

**ANNUAL SECURITY REPORT
AND FIRE REPORT
CALENDAR YEAR 2015
CRIME STATISTICS 2012-2014**

**THE CITY COLLEGE OF NEW YORK
160 CONVENT AVENUE
NEW YORK, N.Y. 10031**



**PAT MORENA
EXECUTIVE DIRECTOR
CCNY PUBLIC SAFETY
212-650-6911**

College Overview

The City College of New York's Department of Public Safety prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policies and Crime Statistics Act. This report has been prepared in cooperation with local law enforcement agencies whose areas of operations include the campus.

Each year, all enrolled students, faculty and staff receive a "Notice of Annual Security Report Availability" via email with the direct electronic access link to the report indicated. Copies of this report may also be obtained at the Public Safety Office located in the NAC room 4/201 or by calling (212) 650-6911.

To access the electronic version of this report visit our web site:

<https://www.ccny.cuny.edu/safety/report>

City College of New York's Annual Security Report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings owned or controlled by the City College of New York's; and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, alcohol, and drug use, crime prevention, reporting of crimes, including crimes of sexual misconduct and other matters.

The campus is located in Manhattan, a borough of New York City with an overall city-wide population of approximately eight million. The City College is a component of The City University of New York. The City College offers Bachelor, Master, and PhD degree programs.

The college enrolls approximately 15,932 students who attend day and evening classes. In addition, the college, through the Office of Continuing Education serves thousands of multi-cultural individuals during the academic year.

The college employs approximately 3,709 full-time faculty /staff

Crime Reporting Procedure

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

1. Calling the Department of Public Safety's emergency telephone line (212-650-6911) or Extension 6911 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 NAC 4/201.
4. All counselors are strongly encouraged when they deem it appropriate to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
5. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime to the Department of Public Safety for inclusion in the annual crime report.

The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Campus Security Act in the College's annual 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 that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 calls please also notify the Department of Public Safety by (212) 650-7777. They will also respond to assist and direct the police and other emergency personnel to the reported emergency. The college has the right, as does every person enrolled or employed by the college, to directly consult with, or make complaints to the NYPD or any other agency. The CCNY Department of Public Safety will assist in the facilitation of direct notification to the NYPD if requested.
7. **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 alien age. 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. CCNY's Public Safety Department will also work closely with the appropriate law enforcement agencies during any investigation.

Daily Crime Log

The College maintains a daily crime log. The crime log is located at the Public Safety Office. The purpose of the log is to maintain a record of reported criminal incidents and alleged criminal incidents. Incidents on campus, on public property adjacent to the campus, in campus controlled residential buildings and in non campus college buildings are included. The log includes the date the crime was reported, the date and time the crime occurred, the nature of the crime, the general location of the crime and the disposition of the crime, if known. The log is available for your inspection at NAC room 4/201 during regular business hours. It is in paper format. The log contains incidents occurring within the last 30 calendar days. If you wish to examine logs pre-dating this 30 day period, your request may be made to the office of Public Safety. These requests will be honored within the next two regular business days.

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 request data, via campus e-mail, from these authorities for inclusion in this report.

The following offices are designated as Campus Security Authorities:

Executive Director of Public Safety
Pat Morena
NAC Building 4/201
212-650-7991/ or email pmorena@ccny.cuny.edu

Juana Reina
Vice President
Office of the Vice President of Student Affairs
Administration Building, Room 204
(212) 650-5426
Or by email to: studentaffairs@ccny.cuny.edu

A.V.P. John Siderakis
Assistant Vice President
Office of Human Resources
Shepard Hall Room 50
Call (212) 650-7226, Fax: (212)-650-7504
Or by email to: jsiderakis@ccny.cuny.edu

Teresa Walker
Director of Student Health Services
(Confidential Reporting Available)
Marshak Bldg. Room J15
(212) 650-8222 Or by email to: twalker@ccny.cuny.edu

The Towers at City College of New York
401 West 130th Street, New York, NY 10027
(917) 507-0070
Or by email to: towers@ccny.cuny.edu

Juan Carlos Mercado
Dean of CWE
25 Broadway, 7th Floor
p: 212.925.6625
f: 212.925.0963
e: jmercado@ccny.cuny.edu

Office of the Campus Minister
(Confidential Reporting Available)
NAC 1/210
(212) 650-5866
Or by email to: gpope@ccny.cuny.edu

Michelle Baptiste
Chief Diversity Officer & Dean of Faculty Relations
(Title IX compliance officer)
Administration Bldg. Room 214
212-650-6310
Or by email to mbaptiste@ccny.cuny.edu

Richard Gussenhoven
Lieutenant Colonel
Reserve Officers Training Corp (ROTC)
Marshak Science Building Rm. 16
212-650-6478 or by email to rotc@ccny.cuny.edu

Reporting Incidents of Sexual Misconduct including Sexual Harassment, Sexual Assaults, Certain Forms of Stalking and Dating/Intimate Partner/Domestic Violence

Title IX Reporting

Michelle Baptiste
Chief Diversity Officer & Dean of Faculty Relations
(Title IX compliance officer)
Administration Bldg. Room 214
212-650-6310
Or by email to mbaptiste@ccny.cuny.edu

Pat Morena
Executive Director of Public Safety
NAC Building 4/201
212-650-7991/ or email pmorena@ccny.cuny.edu

Juana Reina
Vice President
Office of the Vice President of Student Affairs
Administration Building, Room 204
(212) 650-5426
Or by email to: studentaffairs@ccny.cuny.edu

A.V.P. John Siderakis
Assistant Vice President
Office of Human Resources
Shepard Hall Room 50
Call (212) 650-7226, Fax: (212)-650-7504
Or by email to: jsiderakis@ccny.cuny.edu

For more information, please see section "Reporting and Prevention of Sexual Assault and Sexual Misconduct Offenses, Stalking and Dating/Intimate Partner/Domestic Violence" later in this document. For more detailed information on Title IX including community resources, please also see CUNY policies, Getting Help, Understanding and Preventing Sexual Assault and Sexual Harassment please go to <http://www1.cuny.edu/sites/title-ix/campus/the-city-college> click "Title IX Campus Information."

Public Safety and Security Services

The City 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. Public Safety Officers are sworn New York State Peace Officers under Criminal Procedure Law 2.10 subsection 79 and have the power to make arrests.

Peace Officers serve primarily as a deterrent force but are fully trained to take action in the event a crime is committed. The Division of Student Affairs handles disciplinary actions for minor offenses and violations against City College rules and regulations.

