



**ANNUAL SECURITY REPORT  
CALENDAR YEAR 2017  
CRIME STATISTICS 2014 - 2016**

***BOROUGH OF MANHATTAN COMMUNITY COLLEGE***

**199 Chambers Street**

**New York, NY 10007**

**Michael Korn, Director of Public Safety**

**212-220-8135**

**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. These statistics are compiled from campus incident reports, reports from designated Campus Security Authorities and from our local precinct. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, including crimes involving sexual misconduct and emergency and evacuation procedures. This report is on the school website and can be located through the following link: [http://www.bmcc.cuny.edu/safety/upload/clery\\_2017.pdf](http://www.bmcc.cuny.edu/safety/upload/clery_2017.pdf) . Printed copies of this report are available at the Public Safety office in S 211, Human Resources office in S717 and the Office of Student Affairs in room S350. The College is a component of The City University of New York City. The campus is located **at 199 Chambers Street New York, in** the Borough of Manhattan in City of New-York, with a population of approximately 8,363,710. The campus is situated on a **4.28acre** site and comprised of **2** buildings located on or contiguous to the campus.

Other Facilities:

**FITERMAN HALL-245 Greenwich Street, NY 10007**

**MURRAY STREET-70 Murray Street, N.Y. 10007**

**125 Street, NY STATE OFFICE BUILDING**

**163 West 125th Street New York, N.Y. 10027**

**INWOOD/ WASHINGTON HEIGHTS- 5030 Broadway, New York, NY 10034 (between 213th Street and 214th Street)**

**PARK PLACE-255 Greenwich Street, 5th Floor, NY 10007**

**BROOKLYN COLLEGE-2900 Bedford Avenue, Brooklyn, NY 11210**

**LEHMAN COLLEGE-250 Bedford Park Boulevard West**

**JOHN JAY COLLEGE -Westport Building, 500 West 56th Street, N.Y. 10019**

**OFFICE FOR CONTINUING EDUCATION -25 Broadway, 8th Floor New York, NY 10004**

BMCC is an international college with students from over 155 countries. The college enrolled 26,748 students. Of this population, women represent 57.3% (15,317) and men represent 42.7% (11,431). The ethnic breakdown of the students is Black 31.1% (8,320), Hispanic 41.4% (11,083), Asian 14.5% (3,880), White 12.6% (3,369), and American Indian/Alaskan Native 0.4% (96).

Full-time Faculty: 567 this number includes College Lab Techs (who, by BMCC Governance, have faculty status), Full-time substitutes, Librarians and Counselors who have faculty rank.

Part time faculty: 1042 (approximately) this number includes both teaching and non-teaching adjuncts and adjunct college lab techs.

#### Crime Reporting Procedures:

Faculty, staff, students, and others who may be on campus or on the contiguous geographic perimeter of the campus are encouraged to promptly report any 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 Blue 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-211. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime – without divulging the name of victim or witness – to the Department of Public Safety for inclusion in the annual crime report. Names and numbers of campus Security Authorities are located in the next section of this report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Clery Act in the College's annual crime report, victim and witness information will not be included. 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.

#### Hate Crime and Bias-Related Incidents

Bias or hate crimes are crimes motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, disability or alienage. Bias-related incidents are behaviors which constitute an expression of hostility against the person or property of another because of the targeted person's race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, disability or alienage. According to New York Penal Law Section 485, a person commits a hate crime when he or she commits a specified criminal offense and either:

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

Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail (including electronic mail), physical assaults, vandalism, destruction of property, and fire

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

**Investigation of Violent Felony Offenses:**

BMCC has adopted and implemented a plan providing for the investigation of any violent felony offenses occurring on Campus, and providing for the investigation of resident Missing Persons. Such plans provide for the coordination of the investigation of such crimes and reports with the New York City Police Department (NYPD). Such plans shall include, but not be limited to, written agreements with the NYPD providing for the prompt investigation of such crimes and reports. In addition, in compliance with New York State Law and subject to applicable federal law, including, but not limited to, the federal Campus Sexual Assault Victims’ Bill of Rights under Title 20 U.S. Code 1092 (f) which gives the victim of a sexual offense the right to decide whether or not to report, the College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a violent felony.

**Daily Crime Log**

The college maintains a daily crime log. The purpose of the log is to maintain a record of reported criminal incidents and alleged criminal incidents reported to the public safety department on campus property, public property adjacent to the campus, campus controlled residential buildings and Non-campus College controlled buildings. 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 S232 during regular business hours. The log contains incidents occurring within the last 60 calendar days. If you wish to examine logs pre-dating this 60 day period, your request may be made to the office of Public Safety located at S211. The requests will be honored within 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 requests data, via campus e-mail, from these authorities for inclusion in this report. The following persons are designated as Campus Security Authorities:

- **Vice President of Student Affairs-Marva Craig**      **Room S350C (212)220-8132**
- **Dean of Students-Michael Hutmaker**              **Room S350D (212 ) 220-8131**
- **Director of Athletics-Stephen Kelly**                 **Room N255 (212 ) 220-8261**
- **Staff-Student Affairs-Tiffany James**                **Room S136D (212) 220-6316**
- **Office of the Nurse-Penelope Jordan**              **Room N380 (212 ) 220-8257**
- **Office of College Discover-Pedro Perez**            **Room S335 (212 ) 220-8153**
- **Office of Student Activities-Harry Mars**           **Room S230H (212) 220-8161**
- **Director of Counseling-Cicely Brathwaite**         **Room S343 (212) 220-8143**



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 in compliance with New York State Criminal Procedure Law Peace Officers Law.

### **Campus Security Escort**

Public Safety may also provide an escort to the nearest transportation location or local precinct.

### **Working Relationship with Other Law Enforcement Agencies**

At the 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 in compliance with New York State Law. The department consists of **29 Peace Officers** assigned to patrol the campus.

Additionally, the college employs **38 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. Supplementing 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**

#### **Residence Halls/Off Campus Student Organizations**

The college does not have any recognized off-campus student organizations or housing facilities. Because the college does not have any recognized student organizations with off campus locations, the college does not monitor or use local police to monitor the activities of student organizations off campus.

### **Emergency Notification & Response**

#### **CUNY ALERT SYSTEM**

All students, as well as faculty and staff are strongly encouraged to participate in the CUNY Alert system. The CUNY Alert system is designed to give you immediate and up-to-date information regarding weather, utility and emergency situations. The system can contact you and family or friends, as you designate, via text message, cell phone, landline and/or e-mail. The system can offer all methods of notice, a single method or any combination. It is user friendly and can prove to be invaluable before, during and after an emergency. Simply log onto [www.cuny.edu/alert](http://www.cuny.edu/alert) and follow the instructions. Contact information for all registered students and employees is

included in the CUNY Alert System, except for the contact information for those students who affirmatively choose to opt out of receiving CUNY Alert messages. Further information and assistance with CUNY Alert may be obtained at the I.R.T. Help Desk located in S-141.

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

CUNY is committed to respecting your privacy. In order to personalize your view of the CUNY.EDU site and gain access to certain information systems, such as CUNY Alert, you must register and provide some personal information. We do not collect any personal information about you unless you provide that information voluntarily. Any personal information you choose to provide us will only be used by CUNY to conduct official CUNY business. CUNY does not sell, rent, loan, trade or lease personal information collected on this site. For more information about the CUNY privacy policy, please visit <http://www.cuny.edu/website/privacy.html>.

