

**ANNUAL SECURITY REPORT  
CALENDAR YEAR 2016  
CRIME STATISTICS 2013-2015**



**BRONX COMMUNITY COLLEGE  
2155 UNIVERSITY AVENUE  
BRONX, NEW YORK 10453  
TEL: 718-289-5100**

**CHIEF JAMES VERDICCHIO  
DIRECTOR OF PUBLIC SAFETY  
TEL: 718-289-5923  
[JAMES.VERDICCHIO@BCC.CUNY.EDU](mailto:JAMES.VERDICCHIO@BCC.CUNY.EDU)**

## **PRESIDENT DR. THOMAS A. ISEKENEGBE**

### **College Overview**

Bronx Community College Annual Security Report includes statistics for the previous three years concerning reported crimes that occurred on campus and on public property within or immediately adjacent to and accessible from the campus. These statistics are compiled from campus incident reports, reports from designated Campus Security Authorities and from our local police precinct. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, including crimes involving sexual misconduct, emergency and evacuation procedures. This report is posted on the School's Public Safety webpage under "Annual Security Report." [www.bcc.cuny.edu/Public-Safety/PDF/CrimeStatistics.pdf](http://www.bcc.cuny.edu/Public-Safety/PDF/CrimeStatistics.pdf). Hard copies are available in the Public Safety Office - Loew Hall 5<sup>th</sup> Floor, Office of Human Resources – South Hall Room 106 and Office of Student Affairs – Loew Hall Room 201.

The College, a component of The City University of New York, is an urban community college whose primary mission is to provide students with a foundation in general education, knowledge of history and culture, and preparation for a variety of career options. The College recognizes its obligation to provide access without impediment to those who seek its services, to meet the needs of its ethnically and linguistically diverse student body, to provide quality programs and instruction, and to provide ample support services in order to create every opportunity for each student's success.

The campus is located in the University Heights section of the Bronx, a borough of New York City with a population of approximately 1.44 million people. Bronx Community College of The City University of New York offers more than 30 academic programs that prepare students for careers and to continue their education at four-year colleges. Located on a 44.6-acre tree-lined campus that overlooks the Harlem River and is made up of 29 buildings located on or contiguous to the main campus. BCC is home to the Hall of Fame for Great Americans, the country's first hall of fame to honor men and women who made major contributions to the American experience, and which attracts visitors throughout the year. In October 2012, the BCC campus was declared a National Historic Landmark, becoming the country's first community college campus to receive such a designation.

The College provides its approximately 11,000 students with quality academic programs, outstanding faculty, and flexible class schedules. BCC is a Hispanic Serving Institution (HSI), with students representing approximately 100 countries. Approximately two-thirds of these students are female. In addition, the College, through the Office of Continuing Education and Community Services, develops and conducts career and job training programs, educational upgrading, and family support services for the Bronx community. These programs serve in excess of twenty thousand multi-cultural individuals during the academic year.

The College employs approximately 710 full-time faculty/non-instructional staff members and 896 part-time faculty/non instructional staff members.

### **Crime Reporting Procedure**

Faculty, staff, students, and others who may be on campus or on the contiguous geographic perimeter of the campus are asked to promptly report any past crime, attempted crime, or actual criminal activity to the Department of Public Safety. The Department expeditiously responds to the condition reported and makes necessary notifications to the local police precinct. Criminal activities, as well as other emergencies, can be reported by:

1. Calling the Department of Public Safety's emergency telephone line (718) 289-5911. Extension 5911 may be dialed within the College's telephone system.
2. Using the Emergency Assistance call boxes located at various sites throughout the campus.
3. Reporting the information to any member of the Department of Public Safety or in person at the Public Safety Office located in Loew Hall – Fifth Floor.
4. All counselors are strongly encouraged, when they deem it appropriate, to inform the persons they are counseling of the procedures to report crimes on a voluntary and 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 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 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 crime report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. 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.
6. In the event of an extreme or life-threatening situation, members of the college community should always call 911, the NYPD's emergency phone number, and Public Safety's emergency number, 718-289- 5911, so that BCC Public Safety Officers can direct the police and other emergency personnel to the location of the reported emergency and offer additional assistance.

### **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 which 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. 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 incidents **in the manner described above**. Victims of bias crime can also avail themselves of counseling and support services through the Office of Student Services.

## **Investigation of Violent Felony Offenses**

In accordance with New York State Education Law, the College maintains a plan for the investigation of violent felonies, which includes coordination with appropriate law enforcement agents. 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.

## **Daily Crime Log**

The campus daily crime log is maintained by the Public Safety Department. All reportable criminal incidents, whether they are Clery classified or not, are logged-provided that they have occurred in the reportable geography (On campus and public property immediately adjacent to the campus). It includes the following information: 1) date crime was reported, 2) date and time of the incident, 3) the nature of the crime, 4) the general location of the crime, 5) the disposition, if known and 6), special notes. The log is kept in the Public Safety Office Loew Hall Room 514. It is available for inspection during regular business hours. The log is in hardcopy format. The log is updated less than two business days after the latest report comes in. If no reports are made during 30 calendar days, it is automatically updated.

## **Campus Security Authorities**

Members of the college community may make reports of crimes and security incidents to these officials. Each year, the Public Safety Department requests data, via campus e-mail, from these authorities for inclusion in this report. The following individuals are designated as Campus Security Authorities.

- **Currently Vacant**  
Vice President for Student Affairs  
Phone: 718-289-5869      Loew Hall      Room 201
- **Dr. Claudia V. Schrader**  
Vice President for Academic Affairs and Provost  
Phone: 718-289-5141      Language Hall      Room 11D
- **Luis Montenegro**  
Dean of Academic Affairs  
Phone: 718.289.5939      Language Hall      Room 16B
- **Alexander Ott**  
Associate Dean of Academic Affairs  
Phone: 718.289.5497      Language Hall      Room 12A
- **Rogelio Knights**  
Director of Athletics  
Phone: 718-289-5338      Alumni Gym      Room 403
- **Shelley B. Levy**  
Director of Human Resources  
Phone: 718-289-5119      South Hall      Room 106
- **Dr. Janet Heller**  
Chairperson/Professor, Health, Physical Education & Wellness  
Phone: 718.289.5902      Alumni Gym      Room 300A
- **Jitinder Walia**  
Executive Director of Early Childhood Development  
Phone: 718.289.5335      Children Development Center      Room 221
- **Dr. Ruth Bass**  
Chairperson - Art & Music  
Phone: 718-289-5342      Bliss Hall      Room 303
- **Jessenia Paoli**  
Associate Director of Judicial Affairs  
Phone: 718.289.5630      Loew Hall      Room 210
- **Jesenia Minier- Delgado**  
Chief Diversity Officer -Office of Affirmative Action, Compliance & Diversity- Title IX Coordinator  
Phone: 718.289.5288      Language Hall      Room 31
- **Karla Williams**  
Executive Counsel to the President and Deputy to the President  
Phone: 718.289.5809      Language Hall      Room 37
- **Jonathan Lacay**  
Chief Information Security Officer & Director of IT Operations and Service Delivery  
Phone: 718.289.5752      Colston Hall      Room 828
- **Elizabeth Payamps**  
Director, Future Now Program  
Phone: 718.289.5320      Gould Residence Hall Room 505
- **Vickie Shankman**  
Assistant Director of Human Resources  
Phone: 718.289.5119      South Hall      Room 111
- **Dr. Thomas Jordan**  
Executive Director of Bronx Educational Opportunity Center  
Phone: 718- 530-7050
- **Betsy Montanez**  
Coordinator for Veterans Affairs  
Phone: 718.289.5057      Loew Hall      Room 332