The personnel of the Public Safety Office are available for consultation, advice and guidance on security related matters. Any situation requiring police intervention is referred to the proper authorities at the local precinct. The department consists of Peace Officers assigned to patrol the campus and its surroundings.

Additionally, the college employs Campus Security Assistants who are assigned to parking lots and other fixed posts. Campus Security Assistants are licensed as NYS Licensed Security Guards and do not have arrest powers (outside of the powers of a private citizen).

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.

Working Relationship With Other Law Enforcement Agencies

The City University of New York has Memorandums of Understanding with the NYPD in compliance with New York State.

The NYPD 26th precinct includes the City College of New York's campus within its area of operations in its entirety. The 30th police precinct abuts the northern border of the campus. Members of the CCNY Department of Public Safety meet regularly and/or on an as needed basis with the respective commanding officers from each precinct to discuss all crime patterns in and around the campus.

The NYPD and FDNY are extremely responsive to any conditions on or near the campus that require their services. The NYPD works closely with CCNY Public Safety in all matters involving:

- Violent threats or actions
- The actual or reported possession of dangerous weapons
- Any felonious or victimizing crimes

The City College has excellent working relationships with the New York State and New York City Police Department which allows the college to be informed of crimes reported directly to the NYPD.

Police Department statistics, as well as those compiled by our own Department of Public Safety, indicate that the City College campus is safer, or at least as safe, as that of other comparable institutions in the New York City. The College continues to work in close collaboration with the local NYC Police Precincts to achieve and maintain this goal.

The Department of Public Safety is constantly seeking new ways to enhance and expand security on campus so that all members and visitors of the City College community can enjoy campus life without unreasonable preoccupation with safety issues. Please feel free to contact the office if you have any ideas, questions and/or suggestion that will make the campus a safer and more secure environment.

Off-Campus Organizations Crimes and Safety Hazard Monitoring

The City College of New York does not have any recognized off-campus student organizations or housing facilities.

Emergency Notification & Response

CUNY ALERT

The City College participates in the University-wide CUNYALERT System (<http://www.cuny.edu/news/alert.html>). Upon activation by the college; this system sends messages during emergency events via email, text message and telephone (land-line/cellular). This system is tested monthly for administrative users and one (1) full scale test of the system to all users (students/faculty/staff) annually. New students and employees are encouraged to register for CUNYALERT at orientations. If you have trouble registering, visit the IT help desk located in NAC 1/301. A notification will be sent upon confirmation of a significant emergency (unless such notification presents an undue safety risk).

Timely Warnings To Members of The Community

The issuance of Timely Warnings is made by the Public Safety Director in consultation with the college President. When it is appropriate, the City College of New York will issue immediate notification of public safety issues via the public address system, electronic mail and, if necessary will place notices in staff and student mailboxes. The issuing of a timely warning is ultimately the decision of the Public Safety Department. Depending on the time sensitivity of the incident, the issuance of the Timely warning may be made outside of the Committee framework. As noted above. The City College of New York is a participant in the CUNY Alert system. Operated under the auspices of the New York State Emergency Management Office, CUNY Alert allows subscribers to receive messages of import regarding safety via email, cell and landline, text message or in any combination thereof. Signing-up is as easy. These notifications are issued when the campus operations are adversely affected by man made or natural incidents. Access the University website at www.cuny.edu/alert

Emergency Evacuation and Fire Drills

The college conducts evacuation and fire drills three (3) times per year for all buildings. On occasions drills may be unannounced. During drills, building occupants are familiarized with campus evacuation procedures. Each building has assigned fire/evacuation floor wardens who provided training and direction to the college community during drills and actual emergency events.

Immediate Emergency Response and Evacuation Procedures:

Depending on the particular circumstances of a situation that could pose an immediate threat and/or substantial disruption to the college community, the Department of Public Safety may also issue a notice through the CUNY- Alert system and/or post a notice on the City College web site at www.cny.cuny.edu in addition to the methods noted above unless issuing the alert will compromise the situation.

The CUNY-Alert warning will be sent to all those registered (public access is available) to receive alerts by email, text messages and/or mass dialers. This methodology will supplement the campus based methods noted above.

Each building has an emergency evacuation plan which includes egress routes and exterior areas of assembly. These evacuation plans are posted at all elevator locations within the buildings. In addition, emergency procedures posters are displayed in the public areas of offices and on the public safety web site.

All occupants of a building are made aware of routes of egress during scheduled fire drills on a building by building basis. Campus Peace Officers are trained on evacuation procedures as are selected civilian staff members. Officers are issued specific assignments each tour in the event of an emergency or campus lock down. Emergency evacuations and/or building lockdowns may occur at a single location and/or multiple locations simultaneously. Consequently, the utilization of a campus-wide alert is only initiated after a careful and deliberate process is completed and when issuing an alert will not compromise the situation.

PUBLICATION OF PROCEDURES

Emergency response and evacuation procedures are published annually via Annual Security Report. This report is updated as needed throughout the year. Hardcopies of this report are available in the Public Safety Office, NAC room 4/201.

Public Safety Awareness & Crime Prevention Programs

The Department of Public Safety issues safety alert bulletins when deemed necessary and provides Timely Warning Notices (paper/electronic form) to the campus community when serious crimes occur in areas on or near the campus. The department 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 persons reporting crimes to the Department of Public Safety are encouraged to promptly report the incident to the local police precinct concerned. A record of each report made to the local precincts is maintained as part of the Public Safety Department's annual statistical report.

All Members of the college community are encouraged to attend crime prevention seminars that are conducted by the Public Safety Department. Crime prevention seminars are scheduled each semester and members of the college community are encouraged to actively participate in their own safety and the safety of others.] All incoming students receive information about campus crime prevention programs during initial orientation meetings.

In addition to the above, the Department of Public Safety offers other crime prevention/safety awareness programs including:

- The Office of Public Safety maintains a Crime Prevention information station during student club hours each Thursday between 12 noon and 2pm when school is session.
- The NYPD's crime prevention section provides seminars in crime prevention on relevant topics when requested by the Office of Public Safety.
- The staff of the Office of Public Safety presents bi-annual seminars to inform members of the college community about safety techniques and public safety procedures.

All of the above events are communicated to the college community through emails and postings.

All public safety personnel, while on patrol, report potential safety and security hazards as well as entry door problems and elevator malfunctions.