CUNY Alert users are responsible for keeping their contact information current. In the event that phone alert, email or SMS messages are not found or rejected for incorrect or expired information during a live alert, CUNY reserves the right to delete the problem entry or to deactivate a user's account.

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

The decision to issue Timely Warnings is made by the Public Safety Director in consultation with the Dean, Administrative Dean and Dean of Students (Security Committee)- Timely Warning Notices will be distributed as soon as practicable, with the goal of preventing a similar occurrence. The identities of victims and witnesses will not be included in the Timely Warning Notice. When it is appropriate, the college will issue a timely warning notice 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 college 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 importance regarding safety via email, cell and landline, text message or in any combination thereof. Signing-up is easy. These notifications are issued when man-made or natural incidents adversely affect the campus operations. In the event a crime is reported, including but not limited to those listed in the Clery Act, within the Clery Geography (On Campus, Public Property and Non-Campus Property), that, in the judgment of the Public Safety Director, and, when time permits, in consultation with the responsible authorities identified, constitutes a serious or

continuing threat, a campus-wide timely warning notice will be issued. Access the University website at [www.cuny.edu/alert](http://www.cuny.edu/alert).

## **IMMEDIATE NOTIFICATIONS**

Unless such notice and warning compromises the containment of an emergency, or would likely result in an expansion or exacerbation of an emergency, immediate notification of an emergency will take place through one – or a combination of – the following methodologies: (1) CUNY-Alert, (2) Verbal announcement through the School’s emergency communication response system or via the building Class E fire control system if a fire or smoke issue is detected, (3) Campus-wide e-mail blast and (4) School web-site notice. The following personnel are authorized to make such announcements; Public Safety Director or his/her designee, College Dean or his/her designee, Chief Student Affairs Officer or his/her designee; Vice President of Administration and Planning or his/her designee. Again, please note that a circumstance may arise in which it would not be prudent or appropriate to issue an immediate notification if such release would compromise efforts to contain the emergency.

## **EMERGENCY RESPONSE EVACUATION FIRE DRILL TESTS**

The college conducts evacuation and fire drills three (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. 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/CPR and 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.

### **Fire Emergency Plans**

#### **Evacuation of People with Disabilities:**

- a) Do not use elevators or escalators.  
\*\*The NYFD may override the rule against using the elevator in order to evacuate people.
- 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 by the NYFD concerning the safest form 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) 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.

**Guidelines for Assisting Individuals with Disabilities:**

If an individual wants to help a person with a disability, always ask how you can help before giving assistance. The following guidelines should be used for assisting individuals with specific disabilities.

**Deaf and Hard of Hearing Disabilities**

Individuals with a hearing disability may not be able to distinguish audible warning alarms or respond to voice communications. Convey the need to communicate by turning the room lights on and off and indicate through hand gestures or writing what is happening and where to go. Escort individuals during an evacuation as they may not be able to follow oral commands issued by authorities

**Visual Disabilities**

Individuals with a visual disability may prefer to hold on to a sighted person's elbow during an evacuation. If possible, someone should follow behind to protect the individual from being pushed down in the event of crowding

**Mobility Disabilities**

Stairway evacuation of wheelchair users should be conducted by trained professionals (i.e. the fire/rescue or other trained emergency responders). Only in situations of extreme danger should untrained people attempt to evacuate wheelchair users. Moving a wheelchair down the stairs is never safe.

\*\*Emergency Evacuation Chairs been placed strategically through the College at

The following locations:

Chambers St.

*South Side*

7 South/stair E

5 South/stair E

4 South/ stair D

*North Side*

7 North/stair A

5 North/stair A

6 North/stair B

Fiterman Hall Evac chairs are located: 6th Floor, 8<sup>th</sup> floor, and 10th floor 12<sup>th</sup> floor by stair case B.

Murray St. Evac chairs are located: 11th Floor adjacent to room's 1106a-1106b, and 14<sup>th</sup> floor. Adjacent to the #9 elevator.

**Evacuation prodecure for 199 Chambers St.(main campus)**

When the emergency alarm sounds, stop whatever you are doing and exit the building as quickly and 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.



- 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 or 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.

BMCC is committed to providing a healthy and safe educational and working environment for our students, faculty, and staff.

## **FITERMAN HALL EVACUATION PROCEDURES**

Fire Alarm Systems:

Fiterman Hall is equipped with fire alarm systems. All systems have and will be tested and inspected annually by a New York City certified fire alarm installer, and inspected daily by the BMCC Engineering Staff. All fire alarm systems are monitored 24/7 on campus by a central monitoring station as well as by the Security Officers on duty at Fiterman Hall. Fire alarm pull stations are located throughout Fiterman Hall the following are the Fire Safety Policies and Standard Operating Guidelines for BMCC, at Fiterman Hall.

### **Evacuation Procedures:**

Whenever the fire alarm sounds, this will be both audible and flashing lights, you should evacuate Fiterman Hall immediately using the nearest exit also an enunciator system will direct you on what action to take. When the alarm system is activated, you should treat all alarms as the real thing – assume nothing! Behavior of any kind, which inadvertently activates a fire alarm, will be subject to disciplinary action. Failure to evacuate an area may also result in disciplinary action. You will be directed by the enunciator system, BMCC Public Safety, Campus CERT Team Members, and Fire Wardens. All faculty, staff, and students are required to evacuate the building during a fire alarm. If a fire alarm sounds, immediately proceed to the nearest exit. The last person out of an office or classroom should close the door.

**Do not use the escalators.**

### **Elevators**

The elevators will be recalled to the first floor when:

1. The smoke detector in the elevator lobby goes into alarm.
2. When a water flow for the sprinkler system goes into alarm

The elevators will remain in operation when:

3. Pull box is activated.
4. Area smoke detector, heat detector, duct detector are activated.
5. Pre- action system alarm is activated.

Fiterman Hall is equipped with two staircases, A and B. Staircase A is on the east- side of the building located on the West Broadway side of Fiterman Hall. Please exit on the West Broadway Side and proceed away from the building by making a left on West Broadway then a left on Park Place and cross over to Greenwich St. Staircase B will allow you to exit at

Barclay Street. Please proceed away from the building and cross over to the park. Staircase B which is located on the Southside of the building will allow you to exit the building on to Barclay Street. Please proceed away from the building and cross over to the park. There are two spiral staircases one is on the South side of the building, and one is on the North side. **The College strongly recommends that during an evacuation you DO NOT use the spiral staircase.** If you are on one of the spiral staircases during an evacuation please stay to the right and hold onto the handrail get off the next floor and use the staircase. The Spiral Staircase on the North side goes from floors 10 to 4. Once you reach the 4th floor landing you should turn left and use staircase A to exit the building. The other spiral staircase is on the South side and goes from 10 to 5, once you reach the 5th floor you should turn left and use staircase B. Move away from the building. Do not stand in front of or near the entrances to the building. Do not; block fire department access to the building. Always know two ways out and familiarize yourself with the escape routes in the event of an emergency.

### **EVACUATION PROCEDURES AT 70 MURRAY**

In the event of an evacuation or other emergency BMCC Public Safety will coordinate its efforts with the 255 Greenwich Security and building management emergency protocols. When the audible alarm sounds begin and the strobe lights flash, follow the procedures listed below:

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.) Follow the instructions of the fire warden on your floor. ***Please Note:*** The Murray Street building follows a different evacuation protocol than 199 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 area. All staircases at 70 Murray have emergency lighting and the re-entry floors are clearly marked. Do not return to your floor until advised to do so by the Fire Safety Director or the public address system announcements.

