BOROUGH OF MANHATTAN COMMUNITY COLLEGE
199 Chambers street
New York, NY 10007

Ed Moss Director of Public Safety
Director of Public Safety
212-220-8076

College Overview

Borough of Manhattan Community College’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 Borough of Manhattan Community College; and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters.

The college, a component of The City University of New York City. The campus is located at 199 Chambers Street New York, New York, a borough of New York City with a population of approximately 8,363,710. The campus is situated on a 4.28 acre site and comprised of 2 buildings located on or contiguous to the campus.

Other Facilities:
70 Murray Street, New York NY 10007
75 Park Place, New York NY 10007
25 Broadway, New York 10004
2900 Bedford Ave, Brooklyn NY (Off Campus Brooklyn College)
250 Bedford Park Blvd, West Bronx NY 10468(Off Campus Lehman College)
108 Cooper Street (207 & Isham Ave) Good Shepherd/Hostos Community College
163 West 125th St (NY State Office Building) between Lennox and 7th Ave

The college enrolls approximately 21,118 degree program students who attend day and evening classes. In addition, the college, through the Office of Continuing Education serves in excess of ten thousand multi-cultural individuals during the academic year.

BMCC is an international college with students from over 155 countries. Racial/ethnic makeup according to student self-descriptions:

- American Indian/Native: 2 percent
- Asian/Pacific Islander: 14.3 percent
- Black: 35.7 percent
- Hispanic: 34.7 percent
- White: 15.1 percent

The college employs approximately 414 full-time faculty/staff and 790 part-time/adjunct staff members.

Crime Reporting Procedure

Faculty, staff, students, and others who may be on campus or on the contiguous geographic perimeter of the campus are 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: Calling the Department of Public Safety’s emergency telephone line (212) 220-8080 or Extension 8080 may be dialed within the college’s telephone system. Using the Red Emergency Assistance call boxes located strategically 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 S-202 and N-106.

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.

Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime – without divulging the name of victim or witness – to the Department of Public Safety for inclusion in the annual crime, report.

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.

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.

Public Safety and Security Services

Mission Statement

The BMCC Public Safety Service goal is to support the mission of the college by providing a safe, secure, and comfortable environment for students, faculty, staff and visitors. All members of the BMCC/Public Safety Service are expected to respect each individual, and treat everyone with professionalism and civility while maintaining the rules and guidelines that will ensure the safety and security of all persons at the college.

Through our web pages we hope to provide you with information to help keep you safe both on campus and at various educational activities.

Borough of Manhattan Community College’s main campus grounds, the contiguous geographic perimeter of the main campus, the off-campus sites, the entry gates, and the parking areas are patrolled on a 24-hour basis by Public Safety Officers. Public Safety Officers are sworn law enforcement/NYS Peace Officers under Criminal Procedure Law 2.10 subsection 79 and have the power to make arrests.

At Borough of Manhattan Community College, incidents of a criminal nature that are reported to a Campus Peace Officer are referred via the complainant to the NYPD. The City University of New York and Borough of Manhattan Community College have Memorandums of Understanding with the NYPD for emergency, non emergency and investigative response. The department consists of 37 Peace Officers assigned to patrol the campus.

Additionally, the college employs 37 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).

The Public Safety Department also oversees the electronic intrusion alarm system that protects various buildings as well as the fire alarm response system. Supplemented these campus security systems are Emergency Help Call Buttons that have been installed in administrative offices and Emergency Assistance Call Boxes that are conspicuously located on campus grounds.

Off-Campus Organizations Crimes and Safety Hazard Monitoring

The information is obtained from the local precincts that patrol the periphery of the campus grounds. The local NYPD police precinct, the 1st Pct is responsible for the compiling and analyzing of related crime statistics. From the local precinct we request via formal letter each year crime statistics that are included in this report when provided, N.Y.P.D 1st Pet-16 Ericsson Place, New York, NY 10013 (212)334-0611

The college does not have any recognized off-campus student organizations or housing facilities.
Evacuation Procedures:

Fire

BMCC Public Safety has certified instructors for Campus CERT drills during the fall, spring and summer semesters. Drills are conducted both individually, during an emergency. With that goal in mind, BMCC conducts CUNY Alert. Please use this link to register:

BMCC strongly urges all members of the BMCC community to sign up for CUNYALERT System. 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 also provided with information on signing up for CUNYALERT at orientations. A notification will be sent upon confirmation of a significant emergency (unless such notification presents an undue safety risk).

The college conducts evacuation and fire drills three (3) times per year. During these 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.

Public Safety Awareness & Crime Prevention Programs

Emergency Notification & Response

The college participates in the University-wide CUNYALERT System. 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 also provided with information on signing up for CUNYALERT at orientations. A notification will be sent upon confirmation of a significant emergency (unless such notification presents an undue safety risk).

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Public Safety Awareness & Crime Prevention Programs

Emergency Notifications:
Communicating accurate and timely information has never been a more important necessity than after the tragic situations at Virginia Tech and Northern Illinois University. To better serve the BMCC Community, CUNYALERT has been initiated which will allow thousands of simultaneous messages to be sent anywhere using voice and text-based technologies.

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 for the purpose of crimes and security incidents. The Department requests data via official letter request from these authorities for inclusion in this report.

BMCC strongly urges all members of the BMCC community to sign up for CUNYALERT. Please use this link to register:
http://www.cuny.edu/special/cuny-alert.html

It is the goal of BMCC to plan for the safe and orderly evacuation of all individuals, during an emergency. With that goal in mind, BMCC conducts drills during the fall, spring, and summer semesters. Drills are conducted both day and night and at the main campuses and at the non-campus locations.

Training:
BMCC Public Safety has certified instructors for Campus CERT (C-CERT), Fire-Warden, and AED/CP&R/First-Aid. The training helps to ensure that we provide a safe and secure environment, and can promise reliable and knowledgeable First Responder assistance to our campus community.

