the area in an orderly manner. Rely on planning and knowledge, do not rush, push or panic. Listen for instructions from Fire Wardens, Security Officers and the Fire Safety/Emergency Action Plan Director (via public address announcements). Do not use an elevator to evacuate unless directed to do so by emergency service personnel.

In-Building Relocation – In-building relocation is the controlled movement of building occupants from an endangered area of a building to an in-building relocation area within the same building in response to an emergency.

Sheltering-in-Place – Sheltering-in-place simply means seeking immediate shelter inside a building. This course of action may be necessary during a release of toxic chemicals, biological agents or radiation to the outside air. When air quality may be threatened, sheltering in place keeps you inside an area offering more protection. Sheltering-in-place may also be used during civil unrest, severe weather or other emergencies. Stay inside the building and close all doors and windows. Seal off openings to your room if possible. Do not use elevators as they may pump air through the building. Remain in place until you are told that it is safe to leave.

Fire – In case of fire or visible smoke, pull the nearest fire alarm; call NYFD at 911 and the Building Security Desk in the lobby by calling 212-840-7958. Prepare to evacuate immediately upon the sounding of any fire alarm and alert those in the immediate area of the danger. Follow the instructions given by the Fire Safety/Emergency Action Plan Director, Fire Wardens and Security Officers. Before opening any door, touch the door with the back of your hand and do not open a door that is warm or hot. Close doors behind you to prevent fire spread, but make sure that you can reopen them if you need to retreat. Use stairs and not elevators. Help those less able and persons in wheelchairs to smoke free stairwells: Report their location and condition to NYFD and college public safety personnel. Do not remove any person from a wheelchair or attempt to carry or negotiate wheelchairs with people up or down the steps. When at other colleges, comply with posted or announced fire instructions.

Active Shooter/Hostile Intruder - When an intruder is actively causing deadly harm or presents the threat of imminent deadly harm to people, immediately seek cover and if possible, contact 911 and the Building Security Desk in the lobby by calling 212-840-7958. Only call 911 and Building Security Desk when it is safe to do so. Give as many details as possible regarding location, number of assailants, means of aggression and other pertinent information. The U.S. Department of Homeland Security recommends the following course of action when an active shooting is taking place.

- **EVACUATE** – Evacuate if you can safely do so and run as fast as you can. Have an escape route and plan in mind. If outside, use buildings, trees, shrubs, and cars as cover. Leave your belongings behind. If you can get away from the immediate area of danger, summon help and warn others.
- **HIDE** - If you decide to hide, take into consideration the area in which you are hiding. Hide where you are out of the aggressor's view. Stay as quiet and calm as possible and silence all electronic devices. Block entry to your hiding place and lock the doors if possible.
- **TAKE ACTION** – Only do this as a last resort and only when your life is in imminent danger. If you choose to confront the aggressor, use all manner of materials at hand as weapons, including books, chairs, or any object near at hand. Act with physical aggression and throw items at the aggressor. You can choose to play dead if other victims are around you. Do not give your position away or stand-up until Public Safety or police give an “all-clear” signal.

Alcohol and Drug Abuse Crisis - An alcohol and drug abuse crisis can result from ingesting substances haphazardly or beyond an individual's normal ability to cope with the ingested amount or the consequence. An alcohol or drug overdose can be rapidly fatal. Call 911 and the Building Security Desk in the lobby (212-840-7958) to request an ambulance if a person is: 1.) poorly responding to stimuli, 2.) unconscious, 3.) having difficulty breathing, 4.) out of control and a potential danger to self or others, or 5.) if you are not sure about the physical well-being of the person. Before approaching or touching the person having an alcohol or drug abuse crisis, identify yourself to the individual and explain what you intend to do. Talk calmly in a non-challenging manner and orient individual to time, place, and condition if needed. Try to find out what the individual has consumed and how much, including whether alcohol was mixed with other drugs (prescription medication or illegal drugs) so responding emergency personnel can be informed. Make certain someone stays with individual. If the individual wishes to lie down, have person lie on his/her left side to avoid asphyxiation. If the person is convulsing, do not attempt to put any object in the mouth and do not restrain. People who are under the influence of alcohol/drugs can be irrational and/or dangerous. Never put yourself at physical risk.

Accidents, Illness and Injuries - Students and employees experiencing or witnessing illness or injury should immediately notify on duty security officers or call the Building Security Desk in the lobby (212-840-7958). Also, call 911 if the condition is serious and notify Building Security Desk in the lobby so they can expedite the emergency medical personnel's response. Employees should notify their supervisor or the Director of Human Resources as appropriate. Hazards should be reported immediately.

Bomb Threats - If a suspicious package is found do not move, jar, touch, tamper or interfere with the object or anything attached to it. Report the location and an accurate description of the object to on duty security officers and the Building Security Desk in the lobby (212-840-7958). If it is determined that an evacuation is necessary, bomb threat evacuations at the CUNY School of Labor and Urban Studies will follow a procedure similar to the one used for fire evacuations. Take personal belongings such as purses, briefcases, knapsacks and shopping bags with you so they are not confused with suspicious packages by those conducting a bomb search. Know your escape route in advance. Also, be prepared to use an alternate exit in case your primary route is obstructed. Pay attention to all alarms and public address system announcements. Follow instructions given by Fire Wardens, Searchers, Security Officers, NYPD and FDNY personnel. Never use an elevator to evacuate unless directed to do so by the Fire Department. Once outside, move well away from the building, especially away from windows.

Chemical or Biological Attack - Protection of breathing airways is the single most important thing a person can do in the event of a chemical or biological incident or attack. In most cases, absent a handy gas mask, the only sure way to protect an airway is to put distance between you and the source of the agent. While evacuating the area, cover your mouth and nose with a handkerchief, coat sleeve or any piece of cloth to provide some moderate means of protection. Other basic steps one can take to avoid or mitigate exposure to chemical or biological agents include staying alert for attack warning signs and moving upwind from the source of the attack. If evacuation from the immediate area is impossible, move indoors (if outside) and upward to an interior room on a higher floor. Many agents are heavier than air and will tend to stay close to the ground. Once indoors, close all windows and exterior doors and shut down air conditioning or heating systems to prevent circulation of air. Cover your mouth and nose. If gas masks are not available, use a surgical mask or a handkerchief. An improvised mask can be made by soaking a clean cloth in a solution of 1 tablespoon of baking soda in a cup of water. While this is not highly effective, it may provide some protection. Cover bare arms and legs and make sure any cuts or abrasions are covered or bandaged. If splashed with an agent, immediately wash it off using copious amounts of warm soapy water. If in a car, shut off outside air intake vents and roll up windows if no gas has entered the vehicle. Late model cars may provide some protection from toxic agents. In any case of suspected exposure to chemical or biological agents, no matter what the origin, medical assistance should be sought as soon as possible, even if no symptoms are immediately evident.

Elevator Failure - Elevators have mechanical safety brakes that will operate even during power failures. Use the emergency telephone located in the front of the elevator cab to call Building Management provided security officers. Inform the officer if a medical emergency exists. Remain calm and try to keep other occupants calm.

Flooding or Plumbing Failure - Stop all use of electric equipment. Notify on duty security officers and the Building Security Desk in the lobby (212-840-7958).

Gas Leaks - Cease all operations and notify the on duty security officers and the Building Security Desk in the lobby (212-840-7958). Building Management will contact outside emergency response agencies if necessary. Exit the area immediately. To avoid sparks, leave all electrical equipment, i.e. lights, computers, appliances, etc., as is. Electrical arcing can trigger an explosion.

Hostage Situation - A hostage situation is said to exist when a person(s) is held or confined against his or her will by one or more individuals. This can occur with or without force or the threat of force and with or without a weapon. Usually, certain demands are made in return for the release of the hostage(s). Hostage takers can be terrorists, fleeing felons, emotionally disturbed persons and past or present disgruntled employees. It should be noted that the CUNY School of Labor and Urban Studies security officers are unarmed and will require the assistance of the NYPD in all hostage situations.

If you are a witness to a hostage situation, call 911 and immediately and be prepared to tell the dispatcher the following: the location of the incident, description of the hostage taker(s), type(s) of weapons used (handgun, shotgun, knife, explosive, etc.), number of hostages and if anyone has been

injured. Alert others in the immediate area of the situation and evacuate from the area. If possible, also notify on duty security officers and the Building Security Desk in the lobby (212-840-7958). If you are unable to evacuate safely, lock and close your door until notified by NYPD that it is safe to leave. If you are taken hostage, remain calm, be patient and avoid drastic action. Follow the hostage taker's instructions. Do not speak unless spoken to. Avoid arguments. Stay alert and be observant. You may be released or escape. The personal safety of others may depend on your memory. Be prepared to answer the police on the telephone.

Mental Health Crisis - A psychological crisis exists when an individual is threatening harm to himself/herself or to others, or is out of touch with reality due to a severe drug reaction or a psychotic break. Hallucinations, uncontrollable behavior, or complete withdrawal may manifest a psychotic break. To report a psychological crisis, notify call 911 and tell the dispatcher the following: 1.) your name, 2.) your location, 3.) the nature and location of the incident, and 4.) clearly state that you need immediate assistance. You should also notify on duty security officers and the Building Security Desk in the lobby (212-840-7958). If it is safe to do so, stay on the line until an officer arrives. Never try to deal with a potentially dangerous situation by yourself.

Power Failure - If you are in an area where power has failed, notify on duty security officers and the Building Security Desk in the lobby (212-840-7958) and give your name, location and department. Describe the nature of the problem and any additional locations that are without power. If the power failure occurs during daylight hours, open blinds and doors to maximize available outside light. The CUNY School of Labor and Urban Studies is equipped with emergency lighting. If the lights are out, proceed cautiously to an area that has emergency lights. If you are trapped in an elevator, remain calm and use the emergency telephone or call button. Should an electrical or mechanical system failure occur in the building, it may become necessary to evacuate the facility. Building Management personnel will advise you when to evacuate the building. If requested, evacuate the building immediately. After evacuating from the building, move away from the building's entrance. Assist persons with disabilities in exiting the building.

Radiation Attack - A radiation threat or "Dirty Bomb" is the use of common explosives to spread radioactive materials over a targeted area. It is not a nuclear blast. The force of the explosion and the radioactive contamination will be more localized. While the blast will be immediately obvious, the presence of radiation will not be clearly defined until trained personnel with specialized equipment are on the scene. As with any radiation, you want to try to limit exposure. To limit the amount of radiation you are exposed to, think about shielding, distance and time. If you have a thick shield between yourself and the radioactive material more of the radiation will be absorbed, and you will be exposed to less. The farther away you are from the blast and the fallout the lower your exposure. Minimizing time spent exposed will also reduce your risk.

As with any emergency, local authorities may not be able to immediately provide information on what is happening and what you should do. However, you should watch TV, listen to the radio, or check the Internet often for official news and information as it becomes available. The CUNY School of Labor and Urban Studies will activate its Emergency Operations Plan if such an attack takes place in or around the building and responses will vary depending on the exact location of the attack.

Other Life Threatening Emergencies - Call NYPD or EMS at 911 and notify on duty security officers and the Building Security Desk in the lobby (212-840-7958). Building Management personnel will assist and coordinate emergency response forces. CUNY School of Labor and Urban Studies security officers and building management lobby officers are not armed, and are not emergency medical technicians. The NYPD and Emergency Medical Service are called upon to perform these functions.

Publication of Emergency Procedures

Emergency response and evacuation procedures are reviewed, revised and updated as needed and published annually via the Annual Security Report. The CUNY School of Labor and Urban Studies also distributes hardcopies of the *Emergency Procedures Guest Handbook*. CUNY School of Labor and Urban Studies will also post emergency procedure information on its Public Safety webpage at <https://slu.cuny.edu/current-students/additional-resources/public-safety/> when it goes live.

Additional information on emergency procedures can also be found at the Graduate Center's emergency procedures webpage at <http://www.gc.cuny.edu/About-the-GC/Resources-Services/Security-Public-Safety/Emergency-Procedures>.

Note on all emergency notifications: When in the considered opinion of university, college, or civil authorities, dissemination of information on a given emergency may hinder or cause additional harm, such notification may be delayed until such time that it is safe to do so.

Crime Prevention & Security Awareness Programs

The CUNY School of Labor and Urban Studies takes the following preventative measures in an attempt to limit criminal activity: screening visitors, issuing ID cards, inspecting infrastructure such as doors, locks and lighting, responding to incidents and conducting investigations. Building Management also employs security officers in the lobby for an extra layer of protection. The future use of electronic access control and closed circuit television system are in the planning stage.

CUNY School of Labor and Urban Studies ID and access policies are designed to enhance crime prevention. Public Safety maintains a file of orders of protection and security alerts (along with photographs when available), instructing officers to deny access to individuals who have caused problems within the college or have harassed members of the outside of the building. Victims of sexual assault, sexual harassment, domestic/dating violence and stalking are offered escorts to nearby subway stations. Public Safety management regularly meets with the Midtown South Precinct and a regular review of NYPD crime reports for the area surrounding the colleges keeps us apprised of area crime trends. Directed security patrols are utilized during periods of higher risk.

All incoming students and student leaders must take the Sexual Misconduct Prevention and Response Course (SPARC) online training program that covers the prevention of sexual misconduct (as defined in CUNY's Policy on Sexual Misconduct), sexual assault, relationship violence, stalking, and sexual harassment topics. The E-SPARC online training program is mandatory for all SLU faculty and staff.

Community-wide emails containing crime prevention information are sent to students, staff and faculty whenever an incident takes place that poses an ongoing threat to the college community. The CUNY School of Labor and Urban Studies community can utilize the Graduate Center's Public Safety crime prevention guide that offers tips on how to avoid becoming a victim of crimes that are likely to occur on and off campus. It can be viewed at <http://www.gc.cuny.edu/About-the-GC/Resources-Services/Security-Public-Safety/Crime-Prevention-Guide>.

Presentations on personal security, sex offenses and other crimes, are offered to the college community in conjunction with new staff orientations. The frequency of new staff orientation presentations varies from year to year, depending on the number of new hires. There were three (3) such presentations in 2018. Targeted crime prevention presentations are also given to individual departments when there is a specific crime or safety related issue effecting that department. Arrangements can be made for specialized group presentations and individual consultation or counseling via the Graduate Center's Office of Public Safety (212-817-7761).

The CUNY School of Labor and Urban Studies is proud of its safety record and remains committed to providing a safe and secure environment that is conducive to education and research. However, crime prevention is a shared responsibility that requires the assistance of our students, staff and faculty. By practicing the precautions outlined below, you can greatly reduce the odds of becoming a victim of crime, either on or off campus.

On Campus - Actual and attempted violent crime, including sex crime is virtually unknown on the CUNY School of Labor and Urban Studies campus. However, the possibility cannot be excluded. Accordingly, use general prudence, avoid isolated areas, and report suspicious observations to the on duty security officer, the Building Security Desk in the lobby (212-840-7958) and CUNY School of Labor and Urban Studies administrative personnel. While on-campus purse snatchings are unknown and pick pocketing is rare, the theft of unattended laptop computers, purses, pocketbooks, and wallets and their contents is not unheard of. Under no circumstances should cash, credit cards, garments, or other valuables be left unattended or in offices or furniture - nor should office or furniture locks be relied upon.

Off Campus - Local area crime is not within the CUNY School of Labor and Urban Studies' jurisdiction but we maintain liaison with the police and a neighborhood association to monitor trends and exercise influence. General rules of urban area prudence must be followed day and night, including:

- Avoid under populated or dark areas.
- Keep distant from building facades particularly avoiding empty storefronts.
- Cross the street rather than walk under construction scaffolding or through confined routes particularly during hours of darkness.
- Use corner rather than mid-block subway entrances.
- Be alert to street "scams" (e.g. clustered bystanders, unsolicited help with "accidental" spills, feigned distress, groups asking for directions, dropped money, or other opportunities for profit through "good faith" deposits, gambling, winning ticket cashing or other unusual or illicit enterprises).
- Be aware that jewelry, luggage, furs, cameras, camcorders, laptops, smartphones, cash and other conspicuous valuables including expensive portfolios and briefcases may increase robbery risks.
- Wear or hold pocketbooks and equipment straps so that they quickly release in the event of an attempted snatch by running or mobile persons: Wearing them across the body, around the neck or wound around the hand can expose the wearer to the risk of serious injury.

Elevators - When waiting for an elevator, stand away from the door to avoid being pushed inside by someone nearby, but unseen. Do not get on an elevator occupied by a person or persons who make you feel uneasy. If you begin to feel uncomfortable, get off at the next floor. Always stand near the control panel and the emergency phone. If you are accosted in an elevator hit the alarm button and as many floor buttons as possible so the elevator will stop and the doors will open.

Data: Back up data files frequently and keep secure. Carefully follow Office of Information Technology guidelines for passwords, anti-virus protection and data backup. Data transmitted over the Internet or other networks may be subject to interception/intrusion, inspection, manipulation or destruction by sophisticated remote attack or equipment malfunction. Promptly report any data or computer irregularities, including virus detections, to the Office of Information Technology Help Desk at 212-642-2084.

Laptops - Treat your laptop as though it was cash. If you would not place a hundred-dollar bill on your desk while out to lunch, do not do it with a laptop either. Always secure your laptop in a locked desk or cabinet when not in use. When traveling in a car, do not leave your laptop on the seat next to you. Keep it out of sight in the trunk or place it under the passenger seat. If you park your vehicle and cannot take the laptop with you, make sure that it is locked in the trunk prior to reaching your destination. Be alert to unfamiliar persons in your work area and immediately report suspicious persons to the on duty security officer, the Building Security Desk in the lobby (212-840-7958) and CUNY School of Labor and Urban Studies administrative personnel.