- **Dr. Nichole McDaniel**  
Chairperson – Biological Sciences  
Phone: 718-289-5535      Meister Hall      Room 416
- **Howard Clampman**  
Chairperson - Business & Information Systems  
Phone: 718.289.5590      Meister Hall      Room G19
- **Dr. Neal Phillip**  
Chairperson - Chemistry and Chemical Technology Department  
Phone: 718.289.5568      Meister Hall      Room 814
- **Dr. Deborah Gonsler**  
Chairperson - Communications Arts and Science Department  
Phone: 718-289-5755      Colston Hall      Room 700
- **Dr. Joan E. Wilson**  
Chairperson - Education and Reading Department  
Phone: 718-289-5682      Colston Hall      Room 400
- **Dr. Robert Beuka**  
Chairperson - English Department  
Phone: 718.289.5328      Colston Hall      Room 600
- **Dr. Tamar Rothenberg**  
Chairperson - History Department  
Phone: 718.289.5735      Colston Hall      Room 300
- **Dr. Alexander Lamazares**  
Chairperson – Modern Languages Department  
Phone: 718.289-5632      Colston Hall      Room 200
- **Dr. Maria Psarelli**  
Chairperson – Mathematics & Computer Science  
Phone: 718.289.5410      Carl Polowczyk Hall      Room 315
- **Dr. Deborah Morris**  
Chairperson – Nursing and Allied Health Science Department  
Phone: 718-289-5428      Carl Polowczyk Hall      Room 412
- **Dr. Jalil Moghaddashi**  
Chairperson – Physics & Technology  
Phone: 718-289-5380      Carl Polowczyk Hall      Room 118
- **Donna Mangiane-Naughton**  
Chairperson – Social Sciences  
Phone: 718.289.5668      Colston Hall      Room 313
- **Stephanie Marshall**  
Evening / Weekend Coordinator  
Phone: 718-289-5703      Colston Hall      Room 506A
- **Ellen Balleisen**  
Director of CLIP / Bridge to College / CUNY Start  
Phone: 718.289.5994      Havemeyer Lab      Room 202
- **Prof. Victor Rodriguez**  
Student Services  
Phone: 718.289.5819      Loew Hall      Room 419
- **Susan G. Fiore, Esq**  
Labor Designee  
Phone: 718.289.5487      Language Hall      Room 37
- **Patricia A. Ramos**  
Director of Admission  
Phone: 718.289.5896      Loew Hall      Room 221
- **Sinu Jacobs**  
Director of Financial Aid  
Phone: 718.289.5608      Colston Hall      Room 500
- **Sanjay Ramdath**  
Enrollment Management / Registrar's Office  
Phone: 718-289-5705      Colston Hall      Room 513
- **Alan Funes**  
Director of Transfer and Job Placement Services  
Phone: 718-289-5197      Loew Hall      Room 336
- **Patricia Fleming**  
Director of Disability Services  
Phone: 718.289.5880      Loew Hall      Room 215
- **Cynthia Suarez-Espinal**  
Director of College Discovery  
Phone: 718.289.5726      Loew Hall      Room 401
- **Esther Levy**  
Office of Personal Counseling  
Phone: 718.289.5100 Ext. 3354      Loew Hall      Room 421
- **Donna Paroff-Sherman**  
Office of Personal Counseling  
Phone: 718.289.5873      Loew Hall      Room 432
- **Victoria King**  
Health Services Office – Wellness Manager  
Phone: 718-289-5100 Ext.3583      Loew Hall      Room 101
- **Barbara Martin**  
Director of COPE Program  
Phone: 718-289-5863      Loew Hall      Room 121
- **Dedra Polite**  
Single Stop Program Coordinator  
Phone: 718.289.5179      Loew Hall      Room 127
- **Katherine Laureano**  
Strives for Success Campus Coordinator  
Phone: 718-289-5100 Ext.3723      Loew Hall      Room 222
- **James Verdicchio**  
Director of Public Safety  
Phone: 718-289-5923      Loew Hall      Room 507
- **Manny Lopez**  
Associate Dean for Student Development  
Phone: 718-289-5962      Roscoe Brown Center      Room 305
- **Francisco Javier Legasa**  
Associate Dean for Academic Affairs  
Phone: 718-289-5945      Roscoe Brown Annex      Room 103A

**Reporting Incidents of Sexual Misconduct, including Sexual Harassment, Sexual Assault, certain forms of Stalking and Dating/Intimate Partner/Domestic Violence**

To directly view a copy of the City University of New York Policy on Sexual Misconduct, please see the link below:

<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/POLICY-ON-SEXUAL-MISCONDUCT-10.1.2015-with-links.pdf>

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

Jesenia Minier-Delgado, Title IX Coordinator, Chief Diversity Officer- Office of Affirmative Action, Compliance & Diversity  
Language Hall Room 31 Phone: 718-289-5288 Email: [jesenia.minier-delgado@bcc.cuny.edu](mailto:jesenia.minier-delgado@bcc.cuny.edu)

James Verdicchio, Director of Public Safety  
Loew Hall Room 507 Phone: 718-289-5923 Email: [james.verdicchio@bcc.cuny.edu](mailto:james.verdicchio@bcc.cuny.edu)

Dr. Claudia V. Schrader, Vice President for Academic Affairs and Provost – Interim Vice President of Student Affairs  
Language Hall Room 11D Phone: 718-289-5141 Email: [claudia.schrader@bcc.cuny.edu](mailto:claudia.schrader@bcc.cuny.edu)

Shelley B. Levy, Director of Human Resources  
South Hall Room 106 Phone: 718-289-5119 Email: [shelly.levy@bcc.cuny.edu](mailto:shelly.levy@bcc.cuny.edu)

For more detailed information on Title IX and Sexual Assault Policy-PDF visit

<http://www.bcc.cuny.edu/Public-Safety/>.  
<http://www1.cuny.edu/sites/title-ix/campus/bronx-community-college/>

## **Public Safety and Protection Services**

The Bronx Community College Public Safety Department strives to use the best practices in Law Enforcement and Professional Security that can be implemented in a safe and effective community policing model. Bronx Community College's main campus grounds, the contiguous geographic perimeter of the main campus, the off-campus sites, the entry gates, and the parking areas are patrolled on a 24-hour basis by Public Safety Officers. At Bronx Community College, incidents of a criminal nature that are reported to a Campus Peace Officer are reported directly to the NYPD on behalf of the complainant. The City University of New York and Bronx Community College have Memoranda of Understanding with the NYPD for emergency, non-emergency, and investigative response.

Currently, the Department has 80 members. The Department consists of 5 support staff members, 41 Peace Officers of various ranks assigned to patrol the campus/campus perimeter and assist with access point security. Campus Peace Officers are sworn law enforcement/NYS Peace Officers under Criminal Procedure Law 2.10 subsection 79. Additionally, the College employs 34 Campus Security Assistants who are assigned to access posts, on-campus patrol, and other fixed locations. Campus Security Assistants are licensed as NYS Licensed Security Guards. The Department is broken into 3 Patrol Tours – Day / Evening and Night Tours, that cover access control, patrol functions and respond to incidents 24 hours, 7 days a week, and 365 days a year which includes the staffing of the Surveillance & Communication Command Center. The Command Center receives calls for all emergencies on campus (Medical / Fire / Police / All Hazards) and dispatches Public Safety personnel who respond to all emergencies on campus, have direct radio contact to local NYPD & EMS and monitors the campus CCTV system.

The personnel of Public Safety are available for consultation, advice and guidance on Security/Public Safety matters. Any situation requiring police intervention is referred to the proper authorities at the local precinct.

The Department of Public Safety conducts fire drills along with the assistance of approximately 75 volunteer fire wardens made up of BCC faculty & staff members, of all campus buildings during the fall, spring and summer semesters. The Department also conducts tests of all fire alarm stations on a monthly basis to ensure they are in proper working order. In addition, the Department holds workshops in general fire safety for the faculty and staff. The Department also works diligently with the local FDNY to ensure and improve campus fire safety.

### **CAMPUS SECURITY ESCORT**

A member of the Public Safety staff may escort off of the premises as far as the subway entrance on our block or directly across the street. On certain occasions escorts will be conducted to a residence if there is an imminent threat to the faculty, staff or student.

### **WORKING RELATIONSHIP WITH OTHER LAW ENFORCEMENT AGENCIES**

Bronx Community College 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.

## **Off-Campus Organizations Crimes and Safety Hazard Monitoring**

### **RESIDENCE HALLS/OFF CAMPUS STUDENT ORGANIZATIONS**

Bronx Community College has no facilities for housing or sleeping and no off-campus student organizations. Some students find housing off campus through local real estate agents.

Bronx Community College maintains an off-campus building which is controlled by Bronx Community College Staff and the Department of Public Safety. The Bronx Educational Opportunity Center (EOC) is one of 12 EOCs in New York State. The EOCs are programs of the State University of New York, managed by local state or city university units. The Bronx EOC is administered by Bronx Community College of The City University of New York. Since 1987, The Bronx EOC has served economically disadvantaged adults who need additional education or training for college admissions and/or entry into productive careers. The building is located in Bathgate Industrial Park at 1666 Bathgate Avenue between 172<sup>nd</sup> and 173<sup>rd</sup> Street.

## **Emergency Notification & Response**

### **CUNY ALERT SYSTEM**

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.

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 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](http://www.cuny.edu/alert) and follow the instructions. If you have trouble signing up for CUNY Alert, please come to the IT Technology Service Center located in Roscoe Brown Student Center, Room 308. The system is activated via a web-based system controlled by the New York State Office of Emergency Management.

CUNYAlert is the CUNY branded emergency alert system that is based on the NYAlert system operated by the 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 view of the CUNY.EDU site and gain access to certain information systems, such as CUNY Alert, you must register and provide some personal information. 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 alert, email 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.

#### **TIMELY WARNINGS TO MEMBERS OF THE COMMUNITY**

In the event that a situation arises, on or off campus, that in the judgment of the Director of Public Safety constitutes an ongoing threat, a "timely warning notice" (paper/electronic format) will be issued to the campus community. Members of the community who witness or learn of a crime or other serious incident, on or near campus, should file a report as soon as possible with Department of Public Safety so the Department can issue a timely warning notice, if warranted. Without compromising any law enforcement efforts to resolve the matter, a timely warning notice will be issued if a serious or continuing threat arises on or around campus.