Evacuation Procedures:
Evacuation of People with Disabilities
a) Do not use elevators or escalators.

b) Alert the hearing impaired to an emergency and initiate their evacuation.

c) Mobility impaired person/persons who cannot navigate the staircase should Stage at the nearest elevator bank to them. They should remain at that location until a determination has been made by the NYFD concerning the safety of evacuation.

(1) Disabled students, faculty, and staff should develop a “buddy system” (should be advised at the start of each semester by the Disability Coordinator).

2) The “buddy system” designates a specific volunteer to assist and take responsibility for a person during an emergency on Campus.

d) BMCC Public Safety Staff will do a sweep of the elevator banks on Campus and alert supervisory staff as to:

Which elevator banks have person/persons staged and the number at each bank.

Assisting a person with a disability

a) Mobility impaired person/persons in an emergency:

(1) People with disabilities may require assistance from other members of the BMCC Community. An individual who can safely assist a person with a disability is requested to do.

(2) Always ask someone with a disability how you can help before attempting any rescue technique or giving assistance. Ask how he or she can best be assisted or moved, and whether they have any special considerations that need Assistance Consideration (Blindness or Visual Impairment).

The following special considerations apply to assisting persons with blindness or visual impairment:

(1) Do not grab a visually impaired person’s arm; ask if he or she would like to hold onto your arm as you exit.

Give verbal instructions about the evacuation route using estimated distances and directional terms (Ex: twenty feet forward, turn right).

(2) Evacuating a disabled or injured person yourself is a last resort. Consider your options and risks of injuring yourself and others in an evacuation attempt.

Do not make an emergency situation worse. Evacuation may be difficult and uncomfortable for both the rescuers and the people being assisted. Some people have conditions that can be aggravated or triggered if they are moved incorrectly.

(3) Emergency Evacuation Chairs been placed strategically through the College at The following locations:

The “Evac Chairs should only be used as a last resort and only by someone who in properly trained operating the Evac-Chairs.

South Side
7 South/stair 5
5 South/stair 5
4 South/stair 4

North Side
7 North/stair 1
5 North/stair 1
6 North/stair 2

Murray St.
14th Floor adjacent to the front desk of Continuing Ed.
11th Floor adjacent to rooms 1106a–1106b.

Evacuation procedure for 199 Chambers St. (main campus)

When the emergency alarm sounds, stop whatever you are doing and exit the building as quickly and as calmly as possible. The alarm has a loud repeating bell sound accompanied by flashing strobe lights. Follow the evacuation path posted in the room to the nearest staircase.

3
1) Do not panic
2) Do not ignore the alarm
3) Do not use the elevator or escalator. The escalators will come to a slow, controlled stop and the elevators return to the first floor for use by emergency personnel.
4) Follow the directions of the Fire Wardens, C-CERT Team Members and Public Safety Staff.
5) Do not return to your classroom of office for any reason.
6) BMCC has a voice enunciator system to assist you in an emergency. Listen carefully to any instructions given.
7) Please assist those needing special help.

Evacuation Procedures at 70 Murray

Evacuation
In the event of an evacuation or other emergency BMCC Public Safety will coordinate its efforts with the 75 Park Place Security and building management emergency protocols. When the audible alarm sounds begin and the strobe lights flash, follow the procedures listed below:

A.) Gather your belongings and listen for instructions over the public address system. You may be instructed to proceed to the staircase indicated on the emergency evacuation diagram posted in your classroom or office (Staircases are located near the bank of elevators on each floor of the building and are lit during emergencies);

OR

B.) Follow the instructions of the fire warden on your floor.

Please Note: The Murray Street building follows a different evacuation protocol than 159 Chambers Street. It is imperative that you listen carefully and follow the directions over the public address system from the Fire Safety Officers in charge.

Elevators and Escalators
During an evacuation, elevators and escalators are NEVER to be used.

The senior fire official at the scene will determine if the elevators can be used to evacuate persons with disabilities from their staging areas.

A.) All staircases at 70 Murray have emergency lighting and the re-entry floors are clearly marked.

B.) Do not return to your floor until advised do so by the Fire Safety Director or the public address system announcements.

Reporting Emergencies
A.) There are red BMCC Emergency Call Boxes in the hallways, on each floor. These Call Boxes will connect you directly to BMCC’s Public Safety office;

OR

B.) You can dial: x8080 (or 212. 220-8080) which will connect you directly to BMCC’s Public Safety, 24 hours a day.

Evacuation Procedures for 25 Broadway

8th Floor
Any person discovering fire, smoke, or any other emergency condition should without delay cause the transmission of a fire alarm by calling 911 or activating a fire alarm box. Notify the Fire Safety/E.A.P. Director or Fire Safety/E.A.P. Warden that an alarm has been transmitted.

In the event that it becomes necessary to implement the building’s Fire Safety or Emergency Action Plan, listen for and follow the directions given by the Fire Safety/E.A.P. Director/Staff and Emergency Response personnel. Elevators should never be used in a fire. In all other circumstances, use the elevators only if and when directed to do so by the Fire Safety/E.A.P. Director/Staff or Emergency Response personnel.

Emergency Announcements via the PA System:

Means of Notification: Security desk telephone: (212) 961-4472, by activation of fire alarm system via audible, and visual, public address system. 24 hours/7days.

Visual (Fire Strobe Lights)
Upon activation of any fire alarm devices, the fire strobe lights are activated on the 2nd floor west, 6th floor east side and 5th floor west side.

Audible Fire Alarm Signals
The audible and visual fire alarm signals are activated upon the activation of any fire alarm device.

Tone:
Generates three (3) Beeping Tones, then a pause. The tone sequence repeats until the signal is acknowledged and silenced, or interrupted momentarily by keying the microphone to speak over the fire communication system. The audible signal sequence resumes.

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 New York City Police Department and the Department of Public Safety. 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 scheduled. Held once every semester.