Pickpocket Theft Prevention - Do not be distracted by strangers seeking directions. Be wary when someone tells you that there is something on your clothing such as a condiment when you have not come from an eating establishment. Do not carry valuables in a shoulder bag and do not let the bag hang behind you. Keep the flap to the purse close to your body. Try to carry a purse that has a zipper or locking device of some sort. Carry your wallet in your front or breast pocket. Be wary of people who drop things in front of you, such as change or keys. Keep handbags on your lap and keep your hand on it at all times while on public transportation. Be careful of the person who shoves or pushes you while trying to get to the rear or front of a bus or subway car.

Personal Safety in Your Car - Always lock your car after entering and exiting it and try to park in a well-lighted space. Before getting in your car, check the front and back seats to make sure no one is hiding inside. Do this even if your car is locked. Have your keys in hand, so you do not have to linger before entering the car and be aware of your surroundings. Do not offer rides to strangers. If you suspect that someone is following you, drive to the nearest open public place and sound your horn.

College Regulations / Code of Conduct

Pursuant to CUNY's Bylaws, "[e]ach student enrolled or in attendance in any college, school or unit under the control of the board and every student organization, association, publication, club or chapter shall obey (1) the laws of the city, state and nation; (2) the bylaws and resolutions of the board, including the rules and regulations for the maintenance of public order pursuant to article 129-a of the education law ("Henderson rules"); and (3) the governance plan, policies, regulations, and orders of the college.

Henderson Rules

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he/she interfere with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for failure to comply with lawful directions issued by representatives of the University/college when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.
3. Unauthorized occupancy of University/college facilities or blocking access to or from such areas is prohibited. Permission from appropriate college authorities must be obtained for removal, relocation, and use of University/college equipment and/or supplies.
4. Theft from, or damage to University/college premises or property, or theft of or damage to property of any person on University/college premises is prohibited.
5. Each member of the academic community or an invited guest has the right to advocate his position without having to fear abuse, physical, verbal, or otherwise, from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators.
6. Action may be taken against any and all persons who have no legitimate reason for their presence on any campus within the University/college, or whose presence on any such campus obstructs and/or forcibly prevents others from the exercise of the rights or interferes with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
7. Disorderly or indecent conduct on University/college-owned or controlled property is prohibited.
8. No individual shall have in his/her possession a rifle, shotgun, or firearm or knowingly have in his possession any other dangerous instruments or material that can be used to inflict bodily harm on an individual or damage upon a building or the grounds of the University/college without the written authorization of such educational institution. Nor shall any individual have in his/her possession any other instrument or material which can be used and is intended to inflict bodily harm on any individual or damage upon a building or the grounds of the University/college.
9. 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 is prohibited.
10. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances by University students or employees on University/college premises, or as part of any University/college activities is prohibited. Employees of the University must also notify the College Personnel Director of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction.
11. The unlawful possession, use, or distribution of alcohol by students or employees on University/college premises or as part of any University/college activities is prohibited.

Penalties

1. Any student engaging in any manner in conduct prohibited under the Bylaws, including the Henderson Rules shall be subject to the following range of sanctions as hereafter defined in the attached Appendix: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsions, ejection, and/or arrest by the civil authorities.

- Admonition: An oral statement to the offender that he/she has violated university rules.
- Warning: Notice to the offender, orally or in writing, that continuation or repetition of the wrongful conduct, within a period of the time stated the warning, may cause far more severe disciplinary action.
- Censure: Written reprimand for violation of specified regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of any University regulation within a period stated in the letter of reprimand.
- Disciplinary Probation: Exclusion from participation in privileges or extracurricular University activities as set forth in the notice of disciplinary probation for a specified period of time.
- Restitution: Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

- Suspension: Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a definite period of time. This may include suspension from a residence hall. To the extent there are conditions placed on return to classes or privileges or activities, these will be set forth in the decision of the student disciplinary panel or in any resolution agreement that is reached.
- Expulsion: Termination of student status for an indefinite period. This may include expulsion from a residence hall. The conditions of readmission, if any is permitted, shall in the order of expulsion.

2. Any tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff engaging in any manner in conduct prohibited under the Bylaws, the applicable employment contract and/or substantive Rules 1-11 shall be subject to the following range of penalties: warning, censure, restitution, fine not exceeding those permitted by law or by the Bylaws of The City University of New York or suspension with/without pay pending a hearing before an appropriate college authority, dismissal after a hearing, ejection, and/or arrest by the civil authorities, and, for engaging in any manner in conduct prohibited under substantive Rule 10, may, in the alternative, be required to participate satisfactorily in an appropriately licensed drug treatment or rehabilitation program. A tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff charged with engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be entitled to be treated in accordance with applicable provisions of the Education Law, or the Civil Service Law, or the applicable collective bargaining agreement, or the Bylaws or written policies of The City University of New York.

3. Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under the Bylaws, including the Henderson Rules shall be subject to ejection, and/or arrest by the civil authorities.

4. Any organization which authorized the conduct prohibited under the Bylaws, including the Henderson rules 1-11 shall have its permission to operate on campus rescinded.

Penalties 1-4 shall be in addition to any other penalty provided by law or The City University Trustees.

Additional College Rules

1. Any student violating any law or regulation established by the College, University, City, State, or Federal Government (including the use of drugs), shall be subject to the formal disciplinary procedures as outlined in Articles 15.3 to 15.5 of the Board of Higher Education Bylaws and Sanctions as listed in the Board of Higher Education Bylaws and Article 129A of the Education Law (CUNY Henderson Rules). The initiation of disciplinary procedures requires notice to the student pursuant to 15.3 of CUNY's Bylaws.

In emergency or extraordinary circumstances, immediate suspension can be effectuated pending a hearing within twelve (12) school days.

2. All other persons who violate New York State or Federal laws including those that govern gambling activities, the use of alcohol, and the possession, distribution, or consumption of any controlled substance will be subject to arrest.

Weapons Policy

No one within the University community (including visitors), except Campus Peace Officers, pursuant to authorization of the College President, shall have in his/her possession a rifle, shotgun, firearm, or any other dangerous instrument or material that can be used to inflict bodily harm on an individual or damage to a building or the grounds of the campus.

University Policy Relating to Drugs and Alcohol

The City University of New York ("CUNY") is an institution committed to promoting the physical, intellectual, and social development of all individuals. As such, CUNY seeks to prevent the abuse of drugs and alcohol, which can adversely impact performance and threaten the health and safety of students, employees, their families, and the general public. CUNY complies with all federal, state, and local laws concerning the unlawful possession, use, and distribution of drugs and alcohol. Federal law requires that CUNY adopt and implement a program to prevent the use of illicit drugs and abuse of alcohol by students and employees. As part of its program, CUNY has adopted a policy, which sets forth (1) the standards of conduct that students and employees are expected to follow; (2) CUNY sanctions for the violation of this policy; and (3) responsibilities of the CUNY colleges/units in enforcing this policy. CUNY's policy also (1) sets forth the procedures for disseminating the policy, as well as information about the health risks of illegal drug and alcohol use, criminal sanctions for such use, and available counseling, treatment, or rehabilitation programs, to students and employees; and (2) requires each college to conduct a biennial review of drug and alcohol use and prevention on its campus. This policy applies to all CUNY students, employees and visitors when they are on CUNY property, including CUNY residence halls, as well as when they are engaged in any CUNY-sponsored activities off campus. The policy can be found at <http://www.cuny.edu/about/administration/offices/ohrm/cohr/drug-alcohol2011.pdf>.

Who Needs to Know this Policy?

All CUNY senior management, students, prospective students, employees, and prospective employees.

CUNY Standards of Conduct

The unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by anyone, on CUNY property (including CUNY residence halls), in CUNY buses or vans, or at CUNY sponsored activities is prohibited. In addition, CUNY employees are prohibited from illegally providing drugs or alcohol to CUNY students. Finally, no student may possess or consume alcoholic beverages, regardless of whether the student is of lawful age. In order to make informed choices about the use of drugs and alcohol, CUNY students and employees are expected to familiarize themselves with the information provided by CUNY about the physiological, psychological, and social consequences of substance abuse.

CUNY Sanctions

Employees and students who violate this policy are subject to sanctions under University policies, procedures and collective bargaining agreements as described below. Employees and students should be aware that, in addition to these CUNY sanctions, the University will contact appropriate law enforcement agencies if they believe that a violation of the policy should also be treated as a criminal matter. However, students should also be aware of CUNY's Drug/Alcohol Use Amnesty Policy, described below.

Students

Students are expected to comply with the CUNY college policies with respect to drugs and alcohol. Any student found in violation may be subject to disciplinary action under Article 15 of the Bylaws of the Board of Trustees, which may result in sanctions up to and including expulsion from the University. In addition, any student who resided in a CUNY residence hall and who is found to have violated any CUNY or college policy with respect to drugs and alcohol may be subject to sanctions under the CUNY Residence Hall Disciplinary Procedures, up to and including expulsion from the residence hall. In lieu of formal disciplinary action, CUNY may, in appropriate cases, seek to resolve the matter through an agreement pursuant to which the student must see a counselor or successfully participate in a drug and alcohol treatment program. In accordance with Federal Education Rights and Privacy Act ("FERPA"), CUNY may also choose—when appropriate—to contact parents or legal guardians of students who have violated the CUNY policy on drugs and alcohol.

Standards that clearly prohibit the unlawful possession, use, sale or distribution of illicit drugs and alcohol on college property or as part of any school activities can be found at <http://www.cuny.edu/about/administration/offices/ohrm/cohr/drug-alcohol2011.pdf>.

Employees

Any employee found to have violated this CUNY policy may be subject to disciplinary action, in accordance with the procedures set forth in applicable CUNY policies, rules, regulations, and collective bargaining agreements. Sanctions may include a reprimand, suspension without pay, or termination of employment. In lieu of formal disciplinary action, CUNY may, in appropriate cases, seek to resolve the matter through an agreement pursuant to which the employee must successfully participate in a drug or alcohol treatment program. Standards that clearly prohibit the unlawful possession, use, sale or distribution of illicit drugs and alcohol on college property or as part of any school activities can be found in the employee handbook at <https://www.cuny.edu/about/administration/offices/ohrm/cohr/drug-alcohol2011.pdf>.

Drug/Alcohol Use Amnesty Policy

CUNY encourages students to seek medical assistance related to drug and/or alcohol use without fear of being disciplined for such use. CUNY also encourages students under the influence of drugs and/or alcohol who may be the victims of, witnesses to, or otherwise become aware of violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) or sexual harassment or gender-based harassment to report that violence or harassment. Students who in good faith call for medical assistance for themselves or others and/or who receive medical assistance as a result of a call will not be disciplined for the consumption of alcohol or drugs as long as there are no other violations that ordinarily would subject the student to disciplinary action. Similarly, students who may be the victims of, witnesses to, or otherwise become aware of violence or sexual harassment or gender-based harassment and who report such violence or harassment and who report such violence or harassment will not be disciplined for the consumption of alcohol or drugs in the absence of other violations that ordinarily would subject the student to disciplinary action. However, if you are involved in the distribution of illegal drugs, sexual misconduct, causing or threatening physical harm, hazing or damage to property, amnesty may not apply. Additional information can be found at <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/Drug-and-Alcohol-Use-Amnesty-Policy-10.1.2015.pdf>

Information for the CUNY Community on the Risks and Consequences of Drug and Alcohol Use

Background

The City University of New York's Policy on Drugs and Alcohol, adopted by the Board of Trustees on June 22, 2009, prohibits the unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by employees, students or visitors, on CUNY property, in CUNY buses or vans, or at CUNY-sponsored activities. It prohibits all students (regardless of their age) from possessing or consuming alcoholic beverages in CUNY residence halls. It also prohibits CUNY employees from illegally providing drugs or alcohol to CUNY students.

As the Policy states, sanctions for violation of the Policy, following appropriate disciplinary proceedings, may include, in the case of students, expulsion from the university, and in the case of employees, termination of employment. This document sets forth additional information required to be provided under federal law, including the legal sanctions for drug and alcohol use, health risks of such use, and information regarding available counseling, treatment, or rehabilitation programs.

Legal Sanctions

Federal and New York State laws make it a criminal offense to manufacture, distribute, dispense, possess with intent to distribute, or simply possess a controlled substance. Such substances include heroin, cocaine, methamphetamine, ecstasy, LSD, PCP, marijuana, and a number of common pharmaceutical drugs if unlawfully obtained. The sanctions for violation of these laws, ranging from community service and monetary fines to life imprisonment, depend upon the particular offense, the drug type, and the drug quantity. Students convicted under these statutes may also forfeit federal financial aid eligibility.

Note that an individual need not be in actual physical possession of a controlled substance to be guilty of a crime. The unlawful presence of a controlled substance in an automobile is presumptive evidence of knowing possession of such substance by each passenger unless the substance is concealed on the person of one of the occupants. Similarly, the presence of certain substances in plain view in a room can sometimes be presumptive evidence of knowing possession of such substance by anyone in close proximity.

Further, pursuant to New York State law:

1. Any person under age 21 who is found to be in possession of alcohol with the intent to consume it may be punished by a fine and/or required to complete an alcohol awareness program and/or to provide up to 30 hours of community service. Alcoholic Beverage Control Law, § 65-c.
2. Giving or selling an alcoholic beverage to a person less than age 21 is a Class A misdemeanor punishable by a sentence of imprisonment up to one year. Penal Law § 260.20.
3. Any person who operates a motor vehicle while intoxicated or while his ability to operate such vehicle is impaired by the consumption of alcohol or drugs, is subject to suspension or revocation of driving privileges in the State, monetary fines up to \$1,000, and imprisonment for up to one year. Vehicle and Traffic Law § 1192.
4. A person under 21 who presents false written evidence of age for the purpose of purchasing or attempting to purchase any alcoholic beverage may be punished by a fine, community service and/or completion of an alcohol awareness program. Alcoholic Beverage Control Law § 65-b (1). Possessing such false evidence may also be criminal possession of a forged instrument, which is a felony in New York, punishable by a fine of up to \$5000, imprisonment up to 7 years, or both. Penal Law § 170.25.
5. Appearing in public under the influence of narcotics or a drug other than alcohol to the degree that a person may endanger him or herself or other persons or property, or annoy persons in his vicinity, is a violation, punishable by a fine and imprisonment up to 15 days. Penal Law § 240.40.

Health Risks

The following is a brief summary of some of the health risks and symptoms associated with use of many of the most-publicized drugs, including alcohol and tobacco. This information was obtained from the National Institute on Drug Abuse (part of the National Institutes of Health of the U.S. Department of Health and Human Services), and the Mayo Clinic. Please note that individual experience such substances in different ways on a variety of physical and psychological factors and circumstances.

- **Alcohol** - Excessive alcohol consumption can lead to serious health problems, including cancer of the pancreas, mouth, pharynx, larynx, esophagus and liver, as well as breast cancer, pancreatitis, sudden death in people with cardiovascular disease, heart muscle damage leading to heart failure, stroke, high blood pressure, cirrhosis of the liver, miscarriage, fetal alcohol syndrome in an unborn child, injuries due to impaired motor skills, and suicide.
- **Cocaine** - Cocaine is a powerfully addictive drug. Common health effects include heart attacks, respiratory failure, strokes, and seizures. Large amounts can cause bizarre and violent behavior. In rare cases, sudden death can occur on the first use of cocaine or unexpectedly thereafter.
- **Heroin** - Heroin is an addictive drug. An overdose of heroin can be fatal, and use is associated – particularly for users who inject the drug – with infectious diseases such as HIV/AIDS and hepatitis.
- **LSD (Acid)** - LSD is one of the strongest mood-changing drugs, and has unpredictable psychological effects. With large enough doses, users experience delusions and visual hallucinations. Physical effects include increased body temperature, heart rate, and blood pressure; sleeplessness; and loss of appetite.
- **Marijuana** - Effects of marijuana use include memory and learning problems, distorted perception, and difficulty thinking and solving problems.
- **MDMA (Ecstasy)** - Ecstasy is a drug that has both stimulant and psychedelic properties. Adverse health effects can include nausea, chills, sweating, teeth clenching, muscle cramping, and blurred vision.
- **Methamphetamine** - Methamphetamine is an addictive stimulant that is closely related to amphetamine but has long lasting and more toxic effects on the central nervous system. It has a high potential for abuse and addiction. Methamphetamine increases wakefulness and physical activity and decreases appetite. Chronic, long-term use can lead to psychotic behavior, hallucinations, and stroke.
- **PCP/Phencyclidine** - PCP causes intensely negative psychological effects in the user. People high on PCP often become violent or suicidal.
- **Prescription Medications** - Prescription drugs that are abused or used for non-medical reasons can alter brain activity and lead to dependence. Commonly abused classes of prescription drugs include opioids (often prescribed to treat pain), central nervous system depressants (often prescribed to treat anxiety and sleep disorders), and stimulants (prescribed to treat narcolepsy, ADHD, and obesity). Long-term use of opioids or central service system depressants can lead to physical dependence and addiction. Taken in high doses, stimulants can lead to compulsive use, paranoia, dangerously high body temperatures and irregular heartbeat.
- **Steroids** - Adverse effects of steroid use in males may include shrinking of the testicles and breast development. In females, adverse effects may include growth of facial hair, menstrual changes, and deepened voice. Other adverse effects can include severe acne, high blood pressure and jaundice. In some rare cases liver and kidney tumors or even cancer may develop.
- **Tobacco/Nicotine** - Tobacco contains nicotine, which is highly addictive. The tar in cigarettes increases a smoker's risk of lung cancer, emphysema, and bronchial disorders. The carbon monoxide in smoke increases the chance of cardiovascular diseases. Secondhand smoke causes lung cancer in adults and greatly increases the risk of respiratory illnesses in children.