### **Reporting Emergencies**

A) There are blue 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**

\*8<sup>th</sup> 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:

- 1) What event occurred?
- 2) Where it is located & floors effected
- 3) What Emergency Action Plans are being implemented?
- 4) Why this response was chosen

*E.A.P. Director- Chris Benson (212) 412-9138*

*Deputy E.A.P. Director- Eric Sturhann (212) 344-9177*

*Deputy E.A.P. Director- James O'Sullivan (212) 344-2035*

*Deputy E.A.P. Director- Mike Inglesby (212) 344-2035*

## **125<sup>th</sup> Street, NY State Office Building-Evacuation Procedures**

163 West 125th Street

New York, N.Y. 10027

Telephone- (212)961-4390

An emergency evacuation of your building is the best possible protection against fires and/or bomb threats. Fire drills are an important part of the fire protection system. They help determine if all employees can be swiftly evacuated and that proper procedures exist to assist the disabled in the event of an emergency evacuation. All employees are expected to participate in an evacuation, whether it is being conducted as a drill or is an actual emergency. When the fire alarm sounds, you must proceed as follows:

- Terminate all telephone conversation.
- Close all desk and file cabinet drawers.
- Close all doors behind you and leave the lights on.
- Take valuables and coats with you if they are readily available and will not delay your evacuation.
- **Do not return for them.**
- Ensure that all visitors are evacuated.
- Move to the emergency stairwells for evacuation.
- **Do not linger, smoke or carry beverages in stairwells. All of these can cause accidents and needless injuries. Also, remember to keep conversation to a minimum since this could interfere with follow-up instructions provided through the public address system or by members of your Tenant Safety Organization.**
- When you arrive at the assembly area, move completely away from the exit door. This is important as it will alleviate bottlenecks and avoid delays for those employees still in the stairwells. **MOST OF ALL REMAIN CALM AND FOLLOW INSTRUCTIONS.**

- Assembly Area
- During an evacuation, you will leave your work station and proceed to a designated assembly area. The location of this assembly area will depend on your work station and the type of evacuation ordered. You may be evacuated to a lower floor, to an adjacent area, or from the building. It is important that you proceed to your designated assembly place as directed by police and/or fire officials or the members of the Tenant Safety Organization.

### **Partial versus Total Evacuation**

- The extent of an evacuation will depend on the nature of the emergency and the type of building affected by it. In some high-rise buildings, partial evacuations are necessary to evacuate those individuals closest to the emergency and to prevent congestion in the stairwells. Partial evacuations are utilized when evacuation of several floors is sufficient to protect tenants while the hazard is being eliminated. In similar structures, total evacuations may be necessary.
- During fire drills, a total evacuation gives all employees experience in leaving their work stations and proceeding to the outside through emergency exits. However, in high-rise buildings there is substantial risk involved in moving a large number of tenants at one time. Therefore, in such cases only a few floors may be evacuated at a time. Partial evacuations are an effective method of evacuating those areas that are nearest the hazard.

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

1. Run away from the threat if you can, as fast as you can.
2. Do not run in a straight line. Use buildings, trees, shrubs, and cars as cover if outside. If inside, desks, chairs and 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. 8080. 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 evacuation. 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. 8080.

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. 8080. If the victim can be safely moved then he/she will be escorted to the Public Safety Office room S211. If campus Public Safety personnel believe that a victim should not be moved or that emergency medical care is required immediately, then they will call 911. Please remember that the decision to call or not call 911 is not based on financial situation or insurance status. The focus is on assisting the ill or injured party.
6. The nurse's office is room S380 and the extension is 8257

## **MEDICAL EMERGENCIES-MENTAL HEALTH**

The Department of Student Life-Counseling Services can be most helpful in assisting anyone who feels in need of counseling or mental health service. You are not alone and don't have to be alone. The School's counselor is available at 212-220-8140. 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 8080 to reach the Public Safety office or summon 911.

## **UTILITY FAILURES**

### **Power Failure**

The following actions are to be taken by members of the college community in the event of a power failure:

1. Report any power failure immediately to Public Safety at ext. 8080. If no other emergency situation exists, you can come to the main Security Desk. **The building emergency generator is designed to engage literally seconds after a power loss is notated by the system. This generator can provide emergency power to the building for several hours. Lights, public address and fire command are wired into this system.**
2. During daylight, add as much natural lighting as possible by raising blinds.
3. Faculty with classes should remain where they are until notified otherwise.
4. During a power failure or possible power failure, **never use an elevator.** If you become trapped in an elevator during a power outage, use the emergency "Call for Help" button in the elevator to contact the main security desk. Wait for assistance. Don't panic. Help is on the way.

Once power is restored, Public Safety will make an announcement using the school's public address system. Evacuation may not be necessary during a power failure

## Gas Leaks

Gas leaks are very rare but can be very serious. **If you smell gas, contact Public Safety or utilize a phone away from the smell of gas. 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.

## **Shelter in Place:**

**Although remote, there is always an emergency possibility that you will be instructed not to evacuate the campus, immediately. In these cases, it is absolutely imperative that you listen carefully to and follow the instructions given over the emergency public address system or from members of the college's public safety staff.**

- Public Safety could instruct you to Shelter in Place when for example:
  - a) There is a release of airborne containments such as chemical materials, biological agents, or radioactive particles in the vicinity.
  - b) There is an armed or threatening intruder on campus that has not been isolated.
  - c) Infrastructure failures such as transportation, roads, extreme weather conditions, etc.

• What to do:  
Shelter in Place means that you should remain on campus and if instructed, inside a classroom or office. Shelter in Place is prescribed when it appears to be more dangerous outside than inside. As with evacuations, instructions to Shelter in Place will require you to act immediately.

- a) Follow the directions given by public safety
- b) If you see an armed individual, move to safety immediately and call 911, the college's emergency number (212 220-8080) or use the call boxes located in the hallways or inform the nearest member of the college staff.
- c) Close all doors and windows.

## **Emergency Management**

Once notified of such emergencies, the college's emergency management and incident response teams will establish a command center to coordinate responses with appropriate city, state or federal agencies.

## **Emergency Lockdown**

## Introduction

Traditionally college campus preparations for emergencies have relied principally on the fire drill or full evacuation of buildings approach. However it is also critically important that we know how to respond to emergencies that require a Shelter in Place or an Emergency Lockdown response. These emergencies procedures are the opposite of an evacuation. No fire alarms will be used to inform students, faculty and staff of the emergency. Instead, the college will initiate an emergency lockdown by using the emergency public address system or by instructions given by public safety staff.

- Emergency Lockdown and response protocols are of two types-Shelter in place and the implementing of tight perimeter control that prevent students, staff and faculty from entering the campus.  
Campus response to an armed or threatening hostile intruder or an environmental hazard which involves (accidental or intentional) the release of harmful substance or extremely dangerous weather conditions.
- What to do  
Emergency lockdown means that there is an emergency condition that you are being instructed to remain on the campus and if instructed, to take refuge inside a classroom or office. As with evacuation, if you are instructed to Lockdown or shelter in Place, you must act immediately. An emergency lockdown is only ordered when there is a good reason to believe it is more dangerous outside than inside the building or enclosed room. Follow the directions given over the public address system or public safety
- If you see an armed individual, move to safety immediately can call 911, the college's emergency number, (212 220 8080) use the call boxes located in the hallways of inform the nearest member of the college staff.
- Close all window and doors  
Depending on the type of emergency, you will be given additional instructions but it is important to remain calm through there emergency.