#### **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 methodologies: (1) CUNY-Alert, (2) Campus-wide e-mail blast and (3) School web-site notice. 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 EVACUATION FIRE DRILL TESTS**

The College conducts evacuation and fire drills three times per year (for both Day and Evening Hours). During these drills, building occupants are familiarized with campus evacuation procedures. Each building has assigned fire/evacuation floor wardens that provided training and direction to the college community during drills and actual emergency events. All occupied buildings participate in drills.

#### **PUBLICATION OF PROCEDURES**

Emergency Response Guides of what to do during an emergency on campus are available in the Public Safety Office Loew Hall 5<sup>th</sup> Floor.

**Note on all emergency notifications:** When in the considered opinion of college, university 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.

### **Public Safety Awareness & Crime Prevention Programs**

The Department of Public Safety maintains a relationship with the New York City police precincts that are responsible for the public safety of the campus and its surrounding areas. All crimes reported to the Department of Public Safety are promptly reported to the appropriate local police precinct, and a record of each report made to the local precincts is maintained as part of the Department's statistics cataloguing.

Along with the Office of the Vice President of Administration and Finance, Campus Facilities, and Physical Plant Services, the Director of Public Safety conducts ongoing reviews of campus grounds and facilities. Special emphasis is placed on the need to ensure safe accessibility to buildings with special attention to landscape hazards as well as inadequate lighting.

Additionally, members of the Public Safety Department are designated as Crime Prevention Officers, Domestic Violence Officers, Training Specialist and Investigations and are assigned to conduct follow-up investigations for all crimes committed on campus. They also advise and make recommendations to complainants and victims relative to the prevention of future criminal acts.

All incoming students receive information about campus crime prevention programs, CUNY's Sexual Misconduct Policy and Title IX / Domestic Violence during their Freshman Year Seminar (FYS) and Orientation and Career Development (OCD) classes during start of each semester. In addition, faculty and staff receive information about these programs during new employee orientation as well as Workplace Violence Prevention.

All Public Safety personnel, while on patrol, report potential safety and security hazards, as well as entry door problems and elevator malfunctions. Crime Prevention workshops/events are conducted throughout the academic year, and all members of the college community are strongly encouraged to attend. These events are geared towards enhancing personal safety and safeguarding property through education and awareness.

**Crime Prevention Seminars** - These interactive presentations are held all year round. They provide vital information on how to reduce the likelihood of becoming a victim. Examples of information offered in these seminars are: Domestic Violence Awareness, Personal Safety Tips, and Safe Horizon workshops, etc. Other programs we offer to the college community are:

**Rape Aggression Defense Systems of Self Defense (R.A.D.)** - establishes an accessible, constantly improving and internationally respected alliance of dedicated Instructors. These Instructors in turn, will provide educational opportunities for women, children, men and seniors to create a safer future for themselves.

**ALICE (Alert, Lockdown, Inform, Counter, Evacuate) Training** - prepares individuals to handle the threat of an Active Shooter. ALICE Training teaches individuals to participate in their own survival, while leading others to safety. Though no one can guarantee success in this type of situation, this new set of skills will greatly increase the odds of survival should anyone face this form of disaster.

**Operation ID** - Electronic Devices are etched with a unique identification number that is registered with the local precinct.

**Safe Havens** - Local businesses register with the Department and pledge to assist any member of Bronx Community College in need of help by contacting Public Safety or NYPD.

**Shuttle Bus** - A free service provided to members of the college community that has various stops between the campus and the train station.

**Operation Car Watch** - A program implemented for students who do not park their vehicles on campus, but park on the perimeter. With this program, Officers are mindful of the vehicles displaying the Operation Car Watch decal, and it is a way to deter criminals from breaking into these vehicles.

For further information on Crime Prevention events and seminars, please visit the Public Safety webpage, [www.bcc.cuny.edu/public-safety](http://www.bcc.cuny.edu/public-safety), or contact:

Sgt. Amna Ahmed  
Loew Hall Room 512  
Phone: 718-289-5100, Ext. 3669  
Email: [Amna.Ahmed@bcc.cuny.edu](mailto:Amna.Ahmed@bcc.cuny.edu)

## **FIRE EMERGENCY PLAN**

All situations which may cause a fire will be considered an emergency. This includes any fire which has already been extinguished, regardless of the size or nature of the fire. When a fire-related emergency is discovered, the following actions must be taken:

1. When noticing a fire-related emergency, be it the sight or smell of smoke, any electrical equipment sparking, or the assumption that there may be a fire-related emergency, the individual noting the emergency must evacuate the immediate area and initiate the following procedure(s). A method of remembering the procedure of responding to a fire is the use of the acronym **R. A. C. E.** Use this acronym for general fire response and evacuation procedures. This acronym can be used as a training aid for faculty, staff and students.
  - o **Remove** people from the immediate area thru proper evacuation procedures.
  - o **Alert** all people in the immediate area, pull the fire alarm (if available), and dial 911 from any campus phone.
  - o **Contain.** Close all doors to contain the fire and smoke.
  - o **Extinguish** small fires. **DO NOT ATTEMPT TO EXTINGUISH LARGE FIRES.** If necessary evacuate the building/area.

A method of remembering the procedures is the use of the acronym **P.A.S.S.** Use this acronym for the use of fire extinguishers:

**Pull** the pin.

**Aim** at the base of the fire.

**Squeeze** the discharge handle.

**Sweep** the agent across the fire.

The following is a detailed look at the acronym P.A.S.S.:

1. **Pull** the pin from the extinguisher handle. Twist the pin to break the plastic seal and pull the pin out. *NOTE- The extinguisher will not operate with the pin in the handle. The pin is used to keep the extinguisher from being accidentally discharged.*
2. **Aim** at the base of the fire. *NOTE- Point the nozzle towards the base of the fire. Discharging agent at the flames in the air seldom extinguishes the material on fire. When you are not sure where this is, aim at the most intense part of the flames.*
3. **Squeeze the discharge handle to release the agent.** *NOTE-Short bursts of agent can be used to extinguish small fires. Short bursts, rather than discharging the entire extinguisher for a small fire can prevent the clean-up of excess agent afterwards.*
4. **Sweep from side to side.** *NOTE-It is important to sweep the agent across the base of the fire to ensure proper agent distribution until the fire is out. Discharging agent without sweeping it across the fire can in some cases spread the fire.*
  - Everyone should be trained in the use of extinguishers at least annually.
  - Always remember to stand at least 5-8 feet back from the fire before discharging an extinguisher.
  - Fight the fire only as long as it is safe to do so.

Below are general guidelines for dealing with a fire. But remember, **WHEN IN DOUBT CALL 911 OR ACTIVATE A PULL STATION.**

1. Be familiar with the location of stairways, fire extinguishers, fire exits, and pull boxes in building.
2. If a minor fire appears controllable, immediately contact (personally or preferably have someone else call) the Department of Public Safety at 718-289-5911. Locate a portable fire extinguisher. Then promptly direct the discharge of the fire extinguisher toward the base of the flame by squeezing the trigger and moving the hose in a side-to-side motion. Do not use water extinguishers on electrical fires.
3. If an emergency exists, activate the building's fire alarm system by releasing a fire pull station.
4. In the case of large fires that do not appear controllable, immediately activate a fire pull station and, if time permits, call 718-289-5911 to report the exact location of the fire. If time permits, close the door of the room where the fire exists.
5. When the building evacuation alarm is sounded, always assume that an emergency exists. Touch closed doors; do not open them if they are hot. If the door is cool, brace yourself behind the door and open it slowly. Bracing yourself behind the door prevents the door from being blown open due to the pressure created by the fire. Walk quickly to the nearest exit and alert others to do the same. Do not use the elevators during a fire.
6. Smoke is the greatest danger in a fire, so stay near the floor where the air will be less toxic.
7. Once outside, move to a clear area at least 500 feet away from the affected building. Keep streets, fire lanes, hydrants and walkways clear for emergency vehicles and crews. These essential personnel must be allowed to do their jobs.
8. Do not return to an evacuated building unless told to do so by a College official.
9. If you become trapped in a building during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews. Place a wet cloth at the base of doors to keep smoke from entering. Shout at regular intervals to alert emergency crews of your location. Dampen a cloth with water, place it over your nose, and breathe lightly through it. It is understood that these items may not be available to you-hence the importance of moving quickly and knowing your escape routes.
10. Should your clothing catch fire, stop, drop and roll. Rolling on the ground will help smother the fire-this is in fact very effective.

## **HOSTILE INTRUDER / ACTIVE SHOOTER / ACTIVE THREAT**

Don't panic. Keep breathing and keep focused. When an intruder in a campus building is actively causing deadly harm or the threat of imminent deadly harm to people; you must immediately seek cover and contact 911 and the Public safety Department, if at all possible. If you are able to make a call, give as many details as possible relative to location, number of assailants, means of aggression and other pertinent information.

1. Do not sound the fire alarm to evacuate the building. People may be placed in harm's way when they are attempting to evacuate the building.
2. Be aware of alternate exits if it becomes necessary to flee.

3. Persons should lock themselves in classrooms and offices as a means of protection.
4. Persons should stay low, away from windows and barricade their door(s) if possible and use furniture or desks as cover.
5. If possible, cover any windows or openings that have a direct line of sight into the hallway.
6. Students and staff should not attempt to leave the building until told to do so by Public Safety or NYPD. The only exception to this is, given the specific circumstances, a person is certain beyond any doubt, that they are in more danger in staying in the building, than in attempting to escape.