Substance Abuse

You or someone you know may have a problem with drugs and alcohol if you/they are:

- Using drugs and/or alcohol on a regular basis.
- Losing control of the amount of drugs and/or alcohol used after being high or drunk.
- Constantly talking about using drugs and/or alcohol.
- Believing that drugs and/or alcohol are necessary in order to have fun.

- Using more drugs and/or alcohol to get the same effects as in the past.
- Avoiding people in order to get high or drunk.
- Pressuring others to use drugs and/or alcohol.
- Foregoing activities that were once priorities (i.e. work, sports, spending time with family and sober friends).
- Getting into trouble at school, at work, or with the law.
- Taking risks, including sexual promiscuity and driving while intoxicated.
- Lying about things, including the amount of drugs and/or alcohol used.
- Feeling hopeless, depressed, or even suicidal.

If you suspect that you or someone you know has a problem with drugs and/or alcohol, please utilize the resources listed below.

DRUG AND ALCOHOL PREVENTION PROGRAMS (DAAPP)

On-Campus Alcohol and Substance Abuse Resources

Formal drug and alcohol abuse education programs are not held at the CUNY School of Labor and Urban Studies. However, the Graduate Center publishes a brochure detailing the alcohol and drug policy and provides information on common drugs, symptoms, uses, effects, hazards, hotlines, and penalties that can be obtained at the Graduate Center's Office of the Vice President of Student Affairs (Room 7301, 212-817-7400) located at 365 Fifth Avenue, New York, N.Y. 10016.

Persons who are experiencing problems with drugs or alcohol use may receive confidential health counseling and referral services through the Office of the Associate Director for Student Affairs (Room 1820, 212-642-2081).

CUNY Employees can seek assistance through the CUNY Work Life Program at (800) 833-8707 or the following website: <http://www.cuny.edu/about/administration/offices/ohrm/university-benefits.html>

Off Campus Treatment Programs:

William Alanson White Institute

20 W 74th Street, NY, NY 10023

(212) 873-7070 phone intake

For referral questions/ concerns Ira Moses, Ph.D. (212) 873 0725.

Clinic applications can be downloaded by patients at www.wawwhite.org

A psychoanalytic institute with interpersonal orientation that also offers addictions services. Individual low-fee treatment starts at \$40.

The Addictions Institute of New York

(Formerly the Smithers Alcoholism Training & Treatment Program)

1000 10th Avenue @ 59th Street

(212) 523-6491

Treatment for addictions typically includes group and individual therapy and can be intensive although specific treatment recommendations are made by the intake clinician. Non-Intensive Outpatient Services are usually recommended for people who have successfully progressed through more intensive inpatient or outpatient services and are now in need of ongoing support, relapse prevention, and/or family counseling. They also provide motivation enhancement therapy for those individuals who are trying to decide whether or not they have a substance use disorder and whether or not they want to commit to a treatment experience. Many insurances are accepted. A sliding scale fee is also available.

Addiction Psychiatry

The Addiction Psychiatry Division is a specialized service for patients who require simultaneous treatment of a psychiatric condition and a substance-related disorder. Each of these disorders can serve as a barrier to effective treatment of the other. Psychiatric medications and therapies may be rendered ineffective by coexisting drug/alcohol abuse. *For more information on these addiction services, please call the following numbers:*

Inpatient addiction psychiatry/Admissions (212) 420-4650

Outpatient addiction psychiatry (psychiatrists, psychologists, groups) (212) 420-4135 (via Mount Sinai Beth Israel)

Inpatient /Outpatient Stuyvesant Square Rehabilitation programs (212) 420-2966 (outpatient) and (212) 420-4220 (inpatient)

Methadone maintenance (212) 726-6800 (via Mount Sinai Beth Israel)

Financial Assistance (212) 420-4271 (via Mount Sinai Beth Israel)

The Center for Motivation and Change

CMC: NYC

276 Fifth Ave

Suite 1101

New York, NY 10001

212.683.3339

212.683.3340 (fax)

<http://motivationandchange.com/>

The Center for Optimal Living (outpatient)

303 Fifth Avenue

Suite 1407

NY, NY 10016

(212) 213-8905

<http://centerforoptimalliving.com/>

12 Step Recovery Programs

Narcotics Anonymous (212) 929-6262

<http://www.newyorkna.org/>

Cocaine Anonymous (212) 262-2463

<http://www.canewyork.org/>

Marijuana Anonymous (800) 766-6779

<http://www.marijuana-anonymous.org/>

Alcoholics Anonymous (212) 647-1680

<http://www.nyintergroup.org/>

Nicotine Anonymous (631) 665-0527

<http://www.nicotine-anonymous.org/>

Al-Anon/Alateen (888) 425-2666

<http://www.al-anonny.org/>

Detoxification and Outpatient/Inpatient Rehabilitation Facilities by County

KINGS		
Bridge Back to Life Center, Inc.	175 Remsen St., 10 th Floor Brooklyn, NY 11201	(718) 852-5552
Kings County Hospital Center	606 Winthrop St. Brooklyn, NY 11203	(718) 245-2630
Interfaith Medical Center	1545 Atlantic Avenue Brooklyn, NY 11213	(718) 613-4330
NEW YORK		
Bellevue Hospital Center	462 First Ave. New York, NY 10016	(212) 562-4141
Greenwich House, Inc.	190 Mercer Street New York, NY 10012	(212) 677-3400
Mt. Sinai West Medical Center	1000 Tenth Ave New York, NY 10019	(212) 523-4000
QUEENS		
Flushing Hospital Medical Center	4500 Parsons Boulevard Flushing, NY 11355	(718) 670-5000
Samaritan Village, Inc.	144-10 Jamaica Ave. Jamaica, NY 11435	(718) 206-1990
BRONX		
St. Barnabas Hospital	4535 East 183 rd St. Bronx, NY 10457	(718) 960-6636
Montefiore Medical Center	3550 Jerome Ave., 1 st Floor Bronx, NY 10467	(718) 920-4067
Bronx-Lebanon Hospital Center	1276 Fulton Ave., 7 th Floor Bronx, NY 10456	(718) 590-1800
RICHMOND COUNTY		
Staten Island University Hospital	Center 375 Seguire Ave.	(718) 226-9000

	Staten Island, NY 10309	
Richmond University Medical Center	427 Forest Ave. Staten Island, NY 10301	(718) 818-1234
Camelot of Staten Island, Inc.	263 Port Richmond Ave. Staten Island, NY 10302	(718) 981-8117
Daytop Village, Inc.	1915 Forest Avenue Staten Island, NY 10303	(718) 981-3136
NASSAU COUNTY		
Long Beach Medical	455 East Bay Dr. Long Beach, NY 11561	(516) 897-1000
North Shore University Hospital	400 Community Dr. Manhasset, NY 11030	(516) 562-3010
Nassau Health Care Corporation	2201 Hempstead Turnpike East Meadow, NY 11554	(516) 572-0123

Other Resources

New York State Office of Alcoholism and Substance Abuse Services

Tel: (518) 473-3460

<http://www.rehabandtreatment.com/new-york-substance-abuse?st-t=bing-new-york-substance-abuse&vt-k=%2BNew%20%2BYork%20%2Bsubstance%20%2Babuse&vt-d=c&st-t=bing-new-york-substance-abuse&vt-k=%2BNew%20%2BYork%20%2Bsubstance%20%2Babuse&vt-d=c>

New York State Smokers' Quitline

Tel: (866) 697-8487

<http://www.nysmokefree.com/>

SEXUAL MISCONDUCT

Reporting and Prevention of Sexual Misconduct including Sexual Assault, Harassment, Stalking and Dating/Intimate Partner and Domestic Violence

Under the provisions of Title IX of the Education Amendments of 1972 (Title IX), 20 USC §§ 1681 et seq., and its implementing regulations, 34 CFR Part 106, discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance is prohibited. Sexual harassment of students, which includes acts of sexual violence, cyber stalking and unwanted physical contact of a sexual nature, is a form of discrimination prohibited by Title IX.

Sexual Harassment is unwelcomed conduct of a sexual nature that is sufficiently serious to adversely affect your ability to participate in or benefit from an educational program. It includes unwelcomed sexual advances, request for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature on or off campus.

CUNY prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, the University issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a college official.

A copy of the City University of New York Policy on Sexual Misconduct is attached to this report and can be viewed by clicking the following link <http://policy.cuny.edu/wp-content/uploads/sites/6/page-assets/general-policy/EDITED-CUNY-Policy-on-Sexual-Misconduct-2018-with-links-8.2.2018.pdf>

The City University of New York Policy on Sexual Misconduct

Sexual Misconduct as defined in CUNY's Policy, including sexual harassment and sexual assault, stalking, domestic and dating/intimate partner violence, as defined in CUNY's Policy and as defined under the Clery Act and New York State Law, are prohibited. Please see below and CUNY's Sexual Misconduct Policy for definitions of these and other terms. Allegations of sexual misconduct, including sexual assault, sexual harassment, stalking, or domestic, dating and intimate partner violence should be reported to one of the individuals listed below:

- Title IX Coordinator – Dr. Gladys Palma Schrynemakers, Associate Dean of Academic Affairs, Rm 1904, 212-642-2042, Gladys.Schrynemakers@slu.cuny.edu

- Director of Public Safety - John Flaherty, The Graduate Center/Room 9117, 212-817-7761, jflaherty@gc.cuny.edu
- Director of Student and Community Affairs - Rochel Pinder-Cuffie, Rm. 1820, 212-642-2081, Rochel.Pinder-Cuffie@slu.cuny.edu
- Executive Director of Human Resources and Labor Designee – Sonia Pearson, CUNY/205 East 42nd Street, 646-664-3264, Sonia.pearson@cuny.edu

Other Reporting Methods

1. Notify the on duty security officer or call the Graduate Center’s Director of Public Safety at 212-817-7761 or the Graduate Center’s Assistant Director of Public Safety at 212-817-7768.
2. Victims or witnesses may report crimes to persons designated as Campus Security Authorities (listed on page 1 in this document), who will report the incident to the Title IX Coordinator and forward the report of the crime to the Office of Public Safety for statistical inclusion in the Annual Crime Report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Campus Security Act in the College’s Annual Security Report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. Victims of sexual violence will be encouraged, but not required to report the incident to law enforcement authorities. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim’s identity and will be done only for the purpose of providing a campus-wide safety alert.
3. In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department’s emergency phone number. If you make a 911 call, please also notify the on duty security officer and the Building Security Desk in the lobby (212-840-7958). They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

Prevention Education Programs

Each CUNY College is required to develop materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and effects of sexual assault, domestic/intimate partner violence and stalking, and the means to reduce their occurrence and prevent them. These programs should seek to provide the most recent and relevant information, such as education pertaining to bystander intervention, the importance of peer networks and the significance of fostering a community of responsibility.

CUNY’s goal of creating a community free from sexual violence is a high priority and we have created training programs for both students and employees that are specifically tailored to CUNY campuses. SPARC, or the Sexual and Interpersonal Violence Prevention and Response Course, is mandated for all incoming and transfer students, and is offered to all other students through an easily accessible online portal. This program educates students on key information such as the definition of affirmative consent, where to go on campus if they, or someone they know, have been affected by sexual misconduct, and what resources are available to them for assistance. The course is custom tailored so that students will receive their specific campus’s contact information for Public Safety, Title IX Coordinator, Campus Health Services, Mental Health Counseling Center, and Office of Student Affairs. Additionally, CUNY added an alcohol education module to make sure students understand the dangers of irresponsible alcohol consumption and how it relates to sexual violence.

CUNY also created an online employee training program, the Employee Sexual Misconduct Prevention and Response Course, or ESPARC. This program, which all employees are required to take annually, informs employees how to identify, prevent, and respond to sexual misconduct in the workplace. In addition to educating employees on the various CUNY policies related to these topics, it also lets them know where to go, and with whom to speak, if they, a student, a colleague, or subordinate, experiences sexual misconduct. Additionally, it gives examples of conduct that constitute sexual harassment, and informs them what outside agencies employees may go to seek legal redress. Furthermore, each campus’s online course not only informs them who is responsible at their specific campus for investigating these types of complaints, but also gives them up to date contact information for those individuals.

Additional information can be found at the following websites:

- Not Alone Federal Website – www.notalone.gov
- CUNY Sexual Misconduct Policy – <http://policy.cuny.edu/wp-content/uploads/sites/6/page-assets/general-policy/EDITED-CUNY-Policy-on-Sexual-Misconduct-2018-with-links-8.2.2018.pdf>
- Title IX Sexual Assault, Stalking and Intimate Partner and Domestic Violence - <http://www.gc.cuny.edu/About-the-GC/Resources-Services/Security-Public-Safety/Title-IX-Sexual-Assault,-Stalking-and-Domestic-and-Intimate-Partner-Violence>

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. The College encourages all community members, including faculty, students and visitors to take reasonable and prudent actions to prevent and stop an act of sexual harassment, gender-based harassment or sexual violence that she/he may witness. Although these actions will depend on circumstances, they may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. In addition, the College encourages all community members to report an incident of sexual misconduct that they observe or become aware of to the Title IX Coordinator, and/or the Office of Public Safety and Office of the Associate Director of Student Affairs. Community members who choose to exercise this positive option will be supported by the College and protected from retaliation.

If you or someone else is in immediate danger, dial 911 (if on campus, notify the on duty security officer and the Building Security Desk in the lobby at 212-840-7958).

Prevention and Risk Reduction

- Convey strongly that you expect your rights to be respected.
- Meet new acquaintances in public places. Always have your own transportation or travel with good friends.
- Keep money in your pocket or purse for phone calls or pay for transportation if you must leave a situation abruptly.
- Be aware of how much alcohol is being consumed. It is best to avoid using alcohol. While not a direct cause of date rape, alcohol can increase your vulnerability by lowering your alertness and ability to react.
- Do not accept a drink from someone you do not know or trust. Do not drink from bowls or large common open containers.
- Do not continue to drink from a beverage you left unattended.
- Clearly define your sexual limit. If someone starts to offend you, be direct. Say no clearly when you mean no.
- If you feel that you are being pressured into unwanted sex, say something as soon as you can, before the behavior goes any further.
- Embarrassment should not keep you from doing what is right for you. Do not hesitate to raise your voice, stand up abruptly, or scream if the situation warrants it.
- Watch out for your friends and fellow students/employees. If you can do so safely, ask if they need help.
- Speak up if you hear someone discuss plans to take sexual advantage of another person.
- Offer to help a friend or fellow/student or employee make a report and seek assistance and support.
- Avoid isolated areas.
- Attend parties with friends. Arrange to leave with your friends.

What to do if you are attacked

- After an attack, try to be as calm as possible in order to think clearly. Get to a safe place and call for help immediately. If you are in the building, contact Public Safety immediately; anywhere else call 911, call a relative or a friend or a rape crisis center. The NYC Police Department Sex Crimes Report Line is always open at 212-COP-RAPE.
- Remain in the same condition as when the attacker left. Do not change, wash, or destroy any clothing or any article that may be evidence.
- Do not wash, douche or comb your hair.
- Have a medical/gynecological exam at the nearest hospital emergency room as soon as possible. The doctor should note and treat any injury and take measures to combat the possibility of sexually transmitted diseases or pregnancy. If you report being raped, the doctor may be able to collect semen smears or other physical specimens as evidence.
- Show police any bruises or injuries, however minor, resulting from the attack. Also, show injuries to a friend or relative who might be available as a corroborative witness at the trial. If possible, photograph bruises.
- Leave the crime scene exactly as it is. Do not touch, clean up, or throw anything away.
- Give any clothing that was stained or torn (including undergarments) during the crime to the police.
- When calm, write down every detail about the incident, including: who, what, where, when, and how; what the attacker looked like (height, weight, clothing, type of build, color of skin, hair, eyes, facial oddities, scars jewelry, tattoos etc.); description of any vehicle used or the direction you last saw the attacker running; what kind of force or coercion was used; any objects touched, taken, or left by the attacker; if the attacker said anything, try to remember the words, the grammar, any accents or speech defects; and if there were witnesses, list who and where they might be.
- Seek psychological support as well as medical attention. Even though the actual incident is over, you may suffer from rape trauma syndrome, which includes a variety of difficulties commonly experienced after a sexual assault.
- A student can call the New York City Police Department or 911, or go directly to a hospital. If the student wishes, Public Safety will call 911 on their behalf. It is important to note that if you are a victim of a sex offense, **do not destroy any evidence (including clothing) and do not take a shower or bath.**
- It is important that such physical evidence be preserved in order to assist with any ensuing criminal investigation. If the student believes that she/he may be the victim of date rape by being drugged, she/he should go directly to a hospital to receive a toxicology examination since such drugs only remain in a person's system for a short period of time. The Office of Public Safety will assist with notification of other law enforcement authorities and/or medical professionals if the student so chooses.
- New York State Department of Health has designated sexual assault forensic examiner ("SAFE") programs in hospitals that are designated as 24-hour centers of excellence. SAFE hospitals ensure the quality of collections, documentation, preservation and custody of physical evidence by a trained examiner and provide medical care that includes, but is not limited to, treatment, referral and follow-up, at no cost to the victim.
- As time passes, evidence may dissipate or become lost or unavailable, making investigation, possible prosecution or disciplinary proceedings or obtaining orders of protection more difficult. Even if a victim of sexual assault chooses not to file a complaint with law enforcement, the victim should consider having a sexual assault forensic exam, which will preserve the evidence in case the victim decides to file a report later.

Who is a perpetrator?

