CAMPUS BEHAVIOR CODE

To ensure the continuance and enhancement of the positive image and reputation of all members of the College community, in the interest for promoting student and faculty welfare at the College, and the safety and security of our entire College community, the following Code of Behavior is in effect:

Gambling and the sale and possession of drugs, including marijuana, are illegal by New York State law. Violators will be subject to disciplinary action and/or to referral to outside authorities.

Any student who does not show his or her ID card upon a legitimate request will be considered a trespasser.

Use of alcoholic beverages is prohibited on campus, except for the consumption of beer and/or wine at special events sponsored by chartered student groups under the supervision of a faculty adviser with prior approval of the Vice President for Student Development.

Any form of cheating is prohibited.

Any student charged with, accused of, or alleged to have violated the Code of Behavior or any law or regulation established by the College, and by the City, State or Federal Government shall be subject to disciplinary procedures as outlined in Articles 15.3 to 15.6 of the Board of Trustees Bylaws and to sanctions as listed in the Board of Trustees Bylaws and Article 129A of the Education Law.

A preliminary investigation will be conducted to determine whether disciplinary charges should be preferred. If there is sufficient basis for the allegation, the matter may be referred to conciliation or formal disciplinary charges may be preferred. The procedures for conciliation conferences and for Faculty-Student Disciplinary Committee hearings are outlined in Articles 15.3 to 15.6 of the Board of Trustees Bylaws. Copies of the pertinent articles can be obtained from the Office of the Vice President for Student Development.

PUBLIC ORDER (EDUCATION LAW)

Rules and Regulations for the Maintenance of Public Order on Campuses of the City University Pursuant to Article 129A of the Education Law

The tradition of the university as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of the sanctuary lies in the protection of intellectual freedoms: the right of professors to teach, of scholars to engage in the advancement of knowledge, of students to learn and to express their views, free from external pressures or interference.

Academic freedom and the sanctuity of the university campus extend to all who share these aims and responsibilities. They cannot be invoked by those who would subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom. Against such offenders the university has the right, and indeed the obligation, to defend itself. We accordingly announce the following rules and regulations to be in effect at each of our colleges, which are to be administered in accordance with the requirements of due process as provided in the Bylaws of the Board of Trustees.

The President

The president, with respect to his or her educational unit, shall:

“(A) Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his or her jurisdiction;

“(B) Be the advisor and executive agent to the Board and of his or her respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the bylaws, resolutions and policies of the Board, the lawful resolutions of any of its committees and the policies, programs and lawful resolutions of the several facilities;

“(C) Exercise general superintendence over the concerns, officers, employees and students of the educational unit.”

Rules

A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he or she interfere with the institution’s educational process 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.

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.

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 or supplies.

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.

Each member of the academic community or an invited guest has the right to advocate his or her 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.

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 their 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.

Disorderly or indecent conduct on University/college owned or controlled property is prohibited.

No individual shall have in his or her possession a rifle, shotgun or firearm or knowingly have in his possession any other dangerous instrument or material that can be used to inflict bodily harm on an individual or damage upon a building or the ground of the University/college without the written authorization of such educational institution. Nor shall any individual have in his or her possession any other instrument or material which can be used and is intended to inflict bodily harm on an individual or damage upon a building or the grounds of the University/college.

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.

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 days after such conviction.

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

Any student engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to the following range of sanctions as hereafter defined in the Appendix: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsion, ejection, and/or arrest by the civil authorities.

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 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.

Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to ejection, and/or arrest by the civil authorities.

Any organization which authorizes the conduct prohibited under substantive Rules 1-11 shall have its permission to operate on campus rescinded.

Appendix—Sanctions Defined:

Admonition—An oral statement to the offender that he or she has violated university rules.

Warning—Notice to the offender, orally or in writing, that continuation or repetition of the wrongful conduct, within a period of time stated in the warning, may be cause for more severe disciplinary action.

Censure—Written reprimand for violation of specified regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of any university regulation within a period stated in the letter of reprimand.

Disciplinary Probation—Exclusion from participation in privileges or extracurricular university activities as set forth in the notice of disciplinary probation for a specified period of time.

Restitution—Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

Suspension—Exclusion from classes and other privileges or activities as set forth in the note of suspension for a definite period of time.

Expulsion—Termination of student status for an indefinite period. The conditions of readmission, if any is permitted, shall be stated in the order of expulsion. Complaint to Civil Authorities.

Ejection.