In addition BMCC Public Safety Sponsors Public Safety Day, every Semester, with the following Agencies:

BMCC Public Safety
NYPD/Domestic Violence Unit
NYPD/ Crime Prevention Unit
NYPD/Transit District#2
NYC/OEM
U.S. Postal Inspector
NYFD

Safety Tips
BMCC is proud of its campus safety and security record. The Public Safety Department recommends the BMCC Community follow these simple, common-sense rules.

1) Walking on/off Campus: If possible avoid walking alone. Walk in well lit areas, do not take short cuts. When walking to your vehicle, have your keys ready in your hand. Do not carry large sums of money, conspicuous jewelry, or other valuables. Keep your purse tucked closely under your arm.

2) in the Office
If you are working alone during off-hours, keep your doors locked. Inform the Public Safety service of where you are working so that our patrol officers can give that area special attention, during patrols.

3) Theft prevention in the office
Don't leave your handbag unattended in the bottom desk drawer unlocked. Secure your handbag at all times. Retrieve keys from persons no longer affiliated with your office.

Do not leave keys lying around. Report lost keys to the Public Safety Department immediately.

Lock your door when leaving the office unattended.

Lock up small items such as calculators, radios and tape recorders when not in use.

Permanently mark portable office equipment such as staplers, electronic pencil sharpeners, calculators, computer software, etc. with the name of the department and room number to which they belong (call the Public Safety Office for items that require marking with an electric engraver).

Report all suspicious persons immediately to the Public Safety Department.

In the classroom never leave your handbag or briefcase unattended.

When taking a break, secure your valuables or take them with you.

Theft prevention in parking lots
Park in well lit areas.
Always lock your car and take your keys.
Always set any alarms or security locks.
Remove car radio if possible.
Avoid leaving any packages or valuables in open view inside your automobile.

Subway safety:
Every Station has an Off-Hours Waiting Area. Off-Hours Waiting Areas may be located near the station booth, in the middle level in a two-level station, or the platform. Yellow signs usually hung from the ceiling mark these well-lit areas. In stations where you can't see the platform from the Off-Hours Waiting Area, an electronic sign alerts you to the arrival of a train.

There are closed circuit television cameras in the Off-Hours Waiting Areas. Avoid waiting at the far end of a platform at any time.

Ride in the conductor's car in the middle of the night.
At night, NYC TA sometimes runs trains with fewer cars. Look for a black and yellow platform sign that tell you where to board the Conductor's Car.

Remember:
Be careful not to display money in public.
Hold on to your pocketbook when using the shoulder straps.
Keep your wallet out of sight and never put your wallet in your rear pocket.
Be sure your necklaces and other jewelry are not visible.
Do not doze or fall asleep on the train.

Tips to avoid date rape:
Do not drink beverages that you do not open yourself.
Do not share or exchange drinks with anyone.

If someone offers you a drink from the bar at a club or party, accompany the person to the bar to order your drink, watch the drink being poured, and carry the drink yourself.

Do not leave your drink unattended while talking, dancing, using the restroom or making a phone call.

If you realize that your drink has been left unattended, discard it.

Do not drink anything that has an unusual taste or appearance.

Identity theft and prevention:
Identity theft occurs when a criminal uses another person's personal information to take on that person's identity. Identity theft is much more than misuse of a social security number-it can also include credit card, and mail fraud.

Tips for prevention:

What should I shred?
"Dumpster Diving" is a popular pastime of identity thieves as it presents many opportunities to find information than can be worth a lot of money.
Shred all paperwork that has an account number (bank statements, credit card statements & receipts, utility bills, etc) a signature, your social security number on medical or legal information-as well as pre-approved credit card offers.

Never give out your personal information over the phone, unless you have initiated the call and trust the caller.

Protect your Social Security Number-this is not a number just anyone can have if they ask, always ask why companies or people might want your Social Security Number.

Order your Social Security Earnings and Benefit Statements once a year to check for fraud.

Always question the identity of people, and companies that initiate contact with you.

Do not carry your extra credit card or important identity documents in your purse or wallet unless it is necessary.

Keep a photocopy of all credit cards (both front and back)

Never leave your wallet or purse unattended-at work, restaurants, parties etc.

Reconcile all bank and credit card accounts immediately when you receive them. Challenge all unauthorized transactions immediately.

Always make sure that if you are making transaction from a computer that it is a secure site.

Never write down any PIN numbers-memorize them-if you need to write them down, place them in a secure place other than a wallet or purse.

Be aware of "shoulder surfers" when you are using your credit card or ATM card.

Whenever possible keep your card in sight during a transaction.

Access to College Facilities (8)

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

Campus I.D. Cards
All campus identification cards are issued from the Public Safety/Security Office. Students, staff and faculty may keep the same I.D. card for the length of their enrollment or employment. They are validated each semester with a different color validation sticker to signify current enrollment.

Administrators, faculty and staff are issued accessed via their “prox” ID Cards and/or 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 Station alarm monitoring station on campus.

Public safety personnel and other college employees, routinely perform checks of lights on campus that need repair, when and where needed. This information is submitted to the Buildings and Grounds Office for maintenance and repair. Public safety personnel periodically take notice of shrubbery, doors and locks that require maintenance and submit the information to the appropriate department.

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

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

**BMCC does not maintain any dormitories or housing facilities on or off campus for students.**

### 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 hound 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.

### Drug and Alcohol Policies:

- It is the policy of The City University of New York and BMCC that any action or situation which recklessly or intentionally endangers the mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation or affiliation with any organization, is prohibited. BMCC is a drug and alcohol free campus.

- The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances by the students or employees on the 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 work place not later than (5) days after such conviction.

- The unlawful possession, use, or distribution of alcohol, by students or employees on university/college premises or as part of any university/college activities is prohibited. The legal age for drinking alcohol in New York State is 21, and state law deals harshly with underage drinking. It is also against the law in New York State to sell or give alcohol to anyone under the age of 21.

- The possession or use of illegal drugs is a crime in the State of New York. Anyone found in possession of or using such drugs on college property will be severely dealt with and will face criminal charges.

### CUNY policies, rules, regulations, and collective bargaining agreements. Sanctions may include reprimand, suspension without pay or termination.