Many people think that sexual assaults are only perpetrated by vicious strangers on dark, deserted streets. In fact, studies indicate that between 80 and 90 percent of all people who have been raped know their perpetrator(s). This is called "date rape" or "acquaintance rape." "Date rape" is not a legally distinct or lesser category of rape. It refers to a relationship and situational context in which rape occurs on a date. Rape or any sexual offense, whether on a date or not, is the same criminal offense involving the same elements of force, exploited helplessness or underage participation. With sexual assaults where the victim knows the perpetrator, alcohol use is often involved on the part of either the victim or the perpetrator. However, a sexual assault is still a crime regardless of the intoxication of the perpetrator or the victim.

Who is a victim?

Anyone can be a victim, regardless of gender, age, race, sexual orientation, gender identity, religion, ethnicity, class or national origin. Regardless of whether the victim was abusing alcohol and/or underage, she or he is still the victim of the sex offense.

When is there lack of consent?

Under New York law, lack of consent to a sexual contact may be demonstrated in the following ways: (1) forcible compulsion including the use of physical force or threat (express or implied) which places the person in fear of physical injury to self or another; (2) incapacity to consent on the part of the victim; (3) circumstances in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or (4) circumstances in which the victim clearly expressed by words or actions that he or she did not consent to engage in such sexual act and a reasonable person would have understood such person's words or actions as an expression of lack of consent to such conduct.

A person is deemed incapable of giving consent if she/he is (a) under the age of 17, (b) mentally incapacitated (which may include incapacity due to the victim's ingestion of alcohol or drugs), (c) physically disabled or (d) physically helpless (asleep, unconscious or for any other reason physically unable to communicate unwillingness to act, which may also include incapacity due to the victim's ingestion of alcohol or drugs).

CUNY's Sexual Misconduct Policy requires affirmative consent to sexual activity. Affirmative consent as defined in CUNY's Sexual Misconduct Policy 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 may be initially given but withdrawn at any time. 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 order to give consent, one must be of legal age (17 years or older). Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. 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. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if the 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.

Who is responsible for a sexual attack?

In the absence of consent, the attacker is *always* responsible for having committed the sexual assault regardless of the victim's appearance, behavior, or conduct on previous occasions. An attacker cannot assume that the way a person dresses or acts is an invitation for sexual advances. A person may welcome some forms of sexual contact and be opposed to others. The more impaired a person is from alcohol or drugs, the less likely she/he can give consent; having sex with someone who is "passed out" or sleeping is rape and regardless of previous sexual activity, if someone refuses sexual contact, the failure to respect that limit constitutes non-consensual sex.

College and Community Counseling and Support Services for Sex Offense Victims

On-Campus Assistance

Victims of a sexual assault are encouraged to contact the Title IX Coordinator and/or Office of the Associate Director of Student Affairs to obtain assistance in accessing medical and counseling services, or to make any necessary changes to the student's academic program. Victims of such crimes can obtain assistance from the Office of the Associate Director of Student Affairs throughout the disciplinary process. The Office of Public Safety can assist the victim in getting to and from campus classes, filing a police report and obtaining an order of protection against the perpetrator. The victim can also file a complaint with the College against a perpetrator who is a student or employee of the University with the Office of the Associate Director of Student Affairs and the Office of Public Safety.

In addition, the victim of a sexual assault will be provided with on-campus support in the form of an appropriately trained counselor to assist the victim in handling the various aspects of his/her ordeal, such as: 1) explaining to the victim her/his options of whether to report the incident to campus or law enforcement authorities or not; 2) providing guidance if she/he requires medical attention; 3) providing guidance in obtaining crisis intervention and/or ongoing counseling services (or a referral to obtain the necessary services if such services are not available on campus); and 4) assisting the student throughout the College's disciplinary process if she/he chooses to file a complaint against the perpetrator.

College Support Services

- On duty security officers
- Building Security Desk in the lobby, 212-840-7958
- Director of Public Safety – The Graduate Center, Room 9117, 212-817-7761
- Title IX Coordinator – Room 1801, 212-827-0200
- Associate Director of Student Affairs, Room 1820, 212-642-2081

Contacting Outside Agencies

The School will assist any student requesting to contact outside agencies, including local police, regarding charges and complaints of sexual assault.

Off-Campus Resources

- **Crime Victims Treatment Center** - (212) 523-4728
St. Luke's - Roosevelt Hospital Center, counseling, medical treatment, support services, legal advocacy; Monday to Friday 9:00 A.M -5:00 P.M.; crisis intervention and medical care, 24 hrs. at the emergency rooms at Ninth Ave. at 58th St. and 113th Street, east of Amsterdam Ave.

- **Gay and Lesbian Anti-Violence Project (24 Hrs.)** - (212) 714-1141
- **NYC Victims Services Agency (24 Hrs.)** - 212-577-7777.
Provides crisis intervention for crime victims.
- **NYC Mayor’s Office to Combat Domestic Violence/Family Justice Centers** - <http://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page>
- **NYS Department of Criminal Justice** - <https://www.criminaljustice.ny.gov/>
- **NYS Office of Victim’s Services** - <https://ovs.ny.gov/>
- **Sex Crimes Report Line/NYPD (24 Hrs.)** - (212) 267-RAPE
A female detective will provide immediate assistance and information about medical, legal, and emotional support services; strictly confidential, name not required.
- **Safe Horizon Crisis Hotline (24 Hrs.)** - (212) 577-7777

Important Definitions in the Clery Act and in CUNY’s Sexual Misconduct Policy (Please refer to CUNY’s Sexual Misconduct Policy for Other Important Definitions)

Sexual Assault

According to federal statute, sexual assault is an offense that meets the definition of rape, fondling, or statutory rape, as used in the FBI’s Uniform Crime Reporting (UCR) program. Under the UCR:

- **Rape** is 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** is the touching of the private parts of another person for the purposes 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** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence

According to federal statute, “*domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of [New York], 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 [New York].” 42 U.S.C. § 13925(a).

Dating Violence

According to federal statute, “*dating violence*” means violence committed by a person—

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship
 - (ii) The type of relationship
 - (iii) The frequency of interaction between the persons involved in the relationship.

42 U.S.C. § 13925(a).

For the purposes of this definition

- (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- (B) Dating violence does not include acts covered under the definition of domestic violence

CUNY’s Sexual Misconduct Policy further defines **Dating, Domestic and Intimate Partner Violence** as:

A pattern of coercive behavior that can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an intimate partner. Such violence may occur in all kinds of intimate relationships, including married couples, people who are dating, couples who live together, people with children in common, same-sex partners, and people who were formerly in a relationship with the person abusing them.

Stalking

According to federal statute, **stalking** is “engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.”

42 U.S.C. § 13925(a).

For the purposes of this definition

1. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly or indirectly, 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.

CUNY’s Sexual Misconduct Policy further defines **Stalking** as: intentionally engaging in a course of conduct directed at a specific person with whom the perpetrator currently has, previously has had, or desires to have, some form of sexual or romantic relationship, that:

1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or
2. causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or
3. is likely to cause such person to reasonably fear that her/his employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person’s place of employment or business, and the actor was previously clearly informed to cease that conduct.

Disciplinary Procedure

The Colleges shall act promptly in response to information that a student has been sexually assaulted by another member of the CUNY community. Upon receipt of a complaint, the College shall undertake an appropriate investigation. If it appears that there is sufficient evidence to warrant disciplinary charges against a student, such charges shall be brought pursuant to Article 15 of the CUNY Board of Trustees Bylaws. If the matter is brought before a hearing, the complainant and alleged perpetrator are entitled to the same opportunities to have others present, including an advisor of their choice, at their own expense and to be informed, in writing of (1) the outcome of the proceedings at the same time; (2) the procedures for appealing the results; (3) any change in results that occurs prior to the time the results become final; and (4) when the results become final. If a student is found guilty of committing a sexual assault or other act of violence against another CUNY student or employee after a disciplinary hearing, the penalties may include suspension, expulsion from residence halls, or permanent dismissal from CUNY.

Definitions of Sex Offenses under New York State Law

Sexual assault is a crime. Under Article 130 of the New York State Penal Law, it is a sex offense to engage in sexual contact or to engage in sexual intercourse, sodomy or sexual abuse by contact without the consent of the victim or where the victim is incapable of giving consent. Criminal sex offenses are classified in degree according to the seriousness of sexual activity, the degree of force used, the age of the victim and the physical and mental capacity of the offender and victim.

Sexual assault is a crime of power, aggression and violence. Terms such as “date rape” and “acquaintance rape” tend to minimize the fact that the act of rape, or any sexual assault, is a serious crime. There is never an excuse or a reason for a person to rape, assault or even touch another person’s private parts without consent. The impact on survivors of such an attack can cause severe and lasting physical, mental and emotional damage. **See the following chart for a list of some of the major sex offenses and their maximum penalties under New York State Law.**

Pertinent Sex Offenses and Criminal Sanctions under New York State Penal and Criminal Procedure Laws

Crime	Illegal Conduct	Criminal Sanctions
<u>Rape in the first degree</u> (PL § 130.35)	A person is guilty when he or she engages in sexual intercourse with another person by forcible compulsion, with a person who is incapable of consent by reason of being physically helpless (e.g. being asleep, unconscious or due to alcohol or drug consumption), who is less than 11 years old or less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison.
<u>Rape in the second degree</u> (PL § 130.30)	A person is guilty when being 18 years old or more, he or she engages in sexual intercourse with another person less than 15, or with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated	Is a class D felony, with penalties up to 7 years in prison.

<u>Criminal sexual act in the first degree</u> (PL § 130.50)	A person is guilty when he or she engages in oral sexual contact or anal sexual contact with another person by forcible compulsion, or with someone who is incapable of consent by reason of being physically helpless, or with someone less than 11 or with someone less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison.
<u>Forcible touching</u> (PL § 130.52)	A person is guilty when he or she intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire	Is a class A misdemeanor, with penalties up to 1 year in jail.
<u>Sexual abuse in the first degree</u> (PL § 130.65)	A person is guilty when he or she subjects another person to sexual contact: by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.	Is a class D felony, with penalties up to 7 years in prison.
<u>Aggravated sexual abuse in the first degree</u> (PL § 130.70)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class B felony, with penalties up to 25 years in prison.
<u>Aggravated sexual abuse in the third degree</u> (PL § 130.66)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class D felony, with penalties up to 7 years in prison.
<u>Facilitating a sex offense with a controlled substance</u> (PL § 130.90)	A person is guilty when he or she knowingly and unlawfully possesses a controlled substance or any substance that requires a prescription to obtain to another person, without such person's consent and with intent to commit against such person conduct constituting a felony, and commits or attempts to commit such conduct constituting a felony defined in Article 30.	Is a class D felony, with penalties up to 7 years in prison.

Admission of Sex Offenders (As provided by the Office of the Vice Chancellor of Legal Affairs)

The college reserves the right to deny admission to any student if in its judgment, the presence of that student on campus poses an undue risk to the safety or security of the college or the college community. That judgment would be based on an individualized determination taking into account any information the college has about a student's criminal record and the particular circumstances of the college, including the presence of a childcare center, a public school or public school students on the campus.

Campus Sex Crimes Prevention Act

The New York State Division of Criminal Justice Services maintains a registry of convicted sex offenders, which is available to local law enforcement agencies, including CUNY's Public Safety Departments. To obtain information about a Level 2 or Level 3 registered sex offender you may:

- Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located.
- Contact John Flaherty, Director of Public Safety, at 212-817-7761.
- Contact the Division's sex offender registry web site at www.criminaljustice.ny.gov/nsor/index.htm and then click on "Search the Sex Offender Registry" or by dialing 800-262-3257.

To obtain information about Level 1 (or those with a pending risk level) you may:

- Call the Division's sex offender registry at (800) 262-3257 with the name and at least one other identifier (an exact address, date of birth, driver's license number, or a social security number) and DCJS will tell you if that individual is a registered sex offender in New York.

Missing Students

In accordance with state and federal law, the College maintains procedures for the investigation of reports of missing persons. In addition, in compliance with state and federal law, the College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a missing student who resides in campus housing.

The purpose of this policy is to establish procedures for the College's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008. This policy applies to students who reside in campus housing.

For purposes of this policy, a student may be considered to be a "missing student" if the student's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been

with persons who may endanger the student's welfare. In the event a student under 18 years of age and not emancipated, the College must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, the College will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing. Regardless if the student is above the age of 18, or is an emancipated minor the Director of Public Safety or his designee shall make a missing person report.

ADDITIONAL LINKS TO CUNY POLICIES AND PROCEDURES

The City University of New York Policy on Sexual Misconduct

The policy can be found at <http://policy.cuny.edu/wp-content/uploads/sites/6/page-assets/general-policy/EDITED-CUNY-Policy-on-Sexual-Misconduct-2018-with-links-8.2.2018.pdf>

Procedures Implementing the CUNY Policy on Sexual Misconduct

The policy and additional information can be found at http://www1.cuny.edu/sites/title-ix/?post_type=campus_profile&p=156 and <http://sph.cuny.edu/student-services/studentdevelopment/title-ix/>.

Student Sexual Misconduct Complainants' Bill of Rights

CUNY students who experience campus-related sexual or gender-based harassment or sexual violence, including sexual assault, stalking, domestic violence, intimate partner violence or dating violence, are entitled to the various rights including the prompt and thorough investigation of the complaint, assistance in filing a criminal complaint and assistance in obtaining medical treatment and counseling. The Student's Bill of Rights can be found at <http://www1.cuny.edu/sites/title-ix/campus-websites/student-sexual-misconduct-complaints-bill-of-rights/campus/university/>

Workplace Violence

The City University of New York has a long-standing commitment to promoting a safe and secure academic and work environment that promotes the achievement of its mission of teaching, research, scholarship and service. All members of the University community—students, faculty and staff are expected to maintain a working and learning environment free from violence, threats of harassment, intimidation or coercion. While these behaviors are not prevalent at the University, no organization is immune.

The City University of New York prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from University property and are subject to disciplinary and/or personnel action up to and including termination, consistent with University policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. Complaints of sexual harassment are covered under the University's Policy against Sexual Harassment.

In this context, the University, at the request of an employee or student, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee or student on University property. This policy particularly applies in cases where the employee or student suspects that an act of violence will result from an encounter with said individual(s).

All faculty, staff, students, vendors, contractors, consultants, and others who do business with the University, whether in a University facility or off-campus location where University business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the University, such as former employees, former students, and visitors. When students have complaints about other students, they should contact the Office of Student Affairs at their campus.

Any person, who is the subject of a potential violation of this policy or is a witness to such suspected violation, should report the incident to his or her supervisor, or in lieu thereof, to their respective Campus Public Safety Office. Students should report such incidents to the Office of Student Affairs at their campus or in lieu thereof, their campus Public Safety Office. The Campus Public Safety Office will work with the Office of Human Resources or the Office of Student Affairs on an appropriate response. **Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call the Office of Public Safety immediately, or call 911.**

The CUNY Workplace Violence Policy and additional information on workplace violence can be found at <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/CUNY-Campus-and-Workplace-Violence-Prevention-Policy-2.28.11-and-amended-9.26.2011.pdf>.

Campus specific information related to CUNY School of Labor and Urban Studies site inspections and risk assessments can be found at <http://www.gc.cuny.edu/About-the-GC/Resources-Services/Security-Public-Safety/Workplace-Violence>.

Domestic Violence in the Workplace

The City University of New York disapproves of violence against women, men, or children in any form, whether as an act of workplace violence or in any employee's personal life. Domestic violence can spill over into the workplace, compromising the safety of both victims and co-workers and

resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. CUNY is committed to full compliance of all applicable laws governing domestic violence in the workplace, to promoting the health and safety of its employees, and to making a significant and continual difference in the fight to end domestic violence. CUNY will review this policy annually and will notify all employees and the New York State Office for the Prevention of Domestic Violence ("OPDV") of any revisions.

If you are a victim of domestic violence and/or a stalking victim, you should contact your local police precinct. If you have obtained an order of protection against your abuser, you should notify the Office of Public Safety to discuss a safety plan. Additional information on domestic violence can be found at http://policy.cuny.edu/general-policy/article-v/#policy_5.061

CUNY Policy on Equal Opportunity and Non-Discrimination

It is the policy of the University to recruit, employ, retain, promote, and provide benefits to employees (including paid and unpaid interns) and to admit and provide services for students without regard to race, color, creed, national origin, ethnicity, ancestry, religion, age, sex (including pregnancy, childbirth and related conditions), sexual orientation, gender, gender identity, marital status, partnership status, disability, genetic information, alienage, citizenship, military or veteran status, status as a victim of domestic violence/stalking/sex offenses, unemployment status, or any other legally prohibited basis in accordance with federal, state and city laws. It is also the University's policy to provide reasonable accommodations when appropriate to individuals with disabilities, individuals observing religious practices, employees who have pregnancy or childbirth-related medical conditions, or employees who are victims of domestic violence/stalking/sex offenses. This Policy also prohibits retaliation for reporting or opposing discrimination, or cooperating with an investigation of a discrimination complaint. The entire policy can be found at <http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/hr/policies-and-procedures/PEONon-Discrimination12.4.2014.pdf>

Reasonable Accommodations and Academic Adjustments

The City University of New York is committed to providing reasonable accommodations and academic adjustments to allow qualified individuals the opportunity to participate in programs, activities and employment. CUNY recognizes that there may be times when employees and their supervisors, as well as students and their instructors, can resolve accommodation requests informally. However, in many cases, such requests require a more formal process with the request being made to and considered by a designated decision-maker, with the opportunity for an appeal, as provided for in these procedures. Additional information can be found at <http://www2.cuny.edu/about/administration/offices/legal-affairs/policies-procedures/reasonable-accommodations-and-academic-adjustments/>.