### **Transportation and EmergencyResources:**

<http://www.bmcc.cuny.edu/safety/page.jsp?pid=1073&n=Transportation%20and%20Emergency%20Resources>

## **PUBLICATION OF EMERGENCY PROCEDURES**

The College develops, reviews, and revises campus policies regarding emergency preparedness, emergency response and evacuation procedures, and campus community notifications. The policies are available in the Public Safety Office and are maintained in the City University of New York's Public Safety Department, President's Office.

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

## **PUBLIC SAFETY/SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS**

The Department of Public Safety issues safety alert bulletins when deemed necessary and provides Timely Warning Notices, via e-mail, to the campus community when serious crimes occur in areas on or near the campus. The department maintains a working relationship with the



New York City police precinct, which is responsible for responding to criminal incidents on the campus and the surrounding area. All persons reporting crimes to the Department of Public Safety are encouraged to promptly report the incident to the local police precinct concerned.

**All incoming students receive information about campus crime prevention programs, CUNY's Sexual Misconduct Policy and awareness and prevention of sexual misconduct (as defined in CUNY's Policy on Sexual Misconduct) during initial orientation by the Chief Diversity Officer. There are additional training sessions that will be made available on-line through Haven Training.**

#### **Access to College Facilities:**

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**

I.D. cards may be issued or replaced during the following times:

Monday through Friday

8:00 am - 12:00 pm and 2:00 pm - 7:00 pm

Saturdays

10:00 am –12:00pm and 2:00 pm to 4:00 pm

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 access via their “prox” ID Cards and/or keys to their respective offices and/or buildings. The college also maintains a Central Station alarm monitoring on campus.

#### **BMCC Late Night/After Hours Policy**

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.

#### **Guests**

All guests of the college must present a valid form of identification upon entering the college and are expected to comply with all CUNY policies and procedures.

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.**

### **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

#### 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.

## PENALTIES

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

**Admonition:** An oral statement to the offender that he/she has violated university rules.

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

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

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

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

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

Expulsion: Termination of student status for an indefinite period. This may include expulsion from a residence hall. The conditions of readmission, if any is permitted, shall in the order of expulsion.

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

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

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

In emergency or extraordinary circumstances, immediate suspension can be effectuated pending a hearing within seven (7) school days.

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

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

### **THE CITY UNIVERSITY OF NEW YORK POLICY ON DRUGS AND ALCOHOL**

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

### **CUNY STANDARDS OF CONDUCT**

The unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by anyone, on CUNY property (including CUNY residence halls), in CUNY buses or vans, or at CUNY-sponsored activities, are prohibited. In addition, CUNY employees are prohibited from illegally providing drugs or alcohol to CUNY students. Finally, no student may possess or consume alcoholic beverages in any CUNY residence hall, regardless of whether the student is of lawful age. For purposes of this policy, a CUNY residence hall means a residence hall owned and/or operated by CUNY, or operated by a private management company on CUNY’s behalf. In order to make informed choices about the use of drugs and alcohol, CUNY students and employees are expected to familiarize themselves with the information provided by CUNY about the physiological, psychological, and social consequences of substance abuse.

### **CUNY SANCTIONS**

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

## **STUDENTS**

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

## **DRUG/ALCOHOL USE AMNESTY POLICY**

CUNY encourages students to seek medical assistance related to drug and/or alcohol use without fear of being disciplined for such use. CUNY also encourages students under the influence of drugs and/or alcohol who may be the victims of, witnesses to, or otherwise become aware of violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) or sexual harassment or gender-based harassment to report that violence or harassment. Students who in good faith call for medical assistance for themselves or others and/or who receive medical assistance as a result of a call will not be disciplined for the consumption of alcohol or drugs as long as there are no other violations that ordinarily would subject the student to disciplinary action. Similarly, students who may be the victims of, witnesses to, or otherwise become aware of violence or sexual harassment or gender-based harassment and who report such violence or harassment and who report such violence or harassment will not be disciplined for the consumption of alcohol or drugs in the absence of other violations that ordinarily would subject the student to disciplinary action. However, if you are involved in the distribution of illegal drugs, sexual misconduct, causing or threatening physical harm, hazing or damage to property, amnesty may not apply.

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

<http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/Drug-and-Alcohol-Use-Amnesty-Policy-10.1.2015.pdf>

## **EMPLOYEES**

Any employee found to have violated this CUNY policy may be subject to disciplinary action, in accordance with the procedures set forth in applicable CUNY policies, rules, regulations, and collective bargaining agreements. Sanctions may include a reprimand, suspension without pay, or termination of employment. In lieu of formal disciplinary action, CUNY may, in appropriate

cases, seek to resolve the matter through an agreement pursuant to which the employee must successfully participate in a drug or alcohol treatment program.

**INFORMATION FOR THE CUNY COMMUNITY  
ON THE RISKS AND CONSEQUENCES  
OF DRUG AND ALCOHOL USE**

**BACKGROUND**

The City University of New York's Policy on Drugs and Alcohol, adopted by the Board of Trustees on June 22, 2009, prohibits the unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by employees, students or visitors, on CUNY property, in CUNY buses or vans, or at CUNY-sponsored activities. It prohibits all students (regardless of their age) from possessing or consuming alcoholic beverages in CUNY residence halls. It also prohibits CUNY employees from illegally providing drugs or alcohol to CUNY students. As the Policy states, sanctions for violation of the Policy, following appropriate disciplinary proceedings, may include, in the case of students, expulsion from the university, and in the case of employees, termination of employment. This document sets forth additional information required to be provided under federal law, including the legal sanctions for drug and alcohol use, health risks of such use, and information regarding available counseling, treatment, or rehabilitation programs.

**LEGAL SANCTIONS**

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

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

*Further, pursuant to New York State law:*

- Any person under age 21 who is found to be in possession of alcohol with the intent to consume it may be punished by a fine and/or required to complete an alcohol awareness program and/or to provide up to 30 hours of community service. Alcoholic Beverage Control Law, § 65-c.

- Giving or selling an alcoholic beverage to a person less than age 21 is a class A misdemeanor punishable by a sentence of imprisonment up to one year. Penal Law § 260.20
- Any person who operates a motor vehicle while intoxicated or while his ability to operate such vehicle is impaired by the consumption of alcohol or drugs, is subject to suspension or revocation of driving privileges in the State, monetary fines up to \$1,000, and imprisonment for up to one year. Vehicle and Traffic Law § 1192
- A person under 21 who presents false written evidence of age for the purpose of purchasing or attempting to purchase any alcoholic beverage may be punished by a fine, community service and/or completion of an alcohol awareness program. Alcoholic Beverage Control Law § 65-b(1). Possessing such false evidence may also be criminal possession of a forged instrument, which is a felony in New York, punishable by a fine of up to \$5000, imprisonment up to 7 years, or both. Penal Law § 170.25.
- Appearing in public under the influence of narcotics or a drug other than alcohol to the degree that a person may endanger him or her 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 nervous system depressants can lead to physical dependence and addiction. Taken in high doses, stimulants can lead to compulsive use, paranoia, dangerously high body temperatures and irregular heartbeat

### 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.

## **Alcohol and Substance Abuse Program**

Counseling Center S330  
212-220-8140  
[counseling@bmcc.cuny.edu](mailto:counseling@bmcc.cuny.edu)

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](mailto:counseling@bmcc.cuny.edu)