ANNUAL FIRE SAFETY REPORT-THE TOWERS

- Last page of this document includes the Annual Fire Report Statistics

FIRE EMERGENCY PLAN

Floor wardens and searchers are designated to serve specific areas of the building. When appropriate, they will be activated. They are trained in the use of the buildings Class E fire command system telephones. Their job is to facilitate evacuations and common space assembly of all kinds and to pass information to the fire safety command station. Please heed their directions. When fire alarms ring, please make note of the announcement that immediately follows. It will provide you with instructions on where to assemble. If a false alarm occurs, an "all clear" announcement will follow via the fire command response system. Treat all fire alarms as real unless otherwise directed by the floor wardens or members of the public safety staff. Below are general guidelines for dealing with a fire. But remember, WHEN IN DOUBT CALL 911 OR ACTIVATE A PULL STATION.

1. Be familiarized 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 ext. 7777. 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 ext.7777 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 College officials.
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.

THE TOWERS CAMPUS RESIDENCE HALL

All rooms and apartments are equipped with smoke detectors. Each apartment is equipped with a sprinkler system. Several fire alarm pull stations are located on each corridor. This equipment is monitored to ensure that it is in good working condition. If an emergency situation arises and a fire extinguisher is used, the extinguisher must be recharged. You must notify your RA and/or the RA on duty at the time the emergency occurred. Contact Capstone Management, the Security at the front desk, and the CCNY Public Safety Department and Capstone Management. Failure to notify Capstone Management or CCNY Public Safety may result in disciplinary action, as well as a fee to recharge the extinguisher and any resulting damages to the property. Also, if the smoke detector in your room beeps because of a weak battery, please submit a work order through the Resident Portal. Any person, who sets off a false alarm, interferes with the operation of the alarm system, or damages or removes any part of the alarm system for purpose other than those related to fire safety (including, but not limited to fire extinguishers, smoke detectors, sprinkler systems, or removes an exit sign) is subject to severe disciplinary action.

FIRE DRILLS/EDUCATION AND TRAINING AT THE TOWERS

- The Director of the Towers and Maintenance Supervisor with the assistance of residential advisors conducts fire drills twice a year.
- Fire Safety education and training programs are given by the Director of the Towers, Asst. Director of the towers and resident advisors to all residents of the towers and employees.

FIRE SAFETY EQUIPMENT

All rooms are equipped with smoke detectors and a sprinkler system. Fire alarm pull stations are located on each floor. Tampering with fire safety equipment or setting off a false alarm makes the system ineffective and endangers the lives of other residents and will be considered violation of the Henderson Rules and result in referral to City College Assistant Vice President of Student Affairs. Any person, who sets off a false alarm, interferes with the operation of the alarm system, or damages or removes any part of the alarm system, fire extinguishers, smoke detectors, sprinklers, or exit signs are subject to disciplinary action, including dismissal from the Dormitory.

FIRE ALARMS/EVACUATION PROCEDURES

For resident safety, a fire drill will be conducted each semester. When a fire alarm sounds, residents should follow the instructions on the back of their room door. Fire drills, false alarms, and genuine fire alarms are unidentifiable. Whenever the fire alarm sounds everyone MUST evacuate the building. Even in a building designed to be resistant to fire, a small wastebasket fire can quickly fill an area with smoke and deadly gases. Smoke is the major cause of death from fires within residence halls. For this reason, residents should be certain to close their room doors and windows when evacuating in order to retard the spread of smoke. Hallway and stairwell fire doors should be closed at all times. Residents cannot re-enter the building until the Public Safety Personnel, Fire Department or Residential Life/Housing staff, gives an "all clear" signal. Residents who fail to evacuate a residence hall building during a fire alarm or who do not follow the directives of Fire, Public Safety, or Residence hall staff will be referred to the University disciplinary system for judicial action. Obstructing a doorway, exit, stairwell, or room door is a serious safety hazard. CAUTION: Building fire alarms may stop ringing. If they stop, do not return to the building unless notified by the Fire Department or Public Safety. Know the location of fire alarm pull stations, fire extinguishers, and exits. Fire Extinguishers: Fire extinguishers will be charged, available, and operable at all times. Tampering with fire extinguishers is a serious offense and could lead to disciplinary action and/or dismissal from the City University of New York.

FIRE SAFETY: PROHIBITED ACTIONS AND ITEMS

- Smoking inside any part of the Towers @ CCNY
- Use of halogen lamps or neon signs
- Failure to comply with procedures established for health, maintenance and safety concerns
- Use and/or possession of fireworks, firecrackers, or dangerous/flammable chemicals
- Use of an open flame (e.g. candle, incense, cigarette, cigar, etc.) inside any part of the Towers @ CCNY
- Interference or tampering with fire safety equipment including smoke detectors and/or sprinkler equipment fire extinguishers, alarm pull stations, etc.
- Movement and/or alteration of furniture, fixtures, and/or property without prior written permission from the Director or Assistant Director or his/her designee
- Use and/or possession of appliances in rooms which have open or exposed heating elements (e.g. hot plates, toaster ovens, space heaters, sunlamps, halogen lamps)
- All appliances without U.L. approval
- Use of refrigerators in personal bedrooms in excess of 2.5 amps
- Microwaves over 600 watts.
- "Piggy-backing" surge protectors is prohibited and plugging more than one surge protector in an outlet
- Any substance that potentially could cause fire, damage, or explosion is not permitted inside the residence halls. This provision includes kerosene heaters and fuel, fuel containers for motorcycles or motor vehicles, as well as candles, open flames, fragrance pots, blow torches, bottled propane, and similar burning devices.
- Should you see or smell smoke, immediately pull the nearest fire alarm, leave the building, and call the Public Safety Department at extension 7777 or the Fire Department by calling 911 from a safe area. Be prepared to give the following information:
 - Location of fire
 - Building and room number (if known)
 - Your name and telephone number
 - Stay on the line until the dispatcher releases you
 - Do not attempt to put out a fire if you are endangering your own safety or the safety of others.
 - Do not use elevators. Power may fail causing the elevator to stop between floors or elevator doors may open onto the fire floor.
 - Disabled persons who are unable to move down the stairwells should move to a stairwell. Caution should be used as to not block traffic.
 - Immediately notify rescue personnel of any person left in the building along with their locations.

Candles/Holiday Decorations

Holiday and other celebrations that typically involve the lighting of candles and/or string lighting may be observed, with permission of the Management, only in a common area downstairs visible to Security, and only if conducted in a manner that does not trigger fire safety systems. Examples of such events include, but are not limited to the lighting of the Menorah during Hanukah, lighting of the Kumara during KWANZAA, or the lighting of Christmas trees during Christmas. These rules apply to such occasions: Candle, incense, or other open flames are not permitted, even as decorations; this includes birthday, Shabbat, yarzeit and holiday candles. Garbage Bags or other flammable material may not be used for decorations. Room/apartment and individual lights may not be covered for any reason. Live trees are prohibited; artificial trees made of aluminum or any other metal may not be wired with tree lights. Doors: Summit entrance doors, doors and windows in other public areas, and doors in student rooms may be decorated in a manner that does not deface or damage property, create a fire hazard or result in resident complaints. No more than 50% of doors may be covered at any time. Material that is difficult to remove or might result in damage, such as artificial snow, is not permitted. Decorations that violate any established policies are prohibited.