Crime Statistics Chart

The CUNY School of Labor and Urban Studies' statistics chart for calendar years 2016, 2017 and 2018 is on the last page of this report. Statistics were obtained from CUNY School of Labor and Urban Studies incident reports, reports from Campus Security Authorities and reports from the NYPD Midtown South Precinct.

Hard copies of the *Annual Security Report* are located in the Office of the Associate Director for Administration (25 West 43rd Street, Room 1801, 212-642-2013) or can be obtained by calling the Graduate Center Office of Public Safety at 212-817-7761. The report can also be found at <https://slu.cuny.edu/current-students/additional-resources/public-safety/>.

Unfounded Statistics

There were no unfounded crimes for the years 2016, 2017, & 2018.

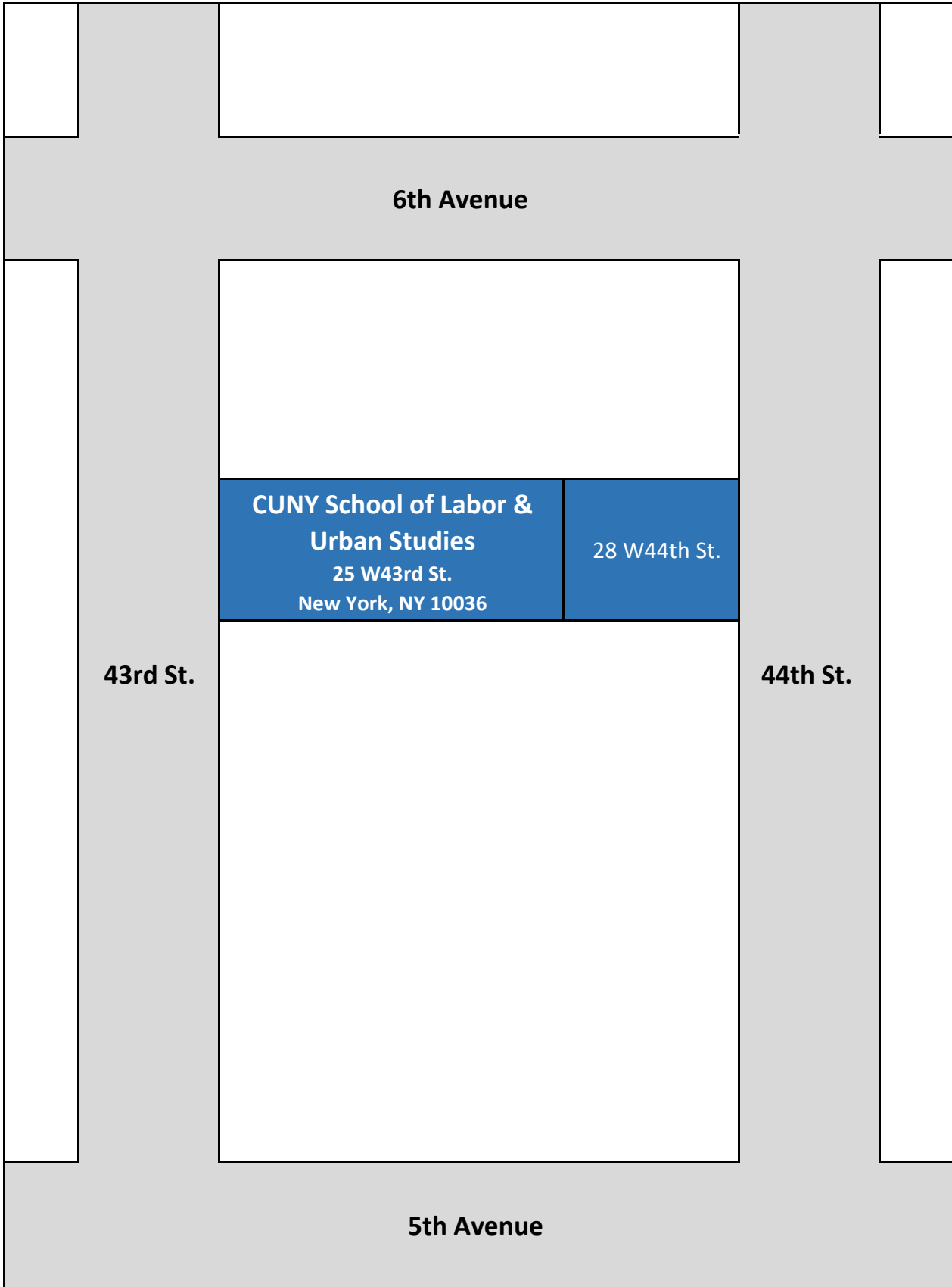
Definitions of Geography

On Campus – Any building or property owned or controlled by an institution within one mile of the core campus and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Note: *Statistics for on-campus university student housing facilities are recorded and included in both the on-campus category and the on-campus residential category. Statistics for off-campus student housing facilities are recorded in the non-campus building category.*

Non-Campus Building or Property - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The college crime statistics do not include crimes that occur in privately owned homes or businesses adjacent to the campus buildings.



6th Avenue

43rd St.

44th St.

5th Avenue

CUNY School of Labor &
Urban Studies
25 W43rd St.
New York, NY 10036

28 W44th St.

The City University of New York (CUNY)

Crime Statistics 2016	All On-Campus Property				Non-Campus Property				Public Property				GRAND TOTAL	On Campus Residential Only				
	Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL		Reported to			Section TOTAL	
	DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS		
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	1	6	0	7	7	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses																		
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests	0	0	0	0	0	0	0	0	0	2	0	2	2	2	0	0	0	0
Drug Abuse Violations Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests	0	0	0	0	0	0	0	0	0	1	0	1	1	1	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* Denotes Report to other campus authorities

Hate Crimes Reported: None

Unfounded Crimes Reported: None

Crime Statistics 2017	All On-Campus Property				Non-Campus Property				Public Property				GRAND TOTAL	On Campus Residential Only				
	Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL		Reported to			Section TOTAL	
	DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS		
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	2	0	2	2	2	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	5	0	5	5	5	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses																		
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	1	0	1	1	1	0	0	0	0

* Denotes Report to other campus authorities

Hate Crimes Reported: None

Unfounded Crimes Reported: None

Crime Statistics 2018	All On-Campus Property				Non-Campus Property				Public Property				GRAND TOTAL	On Campus Residential Only				
	Reported to			SUB TOTAL	Reported to			SUB TOTAL	Reported to			SUB TOTAL		Reported to			Section TOTAL	
	DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS		DPS	NYPD	*Non DPS			DPS	NYPD	*Non DPS		
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	8	0	8	8	8	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses																		
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	2	0	0	2	0	0	0	0	0	0	0	0	0	2	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests	0	0	0	0	0	0	0	0	0	1	0	1	1	1	0	0	0	0
Drug Abuse Violations Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests	0	0	0	0	0	0	0	0	0	3	0	3	3	3	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* Denotes Report to other campus authorities

Hate Crimes Reported: None

Unfounded Crimes Reported: None

6TH AVENUE



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BRYANT PARK



New York
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Library

5th AVENUE

THE CITY UNIVERSITY OF NEW YORK

POLICY ON SEXUAL MISCONDUCT

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I. POLICY STATEMENT

Every member of The City University of New York (“CUNY”) community, including students, employees and visitors, deserves the opportunity to live, learn and work free from Sexual Misconduct (sexual harassment, gender-based harassment and sexual violence). Accordingly, CUNY is committed to:

- 1) Defining conduct that constitutes prohibited Sexual Misconduct;
- 2) Providing clear guidelines for students, employees and visitors on how to report incidents of Sexual Misconduct and a commitment that any complaints will be handled respectfully;
- 3) Promptly responding to and investigating allegations of Sexual Misconduct, pursuing disciplinary action when appropriate, referring the incident to local law enforcement when appropriate, and taking action to investigate and address any allegations of retaliation;
- 4) Providing ongoing assistance and support to students and employees who make allegations of Sexual Misconduct;
- 5) Providing awareness and prevention information on Sexual Misconduct, including widely disseminating this policy, as well as a “students’ bill of rights” and implementing training and educational programs on Sexual Misconduct to college constituencies; and
- 6) Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents.

This is the sole policy at CUNY addressing Sexual Misconduct and is applicable at all college and units at the University. It will be interpreted in accordance with the principles of academic freedom adopted by CUNY’s Board of Trustees.

The CUNY community should also be aware of the following CUNY policies:

- [The CUNY Policy on Equal Opportunity and Nondiscrimination](#) prohibits discrimination on the basis of numerous protected characteristics in accordance with federal, state and local law. That policy addresses sex discrimination other than Sexual Misconduct covered by this policy.
- [The CUNY Campus and Workplace Violence Prevention Policy](#) addresses workplace violence.
- [The CUNY Domestic Violence and the Workplace Policy](#) addresses domestic violence in or affecting employees in the workplace.
- [The CUNY Procedures for Implementing Reasonable Accommodations and Academic Adjustments](#) addresses the procedures CUNY will follow when there is a request for a reasonable accommodation and or academic adjustment.

In addition, campus crime statistics, including statistics relating to sexual violence, which CUNY is required to report under the Jeanne Clery Act, are available from the Office of Public Safety at each college and/or on its Public Safety website.

II. SCOPE OF THIS POLICY

This policy governs the conduct of (i) all the members of CUNY’s community, including employees and students, and (ii) non-members of CUNY’s community who interact with members of the CUNY community (hereinafter “visitors”). Visitors are both protected by and subject to this policy. A non-member may make a complaint of or report a violation of this policy committed by a member of CUNY’s community. A non-member may also be subject to restrictions for failing to comply with this policy. This policy applies to conduct that occurs on and off CUNY property.

III. DEFINITIONS

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

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 order to give consent, one must be of legal age (17 years or older).

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

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. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if the 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.

Consent may be initially given but withdrawn at any time. When consent is withdrawn or no can longer be given, sexual activity must stop.

- b. **Complainant** refers to the individual who alleges that she/he has been the subject of Sexual Misconduct, and can be a CUNY student, employee (including all full-time and part-time faculty and staff), or visitor. Under this policy, the alleged incident(s) may have been brought to the college's attention by someone other than the complainant.
- c. **Complaint** is an allegation of Sexual Misconduct made under this policy.
- d. **Confidentiality** is the commitment not to share any identifying information with others, except as required by law in emergency circumstances (such as risk of death or serious bodily harm). Confidentiality may only be offered by individuals who are not legally required to report known incidents of Sexual Misconduct to college officials. Licensed mental health counselors, medical providers & pastoral counselors may offer confidentiality.
- e. **Dating Violence** is violence or sexual assault 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 is determined based on the reporting party's statement and with consideration of the length of the relationship and the frequency of the interaction between the persons involved in the relationship. Dating violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct. A relationship may be romantic or intimate regardless of whether the relationship was sexual in nature. Dating violence includes the threat of sexual or physical abuse.
- f. **Domestic Violence** is any violence or sexual assault committed by (i) a current or former spouse or intimate partner of the victim; (ii) a person with whom the victim shares a child; (iii) a person who cohabits or cohabited with the victim as a spouse or intimate partner; or (iv) anyone else covered by applicable domestic violence laws. Domestic violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct.
- g. **Forcible Touching/Fondling** is intentionally touching the sexual or other intimate parts of another person without the latter's consent for the purpose of degrading or abusing such person, or for the purpose of gratifying the actor's sexual desire.
- h. **Gender-Based Harassment** is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect an individual's participation in employment, education or other CUNY activities. The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.
- i. **Intimate Partner Violence ("IPV")** includes both Domestic Violence and Dating Violence.

- j. **Managers** are employees who have authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities.
- k. **Pastoral counselor**. A person who is associated with a religious order or denomination, recognized by that order or denomination as someone who provides confidential counseling, and functioning within the scope of that recognition.
- l. **Privacy** is the assurance that the college will only reveal information about a report of Sexual Misconduct to those who need to know the information in order to carry out their duties or responsibilities or as otherwise required by law. Individuals who are unable to offer the higher standard of confidentiality under law, but who are still committed to not disclose information more than necessary, may offer privacy.
- m. **Rape and Attempted Rape** is the penetration or attempted penetration, no matter how slight, of any body part by a sex organ of another person, without the consent of that person.
- n. **Respondent** refers to the individual who is alleged to have committed Sexual Misconduct against a CUNY student, employee, or visitor.
- o. **Retaliation** is adverse treatment of an individual as a result of that individual's reporting Sexual Misconduct, assisting someone with a report of Sexual Misconduct, opposing in a reasonable manner an act or policy believed to constitute Sexual Misconduct, or participating in any manner in an investigation or resolution of a Sexual Misconduct report. Adverse treatment includes threats, intimidation and reprisals by either a complainant or respondent or by others such as friends or relatives of either a complainant or respondent.
- p. **Sexual Activity** is:
- contact between the penis and the vulva or the penis and the anus;
 - contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
 - 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 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.
- q. **Sexual Assault** is any form of sexual activity that occurs without consent.
- r. **Sex Discrimination** is treating an individual differently or less favorably because of sex, including sexual orientation, gender or gender identity (including transgender status), as well as pregnancy, childbirth and related medical conditions. Examples of sex discrimination include giving a student a lower grade, or failing to hire or promote an employee, based on their sex.
- s. **Sexual Harassment** is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct of a sexual nature when:
- i. submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo); or
 - ii. such conduct is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with, an individual's educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.
- Conduct is considered "unwelcome" if the individual did not request or invite it and considered the conduct to be undesirable or offensive.

While it is not possible to list all circumstances that might constitute sexual harassment, the following are some examples of conduct that might constitute sexual harassment depending on the totality of the circumstances:

- i. Inappropriate or unwelcome physical contact or suggestive body language, such as touching, groping, patting, pinching, hugging, kissing, or brushing against an individual's body;
 - ii. Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;
 - iii. Visual displays or distribution of sexually explicit drawings, pictures, or written materials; or
 - iv. Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures.
- t. **Sexual Misconduct** is sexual harassment, gender-based harassment or sexual violence, as defined in this policy.
- u. **Sexual Violence** includes: (1) sexual activity without affirmative consent, such as sexual assault rape/attempted rape, and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking as defined below; and (4) voyeurism, as defined below.
- v. **Stalking** is intentionally engaging in a course of conduct directed at a specific person that:
1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
 2. is likely to cause such person to reasonably fear that her/his employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.
- Where stalking is directed at an individual with whom the perpetrator has, had, or sought some form of sexual or romantic relationship, it will be addressed under this Policy. Stalking that lacks a sexual or gender-based nexus may be addressed under the Code of Conduct.
- w. **Supervisors** are employees who are not managers, but have a sufficient degree of control over the working conditions of one or more employees, which might include evaluating their performance and making recommendations for changes in employment status that are given particular weight.
- x. **Visitor** is an individual who is present at a CUNY campus or unit but is not a student or an employee.
- y. **Voyeurism** is unlawful surveillance and includes acts that violate an individual's right to privacy in connection with her/his body and/or sexual activity such as:
- i. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.
 - ii. Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
 - iii. Disseminating images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure;
 - iv. Using or installing, or permitting the use or installation of a device for the purpose of recording another person's sexual activity, intimate body parts or nakedness in a place where the person would have a reasonable expectation of privacy without that person's consent.

- z. **Writing.** Whenever this policy requires in “writing,” electronic mail satisfies the writing requirement.

IV. PROHIBITED CONDUCT

A. Sexual Harassment, Gender-Based Harassment and Sexual Violence

This policy prohibits sexual harassment, gender-based harassment and sexual violence (together “Sexual Misconduct”) against any CUNY student, employee or visitor.

Sexual harassment includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct that is sufficiently serious to adversely affect an individual’s participation in employment, education or other CUNY activities.

Sexual harassment is considered a form of employee misconduct and an employee who engages in such conduct, or, managerial and supervisory personnel who knowingly allow such behavior to continue, shall be subject to discipline in accordance with applicable rules, policies and collective bargaining agreements.

Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect an individual’s participation in employment, education or other CUNY activities.

Sexual violence is an umbrella term that includes: (1) sexual activity without affirmative consent, sexual assault, rape/attempted rape, and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking/cyberstalking (“stalking”), and (4) voyeurism.

The complete definitions of these terms, as well as other key terms used in this policy, are in Section III above.

B. Retaliation

This policy prohibits retaliation against any person who reports Sexual Misconduct, assists someone making such a report, participates in any manner in an investigation or resolution of a Sexual Misconduct complaint, including testifying or assisting in a legal proceeding, or opposes in a reasonable manner an act or policy believed to constitute Sexual Misconduct. Federal, state, and local laws also prohibit retaliation.

C. Certain Intimate Relationships

This policy also prohibits certain intimate relationships when they occur between a faculty member or employee and any student for whom he or she has a professional responsibility as set forth in Section XII below.

V. TITLE IX COORDINATOR

Each college or unit of CUNY has an employee who has been designated as the Title IX Coordinator. This employee is responsible for compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination, including Sexual Misconduct, in education programs, and with New York State Law Article 129B, commonly referred to as Enough is Enough, Combating Sexual Assault and Domestic Violence on College Campuses (hereafter “Enough is Enough”). The Title IX Coordinator has overall responsibility for implementing this policy, including overseeing the investigation of complaints at her/his college or unit and carrying out the other functions of that position set forth in this policy. All Title IX Coordinators shall receive annual training on Sexual Misconduct as required by Title IX, the Clery Act, Enough is Enough, and other civil rights law. The name and contact information for all Title IX Coordinators at CUNY can be found on the university’s dedicated [Title IX website](#).