When a hostile intruder is actively causing deadly harm or the threat of imminent deadly harm to people on the campus grounds, we recommend the following course of action:

1. Run away from the threat if you can, as fast as you can.
2. Do not run in a straight line. Use buildings, trees, shrubs, and cars as cover if outside. If inside, desks, chairs bookcases may help.
3. If you can get away from the immediate area of danger, summon help and warn others.
4. If you decide to hide, take into consideration the area in which you are hiding. Will I be found? Is this really a good spot to remain hidden? If you do hide, stay as quiet as possible and calm as possible.
5. If the person(s) is causing death or serious physical injury to others and you are unable to run or hide you may choose to play dead if other victims are around you. Do not give your position away or stand-up until Public Safety or civil authorities give an all-clear signal. If you choose to confront the aggressor, use all manner of materials at hand as weapons-books, chairs, any object near hand.

### **BOMB INCIDENT PLAN**

While it is important to note that the overwhelming majority of bomb threats are unfounded, it is the policy of the college that they are to be taken seriously. Each threat will be thoroughly investigated and will be considered suspect until all avenues of investigation have been explored.

1. A suspicious looking box, package, object or container in or near your work area may be a bomb or explosive material. Do not handle or touch the object. Move to a safe area (far from the object) and call the Department of Public Safety immediately at ext. 718-289-5911. Do not operate any electronic devices, radios or light (power) switches.
2. If you receive a bomb threat, remain calm and try to obtain as much information as possible from the caller. Specifically try to ascertain the following:
  - a) The location of the device.
  - b) The time, if any, the device is scheduled to go off.
  - c) The appearance or type of container used for the device.
  - d) The reason for placing the device.
  - e) The size of the bomb.
  - f) The type of explosive used in the device.
  - g) The name of the caller or organization taking responsibility.
  - h) Any additional information that might be available.
3. The person receiving the call should note the following:
  - a) Male or female voice.
  - b) Time of call.
  - c) Mood of caller (excited, nervous, calm, and despondent).
  - d) Background noises that may be present at the location of the caller.
  - e) Approximate age of the caller.
  - f) Any other peculiarities that may be helpful in identifying the source of the call or its purpose.
4. The police will be called and the building may be subject to full or partial evacuated. When evacuating the building, only use stairs. Do not use elevators. Move well away from the building and follow the instructions of floor coordinators and emergency personnel at the scene.
5. If there is an explosion:
  - a) Immediately take cover under sturdy furniture.
  - b) Stay away from the windows.
  - c) Do not light matches.
  - d) Move well away from the site of the explosion to a safe location.
  - e) Use stairs only, do not use elevators.

### **MEDICAL EMERGENCIES**

1. All medical emergencies should be reported immediately to Public Safety 718-289-5911.
2. If the medical emergency is life threatening, then call 911 before dialing Public Safety. If you are in doubt, call 911.
3. If you call 911, be prepared to give your name; describe the nature and severity of the medical problem and the location of the victim. Try to answer all of the questions the dispatcher asks you and let him/her hang-up the phone first. Do not move the victim. If you are certified in CPR and First Aid and able to help, then try to assist the victim until help arrives.
4. Look for emergency medical ID's such as bracelets on injured persons and try to keep the victim as comfortable as possible until emergency personnel arrive.

### **MEDICAL EMERGENCIES-MENTAL HEALTH**

The Office of Personal Counseling offers assistance to anyone who feels in need of counseling or mental health service. Individual counseling is offered in a confidential setting to assist students in achieving personal and academic goals. Some common issues that students may deal with in counseling include personal and academic stress, depression, anxiety, family issues, and trauma. Some students may come for counseling seeking personal growth and others for a single session consultation. You are not alone and don't have to be alone, the Office of Personal Counseling can be reached at 718-289-5223. Whenever an individual demonstrates or reports a risk for self-destructive or suicidal behavior, immediate assistance is needed. If the situation poses an imminent physical danger, call 718-289-5911 to reach the Public Safety office or summon 911. If imminent physical danger is not posed then call the Office of Personal Counseling at 718-289-5223. If a response from either of these two areas is unavailable contact Public Safety.

## **Access to College Facilities**

Access to campus buildings is limited to faculty, staff, students, guests, and visitors who are conducting official college business. When entering the campus grounds, all faculty, staff and students are required to display their college identification cards.

There are ten vehicular and pedestrian entrance gates located around the perimeter of the campus. Only three of these entrances are open and staffed by Officers during regular hours. Vehicles are admitted only to the main entrance on Hall of Fame Terrace and the Osborne Gate at Osborne Place and 180<sup>th</sup> Street. The University Avenue gate is a pedestrian only entry/exit point. All pedestrians and operators of vehicles are requested to show identification upon entering campus.

Administrators, faculty and staff are issued keys to their respective offices and/or buildings. All buildings are locked after scheduled classes or special events. During non-business hours when the College is closed, entry to buildings is not allowed except with written authorization from a department Chairperson and/or Director.

### **CAMPUS FACILITIES**

Bronx Community College is a commuter school; there are no residences or dormitories on campus. The School's normal hours of operation are 7:00 AM to 10:30 PM Monday – Friday, 7:00 AM to 5:30 pm Saturday - Sunday. CUNY students are allowed access to the Library during regular business hours provided that a currently valid photo school ID is presented.

### **IDENTIFICATION CARDS**

School and University policy require that you carry your validated School issued identification card on your person at all times while in our building or any City University controlled facility. It must be presented upon request by any public safety or administrative agent of the University. These cards are the property of the School. If your card has been lost or stolen, please go to the Bursar, Colston Hall 5<sup>th</sup> Floor for \$10.00 replacement fee. A defective ID card will be replaced free of charge. The receipt generated should be brought to the Public Safety office, room 1-102, where a replacement card will be issued. Please note that all currently enrolled students must have an active validation sticker affixed to their identification card. This sticker is available in the Public Safety office as well.

To get a new or replacement college ID card, please go to:

Community Hall Room 2020

Hours of Operation are Monday through Friday, 9:00 a.m. to 5:00 p.m.

Telephone: 718-289-5458

### **GUESTS**

All visitors to the School are expected to comport themselves in a manner consistent with an academic environment. Guests must sign in at the front Public Safety Posts and show identification to the officer on duty. Guests must generally be in the same area as the host student and may not use School facilities such as copy machines or computers in furtherance of their own work without express permission of the Office of Student Affairs. Guests are subject to the lawful instructions of all members of the Public Safety, as well as the Administrative staff. Guests may not remain in the building afterhours or on weekends and holidays. If someone is waiting for you after this time to facilitate transportation or other issue of importance, they must remain by the college entrance gates.

### **PUBLIC SAFETY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES**

Public Safety established a real time Communications & Surveillance Center on Loew 5<sup>th</sup> Floor. This Center monitors Public Safety and the 46<sup>th</sup> Precinct NYPD radio channels. Operators can view 357 campus cameras to proactively aid in campus video patrols and direct Public Safety staff and other emergency responders to campus incidents. In addition, the operators receive intrusion, duress, access control and fire alarm alerts from various campus buildings, making it a true force multiplier for Public Safety staff to protect the Bronx Community College campus. Public Safety working with Campus Physical Plant Services, Campus IT and vendors to maintain the school's fire alarm/suppression system for 29 building, 27 access control devices, 37 Panic / Duress Alarms, 65 Intrusion Alarms and 357 Surveillance Cameras, as well as interior / exterior lighting, fencing and locks. Any conditions, which appear unsafe, should be directly reported to any Public Safety staff person as soon as possible. An automatic piped water-based fire suppression system / Sprinkler System in all buildings are supplemented by numerous portable fire extinguishers. Public Safety Officers patrol the building and grounds several times a tour, 24 hours a day, 7 days a week, and 365 days a year. Tours are logged in a computer generated log by a Public Safety Dispatcher in the Public Safety Communications & Surveillance Center. All Campus Peace Officers carry mobile radios programmed through a repeater to enhance effectiveness, and can communicate directly with each other and the Communications & Surveillance Center, as well as NYPD 46<sup>th</sup>, 52<sup>nd</sup>, and 42<sup>nd</sup> Precincts. Campus Security Assistants carry mobile radios programmed through a repeater to enhance effectiveness, and can communicate directly with each other and the Communications & Surveillance Center. The aforementioned devices are checked during mobile perimeter & vertical interior patrols every tour. Additionally, a special mobile radio is kept in the Public Safety Communications & Surveillance Center that can communicate with any of the other CUNY campuses, as well as the central office. Deficiencies should be reported to Public Safety for immediate repair/service.

## **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.

## **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 the 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 interfere with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institutions 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 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 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.
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 1-11, 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 substantive 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 seven (7) 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.

## **University Policy Relating to Drugs and Alcohol**

### **THE CITY UNIVERSITY OF NEW YORK POLICY ON 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 this 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>

#### **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, are 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 in any CUNY residence hall, regardless of whether the student is of lawful age. For purposes of this policy, a CUNY residence hall means a residence hall owned and/or operated by CUNY, or operated by a private management company on CUNY’s behalf. 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.