Empty alcohol bottles may not be used as decorations of any sort.

All lights or other decorations must be approved by the RA for your area. Extension cords may not be used. No protrusion through/around windows or screens. Any structures or decorations that do not meet the standards set by The Summit Office and the Fire Marshal will be taken down immediately. If the required changes are not made, The Summit Staff reserves the right to remove all structures from the room and bill the resident for the cost of removal. Failure to remove or redesign items may result in a disciplinary action. Fireworks or pyrotechnic explosive devices are not permitted by state statutes and are prohibited in the residence halls.

FIRE EXITS

The fire exits are for emergency use only. These exits are alarmed and monitored. Other than during emergencies, entrance to and exit from the building is only at the main entrance, which is serviced by security officers. Improper use of fire exits may result in disciplinary action, up to and including License Agreement termination.

Neither Capstone Management nor City College is responsible for loss or damage to personal property of residents. We encourage you to carry personal property insurance. If applicable, you should check your parents' policy to see if your property is covered in your room or apartment unit.

Value of Property Damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including:

- contents damaged by fire
- related damages caused by smoke, water, and overhaul
- but not including indirect loss, such as business interruption

Building Fire Alarm	YES
Fire Extinguishers	YES
Room Smoke Detectors	YES
Manual Pull Stations	YES
Fire Sprinklers	YES
Fire Alarm Systems	YES
Central Monitor system	YES
Connected to IFA	YES
Standpipe	YES
Fire Drills Conducted	YES (3 times a year)

RESIDENTIAL FIRE SAFETY REPORT STATISTICS 2014 Housing Area(s)

FIRE SAFETY REPORT 2014

Number of Fires	00
Related to Fires	00
Number of Deaths	00
Related to Fires	00
Value of Property	\$.00
Damage Caused by Fires	\$.00

ACTIVE SHOOTER/HOSTILE INTRUDER

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 an active shooter 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. 7777. 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 ext.7777.
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.
5. If a medical problem is non-life threatening, call the Public Safety Department at ext. 6911..

MEDICAL EMERGENCIES-MENTAL HEALTH

The Office of V.P. of Students Affairs office can be most helpful in assisting anyone who feels in need of counseling or mental health service. The wellness center has counselors and there available at 212-650-8222. 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 ext. 7777 to reach the Public Safety office or summons 911.If imminent physical danger is not posed then call the wellness center at ext.8222. If a response from either of these two areas is unavailable contact Public Safety.

UTILITY FAILURES

Power Failure

The following actions are to be taken by members of the college community in the event of a power failure: Report any power failure immediately to facilities at ext.8675 or Public Safety at ext. 6911/7777.

Plumbing Problem/Flooding

Cease using all electrical equipment. Contact facilities at ext.8675 or contact Public Safety 6911 /7777.

Gas Leaks

If you smell gas, contact facilities at ext. 8675 or Public Safety at ext. 6911/7777. Do not use a mobile phone near a gas leak whether here or at home. Gas vapors can be ignited by static electricity.

BIOLOGICAL CHEMICAL OR NUCLEAR ATTACKS

1. Upon receiving confirmed information of an imminent or ongoing biological, chemical or Nuclear Disaster/Attack that poses great risk to life at the School, the President or her designee shall declare a campus wide emergency.
2. This state of emergency may initiate a lockdown of the building and/or its total evacuation.
3. Notification will be made via college website, voicemail, emergency communication response system and CUNY-ALERT if at all possible.
4. Building occupants will be kept abreast of changes as they develop by college officials. During an event at the building the following actions will be taken if possible: (a) building wide air-handlers will be turned off and intakes sealed if possible, (b) building occupants will be directed to enclosed areas of the building unless otherwise directed by civil authorities to provide most insulation and (d) updates on emergency will be given, if practicable, by the same methodologies as indicated above.

Access to College Facilities

The College balances the requirements for proper flow of traffic into, out of, and throughout buildings with the need to safeguard the community from intrusions with the potential to harm individuals, college property, or commit thefts.

IDENTIFICATION CARDS

Access to campus buildings is limited to faculty, staff, students, guests and visitors who are conducting official college business. When entering all faculty, staff and students are required to wear college issued identification cards on campus at all times. Visitors must obtain temporary I.D. Cards from the Office of Public Safety or

the I.D. Office to gain access to our buildings except when attending events open to the public. To obtain or replace an ID card the ID office is located in the NAC building room 1/204.

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. The college also maintains a Central Alarm monitoring system on campus.

GUESTS ON CAMPUS

All visitors to the college are expected to comport themselves in a manner consistent with an academic environment. Guests must sign in at the front Public Safety desk and show identification to the officer on duty. Upon exiting the college, guests must sign out. Guests must generally be in the same area as the host student and may not use college 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 Public Safety, as well as the Administrative staff. Guests may not remain in the building after midnight 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 front Security desk of each building. If a guest seems to be intoxicated, refuses to follow procedures of producing identification or follow sign in and sign out procedures, entry to the building will be denied.

The Towers, the residence hall on campus, has more specific policies regarding guests in their facility. Please check their website at: www.ccnytowers.com

SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

All buildings are maintained by CUNY/CCNY facilities department including all interior and exterior lighting of the campus. The College Fire Safety Director is responsible for maintaining the college's fire alarm/suppression system and fire commands. All CCTV cameras are monitored by the Department of Public safety including public address system as well as interior and exterior lighting. Any conditions, which appear unsafe, should be directly reported to any public safety personnel, as soon as possible. Public Safety monitors all interior and exterior cameras on a continuous basis. Public Safety/Security Officers patrol the buildings and grounds several times every tour, each day of the year. Tours are logged in via a computerized system. The City College also utilizes a computerized card access system as a means of access to parts of the buildings on campus. When activated, authorized cards are touched to wall mounted card readers to open doors. All keys are issued by the College Locksmith including the change and replacing of locks. Only college purchased locks are allowed on any building doors with the approval of public safety and the college locksmith. All Public Safety Officers carry mobile radios programmed through a repeater to enhance effectiveness. The aforementioned devices are checked during tours. Additionally, a special mobile radio located at the front Public Safety desk can communicate with any of the other CUNY campuses, as well as the central office. Deficiencies should be reported to University Public Safety for repair/service. The Public Safety Dispatcher and all campus law enforcement officers monitor all NYPD local police precinct transmissions with the availability to transmit for emergency purposes.