VI. ASSISTANCE IN CASES OF SEXUAL VIOLENCE

A. Reporting to Law Enforcement

Students, employees and other community members who experience any form of sexual violence on or off-campus (including CUNY-sponsored trips and events) and visitors who experience sexual violence on a CUNY campus may, but are not required to, report to local law enforcement, and/or state police. CUNY does not require a complainant to report sexual misconduct to law enforcement; however, if a student, employee, or other community member does wish to report to law enforcement, CUNY will provide assistance. Each college public safety office shall have an appropriately trained employee available at all times to provide the complainant with information regarding options to proceed, including information regarding the criminal justice process and the preservation of evidence. Campus public safety officers can also assist the complainant with filing a complaint both on and off-campus, and in obtaining immediate medical attention and other services.

Additional information is available on the university's [Title IX website](#).

B. Relationship of CUNY's Investigation to the Action of Outside Law Enforcement

In cases where the complainant files a complaint with outside law enforcement authorities as well as with the college, the college shall determine what actions to take based on its own investigation. The college may coordinate with outside law enforcement authorities in order to avoid interfering with their activities and, where possible, to obtain information regarding their investigation. Neither a law enforcement determination whether to prosecute a respondent, nor the outcome of any criminal prosecution, is dispositive of whether the respondent has committed a violation of this policy.

Students, employees and other community members should be aware that CUNY procedures and standards differ from those of criminal procedures. When CUNY investigates allegations of sexual misconduct or brings disciplinary proceedings for violations of this policy, the issue is whether the respondent violated CUNY policy. The standard applied in making this determination is whether the preponderance of the evidence substantiates the complaint, or, stated another way, whether it is more likely than not that the alleged conduct occurred. An individual found to have violated this policy may be sanctioned by the college and CUNY. In the criminal justice system, on the other hand, the issue is whether the accused violated state criminal law. The standard applied is proof beyond a reasonable doubt and an individual found *guilty* of a crime is subject to *criminal penalties*, such as incarceration, probation and fines. More information about relevant criminal laws is available in '[A Plain Language Explanation of Distinction Between the New York Penal Law and the College Disciplinary Processes](#)'.

C. Obtaining Immediate Medical Attention and Emotional Support

CUNY encourages anyone who has experienced sexual assault or domestic, dating or intimate partner violence to seek medical attention as soon as possible. Medical resources can provide treatment for injuries, preventative treatment for sexually transmitted diseases, emergency contraception, and other health services. They can also assist in preserving evidence or documenting any injuries. Taking these steps promptly after an incident can be very helpful if an individual later decides to seek criminal proceedings or a protective order.

Individuals who have experienced or witnessed sexual violence are also encouraged to seek emotional support, either on or off-campus.

D. On-campus resources

On campus resources include nurses and/or nurse practitioners at campus health offices and counselors at campus counseling centers. Counselors are trained to provide crisis intervention and provide referrals for longer-term care as necessary.

CUNY also maintains a [list of off-campus emergency contacts and resources](#), including rape crisis centers, available throughout New York City on its dedicated web page. This includes a list of local hospitals designated as SAFE (Sexual Assault Forensic Examiner) hospitals, which are specially equipped to handle sexual assaults and trained to gather evidence from such assaults.

VII. IMPORTANT INFORMATION ABOUT CONFIDENTIALTY, PRIVACY and REQUIRED REFERRALS

CUNY values the privacy of its students, employees, and visitors. They should be able to seek the assistance they need without fear that the information they provide will be shared more broadly. Some individuals who serve as resources on campus are **confidential** resources and will not share any identifying information with others, except as required by law in emergency circumstances. Other individuals are not permitted to maintain confidentiality but will protect **privacy** to the greatest extent possible and share information with other staff only on a need-to-know basis.

Confidential resources. Individuals considered confidential resources include counselors and health care providers at the college counseling centers and health offices, pastoral counselors, and designated staff members at women’s or men’s centers, if they exist on campus. *Students may use these resources even if they decide not to make a report or participate in University disciplinary proceedings or the criminal justice process.*

Private but non-confidential resources. Many college employees are required by federal and state law to provide information about possible sexual misconduct to the Title IX Coordinator. Individuals designated as non-confidential but private resources will protect **privacy** to the greatest extent possible, but must share relevant information about sexual misconduct with the Title IX Coordinator.

More information about confidential and private but non-confidential resources is provided in Section IX, below.

Under the Clery Act, the College is required to maintain records, advise the government about reports of certain crimes, and issue timely warnings when there is a serious, continuing threat to the community. Such reports and warnings do not disclose the names of reporting individuals.

VIII. REPORTING SEXUAL MISCONDUCT TO THE COLLEGE

In order for the University to address allegations of sexual misconduct, it has to learn about them. Accordingly, CUNY strongly encourages individuals who have experienced sexual misconduct to file a complaint with a designated campus official, as outlined below. The designated officials are trained to accept complaints, to ensure they are investigated in accordance with this policy, and to help complainants get necessary assistance.

Students, faculty, staff and visitors are encouraged to report incidents of sexual misconduct to campus officials, even if they have reported the incident to outside law enforcement authorities, and regardless of whether the incident took place on or off-campus (including “study abroad” programs.) Such reporting will enable complainants to get the support they need and provide the college with the information it needs to take appropriate action.

A. Complainant’s Rights

Individuals who have experienced sexual misconduct have the right to file a complaint with the college or to decide not to do so. (The decision on whether to bring disciplinary charges, however, rests with the campus.) Students who report sexual misconduct have all of the rights contained in the Students Bill of Rights (copy attached).

Complainants also have these rights:

- To notify campus public safety, local law enforcement, and/or the state police; or to choose not to report.
- To have emergency access to a college official trained to interview victims of sexual assault and able to provide certain information, including reporting options and information about confidentiality and privacy. The official will, where appropriate, advise the reporting individual about the importance of preserving evidence and obtaining a sexual assault forensic examination (“SAFE”) as soon as possible. The official will also explain that the criminal process uses different standards of proof, evidence, and that any questions about whether an incident violated criminal law should be addressed to a law enforcement official or a district attorney’s office.
- To disclose the incident to a college representative who can offer confidentiality or privacy and assist in obtaining services for reporting individuals. See Section IX, below.
- To describe the incident only to those campus officials who need the information in order to properly respond and to repeat the description as few times as practicable.
- To have complaints investigated in accordance with CUNY policy.
- To have privacy preserved to the extent possible.
- To receive assistance and resources on campus, including confidential and free on-campus counseling, and to be notified of other services available on- and off-campus, including the New York State Office of Victim Services.
- To disclose the incident to the college’s Human Resources Director or designee (if the accused is a college employee) or request that a confidential or private resource assist in doing so.
- To disclose the incident confidentially and obtain services from state and local governments.

- To receive assistance from the campus or others in filing a criminal complaint, initiating legal proceedings in family court or civil court, and /or seeking an Order of Protection or the equivalent. In New York City, this assistance is provided by Family Justice Centers located in each borough: <http://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page>.
- To receive assistance with effecting an arrest when an individual violates an Order of Protection, which may be provided by assisting local law enforcement in effecting such an arrest.
- To withdraw a complaint or involvement from the process at any time.

Students can speak with confidential resources on a strictly confidential basis before determining whether to make a report to college authorities. See Section IX, below. Students also have the right to consult confidentially with state, local and private resources who can provide other assistance.

B. Where to File a Complaint on Campus

Students, employees and visitors who experience sexual misconduct should bring their complaints to one of these campus officials/offices:

- Title IX Coordinator;
- Office of Public Safety;
- Office of Vice President for Student Affairs or Dean of Students (students only);
- Residence Life staff in CUNY owned or operated housing (students and residence visitors only); and
- Human Resources Director (employees only).

Contact information for these officials can be found at <http://www1.cuny.edu/sites/title-ix/campus-websites/>

There is no prescribed method for filing a complaint of sexual misconduct and the college will respond to complaints whether they are oral or written. Complainants may, but are not required to, fill out the CUNY Sexual Misconduct Complaint form (see page 38). After the form is filled out, it should be brought to one of the offices listed above.

Once any of the officials or offices above is notified of an incident of sexual misconduct, she/he will provide a copy of this Policy to the Complainant and coordinate with appropriate college offices to address the matter in accordance with this policy, including taking appropriate interim and supportive measures. These officials and offices will maintain a complainant's privacy to the greatest extent possible, and all information in connection with the complaint, including the identities of the complainant and the respondent, will be shared only with those who have a legitimate need for the information.

Visitors: CUNY strongly encourages visitors to report all incidents of sexual misconduct that they observe or experience while on a CUNY campus or at a CUNY sponsored event to the Office of Public Safety, Residence Life staff, or other appropriate college officials listed above. In certain instances, CUNY may be able to offer those visitors who have experienced sexual misconduct with resources and assistance. For more information on such assistance, please visit <http://www1.cuny.edu/sites/title-ix/>.

C. Request that the College Maintain a Complainant's Confidentiality or Not Conduct an Investigation

After a report of an alleged incident of sexual misconduct is made to the Title IX Coordinator, a complainant may request (a) that the matter be investigated only to the extent possible without further revealing her/his identity or any details regarding the incident being divulged further (b) that no investigation into a particular incident be conducted, or (c) that an incident not be reported to outside law enforcement.

In all such cases, the Title IX Coordinator will weigh the complainant's request against the college's obligation to provide a safe, non-discriminatory environment for all students, employees and visitors, including the complainant. Factors used to determine whether to honor such a request include, but are not limited to: (a) whether the respondent has a history of violent behavior or is a repeat offender; (b) whether the incident represents escalation of unlawful conduct by the accused from previously noted behavior; (c) any increased risk that the accused will commit additional acts of violence, (d) whether the accused used a weapon or force; (e) whether the complainant is a minor; (f) whether the college possesses other means to obtain evidence such as security footage; and (g) whether available information reveals pattern of misconduct at a given location or by particular group.

A decision to maintain confidentiality does not mean that confidentiality can be absolutely guaranteed in all circumstances, but that reasonable efforts will be made to keep information confidential consistent with law. Notwithstanding the decision of the Title IX Coordinator regarding the scope of any investigation, the college will provide the complainant with ongoing assistance

and support, including, where appropriate, the interim and supportive measures set forth in Section VII of this policy.

If the Title IX Coordinator determines that the college may maintain confidentiality as requested by the complainant, the college will, if possible, take reasonable steps to investigate the incident consistent with the request for confidentiality. However, a college's ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request for confidentiality.

D. Filing External Complaints

Complainants who feel that they have been subjected to unlawful sexual harassment and/or violence have the right to avail themselves of any and all of their rights under law, including but not limited to filing complaints with one or more of the outside agencies listed below.

- U.S. Department of Education, Office for Civil Rights
<http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

- U.S. Equal Employment Opportunity Commission
https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm

- New York State Division of Human Rights
<https://dhr.ny.gov/complaint>

- New York City Commission on Human Rights
<http://www1.nyc.gov/site/cchr/about/resources.page>

E. Action by Bystanders and Other Community Members

While only employees designated as "responsible" employees are required reporters as set forth in Section IX below, CUNY encourages all other community members, including faculty, students and visitors, to take reasonable and prudent actions to prevent or stop an act of sexual misconduct that they may witness. Although these actions will depend on the circumstances, they may include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

In addition, CUNY encourages all community members to report any incident of sexual misconduct that they observe or become aware of to the Title IX Coordinator, or the offices of Public Safety, Vice President of Students Affairs (students), Dean of Students (students) or Human Resources (employees) at their college. Community members who take action in accordance with this paragraph will be supported by the college, and anyone who retaliates against them will be subject to disciplinary charges.

F. Amnesty for Drug and Alcohol Use

The health and safety of every student at CUNY is of the utmost importance. CUNY recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at a time that violence (including but not limited to sexual violence) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. CUNY strongly encourages students to report sexual violence to college officials. A bystander or complainant acting in good faith who discloses any incident of sexual violence to college officials or law enforcement will not be subject to discipline under [CUNY's Policy Against Drugs and Alcohol](#) for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the sexual violence.

This policy does not provide amnesty for drug dealers or those who use drugs or alcohol as a weapon or to facilitate assault. Under CUNY's Amnesty for Drug and Alcohol Policy, personal drug use and possession, whether it is intentional or accidental, will not form the basis of faculty student disciplinary charges.

G. Reporting Suspected Child Abuse

Certain members of the CUNY community who interact with, supervise, chaperone, or otherwise oversee minors in programs or activities at CUNY or sponsored by CUNY are required to report immediately to the New York State Maltreatment Hotline if they have reasonable cause to suspect abuse or maltreatment of individuals under the age of 18. Information regarding mandated child abuse reporting is available on the [Office of the General Counsel web page](#). If anyone other than New York State mandated reporters has reasonable cause to believe that a minor is being or has been abused or maltreated on campus, she/he should notify either the Title IX Coordinator or Director of Public Safety. If any CUNY community member witnesses child abuse while it is happening, she/he should immediately call 911.

H. Reporting Retaliation

An individual may file a complaint with the Title IX Coordinator if the individual has been retaliated against for reporting sexual misconduct, opposing in a reasonable manner an act or policy believed to constitute sexual misconduct, assisting someone making such a report, or participating in any manner in an investigation or resolution of a sexual misconduct complaint. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in Section XI of this policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

IX. REPORTING/CONFIDENTIALITY OBLIGATIONS OF COLLEGE AND UNIVERSITY EMPLOYEES

An individual who speaks to a college or CUNY employee about sexual misconduct should be aware that employees fall into three categories:

- “confidential” employees, who have an obligation to maintain a complainant’s confidentiality regarding the incident(s);
- “responsible” employees, who are required to report the incident(s) to the Title IX Coordinator
- all other employees, who are strongly encouraged but not required to report the incident(s).

A. Confidential Employees

i. **For Students.** Students at CUNY who wish to speak to someone who will keep all of the communications confidential should speak to one of the following:

- Counselor or other staff member at their college counseling center;
- Nurse, nurse practitioner or other college health office staff member;
- Pastoral counselor, if available at the college; or
- Designated staff member in a women’s or men’s center, if one exists at their college.

These individuals will not report information about an incident to the college’s Title IX Coordinator or other college employees without the student’s permission. The only exception is in the case where there is an imminent threat of serious harm to the complainant or any other person.

If a student speaks solely to a “confidential” employee, the college will rarely be able to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Confidential employees will assist students in obtaining other necessary support. A student who first requests confidentiality may later decide to file a complaint with the college or with local law enforcement.

ii. **For Employees.** Although CUNY does not directly employ individuals to whom CUNY employees can speak on a confidential basis regarding sexual misconduct, free confidential support services are available through [CUNY’s Work/Life Program](#), which is administered by an outside company. Confidential community counseling resources are also available [throughout New York City](#).

B. “Responsible” Employees – Private, but not confidential.

“Responsible” employees have a duty to report incidents of sexual misconduct, including all relevant details, to the Title IX Coordinator. Such employees are not permitted to maintain a complainant’s confidentiality, except that the Title IX Coordinator

may honor a request for confidentiality under the circumstances described in Section VII above. However, these employees will maintain a complainant's privacy to the greatest extent possible, and information reported to them will be shared only with the Title IX Coordinator and other people responsible for handling the college's response to the report.

To the extent possible, before a complainant reveals any information to a responsible employee, the employee shall advise the complainant of the employee's reporting obligations—and if the complainant wants to maintain confidentiality, direct the complainant to confidential resources identified above.

CUNY has designated the following individuals as “responsible” employees. Complainants who wish to report sexual violence are encouraged to speak with one of the responsible employees marked: *

- i. Title IX Coordinator and her/his staff
- ii. * Office of Public Safety employees (all)
- iii. * Vice President for Student Affairs or Dean of Students and all staff housed in those offices
- iv. * Residence Life staff in CUNY owned or operated housing, including Resident Assistants (all) (for students and housing visitors)
- v. * Human Resources staff (all) (for employees)
- vi. College President, Vice Presidents and Deans
- vii. Athletics Staff (all)
- viii. Faculty Athletics Representatives
- ix. Department Chairpersons/Executive Officers
- x. University Office of the General Counsel employees (all)
- xi. College/unit attorney and her/his staff
- xii. College/unit labor designee and her/his staff
- xiii. International Education Liaisons/Study Abroad Campus Directors and Field Directors
- xiv. Faculty and staff members at times when they are leading or supervising student on off-campus trips
- xv. Faculty or staff advisors to student groups
- xvi. Employees who are Managers or Supervisors (all)
- xvii. SEEK/College Discovery staff (all)
- xviii. College Childcare Center staff (all)
- xix. Directors of “Educational Opportunity Centers” affiliated with CUNY colleges
- xx. Faculty or staff academic advisors

C. All Other Employees

Employees other than those identified in subsections “A” and “B” above are strongly encouraged but not required to report any possible sexual misconduct to the Title IX Coordinator. They are also strongly encouraged to maintain individual privacy to the greatest extent possible by sharing information, including the identities of the complainant and the respondent, only with the Title IX coordinator.

It is important to emphasize that faculty members other than those specifically identified in sub-Section “B” above have not been designated as “responsible” employees and do not have an obligation to report the matter to the Title IX Coordinator, although they are strongly encouraged to do so. An individual who wishes to ensure that the Title IX Coordinator is notified of an incident is strongly encouraged to speak with the Title IX Coordinator or one of the other individuals identified in Section IX, above.

D. Special Rules Concerning Public Awareness and Advocacy Events

CUNY supports public awareness events that help provide its community with information about sexual misconduct and how it can be addressed and prevented. In order to preserve the ability to participate freely in public awareness and advocacy events, if an individual discloses information about sexual misconduct at such event (for example, Take Back the Night gatherings, candlelight vigils, or protests) the college will not treat the disclosure as triggering an obligation to commence an investigation based on that information. Such individuals are encouraged to report sexual misconduct to college officials so that the college can provide resources and assistance.