#### Health Services

199 Chambers Street  
N303  
212-220-8255  
[healthservices@bmcc.cuny.edu](mailto: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	Contact #	Organization Website
Alcoholics Anonymous	212-647-1680	<a href="http://www.aa.org">www.aa.org</a>
Alcoholics Anonymous Of New York	212-647-1680	<a href="http://www.nyintergroup.org">www.nyintergroup.org</a>
Al-Anon/Alateen	212-941-0094	<a href="http://www.al-anon-alateen.org/">www.al-anon-alateen.org/</a>
Marijuana Anonymous	212-459-4423	<a href="http://www.ma-newyork.org">www.ma-newyork.org</a>
Children of Alcoholics Foundation	646-505-2065	<a href="http://www.coaf.org">www.coaf.org</a>
Cocaine Anonymous	212-262-2463	<a href="http://www.ca.org/">www.ca.org/</a>
Narcotics Anonymous	212-929-6262	<a href="http://www.na.org/">www.na.org/</a>
Moderation Supports Management	212-871-0974	<a href="http://www.moderation.org/">www.moderation.org/</a>
Controlled drinking “Smart Recovery” (Not 12-Step or spiritually based)	212-929-6107	<a href="http://www.smartrecovery.org/">www.smartrecovery.org/</a>

### **Strategies for Education and Prevention of Alcohol and Substance Abuse**

*Throughout the school year, 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 audios 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.

## **SEXUAL MISCONDUCT**

### **REPORTING AND PREVENTION OF SEXUAL MISCONDUCT INCLUDING SEXUAL ASSAULT, HARASSMENT AND STALKING AND DATING, INTIMATE PARTNER AND DOMESTIC VIOLENCE**

Under the provisions of Title IX of the Education Amendments of 1972 (Title IX), 20 USC §§ 1681 et seq., and its implementing regulations, 34 CFR Part 106, discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance is prohibited. Sexual harassment of students, which includes acts of sexual violence, cyber stalking and unwanted physical contact of a sexual nature is a form of discrimination prohibited by Title IX. Sexual Harassment is unwelcome conduct of a sexual nature that is sufficiently serious to adversely affect your ability to participate in or benefit from an educational program. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature on or off campus.

The City University of New York Policy on Sexual Misconduct

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

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

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

Title IX Coordinator, Odelia Levy, (212) 220-1236, [olevy@bmcc.cuny.edu](mailto:olevy@bmcc.cuny.edu)

Director of Public Safety, Michael Korn, (212) 220-8135, [mkorn@bmcc.cuny.edu](mailto:mkorn@bmcc.cuny.edu)

Vice President of Student Affairs, Marva Craig (212) 220-8130 [mcraig@bmcc.cuny.edu](mailto:mcraig@bmcc.cuny.edu)

Director of Human Resources, Robert Diaz, (212) 220- 8300, [rdiaz@bmcc.cuny.edu](mailto:rdiaz@bmcc.cuny.edu)

Link to BMCC Title IX:

<http://www1.cuny.edu/sites/title-ix/campus/bmcc/>

You may also:

- Call the Department of Public Safety's emergency telephone line 212 220-8080. Extension 8080 may be dialed within the college's telephone system.
- Use one of the Emergency Assistance call boxes located throughout the building.
- Report the information to any member of the Department of Public Safety or in person at the Public Safety Office located in room S 211.
- Victims or witnesses may report crimes to persons designated as Campus Security Authorities (listed on pages 3 and 4) who will report the incident to the Title IX coordinator and forward the report of the crime to the Department of Public Safety for statistical inclusion in the Annual Crime Report. Names and numbers of Campus Security Authorities are located on the third and fourth pages 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. Victims of sexual violence will be encouraged, but not required to report the incident to law enforcement authorities. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide safety alert.
- 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.

### **Bystander Intervention:**

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

### **Prevention and Risk Reduction**

- Convey strongly that you expect your rights to be respected.
- Meet new acquaintances in public places. Always have your own transportation or travel with good friends.
- Keep money in your pocket or purse for phone calls or pay for transportation if you must leave a situation abruptly.
- Be aware of how much alcohol is being consumed. It'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.

- Do not accept a drink from someone you do not know or trust. Do not drink from bowls or large common open containers.
- Do not continue to drink from a beverage you left unattended.
- Clearly define your sexual limit. If someone starts to offend you, be direct. Say no clearly when you mean no.
- If you feel that you are being pressured into unwanted sex, say something as soon as you can, before the behavior goes any further.
- Embarrassment should not keep you from doing what is right for you. Do not hesitate to raise your voice, stand up abruptly, or scream if the situation warrants it.
- Watch out for your friends and fellow students/employees. If you can do so safely, ask if they need help.
- Speak up if you hear someone discuss plans to take sexual advantage of another person.
- Offer to help a friend or fellow/student or employee make a report and seek assistance and support.
- Avoid isolated areas.
- Attend parties with friends. Arrange to leave with your friends.

### **What to Do if You Are Attacked**

- After an attack, try to be as calm as possible in order to think clearly. Get to a safe place and call for help immediately. If you are in the building, contact 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 may be able to collect semen smears or other physical specimens as evidence.
- Show police any bruises or injuries, however minor, resulting from the attack. Also show injuries, however minor, resulting from the attack. Also show injuries to a friend or relative who might be available as a corroborative witness at the trial. If possible, photograph bruises.
- Leave the crime scene exactly as it is. Do not touch, clean up, or throw anything away.
- Give any clothing that was stained or torn (including undergarments) during the crime to the police.
- When calm, write down every detail about the incident, including: who, what, where, when, and how; what the attacker looked like (height, weight, clothing, type of build, color of skin, hair, eyes, facial oddities, scars jewelry, tattoos etc.); description of any vehicle used or the direction you last saw the attacker running; what kind of force or coercion was used; any objects touched, taken, or left by the attacker; if the attacker said anything, try to remember the words, the grammar, any accents or speech defects; and if there were witnesses, list who and where they might be.
- Seek psychological support as well as medical attention. Even though the actual incident is over, you may suffer from rape trauma syndrome, which includes a variety of difficulties commonly experienced after a sexual assault
- A student can call the New York City Police Department or 911, or go directly to a hospital. If the student wishes, Public Safety will call 911 on their behalf. It is important to note that if

you are a victim of a sex offense, **do not destroy any evidence (including clothing) and do not take a shower or bath.**

- It is important that such physical evidence be preserved in order to assist with any ensuing criminal investigation. If the student believes that she/he may be the victim of date rape by being drugged, she/he should go directly to a hospital to receive a toxicology examination since such drugs only remain in a person's system for a short period of time. The Department of Public Safety will assist with notification of other law enforcement authorities and/or medical professionals if the student so chooses.
- New York State Department of Health has designated sexual assault forensic examiner ("SAFE") programs in hospitals that are designated as 24-hour centers of excellence. SAFE hospitals ensure the quality of collections, documentation, preservation and custody of physical evidence by a trained examiner and provide medical care that includes, but is not limited to, treatment, referral and follow-up, at no cost to the victim.
- As time passes, evidence may dissipate or become lost or unavailable, making investigation, possible prosecution or disciplinary proceedings or obtaining orders of protection more difficult. Even if a victim of sexual assault chooses not to file a complaint with law enforcement, the victim should consider having a sexual assault forensic exam, which will preserve the evidence in case the victim decides to file a report later.

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).