### 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 (11)

**RULES AND REGULATIONS FOR THE MAINTENANCE OF PUBLIC ORDER PURSUANT TO ARTICLE 129-A OF THE EDUCATION LAW (THE “HENDERSON RULES.”)**

The tradition of the University as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of that sanctuary lies in the protection of intellectual freedom: the rights of professors to teach, of scholars to engage in the advancement of knowledge, of students to learn and to express their views, free from external pressures or interference. These freedoms can nourish only in an atmosphere of mutual respect, civility, and trust among teachers and students, only when members of the University community are willing to accept self-restraint and reciprocity as the condition upon which they share in its intellectual autonomy.

Academic freedom and the sanctuary of the University campus extend to all who share these aims and responsibilities. They cannot be invoked by those who would subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom.

Against such offenders the University has the right, and indeed the obligation, to defend itself.

We accordingly announce the following rules and regulations to be in effect at each of our colleges which are to be administered in accordance with the requirements of due process as provided in the Bylaws of the Board of Higher Education.

With respect to enforcement of these rules and regulations we note that the Bylaws of the Board of Higher Education provide that:

"THE PRESIDENT. The president, with respect to his education unit, shall:

a. Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his jurisdiction;

b. Be the advisor and executive agent of the Board and of his respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the Bylaws, resolutions, and policies of the Board, the lawful resolutions of the several faculties;

c. Exercise general superintendence over the concerns, officers, employees, and students of his educational unit."
1. 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 instrument 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 substantive Rules 1-11 shall be subject to the following range of sanctions as hereafter defined in the attached Appendix: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsions, ejection, and/or arrest by the civil authorities.

2. Any tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to one or more of the following range of penalties: warning, censure, fine not exceeding $5,000, or suspension for an indefinite period not to exceed five (5) years. The penalty may be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lieu of, any other penalty provided by law or The City University of New York. The penalty may also be imposed in addition to, or in lie

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

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

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

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.

Alcohol and Substance Abuse Program (12)

The college’s Alcohol/Substance Abuse Program is a part of the Department of Student Development/Student Affairs. The purpose of this program is to:

1. Educate students about alcohol and substance abuse.

2. Identify students with problems related to alcohol and substance abuse.

3. Intervene in the lives of students who are affected by such abuse.

4. Provide counseling and/or referral for students with problems.

Alcohol and Substance Abuse Program

The abuse of alcohol or other drugs among students is often related to a personal crisis or problem such as relationship difficulties, feelings of isolation at school, identity confusion, academic or financial pressures, conflicts at home, or drastic change such as an unwanted pregnancy or loss of a loved one. Services and programs are available through city agencies and community organizations at little or no cost and usually are voluntary and confidential. These services assist those who may have developed an alcohol or drug-related problem, suspect they are at risk for such problems, are affected by the drug or alcohol abuse of others, or seek information about illegal or controlled substances.
The decision to seek out information about substance abuse-related problems is often a complicated one. Staff members in Counseling Center are sensitive to this reality and offer non-judgmental support and guidance as well as a wide range of resources for students, including those who are ambivalent about their own or someone else’s alcohol or drug related problems. On-line resources are available through the City University of New York (CUNY) Counseling Services web page at http://www.cuny.edu/about/administration/offices/sa/services/counseling/students.html.

The Counseling Center provides free, confidential counseling and psychological services for BMCC students. These include consultation, short-term psychotherapy, group therapy, and outreach services for a variety of personal and psychological concerns. The staff of psychologists and trainees complies with strict standards of confidentiality. If you require long-term psychotherapeutic or psychiatric services that are not available at The Counseling Center, you can be referred to a variety of other options in the community. In addition, the Health Services office provides information through health and wellness fairs and workshops, brochures, pamphlets and resource information.

On-Campus Resources
Counseling Center
199 Chambers Street
S330
212-220-8140
counseling@bmcc.cuny.edu

Health Services
199 Chambers Street
N303
212-220-8255
healthservices@bmcc.cuny.edu

Off-Campus Community Resources Hotlines
National Drug & Alcohol Treatment Referral Service
1-800-662-4357
NY State Office of Alcoholism and Substance Abuse Services - toll-free information and referral line
1-800-522-5353
Alcoholism Council of New York Helpline
1-800-567-6237

Off-Campus Treatment Options
Inpatient:
The Addiction Institute of New York at Roosevelt Hospital
212-523-6491
Outpatient:
The Addiction Institute of New York at Roosevelt Hospital
212-523-6491
Triangle Treatment/Arms Acres (lesbian, gay, bisexual and transgender)
212-399-6901
Greenwich House
212-691-2900
Pride Institute
800-547-7433
Cornerstone Medical Arts Building
212-755-0200

Questions
If you have any questions about these programs, or about any other aspect of the information contained in this document, please call the Counseling Center at 212-220-8140 or Health Services at 212-220-8255.

If you are an employee, please contact the Office of Human Resource at 212-220-2364.

Mutual/Self Help Groups (On & Off-Campus)
Many different mutual and self-help programs are available in New York City. These programs generally are free of charge and do not require a long-term commitment. Although most programs are abstinence-based and follow the 12-step approach, there are also programs that support moderation as a goal and/or do not use 12 steps. None of the programs listed below has any religious affiliation, but some may use spirituality as a part of the program. Meeting times and locations are available by calling the corresponding contact numbers, or viewing the corresponding web-sites. Each meeting is somewhat different from any other (even within the same program) both in terms of structure and participants. New York City supports a huge diversity of meetings — some groups are geared specifically towards men, women, lesbians, gays, bisexuals or transgendered people. Many people find it helpful to explore different options.