#### **STUDENTS**

Students are expected to comply with the CUNY and 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 resides 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 the Federal Educational 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.

#### **DRUG / ALCOHOL 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. This Policy 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>

#### **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.

### **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:*

- 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.
- 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
- 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
- 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.
- 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 individuals experience such substances in different ways based on a variety of physical and psychological factors and circumstances.

### 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.

### 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.

### 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.

### 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.

### Marijuana

Effects of marijuana use include memory and learning problems, distorted perception, and difficulty thinking and solving problems.

### 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

### 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.

## 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.

## 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.

## **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.

## **RESOURCES ON CAMPUS**

For assistance and referrals, **students** should (1) consult the relevant college website; or (2) contact their Student Affairs Office and/or Counseling Center.

At Bronx Community College, any student may contact our counselor at 718-289-5223, our Student Affairs / Health Services at 718-289-5858 or Disability Services at 718-289-5880.

For assistance and referrals, **employees** should consult with the Human Resources office at 718-289-5119. Assistance is also available through union employee assistance programs or through the CUNY Work/Life Program.

CUNY Work/Life Program (800) 833-8707

<http://www.cuny.edu/about/administration/offices/ohrm/university-benefits.html>

## **RESOURCES OFF-CAMPUS**

### 12 Step Recovery Programs

Narcotics Anonymous (212) 929-6262	<a href="http://www.newyorkna.org/">http://www.newyorkna.org/</a>
Cocaine Anonymous (212) 262-2463	<a href="http://canewyork.org/">http://canewyork.org/</a>
Marijuana Anonymous (212) 459-4423	<a href="http://www.ma-newyork.org/">http://www.ma-newyork.org/</a>
Alcoholics Anonymous (212) 647-1680	<a href="http://www.nyintergroup.org/">http://www.nyintergroup.org/</a>
Nicotine Anonymous (877) 879-6422	<a href="http://www.nicotine-anonymous.org/">http://www.nicotine-anonymous.org/</a>
Al-Anon/Alateen (888) 425-2666	<a href="http://www.al-anonny.org">http://www.al-anonny.org</a>

## **Detoxification and Outpatient/Inpatient Rehabilitation Facilities**

### **New York County**

Bellevue Hospital Center  
462 First Ave.  
New York, NY 10016  
(212) 562-4141

St. Luke's-Roosevelt Hospital Center  
1000 Tenth Ave.  
New York, NY 10019  
(212) 523-6491

Greenwich House, Inc.  
50B Cooper Square  
New York, NY 10003  
(212) 677-3400

### **Kings County**

Kings County Hospital Center  
606 Winthrop St.  
Brooklyn, NY 11203  
(718) 245-2630

Interfaith Medical Center  
1545 Atlantic Ave.  
Brooklyn, NY 11213  
(718) 613-4330

Bridge Back to Life Center, Inc.  
175 Remsen St., 10<sup>th</sup> Floor  
Brooklyn, NY 11201  
(718) 852-555

**Queens County**

Flushing Hospital Medical Center  
4500 Parsons Blvd.  
Flushing, NY 11355  
(718) 670-5078

Samaritan Village, Inc.  
144-10 Jamaica Ave.  
Jamaica, NY 11435  
(718) 206-1990

Daytop Village, Inc.  
316 Beach 65<sup>th</sup> St.  
Far Rockaway, NY 11692  
(718) 474-3800

**Bronx County**

St. Barnabas Hospital  
4535 East 183<sup>rd</sup> St.  
Bronx, NY 10457  
(718) 960-6636

Montefiore Medical Center  
3550 Jerome Ave., 1<sup>st</sup> Floor  
Bronx, NY 10467  
(718) 920-4067

Bronx-Lebanon Hospital Center  
1276 Fulton Ave., 7<sup>th</sup> Floor  
Bronx, NY 10456  
(718) 466-6095

**Richmond County**

Staten Island University Hospital  
375 Seguine Ave.  
Staten Island, NY 10309  
(718) 226-2790

Richmond University Medical Center  
427 Forest Ave.  
Staten Island, NY 10301  
(718) 818-5375

Camelot of Staten Island, Inc.  
263 Port Richmond Ave.  
Staten Island, NY 10302  
(718) 981-8117

**Nassau County**

Long Beach Medical Center  
455 East Bay Dr.  
Long Beach, NY 11561  
(516) 897-1250

North Shore University Hospital  
400 Community Dr.  
Manhasset, NY 11030  
(516) 562-3010

Nassau Health Care Corporation  
2201 Hempstead Tpke.  
East Meadow, NY 11554  
(516) 572-9400

**RESOURCES OFF-CAMPUS**

New York State Office of Alcoholism and Substance Abuse Services  
Tel: (877) 846-7369  
<http://www.oasas.state.ny.us/>

New York State Smokers' Quit line  
Tel: (866) 697-8487  
<http://www.nysmokefree.com/>

**COUNSELING**

Full-time counselor is available to students. The counselor also conducts workshops and facilitates support groups on a number of topics including test anxiety and stress management. The counselor's office phone number is 718-289-5223 or visit Loew Hall 430.

## **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 unwelcome 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 unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature on or off campus

### **The City University of New York Policy on Sexual Misconduct**

To directly view a copy of the City University of New York Policy on Sexual Misconduct, please see the link below:

<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/POLICY-ON-SEXUAL-MISCONDUCT-10.1.2015-with-links.pdf>

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

Jesenia Minier-Delgado, Title IX Coordinator, Chief Diversity Officer- Office of Affirmative Action, Compliance & Diversity  
Language Hall Room 31 Phone: 718-289-5288 Email: [jesenia.minier-delgado@bcc.cuny.edu](mailto:jesenia.minier-delgado@bcc.cuny.edu)

James Verdicchio, Director of Public Safety  
Loew Hall Room 507 Phone: 718-289-5923 Email: [james.verdicchio@bcc.cuny.edu](mailto:james.verdicchio@bcc.cuny.edu)

Dr. Claudia V. Schrader, Vice President for Academic Affairs and Provost – Interim Vice President of Student Affairs  
Language Hall Room 11D Phone: 718-289-5141 Email: [claudia.schrader@bcc.cuny.edu](mailto:claudia.schrader@bcc.cuny.edu)

Karla Williams, Executive Legal Counsel and Deputy to the President  
Language Hall Room 37 Phone: 718-289-5809 Email: [karla.Williams@bcc.cuny.edu](mailto:karla.Williams@bcc.cuny.edu)

Shelley B. Levy, Director of Human Resources  
South Hall Room 106 Phone: 718-289-5119 Email: [shelly.levy@bcc.cuny.edu](mailto:shelly.levy@bcc.cuny.edu)

For more detailed information on Title IX including community and campus specific information resources, visit the following:

<http://www1.cuny.edu/sites/title-ix/campus/bronx-community-college/>

<http://www.bcc.cuny.edu/Title-IX-Students/>

<http://www.bcc.cuny.edu/affirmative-action/?p=AA-Title-IX-Employees>

You may also:

- Call the Department of Public Safety's emergency telephone line 718-289-5911. Extension 5911 may be dialed within the college's telephone system.
- Using one of the 43 Emergency Assistance call boxes located throughout the campus.
- Report the information to any member of the Department of Public Safety or in person at the Public Safety Office located in Loew Hall Room 5<sup>th</sup> Floor
- Victims or witnesses may report crimes to a person designated as a Campus Security Authority (listed on page 2 of this document) who will report the incident to the Title IX Coordinator and forward the report of the crime to the Department of Public Safety for statistical inclusion in the Annual Crime Report. Names and numbers of campus Security Authorities are located on page two of the document. The college recognizes the importance of confidentiality in victims and witnesses of crimes. For the purpose 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 for the purpose of providing a campus-wide safety alert.
- In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, immediately call 911, the New York City's Police Department's emergency phone number. If you do make a 911 call, please notify the Public Safety Department as soon as possible. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

### **Definitions of Crimes that Must Be Reported Pursuant to VAWA**

The Violence against Women Reauthorization Act of 2013 ("VAWA"), added additional categories of crimes to the Clery Act that CUNY's schools are now required to report.

#### **Sexual Assault**

According to federal statute, sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- Rape is defined as 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 defined as 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 defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is defined as 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).

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).

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.

### **Bystander Intervention:**

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 Student Affairs. Community members who chose to exercise this positive option will be supported by the College and protected from retaliation.

### **Preventing Date or Acquaintance Rape**

- 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's 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.
- 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.

### **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 security 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 must collect semen smears as evidence.
- Show police any bruises or injuries, however minor, resulting from the attack. Also show 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 Department of Public Safety will assist with notification of other law enforcement authorities and/or medical professionals if the student so chooses.

### **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**

Bronx Community College Department of Public Safety conducts on-going workshops relating to Workplace Violence, Domestic Violence, and Rape Aggression Defenses (R.A.D.) during the school year. The Department of Public Safety has trained instructors who work with Office of Counseling and Psychological Services. In addition, appropriate safety pamphlets that promote awareness of rape, acquaintance rape, and other sex offenses are distributed by the Department of Public Safety.