CUNY's Sexual Misconduct Policy requires affirmative consent to sexual activity. Affirmative consent as defined in CUNY's Sexual Misconduct Policy is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

In order to give consent, one must be of legal age (17 years or older). Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if the individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

• Who is responsible for a sexual attack?

In the absence of consent, the attacker is *always* responsible for having committed the sexual assault regardless of the victim's appearance, behavior, or conduct on previous occasions. An attacker cannot assume that the way a person dresses or acts 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.

**College and Community Counseling and Support Services for Sex Offense Victims**

**On-Campus Assistance**

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

a complaint with the College against a perpetrator who is a student or employee of the University with the Vice President of Student Affairs and the Office of Public Safety.

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.

### **College Support Services**

#### *BMCC*

Counseling Center	Room S330	212-220-8140
Health Services	Room N380	212-220-8255
Public Safety	Room S211	212-220-8075
Student Affairs	Room S350	212-220-8130
Women's Resource Center	Room S340	212-220-8165

### **Off Campus Resources**

#### *New York City Support Services*

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:

- Police emergency 911 \*
- NYPD Sex Crimes Hotline (212) 267-7273 \*
- NYC Gay and Lesbian Anti-Violence Project (212) 714-1141 \*
- Safe Horizons: Rape and Sexual Assault Hotline (212) 227-3000 \*
- Safe Horizons: NYC Domestic Violence Hotline (800) 621-4673 \*
- New York Asian Women's Center (888) 888-7702 \*
- NYC Alliance Against Sexual Assault (212) 229-0345
- NYS Victim Information and Notification Everyday (888) VINE-4NY
- NYS Crime Victim's Board (718) 923-4325
- Manhattan DA's Office (212) 335-9000
- Brooklyn DA's Office (718) 250-2000
- Bronx DA's Office (718) 590-2000
- Queens DA's Office (718) 286-6000

#### *Rape Crisis Centers (affiliated with hospitals)*

##### *Manhattan*

- Beth Israel Medical Center (212) 420-4516
- Bellevue Hospital Center (212) 562-3435
- 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

### **Prevention Education Programs, CUNY Policy**

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.

**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.**

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/LGBT Unit
- NYPD/Crime Prevention Unit
- NYPD/Transit Distict#2
- NYC/OEM
- U.S. Postal Inspector
- NYFD

*Safety Tips (this includes- Walking on/off Campus, safety In the Office and In the Classroom, Theft prevention in the office, Theft prevention in parking lots, Subway safety, Tips to avoid date rape & Identity theft and prevention, link-*

*<http://www.bmcc.cuny.edu/safety/page.jsp?pid=1002&n=Safety%20Tips>*

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

### Sexual Assault

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

Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim

Fondling is the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

Statutory rape is sexual intercourse with a person who is under the statutory age of consent.

#### Domestic Violence

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

#### Dating Violence

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

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship

(ii) The type of relationship

(iii) The frequency of interaction between the persons involved in the relationship.

42 U.S.C. § 13925(a).

For the purposes of this definition

1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
2. Dating violence does not include acts covered under the definition of domestic violence

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

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

#### Stalking

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

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.” 42 U.S.C. § 13925(a).

For the purposes of this definition

3. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly or indirectly, through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

CUNY’s Sexual Misconduct Policy further defines Stalking as:

intentionally engaging in a course of conduct directed at a specific person with whom the perpetrator currently has, previously has had, or desires to have, some form of sexual or romantic relationship, that:

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

### **Definitions of Sex Offenses under New York State Law**

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

Sexual assault is a crime of power, aggression and violence. Terms such as “date rape” and “acquaintance rape” tend to minimize the fact that the act of rape, or any sexual assault, is a serious crime. There is never an excuse or a reason for a person to rape, assault or even touch another person’s private parts without consent. The impact on survivors of such an attack can cause severe and lasting physical, mental and emotional damage.

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

<b>Crime</b>	<b>Illegal Conduct</b>	<b>Criminal Sanctions</b>
<p><u>Rape in the first degree</u> (PL § 130.35)</p>	<p>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.</p>	<p>Is a class B felony, with penalties up to 25 years in prison.</p>
<p><u>Rape in the second degree</u> (PL § 130.30)</p>	<p>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</p>	<p>Is a class D felony, with penalties up to 7 years in prison.</p>
<p><u>Criminal sexual act in the first degree</u> (PL § 130.50)</p>	<p>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.</p>	<p>Is a class B felony, with penalties up to 25 years in prison.</p>

<u>Forcible touching</u> (PL § 130.52)	A person is guilty when he or she intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire	Is a class A misdemeanor, with penalties up to 1 year in jail.
<u>Sexual abuse in the first degree</u> (PL § 130.65)	A person is guilty when he or she subjects another person to sexual contact: by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.	Is a class D felony, with penalties up to 7 years in prison.
<u>Aggravated sexual abuse in the first degree</u> (PL § 130.70)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Is a class B felony, with penalties up to 25 years in prison.

<u>Aggravated sexual abuse in the third degree</u> (PL § 130.66)	A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.	Class D felony, with penalties up to 7 years in prison.
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<u>Facilitating a sex offense with a controlled substance</u> (PL § 130.90)	A person is guilty when he or she knowingly and unlawfully possesses a controlled substance or any substance that requires a prescription to obtain to another person, without such person's consent and with intent to commit against such person conduct constituting a felony, and commits or attempts to commit such conduct constituting a felony defined in Article 30.	Class D felony, with penalties up to 7 years in prison.
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**BMCC has no campus residential housing.**

**Admission of Sex Offenders** (as provided by the Vice Chancellor's Office of Legal Affairs)

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



circumstances of the college, including the presence of a child care center, a public school or public school students on the campus.

### **Campus Sex Crimes Prevention Act**

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

- Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located.
- Contact Michael A. Korn, Director of Public Safety, at 212-220-8135
- 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 – [http://www.criminaljustice.ny.gov/nsor/contact\\_sor.htm](http://www.criminaljustice.ny.gov/nsor/contact_sor.htm) and then click on "Search for Level 3 Sex Offenses;" or
- Access the Division's Level 3 subdirectory electronically at the Chief of Public Safety office during regular business hours.

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

### **MISSING PERSONS**

In accordance with state and federal law, the College maintains procedures for the investigation of reports of missing persons. In addition, in compliance with state and federal law, the College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a missing student who resides in campus housing. The City University of New York Missing Person Policy is available at: [http://policy.cuny.edu/manual\\_of\\_general\\_policy/article\\_v/policy\\_5.27/pdf/#Navigation\\_Location](http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.27/pdf/#Navigation_Location).