X. NO CONTACT ORDERS AND OTHER INTERIM AND SUPPORTIVE MEASURES

When a college becomes aware of an allegation of sexual misconduct and the complainant or other affected parties request interim or supportive measures, the college will take appropriate interim and supportive measures to protect the complainant and other affected parties, to assist the parties, and to protect against retaliation. Appropriate interim and supportive measures may also be available to respondents. The college may also take interim measures to protect the college community at large.

The college's Title IX Coordinator is responsible for coordinating interim and supportive measures, which are available even if the complainant chooses not to file or continue to pursue a complaint. Requests for interim and supportive measures should be made to the Title IX Coordinator.

The Title IX Coordinator will work with the Chief Student Affairs Officer to identify a trained staff member to assist students to obtain interim and supporting measures. The Title IX Coordinator will work with the Human Resources Director to assist employee complainants to obtain interim and supporting measures.

A. No Contact Orders

When respondent is a student, the complainant has the right to a college-issued "no contact order" under which continued intentional contact with the complainant would violate this policy. No contact orders may be issued for both the complainant and the respondent, as well as other individuals as appropriate.

B. Types of Interim and Supportive Measures

Possible interim and supportive measures include:

- i. Making appropriate changes to academic programs, including changes in class schedule, accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting complainant or respondent to attend a class via skype or other alternative means, providing an academic tutor, or extending deadlines for assignments;
- ii. Making appropriate changes to residential housing situations or providing assistance in finding alternate housing;
- iii. Changing an employee's work assignment or schedule;
- iv. Providing the complainant with an escort to and from class or campus work location;
- v. Arranging appropriate transportation services to ensure safety;
- vi. Offering counseling services through the college Counseling Center or other appropriate office, or referral to an off-campus agency;
- vii. Assisting the complainant in obtaining medical and other services, including access to rape crisis centers;
- viii. Assisting the complainant with filing a criminal complaint and/or seeking an order of protection;
- ix. Enforcing an order of protection;
- x. Obtaining a copy and/or explaining the terms of an order of protection and the consequences of violating it;
- xi. Addressing situations in which it appears that a complainant's academic progress is affected by the alleged incident;
- xii. In exceptional circumstances, where a respondent is determined to present a continuing threat to the health and safety of the community, the college may seek an emergency interim suspension of a student or take similar emergency measures against an employee, consistent with applicable CUNY Bylaws, rules, policies and collective bargaining agreements. The Office of Public Safety will, in cooperation with the Title IX Coordinator and appropriate other campus officials, determine whether a respondent presents a continuing threat to the health and safety of the campus, including (a) whether the respondent has a history of violent behavior or is a repeat offender; (b) whether the incident represents escalation in unlawful conduct by the accused; and (c) any increased risk that the accused will commit additional acts of violence.

C. Interim Emergency Student Suspensions

The president or her/his designee may in emergency or extraordinary circumstances, temporarily suspend a student pending an early hearing for not more than twelve (12) calendar days, unless the student requests an adjournment. See Section B above.

Prior to the commencement of a temporary suspension of a student, the college shall give the student respondent oral notice (which shall be confirmed via email to the address appearing on the records of the college) or written notice of the charges. If the respondent denies them, the college shall forthwith give the respondent an informal oral explanation of the evidence supporting the charges and the student may present informally her/his explanation or theory of the matter.

Both complainant and the respondent will be notified of the suspension and if or when it the suspension is lifted at the same time and in the same manner.

D. Process for Review of Interim Measures, including “No Contact” Orders and Interim Suspensions.

Upon request, the complainant and the respondent shall each be afforded a prompt review of the need for and terms of restrictive interim measures, including “no contact” orders and interim suspensions. Issues that may be raised include possible modification or discontinuance of a “no contact” order. Complainants and respondents shall be allowed to submit evidence to support their request. The request shall be made to the college’s Chief Student Affairs Officer, if either the complainant or the respondent is a student, or to the college’s Human Resources Director, if neither the complainant nor the respondent are students. If a request is made in a case involving both a student and an employee, the Chief Student Affairs Officer shall consult with the Human Resources Director. The Chief Student Affairs Officer or Human Resources Director may consult with the Title IX Coordinator and other relevant officials regarding the request. If appropriate and possible, the college may establish an appropriate schedule for the complainant and the respondent to access college facilities when they are not being used by the other party to enable both parties to use college facilities to the maximum extent feasible, without violation of the “no contact” order.

Requests for accommodations that were made under CUNY’s Procedures for Implementing Reasonable Accommodations and Academic Adjustments and do not directly affect the other party are governed by the appeals provisions set forth in those [Procedures](#).

XI. INVESTIGATING COMPLAINTS OF SEXUAL MISCONDUCT

The college will conduct an investigation when it becomes aware, from any source (including third-parties not connected to the college or university), that sexual misconduct may have been committed against a student, employee or visitor, unless the information provided is insufficient to permit an investigation or the complainant has requested that the college refrain from such an investigation and the college has determined that refraining from an investigation will not result in a continuing threat to the college community. See Section VIII, above.

A. Rights of the Complainant and Respondent.

Whenever an investigation takes place, the complainant and respondent shall have these rights:

- to an investigation and process that is fair, impartial, timely and thorough and provides a meaningful opportunity to be heard;

- to have the complaint investigated and/or adjudicated by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, and the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until any finding of responsibility;
- to have the college's judicial or conduct process run concurrently with any criminal justice investigation and proceeding, except for temporary delays requested by external municipal entities while law enforcement gathers evidence;
- to receive reasonable advance written or electronic notice of any meeting they are required to or eligible to attend, of the specific rule or law alleged to have been violated and in what manner;
- to exclude their own prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis and/or treatment from admittance in the stage that determines responsibility. (Past findings of sexual misconduct may be admissible in the stage that determines sanction.)
- to offer evidence during the investigation;
- to review documents and tangible evidence, consistent with FERPA and other law;
- to be accompanied by an attorney or other advisor of their choice, who may assist and advise the complainant or respondent throughout the process including during all related meetings and hearings. Such attorneys or advisors must comply with the CUNY policies and procedures; and
- to simultaneous notice of the outcome of proceedings.

B. The Investigation

The college Title IX Coordinator is responsible for conducting any investigation in a prompt, thorough, and impartial manner and may designate another appropriately trained administrator to conduct all or part of the investigation. Whenever an investigation is conducted, the Title IX Coordinator shall

- coordinate investigative efforts with other appropriate offices;
- inform the complainant that an investigation is being commenced and that the respondent will receive a written summary of the allegations;
- inform the respondent that an investigation is being commenced and provide the respondent with a written summary of the allegations of the complaint. A respondent employee who is covered by a collective bargaining agreement may consult with and have a union representative present at any interview of that employee conducted as part of such investigation;
- interview witnesses who might reasonably be expected to provide information relevant to the allegations, and review relevant documents and evidence. Both the complainant and respondent shall be informed that they have the right to provide relevant documents and to propose for interview witnesses whom they reasonably believe can provide relevant information.

Neither the complainant nor the respondent is restricted from discussing and sharing information related to the complaint with others who may support or assist them. This does not, however, permit unreasonable sharing of private information in a manner intended to harm or embarrass another, or in a manner that would recklessly do so regardless of intention. Such unreasonable sharing may constitute retaliation under this Policy.

The college Title IX Coordinator shall maintain all documents of the investigation in accordance with the [CUNY Records Retention and Disposition Policy](#).

The college shall make reasonable efforts to ensure that the investigation and resolution of a complaint are carried out as timely and efficiently as possible. However, the college may need to temporarily delay the fact-finding portion of its investigation during the evidence-gathering phase of a law enforcement investigation. Temporary delays will generally not last more than ten days except when law enforcement specifically requests and justifies a longer delay. While some complaints may require more extensive investigation, when possible, the investigation of complaints should be completed within sixty (60) calendar days of the

receipt of the complaint. If there is a delay in completing the investigation, the Title IX Coordinator shall notify the complainant and the respondent in writing.

i. Role of the Advisor

In cases involving this Policy, both the complainant and respondent may be accompanied by an advisor of their choice (including an attorney) who may advise throughout the entire process, including all meetings and hearings. While advisors may represent a party and fully participate at a hearing, they may not speak during the meetings that proceed the hearing nor give testimony as a witness at the hearing.

C. Conflicts

If a complainant or respondent believes that any individual involved in the investigatory or adjudication process has a conflict of interest, he or she may make a request to the Chief Student Affairs Officer (or, if no students are involved, to the Legal or Labor Designee) to have that conflicted individual removed from the process. The request for removal must be in writing within five days of the complaint or respondent's notification that the individual is to be involved and include a detailed description of the conflict. If the Chief Student Affairs Officer (or Legal or Labor Designee) determines that a conflict does exist, he or she will take immediate steps to address the conflict in order to ensure an impartial and fair process.

If any administrator designated by this policy to participate in the investigation or resolution of a complaint (including but not limited to the Title IX Coordinator) is the respondent, the College President will appoint another college administrator to perform such person's duties under this policy. If the President is the respondent, the investigation will be handled by the University Title IX Coordinator or her/his designee.

D. Informal Resolution

Except in instances involving sexual assault, the Title IX Coordinator, in his or her discretion, may offer the respondent and the complainant the opportunity to participate in the informal resolution process. Informal resolution may take place after the Title IX Coordinator has completed the investigation, but before the Title IX report has been completed, in an effort to resolve the matter by mutual agreement. The informal resolution process shall be conducted by the Title IX Coordinator, or by a qualified staff or faculty member designated by Title IX Coordinator, in coordination with the Chief Student Affairs Officer.

Both the complainant and the respondent have the right to end the informal resolution process at any time. Any informal resolution must be acceptable to the complainant, the respondent, and the Title IX Coordinator. Even if both the respondent and complainant agree to a resolution, the Title IX Coordinator must also agree with the resolution for it to be final.

If a resolution is reached, the complainant and the respondent shall be notified in writing, and the Title IX Coordinator will confer with the Chief Student Affairs Officer when creating a written memorandum memorializing the agreed upon resolution and consequences for non-compliance. This memorandum will be included in the respondent's student record.

If no agreement is reached within a reasonable time, the Title IX Coordinator shall complete the Title IX report and take action in accordance with subsection E below. Information learned during and directly from the informal resolution process will not be documented in the Title IX report.

E. Action Following the Investigation or Closure of a Complaint.

- i. Within 30 days following the completion of an investigation, the Title IX Coordinator shall report her/his findings to the College President in writing ("Report of Findings"). In the event the complainant or the respondent is a student, the report shall also be sent to the Chief Student Affairs Officer. A copy of the report shall be maintained in the files of the Title IX Coordinator.
- ii. In making findings regarding the allegations, the Title IX Coordinator shall use the "preponderance of the evidence" standard.
- iii. Following receipt of the Report of Findings, the College President shall, when warranted by the facts, authorize such action as she/he deems necessary to address the issues raised in the Report of Findings, including action to correct the

- effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII below.
- iv. Within 30 calendar days following the termination of an investigation that has not been completed (for example, because it was resolved by informal resolution or the complainant withdrew cooperation); the Title IX Coordinator will summarize for the file the actions taken in response to the complaint and the basis on which the investigation was closed.

F. Malicious Allegations

Members of the CUNY community who make false and malicious complaints of violations of this policy of as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action.

XII. DISCIPLINARY PROCESS AND PROCEDURES

A. Disciplinary Action

If the College President recommends that disciplinary action be commenced against a respondent student or employee for violations of this Policy, the following procedures shall apply:

Discipline Against Students:

- a. In cases where a College President recommends discipline against a student for violations of this Policy, the matter shall be referred to the college's Office of Student Affairs and action shall be taken in accordance with Section 11.A-C of this Policy, below. This Section provides for, among other things, a University-Wide Faculty-Student Disciplinary Committee consisting of faculty members, students and in some cases staff members to hear and decide charges of violation of this Policy.
- b. As described in Sections XI above, complainants have the same rights as respondents:
- to receive notice of the charges, including the date, time, location and factual allegations, concerning alleged violation of this Policy;
 - to receive notice of the specific provisions alleged to have been violated and possible sanctions;
 - to present evidence and testimony at any hearing, where appropriate;
 - to be represented by an attorney or advisor of their choice;
 - to receive access to a full and fair record of any hearing;
 - to receive written notice of the decision of the faculty-student disciplinary committee, specifically whether the allegations were substantiated and what, if any, penalty was imposed;
 - to make an impact statement at the point when the decision maker is deliberating on appropriate sanctions;
 - To written notice of findings of fact, decisions and sanctions if any, as well as the rationale for the decision and any sanction;
 - to choose whether to or discuss the outcome of a conduct or judicial process;
 - to appeal to a decision maker that is fair and impartial and does not include individuals with conflicts of interest;
 - to have all information obtained during the conduct process protected from public release until a decision maker on appeal makes a final determination, unless otherwise required by law.
- c. Penalties for students instituted after a hearing before the faculty-student disciplinary committee range from a warning to suspension or expulsion from the University. Students accused of crimes of violence are also subject to the university's policy on transcript notations which is discussed in this Section below.

Discipline Against Employees

In cases where the college President recommends discipline against an employee, the matter shall be referred for disciplinary action in accordance with the applicable CUNY policies, rules and collective bargaining agreements. Penalties for employees include, depending on the employee's title, reprimand, suspension, demotion, fine, or termination of employment following applicable disciplinary procedures. For many respondent employees, these procedures may include a hearing before a non-CUNY fact-finder, as required by the particular collective bargaining agreement.

For additional information on the disciplinary process in specific cases, complainants should consult their campus Title IX Coordinator, who will work with campus Human Resources Director to provide information. Respondents should consult their union representative, if any, or campus Human Resources Director.

Action Against Visitors

In cases where the person accused of sexual misconduct is not a CUNY student or employee, the college's ability to take action against the accused is usually extremely limited. However, the college shall take all appropriate actions within its control, such as restricting the visitor's access to campus. In addition, subject to Section VI, above, the matter may be referred to local law enforcement for legal action, including seeking Orders of Protection and/or reporting to local law enforcement, where appropriate. College Public Safety will assist both students and employees in enforcing Orders of Protection on the campus.

No Disciplinary Action

In cases where a determination is made not to bring disciplinary action, the Title IX Coordinator shall inform the complainant and respondent of that decision at the same time, in writing, and shall offer any appropriate support services, including counseling, to both.

B. Student Disciplinary Procedures

Referral of Violation for Disciplinary Action

If the President decides that discipline is warranted, the President will refer the matter to the Chief Student Affairs Officer for further action. The chief student affairs officer may rely on the investigation and determination of the Title IX Coordinator and prefer disciplinary charges.

In instances where a respondent is alleged to have violated this Policy as well as other CUNY policies, rules or bylaws, the entire matter will be heard before the University-Wide Faculty Student Disciplinary Committee and will follow the rules and procedures outlined in Section XI of this Policy.

Respondent Withdrawal Before Completion of the Process

In the event that a respondent withdraws from the college before a decision is rendered on the charges, the respondent is required to participate in the disciplinary hearing or otherwise to resolve the pending charges and shall be barred from attending any other unit of the university until a decision on the charges is made, or the charges are otherwise resolved.

Immediately following such withdrawal, the college shall place a notation on the respondent's transcript that the respondent "withdrew with conduct charges pending." If the respondent fails to appear, the college may proceed with the disciplinary hearing in absentia, and any decision and sanction shall be binding, and the transcript notation, if any, resulting from that decision and penalty shall replace the notation.

Issuance of Charges & Notice of Hearing

Notice of the charge(s) and of the time and place of the hearing shall be sent to the respondent by both first-class mail and email to the address appearing on the records of the college. Notice shall also be sent in a similar manner to the complainant to the extent that charges relate to the complainant. The Chief Student Affairs Officer is also encouraged to send the notice of charges to any other e-mail address that he or she may have for the respondent and the complainant.

The hearing shall be scheduled within a reasonable time following the filing of the charges or the mediation conference. Notice of at least seven (7) calendar days shall be given to the respondent in advance of the hearing unless the respondent consents to an earlier hearing. The respondent is permitted one (1) adjournment, for a reasonable amount of time under the circumstances, without specifying a reason. Additional requests for an adjournment must be made at least five (5) calendar days prior to the hearing date, and shall be granted or denied at the discretion of the chairperson of the Faculty Student Disciplinary Committee. If the respondent fails to respond to the notice, appear on the adjourned date, or request an extension, the college may proceed without the respondent present, and any decision and sanction shall be binding.

Content of Notice of Charges and Hearing

The notice shall contain the following:

- A. A complete and itemized statement of the charge(s) being brought against the respondent including the policy, rule and/or bylaw the respondent is charged with violating, and the possible penalties for such violation.
- B. A statement that the respondent and the complainant have the right to attend and participate fully in the hearing including the right:
 - i. to present their side of the story;
 - ii. to present witnesses and evidence on their behalf;
 - iii. to cross-examine witnesses presenting evidence, the exception being that the complainant and respondent may not cross-examine each other as discussed below;
 - iv. for the respondent to remain silent without assumption of guilt; and
 - v. to be represented by an advisor or legal counsel at their expense; if the respondent or the complainant requests it, the college shall assist in finding a legal counsel or advisor.
 - vi. A warning that anything the respondent says may be used against the respondent at a non-college hearing.