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 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.

1. 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 institution's instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for failure to comply with lawful directions issued by representatives of the University/college when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.
3. Unauthorized occupancy of University/college facilities or blocking access to or from such areas is prohibited. Permission from appropriate college authorities must be obtained for removal, relocation, and use of University/college equipment and/or supplies.
4. Theft from, or damage to University/college premises or property, or theft of or damage to property of any person on University/college premises is prohibited.
5. Each member of the academic community or an invited guest has the right to advocate his position without having to fear abuse, physical, verbal, or otherwise, from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators.
6. Action may be taken against any and all persons who have no legitimate reason for their presence on any campus within the University/college, or whose presence on any such campus obstructs and/or forcibly prevents others from the exercise of the rights or interferes with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
7. Disorderly or indecent conduct on University/college-owned or controlled property is prohibited.

8. No individual shall have in his 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.

2. PENALTIES

1. Any student engaging in any manner in conduct prohibited under the Bylaws including the Henderson Rules 1-11 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

shall be subject to ejection, and/or arrest by the civil authorities.

4. Any organization which authorized the conduct prohibited under the Bylaws including the Henderson Rules 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.

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 the Board of Higher Education 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.

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 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 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. The following standards of conduct are in effect at CUNY:

The unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by anyone, on CUNY property (including residence halls), in CUNY buses or vans, or at CUNY-sponsored activities, is prohibited. In addition, CUNY employees are prohibited from illegally providing drugs or alcohol to CUNY students. Finally, no student may possess or consume alcoholic beverages in any CUNY residence hall, regardless of whether the student is of lawful age.

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 CUNY Board of Trustees Bylaws, 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.

Any employee found to have violated the 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 reprimand, suspension without pay or termination.

CUNY STANDARDS OF CONDUCT

The unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by anyone, on CUNY property (including CUNY residence halls), in CUNY buses or vans, or at CUNY-sponsored activities, is prohibited. In addition, CUNY employees are prohibited from illegally providing drugs or alcohol to CUNY students. Finally, no student may possess or consume alcoholic beverages 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.

Medical Amnesty Policy - <http://www.cuny.edu/about/administration/offices/la/MedicalAmnesty-GoodSamaritanPolicy072814.pdf>

If you are the victim of or observe sexual harassment or violence while under the influence of drugs or alcohol, you should report the incident and seek medical help. You will not be disciplined for your drug or alcohol use. However, if you are involved in repeated incidents of drug and alcohol use, medical amnesty may not apply. This policy does not protect you from discipline for other misconduct such as sexual assault, drug sales, causing or threatening physical harm, damaging property or hazing.

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.

College Resources

Resource Education Accessibility Counseling Center (REACH)
Marshak Bldg. Room J15
(212) 650-8222
Or by email to: twalker@ccny.cuny.edu

CUNY Work/Life Program (800) 833-8707
<http://www.cuny.edu/worklife/>

RESOURCES OFF-CAMPUS

12 Step Recovery Programs

Narcotics Anonymous (212) 929-6262 <http://www.newyorkna.org/>
Cocaine Anonymous (212) 262-2463 <http://www.ca-ny.org/>
Marijuana Anonymous (212) 459-4423 <http://www.ma-newyork.org/>
Alcoholics Anonymous (212) 647-1680 <http://www.nyintergroup.org/>
Nicotine Anonymous (631) 665-0527 <http://www.nicotine-anonymous.org/>
Al-Anon/Alateen (888) 425-2666 <http://www.al-anonny.org>

Detoxification and Outpatient/Inpatient Rehabilitation Facilities

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., 10th Floor
Brooklyn, NY 11201
(718) 852-5552

Queens County

Flushing Hospital Medical Center
4500 Parsons Blvd.

Bronx County

St. Barnabas Hospital
4535 East 183rd St.

Flushing, NY 11355
(718) 670-5078

Bronx, NY 10457
(718) 960-6636

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

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

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

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

Richmond County

Nassau County

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

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

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

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

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

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

A 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 212-650-8222.

SEXUAL MISCONDUCT**Reporting and Prevention of Sex Harassment, Sexual Assault and Stalking & 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

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.

Title IX Reporting

Chief Diversity Officer & Dean of Faculty Relations
Michelle Baptiste
(Title IX compliance officer)
Administration Bldg. Room 214
212-650-6310
Or by email to mbaptiste@ccny.cuny.edu

Executive Director of Public Safety
Pat Morena
NAC Building 4/201
212-650-7991/ or email pmorena@ccny.cuny.edu

V.P. Juana Reina
Office of the Vice President of Student Affairs
Administration Building, Room 204
(212) 650-5426
Or by email to: studentaffairs@ccny.cuny.edu

A.V.P. John Siderakis
Assistant Vice President
Office of Human Resources
Shepard Hall Room 50
Call (212) 650-7226, Fax: (212)-650-7504
Or by email to: jsiderakis@ccny.cuny.edu

You may also:

- Call the Department of Public Safety's emergency telephone line 212-650-7777. Extension 7777 may be dialed within the college's telephone system.
- Use any 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 NAC 4-201.
- Victims or witnesses may report crimes to persons designated as Campus Security Authorities (listed on the first page of this document), 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 on the first page 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 Security 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.
- In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 call please also notify the Department of Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

<http://www1.cuny.edu/sites/title-ix/campus/the-city-college>

DEFINITIONS OF STALKING DOMESTIC VIOLENCE AND INTIMATE VIOLENCE

“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.

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.

CUNY 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 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 reasonable 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.

Reporting methods other than listed above:

- Calling the Department of Public Safety's emergency telephone line 212-650-7777. Extension 7777 may be dialed within the college's telephone system.
- Using one of the Emergency Assistance call boxes located throughout the campus.
- Reporting the information to any member of the Department of Public Safety or in person at the Public Safety Office located in the NAC room 4-201.
- Victims or witnesses may report crimes to persons designated as Campus Security Authorities (listed on the first page of this document), 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 on the first page 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 Security 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.
- In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department's emergency phone number. If you make a 911 calls please also notify the Department of Public Safety. They will also respond to assist and direct the police and other emergency personnel to the reported emergency.

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 harassment, gender-based harassment or sexual violence 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 contact the NYPD Special Victims Unit 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.

Files relating to sex offenses are kept confidential by the Department of Public Safety and by the Office of Student Affairs/Student Development, unless otherwise required by law or CUNY policy.

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).

Who is responsible for a sexual attack?