Additional College Regulations/Code of Conduct, **Workplace Violence Policy & Procedures**

*To view the full policy on workforce violence go to:*

[http://www.bmcc.cuny.edu/hr/pdfs/workplace\\_violence\\_policy.pdf](http://www.bmcc.cuny.edu/hr/pdfs/workplace_violence_policy.pdf)

Student Sexual Misconduct Complainants' Bill of Rights:

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

Student Sexual Misconduct Complainants' Bill of Rights:

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

## **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).**

*The City University of New York policies and procedures concerning sexual assault, stalking and domestic and intimate partner violence:*

<http://www.bmcc.cuny.edu/academics/cunysexualassaultpolicy.pdf>

## **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 discriminate filing a complaint alleging discrimination, or for participating in any proceeding to determine whether discrimination has occurred.**

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

**THE BOROUGH OF MANHATTAN COMMUNITY COLLEGE CALENDAR YEARS 2014-2016 CRIME STATISTICS CHART ON THE NEXT PAGE. THE STATISTICS INCLUDED ON THESE CHARTS ARE DERIVED FROM REPORTED CRIMINAL INCIDENTS FROM THE FOLLOWING SOURCES:**

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

# The City University of New York (CUNY)

Crime Statistics	2014	All On-Campus Property				Non-Campus Property				Public Property				On Campus Residential Only				
		Reported to				Reported to				Reported to				Reported to				
		DPS	NYPD	*Non DPS	SUB TOTAL	DPS	NYPD	*Non DPS	SUB TOTAL	DPS	NYPD	*Non DPS	SUB TOTAL	GRAND TOTAL	DPS	NYPD	*Non DPS	Section TOTAL
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	2	0	0	2	0	0	0	0	0	2	0	2	4	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses																		
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0
Drug Abuse Violations Arrests	5	0	0	5	0	0	0	0	0	0	0	0	5	0	0	0	0	0
Drug Abuse Violations Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	1	0	0	1	0	0	0	0	1	0	0	1	2	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

\* Denotes Report to other campus authorities      Hate Crimes Reported: None      Unfounded Crimes Reported: None

Crime Statistics	2015	All On-Campus Property				Non-Campus Property				Public Property				On Campus Residential Only				
		Reported to				Reported to				Reported to				Reported to				
		DPS	NYPD	*Non DPS	SUB TOTAL	DPS	NYPD	*Non DPS	SUB TOTAL	DPS	NYPD	*Non DPS	SUB TOTAL	GRAND TOTAL	DPS	NYPD	*Non DPS	Section TOTAL
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses																		
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals	0	0	1	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Drug Abuse Violations Arrests	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	0	0	0
Drug Abuse Violations Referrals	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests	3	1	0	4	0	0	0	0	0	0	0	0	4	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Domestic Violence	0	0	1	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0

\* Denotes Report to other campus authorities      Hate Crimes Reported: None      Unfounded Crimes Reported: None

Crime Statistics	2016	All On-Campus Property				Non-Campus Property				Public Property				On Campus Residential Only				
		Reported to				Reported to				Reported to				Reported to				
		DPS	NYPD	*Non DPS	SUB TOTAL	DPS	NYPD	*Non DPS	SUB TOTAL	DPS	NYPD	*Non DPS	SUB TOTAL	GRAND TOTAL	DPS	NYPD	*Non DPS	Section TOTAL
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	1	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	2	0	0	2	2	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses																		
Rape	0	0	0	0	0	0	0	0	1	0	1	1	1	0	0	0	0	0
Fondling	0	0	0	0	1	0	0	1	0	0	0	1	1	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Drug Abuse Violations Arrests	0	0	0	0	0	0	0	0	2	0	0	2	2	0	0	0	0	0
Drug Abuse Violations Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	1	0	0	1	2	0	0	2	2	0	0	2	5	0	0	0	0	0
Dating Violence	6	0	0	6	1	0	0	1	0	0	0	7	7	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

\* Denotes Report to other campus authorities      Hate Crimes Reported: None      Unfounded Crimes Reported: None

\*\*\*Alleged rape took place off campus and was investigated by NYPD SVU and determined to be unfounded (11-07-2017)

THE CITY UNIVERSITY OF NEW YORK  
POLICY ON SEXUAL MISCONDUCT INCLUDING THE STUDENT BILL OF RIGHTS

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## **I. Policy Statement**

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

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

This is the sole policy at CUNY addressing sexual harassment, gender-based harassment and sexual violence and is applicable at all college and units at the University. The CUNY community should also be aware of the following policies that apply to other forms of sex discrimination, as well as to other types of workplace violence and domestic violence that affect the workplace:

- [The CUNY Policy on Equal Opportunity and Nondiscrimination](#) prohibits discrimination on the basis of numerous protected characteristics in accordance with federal, state and local law. That policy addresses sex discrimination other than sexual harassment, gender-based harassment or sexual violence covered by this policy. [Link](#)
- [The CUNY Campus and Workplace Violence Prevention Policy](#) addresses workplace violence and [the CUNY Domestic Violence in the Workplace Policy](#) addresses domestic violence in or affecting employees in the workplace. [Link](#)



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

## **II. Prohibited Conduct**

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

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

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

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

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

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

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

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

## **III. Title IX Coordinator**

Each college or unit of CUNY has an employee who has been designated as the Title IX Coordinator. This employee is responsible for compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination, including sexual harassment, gender-based harassment and sexual violence, in education programs. The Title IX Coordinator has overall responsibility for implementing this policy, including overseeing the investigation of complaints at

her/his college or unit and carrying out the other functions of that position set forth in this policy. All Title IX Coordinators shall receive annual training on sexual harassment, gender-based harassment and sexual violence as required by law. The name and contact information for all Title IX Coordinators at CUNY can be found on the university's dedicated [Title IX website](#).

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

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

Students or employees who experience any form of sexual violence on or off-campus (including CUNY-sponsored trips and events) and visitors who experience sexual violence on a CUNY campus are strongly encouraged to immediately report the incident by calling 911, contacting NYPD Special Victims Division or their local police precinct, or contacting their college public safety office, which is available 24 hours a day, 7 days a week. Each college public safety office shall have an appropriately trained employee available at all times to provide the complainant with information regarding options to proceed, including information regarding the criminal justice process and the preservation of evidence. Campus public safety officers can also assist the complainant with filing a complaint both on and off-campus, and in obtaining immediate medical attention and other services.

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

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

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

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

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

CUNY encourages individuals who have experienced sexual harassment, gender-based harassment or sexual violence (referred to in this policy as “complainants”) to report the incident(s) to campus authorities, even if they have reported the incident to outside law enforcement authorities, and regardless of whether the incident took place on or off-campus (including “study abroad” programs.) Such reporting will enable complainants to get the support they need, and provide the college with the information it needs to take appropriate action. However, students should be aware that there are employees at their college/unit whom they can speak with on a strictly confidential basis before determining whether to make a report to college authorities. See Section VI below.

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

#### **i. Students**

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

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

#### **ii. Employees**

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

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

#### **iii. Visitors**

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

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

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

appropriate interim and supportive measures. These individuals will maintain a complainant's privacy to the greatest extent possible, and all information in connection with the complaint, including the identities of the complainant and the respondent, will be shared only with those who have a legitimate need for the information.

**B. Support Assistance for Complainants**

**i. Students**

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

**ii. Employees**

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

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

After a report of an alleged incident of sexual harassment, gender-based harassment or sexual violence has been made to the Title IX Coordinator, a complainant may request that the matter be investigated without her/his identity or any details regarding the incident being divulged further. Alternatively, a complainant may request that no investigation into a particular incident be conducted or that an incident not be reported to outside law enforcement.

In all such cases, the Title IX Coordinator will weigh the complainant's request against the college's obligation to provide a safe, non-discriminatory environment for all students, employees and visitors, including the complainant. A decision to maintain confidentiality does not mean that confidentiality can be absolutely guaranteed in all circumstances, but only that all efforts will be undertaken to keep information confidential consistent with law. Notwithstanding the decision of the Title IX Coordinator regarding the scope of any investigation, the college will provide the complainant with ongoing assistance and support, including, where appropriate, the interim and supportive measures set forth in Section VII of this policy.

If the Title IX Coordinator determines that she/he will maintain confidentiality as requested by the complainant, the college will take all reasonable steps to investigate the incident

consistent with the request for confidentiality. However, a college's ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request.