### **On-Campus Assistance**

Victims of a sexual assault are encouraged to contact the Title IX Coordinator and/or Office of the Dean of Students 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 Dean of Students 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 Vice President of Student Affairs and the Office of Public Safety.

### **College Support Services**

On-Campus: Bronx Community College students can contact counselors at 718-289-5223 or the Office of the Dean of Students at 718-289-5886.

### **Contacting Outside Agencies**

Bronx Community College Department of Public Safety will work with any student requesting to contact outside agencies, including local police, regarding charges and complaints of sexual assault.

### **Off-Campus Resources**

- Emergency: 911
- NYPD 46<sup>th</sup> Precinct 2120 Ryer Avenue Bronx, NY 718-220-5211
- NYPD 52<sup>nd</sup> Precinct 3016 Webster Avenue Bronx, NY 10467 718-220-5811
- NYPD 42<sup>nd</sup> Precinct 830 Washington Avenue, Bronx, NY 10451 718-402-3887
- NYPD Bronx Special Victims Unit 1086 Simpson Street, Bronx, NY 10459 718-378-8921
- The New York City Police Department Sex Crimes Report Line 212-COP-RAPE, open around the clock, is answered by a female detective at all times. It takes telephone reports of sex crimes, refers victims to counseling and other community services, provides information on police procedures and etc.
- The NYC Task Force against Sexual Assault: open Monday through Friday, 9:00AM through 5:00PM, 212-274-3210. Provides free literature, referrals to counseling and holds network meetings for professionals in the field.
- Safe Horizon- Crime Victims Center, Phone: (718) 933-1000. Hotline: (800) 621-4673, Website: [www.safehorizon.org](http://www.safehorizon.org)
- The NYC Victims Services Agency: open 24 hours, seven days a week 212-577-7777. Provides crisis intervention for crime victims.
- The Gay and Lesbian Anti-Violence Project 24-hour hotline 212-714-1141. Provides short-term crisis counseling, advocacy services, and referrals for long-term counseling.
- The following New York state department of Criminal Justice website offers links to many additional resources at [www.criminaljustice.ny.gov/pio/crimevictims.html](http://www.criminaljustice.ny.gov/pio/crimevictims.html)
- New York State Office of Victim's Services, <https://ovs.ny.gov/>
- NYC Mayor's Office to Combat Domestic Violence/Family Justice Centers, <http://nyc.gov/html/ocdv/html/help/fjc.shtml>

## **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 program 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. These are published annually in this document and are available on the school's website under Legal Notices, Annual Security Report.



All incoming students receive information about sexual assault prevention and reporting procedures during their Freshman Year Seminar (FYS) and Orientation and Career Development (OCD) classes at the start of each semester. Bronx Community College has partnered with EverFi, whose mission is to help students address critical life skills, such as alcohol abuse/prevention as well as sexual assault/prevention in higher education institutions across the country. The online training courses are also a CUNY effort in part with the New York State 'Enough is enough' legislation. For more information, visit: <http://www.bcc.cuny.edu/Title-IX-Students/?p=tix-Title-IX-Training-for-Students>

In addition Public Safety holds regular Crime Prevention Workshops which include prevention & assistance information for sexual assault & dating violence, for both day and evening students, faculty and staff throughout the semester, generally conducted in one of the four most heavily traveled buildings – Colston Hall, Meister Hall, Roscoe Brown Student Center and North Hall and Library.

Much information, including resources, about campus safety, sexual assault and harassment, domestic/intimate partner violence, stalking and dating violence can be found at [www.notalone.gov](http://www.notalone.gov)

Additional Resources for Title IX and the Violence against Women's Act are available on the School's website at:

<http://www.bcc.cuny.edu/affirmative-action/?p=AA-Title-IX-Employees/>

<http://www.bcc.cuny.edu/Title-IX-Students/>

## **Definitions of Sex Offenses**

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.

See chart on the following page for a list of some of the major sex offenses and their maximum penalties under New York State Law.

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.

## **Under New York State Penal and Criminal Procedure Laws**

<b>Crime</b>	<b>Illegal Conduct</b>	<b>Criminal Sanctions</b>
<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?

## **Missing Persons**

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 City University of New York Missing Person Policy is available at:  
[www.cuny.edu/about/administration/offices/sa/policies/MissingPersonswithoutmemo.pdf](http://www.cuny.edu/about/administration/offices/sa/policies/MissingPersonswithoutmemo.pdf)

## **Admission of Sex Offenders** (as provided by the Vice Chancellor's Office 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 child care 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 **James Verdicchio** Director of Public Safety, at 718-289-5922
- Call the Division's sex offender registry at 800-262-3257

To obtain information about Level 3 offenders only, you may:

- Contact the Division's sex offender registry web site – [www.criminaljustice.state.ny.us/nsor/sor-about.htm](http://www.criminaljustice.state.ny.us/nsor/sor-about.htm) and then click on "Search for Level 3 Sex Offenses;" or
- Access the Division's Level 3 subdirectory electronically at the Chief of Public Safety office during regular business hours.

## **OTHER LINKS TO UNIVERSITY POLICIES AND PROCEDURES**

### **Sexual Misconduct Policy:**

<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/POLICY-ON-SEXUAL-MISCONDUCT-10.1.2015-with-links.pdf>

### **Equal Opportunity and Non-discrimination policy:**

<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/hr/policies-and-procedures/PEONon-Discrimination12.4.2014.pdf>

### **Student Sexual Misconduct Complainants' Bill of Rights:**

<http://www1.cuny.edu/sites/title-ix/campus-websites/student-sexual-misconduct-complaints-bill-of-rights/campus/university/>

### **Workplace Violence:**

<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>

### **Domestic Violence in the Workplace:**

[http://policy.cuny.edu/manual\\_of\\_general\\_policy/article\\_v/policy\\_5.061/pdf/#Navigation\\_Location](http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.061/pdf/#Navigation_Location)  
[http://policy.cuny.edu/manual\\_of\\_general\\_policy/article\\_v/policy\\_5.061/pdf/#Navigation\\_Location](http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.061/pdf/#Navigation_Location)

## **PROCEDURES IMPLEMENTING THE CITY UNIVERSITY OF NEW YORK BRONX COMMUNITY COLLEGE POLICY ON SEXUAL MISCONDUCT**

<http://www.bcc.cuny.edu/affirmative-action/?p=AA-Title-IX-Employees>  
<http://www.bcc.cuny.edu/Title-IX-Students/>

Hardcopies of these policies are available at the Office of Affirmative Action, Compliance and Diversity Language Hall Room 31.

**BRONX COMMUNITY COLLEGE CALENDAR YEARS 2013-2015 CRIME STATISTICS CHART ON THE NEXT PAGE. THE STATISTICS INCLUDED ON THESE CHARTS ARE DERIVED FROM REPORTED CRIMINAL INCIDENTS FROM THE FOLLOWING SOURCES:**

- 1. ALL PUBLIC SAFETY REPORTS**
- 2. ANY REPORTS FROM CAMPUS SECURITY AUTHORITIES**
- 3. LOCAL POLICE PRECINCT**

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 community, including students, employees and visitors, deserves the opportunity to live, learn and work free from sexual harassment, gender-based harassment and sexual violence. Accordingly, CUNY is committed to:

- 1) Defining conduct that constitutes prohibited sexual harassment, gender-based harassment and sexual violence;
- 2) Providing clear guidelines for students, employees and visitors on how to report incidents of sexual harassment, gender-based harassment and sexual violence and a commitment that any complaints will be handled respectfully;
- 3) Promptly responding to and investigating allegations of sexual harassment, gender-based harassment and sexual violence, 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 harassment, gender-based harassment and sexual violence;
- 5) Providing awareness and prevention information on sexual harassment, gender-based harassment and sexual violence, including widely disseminating this policy, as well as a “students’ bill of rights” and implementing training and educational programs on sexual harassment, gender-based harassment and sexual violence 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 harassment, gender-based harassment and sexual violence and is applicable at all college and units at the University. The CUNY community should also be aware of the following policies that apply to other forms of sex discrimination, as well as to other types of workplace violence and domestic violence that affect the workplace:

- [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 harassment, gender-based harassment or sexual violence covered by this policy. [Link](#)
- [The CUNY Campus and Workplace Violence Prevention Policy](#) addresses workplace violence and [the CUNY Domestic Violence in the Workplace Policy](#) addresses domestic violence in or affecting employees in the workplace. [Link](#)

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. 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.

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, such as sexual assault, rape/attempted rape, and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking/cyberstalking (“stalking”) as defined in this policy.

The complete definitions of these terms, as well as other key terms used in this policy, are set forth in Section XI below.

- B. **Retaliation.** This policy prohibits retaliation against any person who reports sexual harassment, gender-based harassment or sexual violence, assists someone making such a report, or participates in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint.
- 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 X below.

## **III. 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 harassment, gender-based harassment and sexual violence, in education programs. 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 harassment, gender-based harassment and sexual violence as required by law. The name and contact information for all Title IX Coordinators at CUNY can be found on the university’s dedicated [Title IX website](#).