Review of Evidence before Hearing:

At least five (5) calendar days prior to the commencement of a student disciplinary hearing, the college shall provide the respondent and the complainant and/or their designated representative, with similar and timely access to review documents or other tangible evidence that the college intends to use at the disciplinary hearing, consistent with the restrictions imposed by the Family Educational Rights and Privacy Act ("FERPA"). Should the college seek to introduce additional documents or other tangible evidence during the disciplinary hearing, the respondent and the complainant shall be afforded the opportunity to review the additional documents or tangible evidence. If during the hearing the complainant or the respondent submits documentary evidence, the chairperson may, at the request of any other party grant , adjournment of the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

Admission & Acceptance of Penalty

After the charges have been preferred by the chief student affairs officer, but prior to the commencement of a disciplinary hearing, the respondent may admit to the charges and accept the penalty that the chief student affairs officer or designee determines to be appropriate to address the misconduct. If required by this Policy, the agreed-upon penalty shall be placed on the respondent's transcript consistent with CUNY's policy on Transcript Notations (see below). Before resolving a complaint in this manner, the chief student affairs officer or designee shall first consult with the complainant and provide the complainant with an opportunity to object to the proposed resolution, orally and/or in writing. If a resolution is reached

over the complainant's objection, the chief student affairs officer or designee shall provide the complainant with a statement of the reasons supporting such resolution, and the complainant may appeal the resolution to the college President.

C. Faculty Student Disciplinary Committee Structure:

Each faculty-student disciplinary committee shall consist of two (2) faculty members or one (1) faculty member and one (1) member of the Higher Education Officer series (HEO), and two (2) student members and a chairperson, who shall be a faculty member. A quorum shall consist of the chairperson and any two (2) members, one of whom must be a student. Hearings shall be scheduled promptly (including during the summers) at a convenient time and efforts shall be made to insure full student and faculty representation.

The president shall select in consultation with the head of the appropriate campus governance body or where the president is the head of the governance body, its executive committee, three (3) members of the faculty of that college to receive training upon appointment and to serve in rotation as chairperson of the disciplinary committee. The following schools shall be required to select two (2) chairpersons: CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism. If none of the chairpersons appointed from the campus can serve, the president, at her/his discretion, may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges. The chairperson shall preside at all meetings of the faculty-student disciplinary committee and decide and make all rulings for the committee. She/he shall not be a voting member of the committee but shall vote in the event of a tie.

The faculty members shall be selected by lot from a panel of six (6) elected biennially by the appropriate faculty body from among the persons having faculty rank or faculty status. Members of the panel shall be trained on an annual basis in compliance with the law and this Policy. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) faculty members. The HEO members shall be selected by lot from a panel of six (6) HEO appointed biennially by the president. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) HEO's. The student members shall be selected by lot from a panel of six (6) elected annually in an election in which all students registered at the college shall be eligible to vote. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) students. In the event that the student or faculty panel or both are not elected, or if more panel members are needed, the president shall have the duty to select the panel or panels which have not been elected.

In the event that the chairperson cannot continue, the president shall appoint another chairperson. In the event that a seat becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the respective faculty, HEO, or student panel by lottery

Each academic year, the chief student affairs officer, and her or his designee, shall appoint/identify one or more college employees to serve as presenters for the hearings. This list shall be forwarded to the Office of the Vice Chancellor for Student Affairs, and the Office of the General Counsel and Sr. Vice Chancellor for Legal Affairs prior to the first day of the academic year

Persons who are to be participants in the hearings as witnesses or have been involved in preferring the charges or who may participate in the appeals procedures or any other person having a direct interest in the outcome of the hearing shall be disqualified from serving on the committee

Roles and Responsibilities of Individuals during the Hearing

a. Role and Responsibilities of Panel Chairperson:

The chairperson shall preside at the hearing. The parties to the hearing are the college, the respondent, and if the complainant chooses to participate, the complainant. At the commencement of the hearing, the chairperson shall inform the respondent of the charges, the hearing procedures, and her or his rights. After informing the respondent of the charges, the hearing procedures, and respondent's rights, the chairperson shall ask the respondent to state whether he or she is responsible or not responsible for the conduct. Prior to accepting testimony at the hearing, the chairperson shall rule on any motions questioning the impartiality of any committee member or the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson shall rule on any motions regarding the admissibility of evidence and may exclude irrelevant, unreliable or unduly repetitive evidence. The chairperson shall exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.

The chairperson shall preside at all hearing sessions and meetings and make all rulings for the panel. The chairperson has discretion to limit the number of witnesses and the length of testimony for the presentations by any party and/or their representative. All hearings pursuant to this Policy shall be closed hearings. The chairperson shall not be a voting member of the panel but shall vote in the event of a tie. In the event that the chairperson cannot continue, the Vice Chancellor for Student Affairs, or his or his designee, shall appoint another chairperson from the University-wide committee. In the event that a seat on the panel becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the respective faculty, HEO, or student committee members by lot.

b. Presenters:

Each academic year, the chief student affairs officer at each College or designee shall identify one or more college employees to serve as presenters for the hearings. This list will be forwarded to the Offices of the Vice Chancellor for Student Affairs and General Counsel and Vice Chancellor for Legal Affairs prior to the first day of the academic year. The employee who serves as presenter during the hearing shall be from the same institution as the respondent.

c. Recording of Proceeding

The college shall make a recording of each fact-finding hearing by some means such as a stenographic transcript, an audio recording or the equivalent. No other recording of the proceedings shall be permitted. A respondent who has been found to have committed the conduct charged after a hearing is entitled upon request to a copy of such a record without cost upon the condition that it is not to be disseminated except to the respondent's advisor. In the event of an appeal, both the respondent and the complainant are entitled upon request to a copy of such a record without cost, upon the condition that it is not to be disseminated except to their advisors.

Basic Hearing Rules:

If, at the commencement of the hearing, the respondent admits the conduct charged, the respondent shall be given an opportunity to explain her/his actions before the hearing panel and the college shall be given an opportunity to respond and present evidence regarding the appropriate penalty. If the respondent denies the conduct charged, the college shall present its evidence. At the conclusion of the college's presentation, the respondent may move to dismiss the charges. If the motion is denied by the committee, the complainant, if the complainant chooses to participate, shall be given an opportunity to make a presentation. After the college's, and, if complainant chooses to participate, complainant's presentation, the Respondent shall be given an opportunity to make a presentation.

The college bears the burden of proving the charge(s) by a preponderance of the evidence. The role of the hearing panel is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing

and the papers filed by the parties and make a decision as to responsibility. In the event the respondent is found responsible for the conduct, the committee shall then determine the penalty to be imposed.

The college, the respondent and the complainant are permitted to have advisors act on their behalf during the pendency of a hearing, which shall include the calling and examining of witnesses, and presenting evidence. Any party intending to appear with an attorney shall give the other party five (5) calendar days' notice of such representation.

Neither the respondent nor the complainant shall be permitted to cross-examine the other directly. Rather, if they choose to, the respondent and the complainant shall cross-examine each other only through an advisor. If either or both of them do not have an advisor, the college shall assist them to find an advisor to conduct such cross-examination. In the alternative, the complainant and respondent may provide written questions to the chairperson to be posed to the witness, in the chairperson's discretion.

Responsibility Phase

The following rules apply to the introduction of evidence at the hearing: Evidence of the mental health diagnosis and/or treatment of a complainant, respondent, or witness may not be introduced; and b) Evidence of either party's prior sexual history may not be introduced except that (i) evidence of prior sexual history between complainant and respondent is admissible at any stage of the hearing, and (ii) past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the stage of that hearing related to penalty.

Penalty Phase

If the panel has found the Respondent responsible for the conduct, then the complainant, respondent, and college, will have the opportunity to introduce evidence and make arguments related what the appropriate penalty should be. The complainant, respondent and college will also have the opportunity to introduce evidence of and comment on the respondent's character, including any past findings of a respondent's responsibility for domestic violence, stalking, or sexual assault or any other sexual misconduct, and submit a statement regarding the impact of the conduct.

The College may also introduce a copy of the respondent's previous disciplinary records, if any, from any CUNY institution the respondent has attended, provided the respondent was shown a copy of the records prior to the commencement of the hearing. The previous disciplinary record shall be submitted to the panel in a sealed envelope, bearing the respondent's signature across the seal, and shall only be opened if the respondent has been found responsible for the conduct charged. The hearing panel, to determine an appropriate penalty, shall use the disciplinary records, as well as any documents or character evidence introduced by the respondent, the complainant, or the college.

If either the complainant or the respondent chose not to participate in the hearing, they still have the opportunity to introduce evidence and make arguments related what the appropriate penalty should be and to provide or make an impact statement.

ii. Decision

The panel shall issue a written decision, which shall be based solely on the testimony and evidence presented at the hearing, including the penalty phase. The college shall send to the respondent a copy of the panel's decision within seven (7) calendar days of the conclusion of the hearing, by regular mail and e-mail to the address appearing on the records of the college. In cases involving two or more complainants or respondents, the college has fourteen (14) calendar days of the conclusion of the hearing to send the panel's decision. The college is also encouraged to send the decision to any other e-mail address that it may have for the respondent. The decision shall be final subject to any appeal.

In cases involving a crime of violence or a non-forcible sex offense, the complainant shall simultaneously receive notice of the outcome of the faculty-student disciplinary committee's decision as it relates to the offense(s) committed against the complainant, in the same manner as notice is given to the respondent.

When a disciplinary hearing results in a penalty of dismissal or suspension for one term or more, the decision is a university-wide penalty and the respondent shall be barred from admission to, or attendance at, any other unit of the university while the penalty is being served.

iii. Appeals/Review

A respondent or a complainant may appeal a decision of the faculty-student disciplinary committee to the president on the following grounds: (i) procedural error, (ii) newly discovered evidence that was not reasonably available at the time of the hearing, or (iii) the disproportionate nature of the penalty. The president may remand for a new hearing or may modify the penalty either by decreasing it (on an appeal by the respondent) or increasing it (on an appeal by the complainant). If the president is a party to the dispute, her/his functions with respect to an appeal shall be discharged by an official of the university to be appointed by the chancellor or her or his designee.

If the penalty after appeal to the president is one of dismissal or suspension for one term or more, a respondent or a complainant may appeal to the board committee on student affairs and special programs. The board may dispose of the appeal in the same manner as the president

An appeal under this section shall be made in writing within fifteen (15) calendar days after the delivery of the decision appealed from. This requirement may be waived in a particular case for good cause by the president or the board committee as the case may be. Within three (3) calendar days of the receipt of any appeal, either to the president or the board committee on student affairs and special programs, the non-appealing party shall be sent a written notice of the other party's appeal. In addition, the respondent and/or the complainant shall have the opportunity to submit a written opposition to the other party's appeal within fifteen (15) calendar days of the delivery of the notice of receipt of such appeal

The president shall decide and issue a decision within fifteen (15) calendar days of receiving the appeal or within fifteen (15) calendar days of receiving papers in opposition to the appeal, whichever is longer. The board committee shall decide and issue a decision within five (5) calendar days of the meeting at which it hears the appeal.

iv. Transcript Notation(s)

In cases in which the panel finds the respondent responsible and the penalty is either suspension or expulsion, the college shall place a notation on the respondent's transcript stating that respondent was suspended or expelled after a finding of responsibility for a code of conduct violation. In cases where a student has been expelled as a result of a Clery Act crime of violence, the notation will not be removed.

For all other cases, after four years from the date of the conclusion of the disciplinary proceeding, or one year after the conclusion of any suspension, whichever is later, the Respondent has the right to request that a transcript notation from a finding of responsibility be removed. If a finding of responsibility for any violation is vacated for any reason, the notation shall be removed.

XIII. COLLEGE OBLIGATIONS UNDER THIS POLICY

In addition to addressing possible violations of this policy, colleges/units of CUNY have the following obligations:

a. Dissemination of Policies, Procedures and Notices

The college Title IX Coordinator, in coordination with the Office of Student Affairs, Office of Public Safety, Human Resources Department and other appropriate offices, is responsible for the wide dissemination of the following on her/his campus: (i) this Policy; (ii) CUNY's Notice of Non-Discrimination; (iii) the Title IX Coordinator's name, phone number, office location, and email address; and (iv) contact information for the campus Public Safety Office. Such dissemination shall include posting the documents and information on the college website, and including it in residence life materials and training and educational materials. In addition, the Students' Bill of Rights, which is appended to and made a part of this policy, must be distributed to any individual reporting an incident of sexual misconduct at the time the report is made. It must also be distributed annually to all students, made available on the college's website and posted in college campus centers and in CUNY owned and operated housing.

b. Training and Educational Programming

CUNY is responsible for providing training to college Title IX Coordinators and others who may serve as investigators. The college Title IX Coordinator, in coordination with other applicable offices, including Public Safety, Human Resources and Student Affairs, is responsible for ensuring that the college provides training to college employees on their obligations under this

policy; provides education on this policy and on sexual misconduct (including domestic violence, dating violence, stalking and sexual assault) to new and continuing students; and promotes awareness and prevention of sexual misconduct among all students and employees. Specific required trainings include the following:

i. Training For Responsible and Confidential Employees

The college shall provide training to all employees who are required to report incidents of sexual misconduct under this policy, as well as those employees who have been designated as confidential employees.

ii. Training For Title IX Coordinator and other investigators

CUNY shall provide at least annual training to Title IX Coordinators and other investigators in conducting investigations of sexual misconduct, including

- the effects of trauma;
- impartiality;
- the rights of the respondent, include the right to a presumption that the respondent is "not responsible" until any finding of responsibility is made;
- relevant CUNY policies and procedures; and
- other issues including what constitutes crimes of sexual misconduct.

iii. Student Onboarding and Ongoing Education

Each college shall adopt a comprehensive student onboarding and ongoing education campaign to educate students about sexual misconduct, including domestic violence, dating violence, stalking, and sexual assault. During the student onboarding process, all new first-year and transfer students shall receive training on this policy and on a variety of topics relating to sexual misconduct. In addition, each college shall offer and administer appropriate educational programming to residence hall students, athletes, and student leaders. Each college shall also provide such educational programming to any other student groups which the college determines could benefit from education in the area of sexual misconduct. The college shall also share information on domestic violence, dating violence, stalking and sexual assault prevention with parents of enrolling students. This may be done by linking to <http://www1.cuny.edu/sites/title-ix/information-for-parents-and-families/campus/university/>

c. Campus Climate Assessments

Each college of the University shall conduct, no less than every other year, a climate assessment using an assessment instrument provided by the University central office, to ascertain its students' general awareness and knowledge of the University's policy and procedures regarding sexual misconduct, including but not limited to student experiences with and knowledge of reporting, investigation and disciplinary processes. The assessment instrument shall include all topics required to be included under applicable law, including Section 129-B of the New York State Education Law. The University shall publish the results of the surveys on its Title IX web page. The published results shall not contain any information which would enable a reader to identify any individual who responded to the climate assessment.

XIV. Rules Regarding Intimate Relationships

d. Relationships between Faculty or Employees and Students

Amorous, dating or sexual activity or relationships ("intimate relationships"), even when apparently consensual, are inappropriate when they occur between a faculty member or employee and any student for whom he or she has a professional responsibility. Those relationships are inappropriate because of the unequal power dynamic between students and faculty members and between students and employees who advise or evaluate them, such as athletic coaches or workplace supervisors. Such relationships

necessarily involve issues of student vulnerability and have the potential for coercion. In addition, conflicts of interest or perceived conflicts of interest may arise when a faculty member or employee is required to evaluate the work or make personnel or academic decisions with respect to a student with whom he or she is having an intimate relationship. Finally, if the relationship ends in a way that is not amicable, the relationship may lead to charges of and possible liability for sexual misconduct.

Therefore, faculty members and other employees are prohibited from engaging in intimate relationships with students for whom they have a professional responsibility, including undergraduates, graduate and professional students and postdoctoral fellows.

For purposes of this Section, professional responsibility for a student means responsibility over any academic matters, including teaching, counseling, grading, advising for a formal project such as a thesis or research, evaluating, hiring, supervising, coaching, making decisions or recommendations that confer benefits such as admissions, registration, financial aid, other awards, remuneration, or fellowships, or performing any other function that might affect teaching, research, or other academic opportunities.

e. Relationships between Supervisors and Employees

Many of the concerns about intimate relationships between faculty members or employees and students also apply to relationships between supervisors and employees they supervise. Those relationships therefore are strongly discouraged. Supervisors shall disclose any such relationships to their supervisors in order to avoid or mitigate conflicts of interest in connection with the supervision and evaluation of the employees with whom they have an intimate relationship. Mitigation may involve the transfer of either the supervisor or employee, reassigning the responsibility to evaluate the employee to a different supervisor, or other appropriate action.

For purposes of this Section, supervising an employee means supervising in an employment setting, including hiring, evaluating, assigning work, or making decisions or recommendations that confer benefits such as promotions, raises or other remuneration, or performing any other function that might affect employment opportunities.

For CUNY students who experience Sexual Violence, including sexual assault; domestic, dating or, intimate partner violence, stalking or voyeurism

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 the institution;
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 institutional 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 the institution;
9. Have 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 the institution.

This *Student Bill of Rights* was established by the “Enough is Enough” Law, New York State Education Law Article 129-B, effective October 7, 2015.

For more information about preventing and addressing Sexual Violence at CUNY see <http://www1.cuny.edu/sites/title-ix/campus-websites>.

Information about filing a report, seeking a response, and options for confidential disclosure is available also available [CUNY's Title IX web page](#).

Questions about CUNY's Sexual Misconduct policy and procedures may be directed to [your campus Title IX Coordinator](#).

Policy adopted by the Board of Trustees on 12/1/2014 Cal. 4.C., with effective date of 1/1/2015. Amended by the Board of Trustees on 10/1/2015. Cal. 6.B. Adopted as revised by BOT on 6/25/2018. Cal.9.A.