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

College and Community Counseling and Support Services for Sex Offense Victims

On-Campus Assistance

Victims of a sexual assault are encouraged to contact the Office of Public Safety or the Wellness Center 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 Student affairs throughout the disciplinary process. The Office of Public Safety can assist the victim in getting to and from campus classes, filing a police report and obtaining an order of protection against the perpetrator. The victim can also file a complaint with the College against a perpetrator who is a student or employee of the University at the Office of Public Safety.

College Support Services

On campus

(Resource Education Accessibility Counseling Health), Marshak Bldg. Room J15

(212) 650-8222

The Campus Minister, NAC 1/210

(212) 650-5866/5002, Email: gpope@ccny.cuny.edu

Off Campus

Sex Crimes/Sexual Assault

- Rape Hotline:
 - (212) 227-3000
- St. Luke's Crime Victims Treatment Center:
 - (212) 523-4728
- Mt Sinai Hospital, Rape/Sexual Assault:
 - (212) 241-2145 or (212) 423-2150
- NYPD Crisis Hotline
 - (212) 267-Rape
 - NYPD 26th Pct. 212-678-1341
 - NYPD 30th Pct. 212-690-8808
 - NYPD Manhattan Special Victims 212-860-6857
 - NYPD 911
 - NYC Victim Services Agency: open 24 hours, 7 days a week 212-577-7777. Provides crisis intervention.

Domestic Violence Services

- Safe Horizons- NYC Domestic Violence Hotline:
 - (800) 621-HOPE (4673)
- NYS Domestic Violence Hotline:
 - (800) 942-6906 English,
 - (800) 942-6908 Spanish
- National Domestic Violence Hotline:
 - (800) 799-SAVE (7233)
 - Youth line: (800) 246-4646
- Life Net (NYC Dept. of Mental Health):
 - (212) 982-5284,
 - (877) AYUDESE Spanish,
- The Gay and Lesbian Anti-Violence Project: The 24/7 hour hotline is 212-714-1141.
- NYC Mayors Office of Combat to Domestic Violence/Family Justice Centers, <http://nyc.gov/html/ocdv/html/hrlp/fjc.shtml>

The following New York state department of Criminal Justice website offers links to many additional resources at www.criminaljustice.ny.gov/pio/crimevictims.html

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. The 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.

Prevention education materials and programs must be incorporated into campus orientation activities for all incoming undergraduate and graduate students (including transfers), and is required to be made available to all student activity groups, clubs and athletic teams. In addition, all residence halls are required to have a mandatory orientation on sexual assault, stalking and domestic/intimate partner violence prevention. Colleges are encouraged to assist in the organization of peer education groups and to provide resources to such groups so that the groups can provide training and outreach to other students throughout the academic year. Since the abuse of alcohol is frequently involved in occurrences of sexual assault and other forms of violence, it is important that the education program include education about the deleterious effects of alcohol abuse.

In addition, each College is required to provide periodic training relating to the prevention and handling of sexual assaults, stalking and domestic/intimate partner violence for all relevant personnel, including public safety officers, counselors, student affairs staff and residence hall assistants by experts trained in the field. Education and training must also be made available to any interested faculty and staff member. Each campus must have at least one qualified staff or faculty member serve as a designated liaison and trainer for additional trainings.

CCNY Public Safety host weekly crime prevention workshops during club hours on Thursdays from 12pm-2pm in the NAC Rotunda. In addition public safety provides workshops for individual clubs and departments on various topics such as domestic violence, sexual assault, personal safety tips, identity theft, Title IX and workplace violence. Public Safety also updates there website with crime prevention tips and issues newsletters via email to the campus community.

Disciplinary Procedure

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

- A prompt, fair, and impartial investigation and resolution
- An investigation and disciplinary hearing that are conducted by officials who receive annual training on how to conduct fair investigations and hearings that protect the safety of victims and promote accountability and on issues related to domestic violence, dating violence, sexual assault, and stalking

STUDENT DISCIPLINARY PROCEDURES

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 chief student affairs officer promptly by the individual, organization or department making the charge.
- b. The chief student affairs officer of the college or his or her designee 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 will advise the student of the allegation against him or her consults with other parties who may be involved or who have information regarding the incident, and review 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 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 mediation; or (iii) Prefer formal disciplinary charges.
- c. In the event that a student withdraws from the college after a charge, accusation or allegation against the student has been made, and the college prefers formal disciplinary charges, the withdrawn student is required to participate in the disciplinary hearing or otherwise to resolve the pending charges and will be barred from attending any other unit of the university until a decision on the charges is made or the charges are otherwise resolved. If the withdrawn student fails to so participate in the disciplinary process without good cause, the college may proceed with the disciplinary hearing in absentia and any decision and sanction will be binding.

Mediation Conference:

- d. The mediation conference shall be conducted by qualified staff or faculty member designated by the chief student affairs officer. The following procedures shall be in effect at this conference:
 1. An effort will be made to resolve the matter by mutual agreement.
 2. If an agreement is reached, the faculty or staff member conducting the conference shall report his/her recommendation to the chief student affairs officer for approval and, if approved, the complainant shall be notified, and a written memorandum shall be created memorializing the resolution and any consequences for noncompliance.
 3. If no agreement is reached, or if the student fails to appear, the faculty or staff member conducting the conference shall refer the matter back to the chief student affairs officer who may prefer disciplinary charges.
 4. The faculty or staff member conducting the mediation conference is precluded from testifying in a college hearing regarding information received during the mediation conference.

Notice of Hearing and Charges:

- e. 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 certified or overnight mail and by regular mail and e-mail to students who have a college email address. The chief student affairs officer is also encouraged to send the notice of charges to any other-email address that he or she may have for the student. The hearing shall be scheduled within a reasonable time following the filing of the charges or the mediation 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.
- f. The notice shall contain the following:
 1. 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.
 2. 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.
 3. A warning that anything the student says may be used against him/her at a non-college hearing

Faculty-Student Disciplinary Committee Procedures:

- g. The following procedures shall apply at the hearing before the faculty-student disciplinary committee:
 1. The chairperson shall preside at the hearing. The chairperson shall inform the student of the charges, the hearing procedures and his or her

rights.

2. After informing the student of the charges, the hearing procedures, and his or her rights, the chairperson shall ask the student charged to respond. If the student admits the conduct charged, the student shall be given an opportunity to explain his/her actions before the committee and the college shall be given an opportunity to respond. If the student denies the conduct charged, 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.

3. 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.

4. 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 student who has been disciplined is entitled upon request to a copy of such a record without cost.

5. 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.

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

7. 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 to have committed the conduct charged, the committee shall then determine the penalty to be imposed.