## **IV. Immediate Assistance in Cases of Sexual Violence**

### **A. Reporting to Law Enforcement**

Students or employees 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 are strongly encouraged to immediately report the incident by calling 911, contacting NYPD Special Victims Division or their local police precinct, or contacting their college public safety office, which is available 24 hours a day, 7 days a week. 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.

## **B. Obtaining Immediate Medical Attention and Emotional Support**

CUNY is committed to assisting anyone who experiences sexual violence to seek comprehensive medical attention as soon as possible to treat injuries, obtain preventative treatment for sexually transmitted diseases, and preserve evidence, among other things. For rapes in particular, immediate treatment and the preservation of evidence of the incident are important for many reasons, including facilitating a criminal investigation. In addition, individuals who have experienced or witnessed sexual violence are encouraged to seek emotional support as soon as possible, either on or off-campus.

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.

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

## **V. Reporting Sexual Harassment, Gender-Based Harassment or Sexual Violence to the College**

CUNY encourages individuals who have experienced sexual harassment, gender-based harassment or sexual violence (referred to in this policy as “complainants”) to report the incident(s) to campus authorities, 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. However, students should be aware that there are employees at their college/unit whom they can speak with on a strictly confidential basis before determining whether to make a report to college authorities. See Section VI below.

### **A. Filing a Complaint with Campus Authorities**

#### **i. Students**

Students who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to one of the following campus officials/offices:

- Title IX Coordinator;
- Office of Public Safety;
- Office of the Vice President for Student Affairs and/or Dean of Students;
- Residence Life staff

#### **ii. Employees**

Employees who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to one of the following campus officials/offices:

- Title IX Coordinator;
- Director of Human Resources;
- Office of Public Safety.

### **iii. Visitors**

Visitors who experience sexual harassment, gender-based harassment or sexual violence should bring their complaint to one of the following campus officials/offices:

- Title IX Coordinator;
- Office of Public Safety;
- Residence Life staff in CUNY owned or operated housing, including Resident Assistants.

Once any of the individuals or offices above is notified of an incident of sexual harassment, gender-based harassment or sexual violence, she/he will coordinate with the appropriate college offices to address the matter in accordance with this policy, including taking appropriate interim and supportive measures. These individuals 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.

## **B. Support Assistance for Complainants**

### **i. Students**

When a Title IX Coordinator receives a complaint of sexual misconduct from a student, she/he will work with the Chief Student Affairs Officer to identify a trained staff member to assist the complainant with support services.

### **ii. Employees**

When a Title IX Coordinator receives a complaint of sexual misconduct from an employee, she/he will work with the Human Resources Director to assist the complainant with support services.

## **C. Request that the College Maintain a Complainant's Confidentiality, Not Conduct an Investigation, or Not Report an Incident to Outside Law Enforcement**

After a report of an alleged incident of sexual harassment, gender-based harassment or sexual violence has been made to the Title IX Coordinator, a complainant may request that the matter be investigated without her/his identity or any details regarding the incident being divulged further. Alternatively, a complainant may request that no investigation into a particular incident be conducted or 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. A decision to maintain confidentiality does not mean that confidentiality can be absolutely guaranteed in all circumstances, but only that all efforts will be undertaken 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 she/he will maintain confidentiality as requested by the complainant, the college will take all 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.

In any event, the college is required to abide by any laws mandating disclosure, such as the Jeanne Clery Act and New York's Campus Safety Act. However, notification under the Jeanne Clery Act is done without divulging the complaint's identity, and notification of sexual violence under the New York Campus Safety Act is not required and will not be done if the complainant requests confidentiality.

If the Title IX Coordinator determines that the college must report the incident to outside law enforcement, the college will cooperate with any criminal investigation, which may include providing the outside law enforcement agency with any evidence in its possession relating to the incident.

**D. Action by Bystanders and Other Community Members**

While those employees designated as "responsible" employees are required reporters as set forth in Section VI 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 harassment, gender-based harassment or sexual violence that they may witness. Although these actions will depend on the circumstances, they include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

In addition, CUNY encourages all community members to report an incident of sexual harassment, gender-based harassment or sexual violence that they observe or become aware of to the Title IX Coordinator, and/or the offices of Public Safety and the Vice President of Students Affairs and/or Dean of Students at their college and, in the case of employees, the Human Resources office. 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.

**E. Amnesty for Drug and Alcohol Use**

CUNY strongly encourages students to report instances of sexual harassment, gender-based harassment or sexual violence as soon as possible, even if those reporting or the alleged victim may have engaged in the inappropriate or unlawful use of alcohol or drugs. Therefore, in accordance with CUNY's Drug/Alcohol Use Amnesty Policy, a student acting in good faith who reports or experiences sexual harassment, gender-based harassment or sexual violence will not be disciplined by the college for any violation of [CUNY's Policy Against Drugs and Alcohol](#) in connection with the reported incident.

**F. 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.

**G. Reporting Retaliation**

An individual may file a complaint with the Title IX Coordinator if she/he has been retaliated against for reporting sexual harassment, gender-based harassment or sexual violence, assisting someone

making such a report, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in Section VIII of this policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

## **VI. Reporting/Confidentiality Obligations of College and University Employees**

An individual who speaks to a college or CUNY employee about sexual harassment, gender-based harassment or sexual violence should be aware that employees fall into three categories: (1) “confidential” employees, who have an obligation to maintain a complainant’s confidentiality regarding the incident(s); (2) “responsible” employees, who are required to report the incident(s) to the Title IX Coordinator; and (3) 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 strictly confidential should speak to one of the following:

- Counselor or other staff member at their college counseling center;
- Nurse, nurse practitioner or other staff member in the college health office;
- Pastoral counselor (i.e., counselor who is also a religious leader) if one is available at their college; or
- Staff member in a women’s or men’s center, if one exists at their college.

The above individuals will not report any 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 to the complainant or any other person.

A student who speaks solely to a “confidential” employee is advised that, if the student wants to maintain confidentiality, the college may be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. However, these professionals will assist the student in receiving other necessary support. A student who first requests confidentiality may later decide to file a complaint with the college or report the incident to local law enforcement and thus have the incident investigated.

**ii. For Employees.** Although there is no one directly employed by CUNY to whom CUNY employees can speak on a confidential basis regarding sexual harassment, gender-based harassment or sexual violence, 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**

“Responsible” employees have a duty to report incidents of sexual harassment, gender-based harassment or sexual violence, including all relevant details, to the Title IX Coordinator. Such employees are not permitted under any circumstances to maintain a complainant’s confidentiality, except that the Title IX Coordinator may honor a request for confidentiality under the circumstances described in Section V (C) 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, the “responsible” employee’s supervisor, and other people responsible for handling the college’s response to the report.

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.

CUNY has designated the following individuals as “responsible” employees:

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

### **C. All Other Employees**

Employees other than those identified in subsections “A” and “B” above are permitted but not required to report any possible sexual harassment, gender-based harassment or sexual violence; however, they are strongly encouraged by CUNY to make such a report.

It is important to emphasize that faculty members other than those specifically identified in subsection “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.

## **VII. Interim and Supportive Measures**

The college will take immediate steps to protect the complainant and other affected parties, as well as the college community at large, following an allegation of sexual harassment, gender-based harassment or sexual violence. In general, when taking such interim and supportive measures, the college will seek to minimize the burden on the complainant. The complainant and the respondent shall each be afforded, upon request, a prompt review of the need for and terms of any interim or supportive measure that directly affects him or her and shall be permitted to submit evidence in support of his/her request. The request for such a review shall be made to the college's Chief Student Affairs Officer, if either the complainant or the respondent is a student or to college's Director of Human Resources if both the complainant and the respondent are employees. If a request is made in a case involving both a student and an employee, the Chief Student Affairs Officer shall consult with the Director of Human Resources.

### **A. Types of Interim and Supportive Measures**

Interim and supportive measures may include, among other things:

- i. Making necessary changes to academic programs, including a change in class schedule, making appropriate accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting the complainant to attend a class via skype or other alternative means where appropriate, providing an academic tutor, or extending deadlines for assignments;
- ii. Making necessary 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. Prohibiting contact between the complainant and the respondent ("no contact" orders);
- vii. Offering counseling services to the complainant, to the respondent, and, where appropriate, to witnesses, through the college Counseling Center or other appropriate college office, or a referral to an off-campus agency;
- viii. Providing the complainant assistance in obtaining medical and other services, including access to rape crisis centers;
- ix. Providing the complainant assistance with filing a criminal complaint and seeking an order of protection;
  - x. Enforcing an order of protection;
- x. Addressing situations in which it appears that a complainant's academic progress is affected by the alleged incident;
- xii. In exceptional circumstances, seeking an emergency suspension of a student or an employee under applicable CUNY Bylaws, rules, policies and collective bargaining agreements.

#### **B. Process for Review of "No Contact" Orders**

The complainant and the respondent shall each be afforded, upon request, a prompt review of the need for and terms of a "no contact" order (including possible modification or discontinuance of the order), and shall be allowed to submit evidence to support their request. The request for such a review 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 Director of Human Resources, if both the complainant and the respondent are employees. If possible, the college shall 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.