Adopted by the Board of Higher Education June 23, 1969, Calendar No. 3(b). Amended October 27, 1980; May 22, 1989; and June 25, 1990.
STUDENT DISCIPLINARY PROCEDURES
(SECTION 15.3)

Complaint Procedures:

a. Any charge, accusation, or allegation which is to be presented against a student, and which, if proved, may subject a student to disciplinary action, must be submitted in writing in complete detail to the Office of the Vice President for Student Development promptly by the individual, organization or department making the charge.

b. The chief student affairs officer of the College or his or her designee (the student judicial affairs officer) will conduct a preliminary investigation in order to determine whether disciplinary charges should be preferred. The chief student affairs officer or his or her designee (the student judicial affairs officer) will advise the student of the charge(s) against him or her, consult with other parties who may be involved or who have information regarding the incident, and review any other relevant evidence. Following this preliminary investigation, which shall be concluded within thirty (30) calendar days of the filing of the complaint, the chief student affairs officer or designee (the student judicial affairs officer) shall take one of the following actions:

(i) dismiss the matter if there is no basis for the allegation(s) or the allegation(s) does not warrant disciplinary actions. The individuals involved shall be notified that the complaint has been dismissed;

(ii) refer the matter to conciliation. If a matter is referred to conciliation, the accused student shall receive a copy of the notice required pursuant to section 15.3e of this bylaw; or

(iii) prefer formal disciplinary charges.

Conciliation Conference:

c. The conciliation conference shall be conducted by the counselor in the office of the dean of students or a qualified staff or faculty member designated by a counselor or a qualified staff. The following procedures shall be in effect at this conference:

An effort will be made to resolve the matter by mutual agreement.

If an agreement is reached, the counselor shall report his/her recommendation to the chief student affairs officer for approval and, if approved, the complainant shall be notified.

If no agreement is reached, or if the student fails to appear, the counselor shall refer the matter back to the chief student affairs officer who will prefer disciplinary charges.

The counselor is precluded from testifying in a college hearing regarding information received during the conciliation conference.

Notice of Hearing and Charges:

d. Notice of the charge(s) and of the time and place of the hearing shall be personally delivered or sent by the chief student affairs officer of the college to the student at the address appearing on the records of the college, by registered or certified mail and by regular mail. The hearing shall be scheduled within a reasonable time following the filing of the charges or the conciliation conference. Notice of at least five business days shall be given to the student in advance of the hearing unless the student consents to an earlier hearing.

e. The notice shall contain the following:

A complete and itemized statement of the charge(s) being brought against the student including the rule, bylaw or regulation he/she is charged with violating, and the possible penalties for such violation.

A statement that the student has the following rights:

(i) to present his/her side of the story;

(ii) to present witnesses and evidence on his/her behalf;

(iii) to cross examine witnesses presenting evidence against the student;

(iv) to remain silent without assumption of guilt; and

(v) to be represented by legal counsel or an advisor at the student’s expense.

A warning that anything the student says may be used against him/her at a non-college hearing.

Faculty-Student Disciplinary Committee Procedure:
The following procedures shall apply at the hearing before the faculty-student disciplinary committee:
The chairperson shall preside at the hearing. The chairperson shall inform the student of the charges, the hearing procedures and his or her rights.

After informing the student of the charges, the hearing procedures, and his or her rights, the chairperson shall ask the student charged to plead guilty or not guilty. If the student pleads guilty, the student shall be given an opportunity to explain his/her actions before the committee. If the student pleads not guilty, the college shall present its case. At the conclusion of the college’s case, the student may move to dismiss the charges. If the motion is denied by the committee, the student shall be given an opportunity to present his or her defense.

Prior to accepting testimony at the hearing, the chairperson shall rule on any motions questioning the impartiality of any committee member or the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson may only rule on the sufficiency of the evidence and may exclude irrelevant, immaterial or unduly repetitive evidence. However, if either party wishes to question the impartiality of a committee member on the basis of evidence, which was not previously
available at the inception of the hearing, the chairperson may rule on such a motion. The chairperson shall exclude all persons who are to appear as witnesses, except the accused student.

The college shall make a record of each fact-finding hearing by some means such as a stenographic transcript, a tape recording or the equivalent. A disciplined student is entitled upon request to a copy of such a transcript, tape or equivalent without cost.

The student is entitled to a closed hearing, but has the right to request an open public hearing. However, the chairperson has the right to hold a closed hearing when an open public hearing would adversely affect and be disruptive of the committee’s normal operations.

The college bears the burden of proving the charge(s) by a preponderance of the evidence.

The role of the faculty-student disciplinary committee is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the parties, and render a determination as to guilt or innocence. In the event the student is found guilty, the committee shall then determine the penalty to be imposed.