8. At the end of the presentations by both sides, 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 its findings of fact. In the event the student has been determined to have committed the conduct alleged in 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.

9. The committee shall deliberate in closed session. The committee shall issue a written decision, which shall be based solely on the testimony and evidence presented at the hearing and the papers filed by the parties.

10. The student shall be sent a copy of the faculty-student disciplinary committee's decision within five days of the conclusion of the hearing, by regular mail and e-mail for students who have a college e-mail address. The chief student affairs officer is also encouraged to send the decision to any other e-mail address that he or she may have for the student. The decision shall be final subject to the student's right of appeal.

11. Where a student is represented by legal counsel the president of the college or his or her designee may request that a lawyer from the general counsel's office appear at the hearing to present the college's case.

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

13. Disciplinary penalties shall be placed on student's transcript and shall remain there unless the committee's decision, the decision on any appeal under section 15.4 below, or a mediation agreement expressly indicates otherwise.

Appeals:

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 one term or more. An appeal from a decision of dismissal or suspension for one term or more may be made to the board committee on student affairs and special programs. 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 committees 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 or his or her designee.

Committee structure:

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

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, and three (3) members of the instructional staff of that college to receive training and to serve in rotation as chair of the disciplinary committee. 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 biennially 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 respective faculty or student panel by lottery.

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 procedures or any other person having a direct interest in the outcome of the hearing shall be disqualified from serving on the committee.

Suspension or Dismissal:

The board reserves full power to dismiss or suspend a student, or suspend a student organization for conduct which impedes, obstructs, or interferes with the orderly and continuous administration and operation of any college, school, or unit of the university in the use of its facilities or in the achievement of its purposes as an educational institution. The chancellor or his/her designee or a president or his/her designee may in emergency or extraordinary circumstances, temporarily suspend a student, or temporarily suspend the privileges of a student organization or group for cause, pending an early hearing as provided in bylaw section 15.3. to take place within not more than ten (10) business days. Prior to the commencement of a temporary suspension of a student, the college shall give such student oral or written notice of the charges against him/her and, if he/she denies them, the college shall forthwith give such student an informal oral explanation of the evidence supporting the charges and the student may present informally his/her explanation or theory of the matter. When a student's presence poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, notice and opportunity for denial and explanation may follow suspension, but shall be given as soon as feasible thereafter.

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 Law

Crime	Illegal Conduct	Criminal Sanctions
<u>Rape in the first degree</u> (PL § 130.35)	A person is guilty when he or she engages in sexual intercourse with another person by forcible compulsion, with a person who is incapable of consent by reason of being physically helpless (e.g. being asleep, unconscious or due to alcohol or drug consumption), who is less than 11 years old or less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison.
<u>Rape in the second degree</u> (PL § 130.30)	A person is guilty when being 18 years old or more, he or she engages in sexual intercourse with another person less than 15, or with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated	Is a class D felony, with penalties up to 7 years in prison.
<u>Criminal sexual act in the first degree</u> (PL § 130.50)	A person is guilty when he or she engages in oral sexual contact or anal sexual contact with another person by forcible compulsion, or with someone who is incapable of consent by reason of being physically helpless, or with someone less than 11 or with someone less than 13 and the actor is 18 or older.	Is a class B felony, with penalties up to 25 years in prison.

<u>Forcible touching (PL § 130.52)</u>	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 (PL § 130.65)</u>	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 (PL § 130.70)</u>	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 (PL § 130.66)</u>	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.
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<u>Facilitating a sex offense with a controlled substance (PL § 130.90)</u>	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.
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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 local police department in the jurisdiction in which the offender resides and/or in which the college is located;
- Contact the Director of Public Safety at City College at (212) 650-6911; or
- Call the Division of Criminal Justice Services 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 And then click on "Search for Level 3 Sex Offenses;" or
- Access the Division's Level 3 subdirectory electronically or via CD – ROM at the college's public safety department or the local law enforcement agency for the jurisdiction in which the offender resides.

THE CITY UNIVERSITY OF NEW YORK CAMPUS AND WORKPLACE VIOLENCE PREVENTION POLICY

Is available at: <http://www.cuny.cuny.edu/about/workplace.cfm>

PROCEDURES IMPLEMENTING THE CITY UNIVERSITY OF NEW YORK'S POLICIES ON EQUAL OPPORTUNITY, NON-DISCRIMINATION AND AGAINST SEXUAL HARASSMENT

Is available at: <http://www.cuny.cuny.edu/affirmativeaction/harassment.cfm>

THE CITY UNIVERSITY OF NEW YORK – POLICIES AND PROCEDURES CONCERNING SEXUAL ASSAULT, STALKING AND DOMESTIC AND INTIMATE PARTNER VIOLENCE AGAINST STUDENTS

Is available at: <http://www.cuny.cuny.edu/safety/title-ix-sexual-assault-policy.cfm>

Notification of Missing Students

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify CCNY Public Safety Department at (212) 650-6911.

CCNY Public Safety Department will generate a missing person report and initiate an investigation. After investigating the missing person report, should CCNY Public Safety Department determine that the student is missing and has been missing for more than 24 hours, CCNY Public Safety Department will notify NYPD and the student's emergency contact no later than 24 hours after the student is determined to be missing.

If the missing student is under the age of 18 and is not an emancipated individual, CCNY Public Safety Department will notify the student's parent or legal guardian immediately after CCNY Public Safety Department has determined that the student has been missing for more than 24 hours. In addition to registering an emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted by CCNY Public Safety Department in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, CCNY Public Safety Department will notify that individual no later than 24 hours after the student is determined to be missing.

A student's confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate.

Civilian Complaint Procedure

A proper relationship between the Office of Public Safety and the college community, fostered by trust and confidence, is essential to a successful security and safety program. In order for us to better understand the community's perception of our service; it is important that we investigate any allegation of inappropriate officer conduct. Your criticisms and constructive suggestions for improvement are welcome. Each complaint will be thoroughly investigated and appropriate corrective action will be taken when warranted. You can file a complaint at the Office of Public Safety located in NAC-4/201 or by asking for the tour supervisor or by emailing or calling the Director of Public Safety at 212-650-7991 or email pmorena@cuny.cuny.edu

If you feel that you would rather not contact the college, you can make your complaint directly to the Office of University Director of Public Safety at 212-541-0407. A member of the University Director's staff will be assigned to investigate the complaint and recommend appropriate action. In a case where an officer is alleged to have committed an illegal or criminal act, the complaint can be made to the New York City Police Department and/or the Director of Public Safety

THE CITY COLLEGE OF NEW YORK CALENDAR YEARS 2012-2014 FIRE LOG AND CRIME STATISTICS CHARTS IS ON THE LAST PAGE OF THIS REPORT. THE STATISTICS INCLUDED ON THESE CHARTS ARE DERIVED FROM REPORTED FIRE AND CRIMINAL INCIDENTS FROM THE FOLLOWING SOURCES:

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

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, 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.