### **VIII. Investigating Complaints of Sexual Harassment, Gender-Based Harassment or Sexual Violence**

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 harassment, gender-based harassment or sexual violence may have been committed against a student, employee or visitor, unless the complainant has requested that the college refrain from such an investigation and the college has determined that it may do so.

#### **A. The Investigation**

The college Title IX Coordinator is responsible for conducting the investigation in a prompt, thorough, and impartial manner. The college Title IX Coordinator shall inform the respondent that an investigation is being commenced and shall provide the respondent with a written summary of the allegations of the complaint. The Title IX Coordinator shall coordinate investigative efforts with

other college offices, and may designate another trained individual to conduct all or part of the investigation. 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.

The college Title IX Coordinator shall take prompt and effective steps reasonably calculated to end any sexual harassment, gender-based harassment or sexual violence, including: (i) taking interim measures; (ii) preventing retaliation; (iii) providing the complainant and the respondent with periodic status updates of the investigation and notice of outcome of the investigation; (iv) informing the complainant of her/his right to file a criminal complaint; (v) coordinating with law enforcement agencies, as appropriate, after consultation with Public Safety; (vi) maintaining all documents of the investigation; and (vii) drafting a report of findings, which is to be submitted to the College President.

**B. Conflicts**

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.

**C. Mediation**

While mediation is not permitted in cases where sexual violence is alleged, it may be appropriate where sexual harassment or gender-based harassment allegations have been made by a student or employee but there is no allegation of sexual violence. Mediation is a process whereby the parties can participate in a search for fair and workable solutions. Mediation requires the consent of both the complainant and the respondent, but does not require the complainant and respondent to meet face-to-face. Either party, however, has the right to end the mediation at any time and proceed with the investigation process. A respondent who is covered by a collective bargaining agreement may consult with and have a union representative present at any mediation session. Unless the mediation results in a timely resolution agreed to in writing by the complainant, the respondent and the college, the college shall end the mediation and resume the investigation.

**D. Timing**

The college shall make every reasonable effort 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 may not last more than ten days except when law enforcement specifically requests and justifies a longer delay. While some complaints may require extensive investigation, whenever 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.



## **E. Report of Findings**

Following the completion of the investigation, the Title IX Coordinator shall report her/his findings to the College President in writing. Following such report, the College President shall review the complaint investigation report and authorize such action as she/he deems necessary to address the issues raised by the 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.

## **F. Disciplinary Action**

Following an investigation, the College President may recommend that disciplinary action be commenced against the respondent student or employee.

### **i. Discipline Against Students**

In cases where a student is charged with a violation of this policy, including retaliation, the matter shall be referred to the college's Office of Student Affairs and action shall be taken in accordance with [Article XV of the CUNY Bylaws](#), which contains the student disciplinary process at CUNY. Under the student disciplinary process, complainants have the same right as respondents to receive notice of the charges, to attend and participate fully in a disciplinary hearing, to be represented by an attorney or advisor of their choice, to receive notice of the decision of the faculty-student disciplinary committee, and to appeal. Penalties for students instituted after a hearing before the faculty-student disciplinary committee range from a warning to suspension or expulsion from the University.

### **ii. Discipline Against Employees**

In cases where an employee is charged with a violation of this policy, including retaliation, the matter shall be referred for disciplinary action in accordance with the applicable CUNY policies, rules and collective bargaining agreements. Penalties for employees include reprimand, suspension 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 collective bargaining agreements.

### **iii. Action Against Visitors**

In cases where the person accused of sexual harassment, gender-based harassment or sexual violence is neither a CUNY student nor a CUNY employee, the college's ability to take action against the accused is extremely limited. However, the college shall take all appropriate actions within its control, such as restricting the visitor's access to campus. In addition, the matter shall be referred to local law enforcement for legal action where appropriate.

### **iv. No Disciplinary Action**

In cases where a determination is made not to bring disciplinary action, the Title IX Coordinator shall inform the complainant and the respondent of that decision contemporaneously, in writing, and shall offer counseling or other support services to both the complainant and the respondent.

### **G. Malicious Allegations**

Members of the CUNY community who make false and malicious complaints of sexual harassment, gender-based harassment or sexual violence, as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action.

### **H. 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.

### **I. Filing External Complaints**

Complainants have the right at any time to file complaints with the Office for Civil Rights ("OCR") of the U.S. Department of Education, alleging violations of Title IX, and to file complaints with other appropriate agencies alleging violations of other federal, state or local laws. Contact information for OCR and other relevant agencies is set forth on [the CUNY Title IX web page](#).

## **IX. 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 any student or faculty handbooks and in residence life 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**

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 harassment, gender-based harassment and sexual violence 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 harassment, gender-based harassment or sexual violence under this policy, as well as those employees who have been designated as confidential employees.

**ii. 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 harassment, gender-based harassment and sexual violence. The college shall also share information on domestic violence, dating violence, stalking and sexual assault prevention with parents of enrolling students.

**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.

**X. Rules Regarding Intimate Relationships**

**A. 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 harassment.

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 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.

**B. 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.

**XI. Definitions of Terms in this Policy**

- 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 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.

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

- B. **Complainant** refers to the individual who alleges that she/he has been the subject of sexual harassment, gender-based harassment or sexual violence, 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 harassment, gender-based harassment or sexual violence made under this policy.

- D. **Dating, Domestic and Intimate Partner Violence** is 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.
- E. **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.
- F. **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.
- G. **Managers** are employees who have the authority to either (a) make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities; or (b) make recommendations on tangible employment decisions that are given particular weight. Managers include vice presidents, deans, directors, or other persons with managerial responsibility, including, for purposes of this policy, department chairpersons and executive officers.
- H. **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.
- I. **Respondent** refers to the individual who is alleged to have committed sexual harassment, gender-based harassment or sexual violence against a CUNY student, employee, or visitor.
- J. **Retaliation** is adverse treatment of an individual as a result of that individual's reporting sexual harassment, gender-based harassment or sexual violence, assisting someone with a report of sexual harassment, gender-based harassment or sexual violence, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence 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.
- K. **Sexual Activity** is
- penetration, however slight, of the vulva or the anus by the penis, hand/fingers or other object;
  - contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
  - intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person; or
  - intentional touching, either directly or through the clothing of any other body part, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.

L. **Sexual Assault** is any form of sexual activity that occurs without consent.

M. **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.

For purposes of this policy, sexual harassment also includes acts that violate an individual's right to privacy in connection with her/his body and/or sexual activity such as:

- i. Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- ii. 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;
- iii. 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.

N. **Sexual Misconduct** is sexual harassment, gender-based harassment or sexual violence, as defined in this policy.

O. **Sexual Violence** is an umbrella term that 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.

P. **Stalking** is 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:

4. 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
5. 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
6. 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.

Q. **Visitor** is an individual who is present at a CUNY campus or unit but is not a student or an employee.

The City University of New York  
Students' 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 following rights:

- To report the incident to your campus.
- To report the incident to the University or campus public safety department and/or to file a criminal complaint with the NYPD, or to choose not to report.
- To receive assistance from your campus or others in filing a criminal complaint, which may include seeking an Order of Protection.
- 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 request that the campus file conduct charges against the respondent(s). The decision on whether to bring charges rests with the campus.
- To be protected by your campus from retaliation for reporting the incident, and to have any allegations of retaliation addressed by the campus.
- To receive assistance and resources from your campus, including confidential and free on-campus counseling, and to be notified of other available services on- and off-campus, including, among other resources, the New York State Office of Victim Services.
- To receive assistance in seeking necessary medical services or treatment, including a Sexual Assault Forensic Examination (SAFE exam), on or off campus.
- To obtain, where appropriate, changes with respect to campus academic and living arrangements, no-contact orders, and other interim remedial measures to enable you to continue your education without undue stress or trauma.
- To have your complaints handled respectfully by the campus, and to be informed about how the campus will protect your privacy and confidentiality.
- To have your complaint investigated in a prompt, impartial and thorough manner by individuals who have received appropriate training in conducting investigations and the issues related to sexual harassment and sexual violence, and to be accompanied by a person of your choice at all meetings or hearings related to the process.
- To have your complaint against a student adjudicated by individuals who have received appropriate training on issues related to sexual harassment and sexual violence.
- To report incidents of sexual harassment or sexual violence that you experience while under the influence of alcohol or drugs without receiving discipline for your alcohol or drug use.
- To have the same opportunity as the respondent(s) to participate in a student disciplinary hearing before a faculty-student disciplinary committee, including the right to be present, to be assisted by a person of your choice, including an attorney, to present evidence, call witnesses, cross-examine witnesses, have your prior sexual history with persons other than the respondent(s) excluded from the hearing, have your prior mental health diagnosis and/or treatment excluded from the hearing, receive written notice of the outcome of the hearing, and to appeal from the decision.
- To participate in the investigative and disciplinary processes of the campus without interference with your civil rights or practice of religion.



Questions about CUNY's sexual misconduct policy and procedures may be directed to [your campus Title IX Coordinator](#).  
Information on resources and the process for filing a complaint is available on [CUNY's Title IX web page](#).

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.