At the end of the fact-finding phase of the hearing, the student may introduce additional records, such as character references. The college may introduce a copy of the student’s previous disciplinary record, where applicable, provided the student was shown a copy of the record prior to the commencement of the hearing. The disciplinary record shall be submitted to the committee in a sealed envelope and shall not be opened until after the committee has made findings of fact. In the event the student has been determined to be guilty of the charge or charges, the records and documents introduced by the student and the college shall be opened and used by the committee for dispositional purposes, i.e., to determine an appropriate penalty if the charges are sustained.

The committee shall deliberate in closed session. The committee’s decision shall be based solely on the testimony and evidence presented at the hearing and the papers filed by the parties.

The student shall be sent a copy of the faculty-student disciplinary committee’s decision within five days of the conclusion of the hearing. The decision shall be final subject to the student’s right of appeal.

Where a student is represented by legal counsel, the president of the college may request that a lawyer from the general counsel’s office appear at the hearing to present the college’s case.

**Appeals (Section 15.4)**

An appeal from the decision of the faculty-student disciplinary committee may be made to the president who may confirm or decrease the penalty but not increase it. His/her decision shall be final except in the case of dismissals or suspension for more than one term. An appeal from a decision of dismissal or suspension for more than one term may be made to the appropriate committee of the board. Any appeal under this section shall be made in writing within fifteen days after the delivery of the decision appealed from. This requirement may be waived in a particular case for good cause by the president or board committee as the case may be. If the president is a party to the dispute, his/her functions with respect to an appeal shall be discharged by an official of the university to be appointed by the chancellor.

**Committee Structure (Section 15.5)**

a. Each faculty-student disciplinary committee shall consist of two faculty members and two student members and a chairperson. A quorum shall consist of the chair and any two members. Hearings shall be scheduled at a convenient time and efforts shall be made to insure full student and faculty representation.

b. The president shall select in consultation with the head of the appropriate campus governance body or where the president is the head of the governance body, its executive committee, three (3) members of the instructional staff of that college to receive training and to serve in rotation as chair of the disciplinary committees. If none of the chairpersons appointed from the campus can serve, the president, at his/her discretion, may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges. The chairperson shall preside at all meetings of the faculty-student disciplinary committee and decide and make all rulings for the committee. He/she shall not be a voting member of the committee but shall vote in the event of a tie.

c. The faculty members shall be selected by lot from a panel of six elected annually by the appropriate faculty body from among the persons having faculty rank or faculty status. The student members shall be selected by lot from a panel of six elected annually in an election in which all students registered at the college shall be eligible to vote. In the event that the student or faculty panel or both are not elected, or if more panel members are needed, the president shall have the duty to select the panel or panels which have not been elected. No individuals on the panel shall serve on the panel for more than two consecutive years.

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

e. Persons who are to be participants in the hearings as witnesses or have been involved in preferring the charges or who may participate in the appeals
To respect the privacy of other users; for example, users shall not use or develop programs that harass other users or infiltrate a computer or computing system and/or damage or alter the software components of a computer or computing system.

To safeguard their accounts and passwords. Any user changes of password must follow published guidelines for good passwords. Accounts and passwords are normally assigned to single users and are not to be shared with any other person without authorization. Users are expected to report any observations of attempted security violations.

Policy Violations
It is not acceptable to use Bronx Community College computer resources:

For activities inconsistent with the College’s mission;
For activities unrelated to official assignments, job responsibilities or role at the College;
For any illegal purpose;
To transmit threatening, obscene, intimidating or harassing materials or correspondence;
For unauthorized distribution of College data and information;
To interfere with or disrupt network users, services or equipment;
For private commercial purposes such as marketing or business transactions;
In violation of copyrights, patent protections or license agreements, including using pirated or unlicensed software;
For unauthorized not-for-profit business activities;
For private advertising of products or services; or
For any activity meant to foster personal gain.

Furthermore, users are prohibited from taking College computer hardware or software from College facilities for any purpose without prior approval.

Security and Privacy:
Users should be aware that their uses of College computer resources are not completely private. While the College does not routinely monitor individual usage of its computer resources, the normal operation and maintenance of the College’s computer resources require the backup and caching of data and communications, the logging of activity, the monitoring of general usage patterns, and other such activities that are necessary to render service. The College may also specifically monitor the activity and accounts of individual users of College computer resources, including individual login sessions and communications, without notice, when: the user has voluntarily made them accessible to the public, as by posting to Usenet or a web page; there is a reasonable basis to believe that this policy or federal, state or local law has been violated;
to diagnose and resolve technical problems involving system hardware, software, or communications; or as otherwise required or permitted by law.