[The CUNY Workplace Violence Policy](#) addresses workplace violence and the [CUNY Domestic Violence in the Workplace Policy](#) addresses domestic violence in or affecting employees in the workplace.

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 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 sexual assault, such as rape/attempted rape, criminal sexual act, forcible touching, and sexual abuse. If of a sexual nature, stalking/cyber stalking (hereinafter "stalking") and dating, domestic and intimate partner violence may also constitute sexual harassment, gender-based harassment or sexual violence.

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

- **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.
- **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. The name and contact information for all Title IX Coordinators at CUNY can be found on the university's dedicated Title IX website at [Campus Title IX Webpages](#).

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 their local police precinct, or contacting their college public safety office, which is available 24 hours a day, 7 days a week. Campus public safety officers can also assist the complainant with filing a complaint both on and off-campus, and in obtaining immediate medical attention, counseling 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 attack 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. 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, and regardless of whether the incident took place on or off-campus. 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, individuals 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 in CUNY owned or operated housing, including Resident Assistants.
- (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. All information in connection with the complaint, including the identities of the complainant and the respondent, will be kept as confidential as possible and will only be shared with those who have a legitimate need for the information.

B. Support Assistance for Complainants

When a Title IX Coordinator receives a complaint of sexual or gender-based violence, she/he will work with the Chief Student Affairs Officer to identify a trained staff member to assist the complainant with support services and accommodations.

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 requests 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. 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, a student 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, subject to the conditions in [CUNY’s Medical Amnesty/Good Samaritan policy](#).

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:

<http://newyorkcity.ny.networkofcare.org/mh/services/subcategory.aspx?tax=RP-1400.8000-800><http://nownyc.org/service-fund/get-help/rape-sexual-assault/medical-help-counseling-for-sexual-assault/>

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. To the extent possible, information reported to responsible employees 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 off-campus trips

- Faculty or staff advisors to student groups
- Employees who are Managers (all)
- SEEK/College Discovery staff (all)

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 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 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.

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;
Changing an employee’s work assignment or schedule;
- (iv) Providing the complainant with an escort to and from class or campus or 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;
- (xi) 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.

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 inform the respondent of the allegations of the complainant. If there is a written complaint, the respondent shall be provided with a copy of the complaint unless circumstances warrant otherwise. 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 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.

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 delay the fact-finding portion of its investigation during the evidence-gathering phase of a law enforcement investigation. 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 accused of 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 appear through a representative of their choice, including an attorney, 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 accused of 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. False and 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 Actions 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. The CUNY offices of Student Affairs, Human Resources Management and Legal Affairs shall assist in such training and educational programming.

B. Training and Educational Programming

The college Title IX Coordinator, in coordination with other applicable offices, is responsible for training all employees who are required to report incidents of sexual harassment, gender-based harassment or sexual violence under this policy, for ensuring that designated offices are offering and administering the appropriate educational programming to all incoming and transfer students, residence hall students, athletes, fraternity/sorority groups, student leaders, and/or any other student groups which the college determines could benefit from education in the area of sexual harassment, gender-based harassment and sexual violence, and ensuring that designated offices promote awareness and prevention of sexual harassment, gender-based harassment and sexual violence among all students and employees.

C. Assessing Campus Attitudes

The college's Vice President for Student Affairs, Vice President responsible for human resources, Title IX Coordinator and/or such employees designated by the college President, in coordination with other applicable offices, are responsible for obtaining current information regarding student experiences with sexual harassment, gender-based harassment and sexual violence. Any survey or assessment instrument shall be structured to be in compliance with any requirements set forth in applicable law and shall be reviewed and approved in advance by the University Title IX Coordinator.

D. Dating, Domestic and Intimate Partner Violence

As noted above, CUNY's Domestic Violence in the Workplace policy provides that colleges shall assist employees who are victims of dating, domestic or intimate partner violence that affects their employment. Similarly, colleges shall assist students who are the victims of dating, domestic or intimate partner violence, including referring them to resources and taking other appropriate supportive measures.

In addition, if a student or employee makes a complaint of dating, domestic or intimate partner violence and the alleged perpetrator is a CUNY student or employee, the college shall investigate the matter if the alleged conduct may constitute a violation of this policy, and take appropriate action based on such investigation, which may include disciplinary action.

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. 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.

B. 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 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 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.

C. **Sexual violence** is an umbrella term that includes: sexual assault, such as rape/attempted rape, criminal sexual act, forcible touching and sexual abuse, as well as dating, domestic and intimate partner violence. Stalking, while not necessarily sexual in nature, can be a form of sexual violence depending upon the circumstances.

- (i) **Sexual assault** is any form of sexual contact (i.e., any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party) that occurs without consent and/or through the use of force, threat of force, intimidation, or coercion. Examples of sexual assault include:
 - (a) **Rape and attempted rape** is engaging or attempting to engage in sexual intercourse with another person: (a) without such person's consent; (b) where such person is incapable of giving consent by reason of being mentally disabled, mentally incapacitated or physically helpless; or (c) where such person is less than seventeen years old. Sexual intercourse includes vaginal or anal penetration, however slight.
 - (b) **Criminal sexual act** is engaging in oral or anal sexual conduct with another person without such person's consent.
 - (c) **Forcible touching** 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.
 - (d) **Sexual abuse** is subjecting another person to sexual contact without the latter's consent.
- (ii) **Stalking** is intentionally engaging in a course of conduct directed at a specific person that:
 - (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted;
Or
 - (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.

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.

D. Consent is a knowing, informed, voluntary and mutual decision to engage in agreed upon 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 failure to resist does not, in and of itself, demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

Consent can be withdrawn at any time. Past consent to sexual activity between individuals does not constitute consent to subsequent sexual activity between those individuals, and consent to one form of sexual activity does not necessarily imply consent to other forms of sexual activity. Whether one party to sexual activity is in a position of authority or influence over the other party is a relevant factor in determining consent.

In order to give consent, one must be of legal age (17 years or older) and not mentally or physically incapacitated, or physically helpless, unconscious or asleep. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent. Consent is not valid if it is the result of coercion, intimidation, force or threat of harm.

E. 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.

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

G. 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.

H. Complaint is an allegation of sexual harassment, gender-based harassment or sexual violence made under this policy.

I. 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.

J. 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.