Organization | Organization Contact # | 12 Step or
Abstinence Based | Alcoholics Anonymous | 212-647-1680 | www.aa.org | 12
Step/Abstinence | Alcoholics Anonymous of New York | 212-647-1680 | http://nyintergroup.org/ | 12
Step/Abstinence | Al-Anon/Alateen | 212-941-0094 | N/A
Step/Abstinence | Children of Alcoholics Foundation | 646-505-2065 | N/A
Cocaine Anonymous | www.ca.org/ | 212-262-2463 | www.ca.org/ | 12
Step/Abstinence | Narcotics Anonymous | 212-929-6262 | www.na.org/ | 12
Step/Abstinence | Moderation Management | 212-871-0974 | www.moderation.org/ | “controlled
Smart Recovery | 212-929-6107 | www.smartrecovery.org/ | Abstinence
(Not 12-Step or spiritually based)

Strategies for Education and Prevention of Alcohol and Substance Abuse
Throughout the school year, a variety internal and external workshops, services and resources pertaining to the education and prevention of alcohol and substance abuse are sponsored by many offices, including The Counseling Center, Health Services, the Women’s Resource Center and Student Affairs. A variety of pamphlets, books, videos, and audio designed to heighten awareness and provide information on the subject is available in these offices. In addition, individual and group counseling and referrals are afforded to students.

Programs and Policies That Make a Difference
the following are some of the strategies in place

• Working with local communities and the NYPD to ensure that alcohol is not served to minors or to intoxicated students;
• Strengthening academic requirements;
• Scheduling classes on Fridays (This strategy emphasizes the importance of academics and discourages the alcohol-fueled partying that may occur on Thursday nights if students do not need to attend classes on Fridays);
• Keeping the library and recreational facilities open longer hours;
• No alcohol-industry support for athletic programs (Accepting such funding can be seen as sending a mixed message to students);
• No alcohol promotions and advertising on campus and in campus publications, especially promotions or ads that feature low-cost drinks;
• Monitoring clubs to ensure compliance with alcohol policies and laws;
• Providing a wide range of alcohol-free social and recreational activities;
• Disciplining repeat offenders and those who engage in unacceptable behavior associated with substance use;
• No alcoholic beverages allowed on the campus.

Reporting and Prevention of Sex Offenses

Overview

It is the policy of The City University of New York and BMCC to prohibit sexual harassment of employees and students. It is a violation of policy for any member of the college community to engage in sexual harassment. It is a violation of policy for any member of the college community to take action against an individual for reporting sexual harassment. This policy is related to and conforms to the Equal Employment Act and Applicable Laws & Penalties Related to Sexual Assault Crimes: Article 130 of the New York State Penal Law deals with sex offenses.

The circumstances surrounding sexual assaults on college campuses are often quite different from those that occur elsewhere. Many of the incidents occur under circumstances commonly referred to as date rape. Date rape is a sexual assault against a person that is committed by someone the victim knows. The perpetrator may be someone the victim knows well and may have previously been in his or her company. Because of this familiarity, the victim often fails to see the incident as a serious crime and may, in fact, place some of the blame for the incident upon herself or himself. Date rape in college surroundings quite often follows the use of alcohol or other drugs by the victim and the perpetrator. Very often, the victims find that they have been placed in a vulnerable position by trying to make new acquaintances or fit in with a new crowd. All students should remember that date rape is another name for a very serious crime. Every person is an individual and should be able to assert his or her wishes in a relationship. Self-awareness and good common sense are your best weapons against date rape.

The Campus Sex Crimes Prevention Act is a Federal Law that was enacted on October 28, 2000 and provides for the tracking of convicted, registered sex offenders who work, attend or volunteer at institutions of higher education. As of October 28, 2002, each state must ensure that all registered sex offenders provide information concerning each institution of higher education where they work, attend or volunteer.

This law also amends the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). All institutions of Higher Education must include a statement in their annual disclosure of statistics to Education where they work, attend or volunteer.

CUNY has adopted Policies and Procedures Concerning Sexual Assault, Stalking and Domestic and Intimate Partner Violence Against Students, which addresses the prevention of sexual assaults and other forms of violence against CUNY students, on and off CUNY campuses. Specifically, the goal of the Policy is to: 1) provide the most informed and up-to-date sexual assault, domestic/intimate partner violence and stalking prevention education information to CUNY students; 2) create a comprehensive plan for CUNY colleges to follow in the event that a student is the victim of a sexual assault or other act of violence; 3) provide clear and concise guidelines for students to follow in the event that they or someone they know has been the victim of a sexual assault or other act of violence; 4) ensure that all appropriate CUNY personnel receive education and training to assist victims of sexual assaults and other acts of violence; and 5) ensure that disciplinary procedures are followed in the event that the perpetrator is a CUNY student or employee.

Reporting Procedures

Sexual Assault

For full view of the CUNY Policy on sexual assault, go to www.cuny.edu The Campus Sex Crimes Prevention Act is a Federal Law that was enacted on October 28, 2000 and provides for the tracking of convicted, registered sex Offenders, who work, attend or volunteer at institutions of higher education. As of October 28, 2002, each state must ensure that all registered sex offenders provide information concerning each institution of higher education where they work, attend or volunteer.

Sexual Harassment

For full view of the CUNY Policy on Sexual Harassment, go to www.cuny.edu Borough of Manhattan Community College adheres to the Policy against Sexual Harassment adopted by the Board of Trustees of The City University of New York (CUNY). It is the policy of The CUNY to promote a cooperative work and academic environment in which there exists mutual respect for all University students, faculty, and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the University’s non-discrimination policy. Sexual harassment is illegal under Federal, State, and City laws and will not be tolerated within the University.

What is Sexual Harassment?

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other oral or written communications or physical conduct of a sexual nature when:
• submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic standing;
• submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
• such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or abusive work or academic environment.

This policy applies to all BMCC faculty, staff, and students, to all BMCC sponsored programs on or off the campus, and to visitors, vendors, contractors, etc., engaged in an activity or program on the campus.

Where should you go for assistance?

All members of the BMCC Sexual Harassment Awareness and Intake Committee have been certified through extensive training to respond to inquiries and complaints of sexual harassment from any member of the college community. Student or employee complaints should be directed to any one of the committee members. All materials concerning Sexual Harassment are available in Room5750d and messages can be left there for other committee members. Al l committee members have an obligation to maintain confidentiality to the fullest extent possible.