The College, in its discretion, may disclose the results of any such general or individual monitoring to appropriate College or CUNY personnel or law enforcement agencies and the results may be used in College disciplinary proceedings or discovery proceedings in legal actions. In addition, communications made by means of College computer resources in conjunction with College or CUNY business may be releasable to the public under the New York State Freedom of Information Law.

College Rights:
The College assumes no responsibility or liability for files deleted by College computer resources personnel due to a user’s violation of file server space allotments.

The College reserves the right to suspend or terminate a user’s access to College computer resources when this policy is violated.

The College is not responsible for damages caused by unauthorized access to College computer resources or for data loss or other damages resulting from delays, non-deliveries, or service interruptions, whether or not resulting from circumstances under the College’s control.

Use of any information obtained through College computer resources is at the user’s risk. The College makes no warranties (expressed or implied) with respect to Internet services, and it specifically assumes no responsibility for the content of any advice or information received by a user through use of the College computer resources, or for any costs or charges incurred by the user as a result of seeking or accepting such advice.

The College reserves the right to change its policies and rules at any time.

Enforcement and Violations
This policy is intended to be illustrative of the range of acceptable and unacceptable uses of College computer resources and is not necessarily exhaustive. This policy recognizes and supports the CUNY Libraries Internet Guidelines found at website http://libraries.cuny.edu/l-access.htm.

Questions about specific uses related to security issues not enumerated in this policy and reports of specific unacceptable uses should be directed to the Executive Director of Information Technology. Other questions about appropriate use should be directed to your instructor or supervisor.

The College will review alleged violations of this policy on a case-by-case basis. Clear violations of this policy, which are not promptly remedied, will result in termination of access to the relevant computer resources for the person(s) at fault, and referral for disciplinary actions as appropriate.

COLLEGE E-MAIL POLICY

Purpose and Goals
E-mail is one of Bronx Community College’s core internal and external communication methods. The purpose of this policy is to ensure that e-mail systems used by College students, faculty and staff support the College’s education, research and public service missions to the fullest extent.

This policy advises all users of the College e-mail system of their responsibilities and provides guidance in managing information communicated by e-mail. This policy incorporates and supplements the CUNY Computer User Responsibilities found at www.cuny.edu/aboutcuny/policies/comp_user.html.

Use of E-Mail
The College provides e-mail services for its students, faculty, staff and other authorized persons for their use when engaging in activities related to their roles at the College. Access to e-mail is a valuable tool in the pursuit of excellence at the College and is a privilege with certain accompanying responsibilities. The same standards of conduct that are expected of College students, faculty, and staff regarding the use of other College facilities, services and resources apply to the use of e-mail.

Users may not use the College e-mail system for illegal or unethical purposes, for personal commercial use or personal financial or other gain, or for any other purpose that would jeopardize the legitimate interests of the College. Use of the College e-mail system by outside organizations not authorized to use College facilities is also prohibited. E-mail users are prohibited from accessing another user’s e-mail without permission.

Incidental personal use of College e-mail is permitted when such use does not interfere with College operations, does not compromise functioning of CUNY or College computer resources, does not interfere with the user’s employment or other obligations to the College, and is otherwise in compliance with this policy.

Privacy and Access
College e-mail system administrators will not routinely monitor an individual’s e-mail and will take reasonable precautions to protect the privacy of e-mail. However, e-mail is not completely confidential and private. College e-mail system administrators and/or other authorized persons may access e-mail:

when there is a reasonable basis to believe that this policy or federal, state or local law has been violated;

to diagnose and resolve technical problems involving system hardware, software, or communications; and as otherwise required or permitted by law. In addition, e-mail messages sent or received in conjunction with College or CUNY business may be releasable to the public under the New York State Freedom of Information Law. All e-mail messages, including personal communications, may be subject to discovery proceedings in legal actions.
Security
E-mail security is a joint responsibility of College e-mail system administrators and e-mail users. Users are responsible for taking all reasonable precautions, including safeguarding and changing passwords to protect the e-mail account and prevent use by unauthorized individuals.

Management and Retention of E-mail Communications
Applicable to all e-mail messages and attachments, since e-mail is a communications system, messages should not be retained for extended periods of time. If a user needs to retain information in an e-mail message for an extended period, he or she should transfer it from the e-mail system to an appropriate electronic or other filing system. College e-mail system administrators are authorized to remove any information retained in the e-mail system that is more than 90 days old. Backup of e-mail messages is not required of the e-mail system technical staff. If a user loses current messages due to a system failure, the College will restore the e-mail with empty folders.

Enforcement
Violation of this policy may result in suspension and/or termination of an individual's e-mail account, disciplinary action by appropriate College and/or CUNY authorities, referral to law enforcement authorities for criminal prosecution, and/or other legal action, including action to recover civil damages and penalties.

All e-mail users should:
Be courteous and follow accepted standards of etiquette;
Protect others' privacy and confidentiality;
Refrain from using the College e-mail system for personal commercial purposes or other gain;
Protect their passwords;
Remove personal messages, transient records, and reference copies in a timely manner; and
Comply with College and CUNY policies, procedures, rules and regulations.

POLICY AGAINST SEXUAL HARASSMENT
It is the policy of The City University of New York to promote a cooperative work and academic environment in which there exists mutual respect for all University students, faculty, and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the University’s non-discrimination policy. Sexual harassment is illegal under federal, state, and city laws, and will not be tolerated within the University.

The University, through its colleges, will disseminate this policy and take other steps to educate the University community about sexual harassment. The University will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the University community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.

A. Prohibited Conduct
It is a violation of University policy for any member of the University community to engage in sexual harassment or to retaliate against any members of the University community for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

B. Definition of Sexual Harassment
For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other oral or written communications or physical conduct of a sexual nature when:

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;

(2) submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or

(3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment.

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between faculty/staff member and student, supervisor and employee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (for example, a student sexually harassing a faculty member). A lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.

C. Examples of Sexual Harassment
Sexual harassment may take different forms. Using a person’s response to a request for sexual favors as a basis for an academic or employment decision is one form of sexual harassment. Examples of this type of sexual harassment (known as quid pro quo harassment) include, but are not limited to, the following:
requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, grades, or recommendations);

submitting unfair or inaccurate job or academic evaluations or grades; or denying training, promotion, or access to any other employment or academic opportunity because sexual advances have been rejected.

Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target does find, and a reasonable person would find, that an intimidating, hostile or abusive work or academic environment has been created. Examples of this kind of sexual harassment (known as hostile environment harassment) include, but are not limited to, the following:

sexual comments, teasing, or jokes;

sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;

graphic or sexually suggestive comments about an individual’s attire or body;

inquiries or discussions about sexual activities;

pressure to accept social invitations, to meet privately, to date, or to have sexual relations;

sexually suggestive letters or other written materials;

sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling; and

coerced sexual intercourse or sexual assault.

D. Consensual Relationships

Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty member, supervisor, or other member of the University community and any person for whom he or she has a professional responsibility. These dangers can include: that a student or employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affect his or her education or employment; that conflicts of interest may arise when a faculty member, supervisor, or other member of the University community is required to evaluate the work or make personnel or academic decisions with respect to an individual with whom he or she is having a romantic relationship; that students or employees may perceive that a fellow student or co-worker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty members, supervisors, and other members of the University community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

For purposes of this section, an individual has “professional responsibility” for another individual at the University if he or she performs functions including, but not limited to, teaching, counseling, grading, advising, evaluating, hiring, supervising, or making decisions or recommendations that confer benefits such as promotions, financial aid or awards or other remuneration, or that may impact upon other academic or employment opportunities.

E. Academic Freedom

This policy shall not be interpreted so as to constitute interference with academic freedom.

F. False and Malicious Accusations

Members of the University community who make false and malicious complaints of sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

G. Procedures

The University shall develop procedures to implement this policy. The president of each constituent college of the University, the deputy chancellor at the Central Office, and the dean of the Law School shall have ultimate responsibility for overseeing compliance with this policy at his or her respective unit of the University. In addition, each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility shall be required to report any complaint of sexual harassment to any individual or individuals to be designated in the procedures. All members of the University community are required to cooperate in any investigation of a sexual harassment complaint.

H. Enforcement

There is a range of corrective actions and penalties available to the University for violations of this policy. Students, faculty, or staff who are found, following applicable disciplinary proceedings, to have violated this policy are subject to various penalties, including termination of employment and permanent dismissal from the University. Effective October 1, 1995.

I. Contact Persons

All members of the Sexual Harassment Panel are trained to handle complaints. In case of a complaint, you may contact any one of the following:
THE CUNY WORKPLACE VIOLENCE POLICY AND PROCEDURES

The City University of New York has a policy to address the issue of potential workplace violence in our community, prevent workplace violence from occurring to the fullest extent possible and set for procedures to be followed when such violence has occurred. (See Appendix for provisions.)