If a student wishes to report the occurrence of a sex offense, he or she should be guided by one of the following procedures:

(see http://www.bmcc.cuny.edu/safety/page.jsp?pid=1004&n=Sexual%20Harass
ment%20Abuse)
1. Report the incident to the Department of Public Safety (212) 220-8080. A formal report will be made of the allegation and a copy of the report will be forwarded to the Office of (Student Affairs); or
2. Report the incident to the College’s Dean for Student Affairs/Student Development, who at the student’s request, will contact the Department of Public Safety to commence an appropriate investigation; or
3. A student can call the New York City Police Department or 911, or go directly to a hospital.

4. 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.

The Public Safety Department has formulated guidelines to be followed when dealing with reports of sexual assault. The primary objective of these guidelines is to provide all possible assistance to the victim, apprehend the perpetrator and maintain the confidentiality of the victim as much as possible.

These guidelines are as follows:

If you are the victim of sexual assault, notify the Public Safety Department (x8080) immediately. The staff will assist you in obtaining emergency medical treatment, police assistance, or counseling if necessary. If requested, a female officer will assist you.

You are encouraged to receive immediate medical attention. This is important to alleviate fears of sexually transmitted disease and pregnancy. It will also aid in the collecting and preserving of evidence that can be later used in prosecution. Do not wash, douche, or remove clothing worn at the time of the attack before you seek medical attention.

When calm, make note of the events involving the attack. Inform the NYPD of these details.

It may be necessary to seek the services of a counselor. College counselors are equipped to assist victims and make referrals to community agencies.

Whenever a report of sexual assault is received, the director of public safety or their designee will be notified immediately.

As with all other reports of incidents occurring on campus, the public safety officer taking the report will obtain as much information as possible about the circumstances of the incident.

CUNY has adopted Policies and Procedures Concerning Sexual Assault, Stalking and Domestic and Intimate Partner Violence Against Students, which addresses the prevention of sexual assaults and other forms of violence against CUNY students, on and off CUNY campuses. Specifically, the goal of the Policy is to: 1) provide the most informed and up-to-date sexual assault, domestic/intimate partner violence and stalking prevention education information to CUNY students; 2) create a comprehensive plan for CUNY colleges to follow in the event that a student is the victim of a sexual assault or other act of violence; 3) provide clear and concise guidelines for students to follow in the event that they or someone they know has been the victim of a sexual assault or other act of violence; 4) ensure that all appropriate CUNY personnel receive education and training to assist victims of sexual assaults and other acts of violence; and 5) ensure that disciplinary procedures are followed in the event that the perpetrator is a CUNY student or employee.

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 below 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 action 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.

• 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 helpless or undergarde 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, religion, ethnicity, class or national origin. Though women and girls are primary targets of these crimes, men and boys are sexually victimized too, and have been found to suffer the same aftermath as women. 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).

SURVIVING SEXUAL ASSAULT: Resources and Information*

Sexual assault touches everyone’s life in many different ways. It affects us all, regardless, gender, sexual of age, race orientation, religion, ethnicity, class, or national origin. Sexual assault can encompass a variety of experiences a person may have, including unwanted sexual touching, non-
concessional oral or anal sex, or rape, and can happen with someone you have just met, with an intimate partner, or with a stranger.

Talking about these issues can be very challenging. You are not alone; there are people who are here to help. This publication is intended to help you recognize misconduct of a sexual nature, to provide information about options and resources available as it relates to medical, legal, and counseling or support services, and to identify some tips to help reduce the risk of sexual assault. We encourage you to read this information, review it periodically so you will remember it, and keep this document for future reference.

Victims’ Needs, Rights and Choices When Sexual Assault Occurs

Victims of sexual assault may encounter a bewildering number of choices related to medical services, legal assistance, and counseling/support services. The emotional reactions that may follow a sexual assault often make the decision making process even more complicated. Supportive friends, family, and professionals can significantly improve the victim’s ability to cope with their experience and make informed decisions.

Sexual Assault Survivor’s Bill of Rights
- You have the right to seek and receive help.
- You have the right to be given the same credibility as any other crime victim.
- You have the right to courteous, efficient treatment.
- You have the right to be treated with dignity and respect, without prejudice against race, class, lifestyle, age, gender, religion, sexual orientation or occupation.
- You have the right to accurate information, presented in a way that you understand.
- You have the right to ask questions.
- You have the right to make your own decisions.
- You have the right to change your mind.
- You have the right to get help and support from others.
- You have the right to heal.
- You have the right to the same opportunity as the accused to have others present during on-campus disciplinary actions.
- You have the right to be informed of the outcome of any disciplinary proceeding.
- You have the right to be informed of your options to notify law enforcement.
- You have the right to be notified of counseling services.
- You have the right to be notified of options for changing academic and living situations.

• 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 are 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.

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 prevention education 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.

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 victim and alleged perpetrator are entitled to the same opportunities to have others present and to be informed of the outcome of the proceedings. The victim is entitled to a report of the results of the proceedings at her/his request. 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.

On-Campus Assistance

Victims of a sexual assault are encouraged to contact the Dean of Student Affairs/Student Development to obtain assistance in accessing medical and counseling services, or to make any necessary changes to the student’s academic program or residential housing situation. Public Safety can assist the victim getting to and from campus safely, filing a police report and obtaining an order of protection against the perpetrator. The victim can also file a complaint with the College against a perpetrator who is a student or employee of the University with the Dean of Student Affairs/Student Development and the Public Safety Office.

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

Medical Needs

Victims of sexual assault or attempted sexual assault should receive a comprehensive medical examination as soon as possible after the incident occurs. This is important for two reasons. One is to provide an immediate opportunity to treat medical conditions that may arise as a result of the sexual assault. A victim of sexual assault may also have injuries that are not physically visible. The second reason is to help in the collection of evidence.

A victim of sexual assault can go to the hospital for a forensic examination up to 96 hours after a sexual assault. This will include a collection of evidence. Therefore, when possible, it is best not to shower, wash, douche, eat, or drink. It is also important to bring, in a paper bag, the clothes that were worn at the time of the sexual assault. At the hospital emergency department, a victim can also be given a general medical examination, antibiotics and testing for sexually transmitted infections, emergency contraception, and HIV prophylaxis and testing. After completing a forensic examination, the victim does not have to immediately file a report with the police. A hospital will store the rape kit for 30 days, which allows for the victim to later decide if
she/he wants to report to the police. Financial assistance for any expenses that are incurred at the hospital that are not covered by the victim’s insurance may be covered by the New York State Crime Victim’s Board. Rape crisis centers affiliated with several local hospitals are listed below.

If the victim does not choose to have a forensic examination completed, she/he also has the option to go to a local health clinic or their private physician for a general examination, emergency contraception, and sexual transmitted infection treatment and testing.

Testing for the presence of date rape drugs can be done at a hospital emergency department, up to 96 hours after a sexual assault, when a police report is filed. Rohypnol usually remains in the blood for only 2-4 hours after ingestion, but it can be detected in urine for up to 72 hours. GHB usually remains in the blood for at most 4 hours and in the urine for at most 12 hours.

Emotional Needs

Victims of sexual assault can experience emotional as well as physical consequences. Initial reactions vary and may include shock, denial, anxiety, guilt, anger, and self-blame. A victim may experience nightmares, changes in their eating or sleeping patterns, and depression. Individuals who have been sexually assaulted are strongly encouraged to seek help from a professional counselor as soon as they are ready after the incident occurs. Visit the Counseling Center at 199 Chambers Street, Room S330 or contact them at 212-220-8140 for more information.

Seeking Legal Action

Reporting a sexual assault to the police does not obligate the victim to file criminal charges or pursue other legal action. In the case of sexual assault, however, prompt reporting and a comprehensive medical examination completed at a hospital emergency department within 96 hours of the assault will enable the victim to file criminal charges at a later date if he or she wishes to do so. Try to note details of the incident and characteristics of the offender. Try not to clean the scene of the sexual assault, including furniture and any items that the offender may have touched.

Seeking University Action

A member of the BMCC community wishing to file a sexual assault complaint against a student should contact the Office of Student Affairs. A student wishing to file a sexual assault complaint against a faculty or staff member should contact the Office of Student Affairs and the Office of Human Resources. Complaints involving a student alleged to have sexually assaulted a faculty or staff member may be directed to the Office of Student Affairs. A member of the College community who wishes to file a sexual assault complaint against a staff member or administrator should contact the Office of Human Resources. A member of the College community who wishes to file a sexual assault complaint against a visitor, vendor, or other third party should contact the Office of Human Resources.

Counseling and Other Support Services for Sexual Assault Victims

BMCC students are urged to avail themselves of on-campus services for support and information. The Office of Student Affairs, the Counseling Center, Health Services, the Women’s Resource Center and the Office of Public Safety serve as a primary resource for such support and information. Students can request assistance with class schedules, assignments or other academic issues. General assistance and explanation of options for any concerns related to sexual assault is also available.

How to Help Someone Who Has Been Sexually Assaulted: Tips for Friends, Partners, Family, and Loved Ones

The support and understanding of a friend, partner, family member, and loved one can be very helpful for a sexual assault victim. It is important to let someone who has been sexually assaulted know that you are there to help and that they are not alone. It is also helpful to acknowledge their strength in disclosing to you about their experience. Below you can find some tips to follow when helping someone who has been sexually assaulted:

- Listen and allow the victim to speak at her/his own pace. Sexual assault is a crime about power and control, not sex. It is important to return the control that was taken away from the victim by allowing her/him to reveal information and make decisions when she/he feels comfortable.
- Believe unconditionally. Only 2% of reported rapes are false reports. This is no different from any other crime. It is important to assure your friend or loved one that you support her/him.
- Don’t question actions. THE VICTIM IS NOT TO BLAME. A victim’s behavior does not cause sexual assault. No one asks to be sexually assaulted. Be careful of asking blaming questions such as “Why didn’t you scream?” or “Why did you go home with that person?”
- Encourage the victim to seek help. She/he may need medical attention or additional support services.
- Don’t ignore your own need to discuss your feelings. You can contact Counseling & Psychological Services (CAPS) for information and support.

Minimizing the Risk of Sexual Assault

Although there is no guarantee when it comes to preventing sexual assault, the following tips are important to help minimize the risk:

Communication

- Communicate your sexual desires and limits clearly. If you feel uncomfortable about a behavior, someone is crossing your boundaries.
- Be assertive and direct. Forgetting about being nice if you feel threatened. You have the right to protect yourself.
- Say what you are thinking, what you really want.
- Be an active partner in relationships and share decisions about what to do, where to meet and when to be intimate.
- Never take silence as consent. If you feel you are getting double messages, speak up and ask for clarification.
- Accept a person’s decision. Respect the word “no.”

Assessment

- Trust your instincts. If you feel uncomfortable or think you may be at risk, leave the situation immediately and go to a safe place.
- Exercise caution when dating. Have first dates in public places. Let someone know where you are going and when you will return. Try to provide your own transportation.
- Avoid anyone who puts you down, is physically violent or does not respect you or your decisions.
- Do not assume that a person wants to have sex just because they are drinking heavily, dressed in a particular manner, or agrees to go home with you. Do not assume that if a person agrees to kissing or other sexual intimacies, that they are also willing to have sexual intercourse.
- Know your limits when using alcohol or other drugs.

Some Things to Think About…

- Do not assume you know what your partner wants.
- If you have doubts about what you partner wants, STOP and ASK!
- Sexually interacting with a person who is mentally or physically incapable of giving consent (drunk, stoned, etc.) is sexual assault.
- Speaking out against sexual assault shows your support.
- You can stand up to racist, sexist, homophobic and classist messages, speak up and ask for clarification.
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- You can stand up to racist, sexist, homophobic, and classist statements and jokes.

Tips Related to “Date Rape Drugs”

- Never go to a bar, party or social event alone.
- Use the buddy system.
- Watch your drink being poured and never leave it unattended-even take it to the bathroom with you.
- Don’t share drinks with another person.
- Don’t leave a party with someone you just met.
- Inform others of this information.
- If you have a strange reaction to a drink, get help.

BMCC will act promptly in response to information that sexual assault has occurred. Cases involving sexual assault by students are subject to adjudication process outlined in the Student Disciplinary Procedures from the City University of New York Bylaws. Such cases can be pursued simultaneously through the appropriate processes and the criminal courts, if the victim wishes to do so. Disciplinary sanctions can range from warning, censure, or disciplinary probation to suspension or dismissal. Descriptions of the sanctions are found in the Henderson Rules. Employees who are found to be in violation of the policy and/or public laws related to sexual misconduct are subject to disciplinary action. BMCC may also, as it deems appropriate, refer violators to the appropriate civil authorities.
In addition or as alternatives to BMCC support services, students may seek help from a number of community agencies. The following are other helpful numbers:

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<tr>
<th>Agency/Service</th>
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<tr>
<td>Police emergency 911 *</td>
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<td>NYPD Sex Crimes Hotline (212) 267-7273 *</td>
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<td>NYC Gay and Lesbian Anti-Violence Project (212) 714-1141 *</td>
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<td>Safe Horizons: Rape and Sexual Assault Hotline (212) 227-3000 *</td>
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<td>Safe Horizons: NYC Domestic Violence Hotline (808) 621-4673 *</td>
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<td>New York Asian Women’s Center (888) 888-7702 *</td>
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<td>NYC Alliance Against Sexual Assault (212) 229-0345</td>
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<td>NYS Victim Information and Notification Everyday (888) VINE-4NY</td>
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<td>NYS Crime Victim’s Board (718) 923-4325</td>
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<td>Manhattan DA’s Office (212) 335-9000</td>
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<td>Brooklyn DA’s Office (718) 250-2900</td>
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<td>Bronx DA’s Office (718) 590-2900</td>
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<td>Queens DA’s Office (718) 286-6000</td>
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**Rape Crisis Centers (affiliated with hospitals)**

**Manhattan**
- Beth Israel Medical Center (212) 420-4516
- Bellevue Hospital Center (212) 462-3435
- Columbia Presbyterian Medical Center (212) 305-9060
- Harlem Hospital (212) 939-4613 *
- Mt. Sinai Medical Center (212) 423-2140
- New York Presbyterian Hospital (212) 305-9060
- St. Luke’s Roosevelt Hospital (212) 523-4728

**Brooklyn**
- Coney Island Hospital (718) 616-3000
- Long Island College Hospital (718) 780-1459

**Bronx**
- North Central Bronx Hospital (718) 519-5722

**Queens**
- Elmhurst Hospital Center (718) 736-1288

**Staten Island**
- Rape Advocacy Agency, Staten Island (718) 720-2591 *
  - Advocates on call 24 hours, responding to hospitals.
- Safe Horizons (borough-wide) (212) 227-3000 *
  - Indicates 24-hour number

Penalties for Committing Sexual Offenses:

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

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<tr>
<th>Crime</th>
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<tr>
<td>Rape in the first degree (PL § 130.30)</td>
<td>A person is guilty when being 18 years old or more, 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.</td>
<td>Is a class B felony, with penalties up to 25 years in prison.</td>
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<tr>
<td>Criminal sexual act in the first degree (PL § 130.50)</td>
<td>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.</td>
<td>Is a class B felony, with penalties up to 25 years in prison.</td>
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<td>Forcible touching (PL § 130.52)</td>
<td>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.</td>
<td>Is a class A misdemeanor, with penalties up to 1 year in jail.</td>
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<tr>
<td>Sexual abuse in the first degree (PL § 130.65)</td>
<td>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.</td>
<td>Is a class D felony, with penalties up 7 years in prison.</td>
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<tr>
<td>Aggravated sexual abuse in the first degree (PL § 130.70)</td>
<td>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.</td>
<td>Is a class B felony, with penalties up to 25 years in prison.</td>
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<tr>
<td>Aggravated sexual abuse in the third degree (PL § 130.66)</td>
<td>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.</td>
<td>Is a class D felony, with penalties up to 7 years in prison.</td>
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<td>Facilitating a sex offense with a controlled substance (PL § 130.90)</td>
<td>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.</td>
<td>Is a class D felony, with penalties up to 7 years in prison.</td>
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The New York State Division of Criminal Justice Services maintains a registry of convicted sex offenders which is available to local law enforcement agencies, including CUNY’s Public Safety Departments. To obtain information about a Level 2 or Level 3 registered sex offender you may:

- Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located.
- Contact (Public Safety Director Ed Moss), Director of Public Safety, at 212-220-8076.
- Call the Division’s sex offender registry at (800) 262-3257.

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

- Contact the Division’s sex offender registry web site – www.criminaljustice.state.ny.us/nsor/sor-about.htm
  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.

BMCC has no campus residential housing.

Additional College Regulations/Code of Conduct

Workplace Violence Policy & Procedures
To view the full policy on workforce violence go to www.cuny.edu

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

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

Equal Opportunity/Affirmative Action Policy
BMCC is an Equal Opportunity and Affirmative Action Institution. The College is committed to providing equal employment and educational opportunity to all persons without regard to race, color, religion, national or ethnic origin, age, gender, sexual orientation, transgender, disability, genetic predisposition or carrier status, alienage or citizenship, partnership status, status as victim of domestic violence, or marital, military, or veteran status, in its student admissions, employment, access to programs, and administration of educational policies. It is a violation of this policy for any member of the college community to engage in discrimination or to retaliate against a member of the community for raising an allegation of discrimination, filing a complaint alleging discrimination, or for participating in any proceeding to determine whether discrimination has occurred.
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