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

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

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

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

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

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

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

**F. Reporting Suspected Child Abuse**

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

**G. Reporting Retaliation**

An individual may file a complaint with the Title IX Coordinator if she/he has been retaliated against for reporting sexual harassment, gender-based harassment or sexual violence, assisting someone making such a report, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence complaint. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in Section VIII of this policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

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

An individual who speaks to a college or CUNY employee about sexual harassment, gender-based harassment or sexual violence should be aware that employees fall into three categories: (1) “confidential” employees, who have an obligation to maintain a complainant’s confidentiality regarding the incident(s); (2) “responsible” employees, who are required to report the incident(s) to the Title IX Coordinator; and (3) all other employees, who are strongly encouraged but not required to report the incident(s).

**A. Confidential Employees**

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

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

The above individuals will not report any information about an incident to the college’s Title IX Coordinator or other college employees without the student’s

permission. The only exception is in the case where there is an imminent threat to the complainant or any other person.

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

- ii. **For Employees.** Although there is no one directly employed by CUNY to whom CUNY employees can speak on a confidential basis regarding sexual harassment, gender-based harassment or sexual violence, free confidential support services are available through [CUNY’s Work/Life Program](#), which is administered by an outside company. Confidential community counseling resources are also available [throughout New York City](#).

**B. “Responsible” Employees**

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

Before a complainant reveals any information to a responsible employee, the employee shall advise the complainant of the employee’s reporting obligations—and if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

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

- i. Title IX Coordinator and her/his staff
- ii. Office of Public Safety employees (all)
- iii. Vice President for Student Affairs and Dean of Students and all staff housed in those offices
- iv. Residence Life staff in CUNY owned or operated housing, including Resident Assistants (all)
- v. College President, Vice Presidents and Deans
- vi. Athletics Staff (all)
- vii. Department Chairpersons/Executive Officers
- viii. Human Resources staff (all)
- ix. University Office of the General Counsel employees (all)

- x. College/unit attorney and her/his staff
- xi. College/unit labor designee and her/his staff
- xii. Faculty members at times when they are leading or supervising student on off-campus trips
- xiii. Faculty or staff advisors to student groups
- xiv. Employees who are Managers (all)
- xv. SEEK/College Discovery staff (all)
- xvi. College Childcare Center staff (all)
- xvii. Directors of “Educational Opportunity Centers” affiliated with CUNY colleges

**C. All Other Employees**

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

It is important to emphasize that faculty members other than those specifically identified in subsection “B” above have not been designated as “responsible” employees and do not have an obligation to report the matter to the Title IX Coordinator, although they are strongly encouraged to do so.

**VII. Interim and Supportive Measures**

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

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

Interim and supportive measures may include, among other things:



- i. Making necessary changes to academic programs, including a change in class schedule, making appropriate accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting the complainant to attend a class via skype or other alternative means where appropriate, providing an academic tutor, or extending deadlines for assignments;
- ii. Making necessary changes to residential housing situations or providing assistance in finding alternate housing;
- iii. Changing an employee's work assignment or schedule;
- iv. Providing the complainant with an escort to and from class or campus work location;
- v. Arranging appropriate transportation services to ensure safety;
- vi. Prohibiting contact between the complainant and the respondent ("no contact" orders);
- vii. Offering counseling services to the complainant, to the respondent, and, where appropriate, to witnesses, through the college Counseling Center or other appropriate college office, or a referral to an off-campus agency;
- viii. Providing the complainant assistance in obtaining medical and other services, including access to rape crisis centers;
- ix. Providing the complainant assistance with filing a criminal complaint and seeking an order of protection;
- x. Enforcing an order of protection;
- 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.

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

The complainant and the respondent shall each be afforded, upon request, a prompt review of the need for and terms of a "no contact" order (including possible modification or discontinuance of the order), and shall be allowed to submit evidence to support their request. The request for such a review shall be made to the college's Chief Student Affairs Officer, if either the complainant or the respondent is a student, or to the college's Director of Human Resources, if both the complainant and the respondent are employees. If possible, the college shall establish an appropriate schedule for the complainant and the respondent to access college facilities when they are not being used by the other party to enable both parties to use college facilities to the maximum extent feasible, without violation of the "no contact" order.

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

The college will conduct an investigation when it becomes aware, from any source (including third-parties not connected to the college or university), that sexual harassment, gender-based harassment or sexual violence may have been committed against a student, employee or visitor, unless the complainant has requested that the college refrain from such an investigation and the college has determined that it may do so.

**A. The Investigation**

The college Title IX Coordinator is responsible for conducting the investigation in a prompt, thorough, and impartial manner. The college Title IX Coordinator shall inform the respondent that an investigation is being commenced and shall provide the respondent with a written summary of the allegations of the complaint. The Title IX Coordinator shall coordinate investigative efforts with other college offices, and may designate another trained individual to conduct all or part of the investigation. A respondent employee who is covered by a collective bargaining agreement may consult with and have a union representative present at any interview of that employee conducted as part of such investigation.

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

**B. Conflicts**

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

**C. Mediation**

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

**D. Timing**

The college shall make every reasonable effort to ensure that the investigation and resolution of a complaint are carried out as timely and efficiently as possible. However, the college may need to temporarily delay the fact-finding portion of its investigation during the evidence-gathering phase of a law enforcement investigation. Temporary delays may not last more than ten days except when law enforcement specifically requests and justifies a longer delay. While some complaints may require extensive investigation, whenever possible, the investigation of complaints should be completed within sixty (60) calendar days of the receipt of the complaint. If there is a delay in completing the investigation, the Title IX Coordinator shall notify the complainant and the respondent in writing.

**E. Report of Findings**

Following the completion of the investigation, the Title IX Coordinator shall report her/his findings to the College President in writing. Following such report, the College President shall review the complaint investigation report and authorize such action as she/he deems necessary to address the issues raised by the findings. In the event the complainant or the respondent is a student, the report shall also be sent to the Chief Student Affairs Officer. A copy of the report shall be maintained in the files of the Title IX Coordinator.

**F. Disciplinary Action**

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

**i. Discipline Against Students**

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

**ii. Discipline Against Employees**

In cases where an employee is charged with a violation of this policy, including retaliation, the matter shall be referred for disciplinary action in accordance with the applicable CUNY policies, rules and collective bargaining agreements. Penalties for employees include reprimand, suspension or termination of employment following applicable disciplinary procedures. For many respondent employees, these procedures may include a hearing before a non-CUNY fact-finder, as required by collective bargaining agreements.

**iii. Action Against Visitors**

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

**iv. No Disciplinary Action**

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

**G. Malicious Allegations**

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

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

In cases where the complainant files a complaint with outside law enforcement authorities as well as with the college, the college shall determine what actions to take based on its own investigation. The college may coordinate with outside law enforcement authorities in order to avoid interfering with their activities and, where possible, to obtain information regarding their investigation. Neither a law enforcement determination whether to prosecute a

respondent, nor the outcome of any criminal prosecution, is dispositive of whether the respondent has committed a violation of this policy.

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

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

### **IX. College Obligations Under This Policy**

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

#### **A. Dissemination of Policies, Procedures and Notices**

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

#### **B. Training and Educational Programming**

The college Title IX Coordinator, in coordination with other applicable offices, including Public Safety, Human Resources and Student Affairs, is responsible for ensuring that the college provides training to college employees on their obligations under this policy; provides education on this policy and on sexual misconduct (including domestic violence, dating violence, stalking and sexual assault) to new and continuing students; and promotes awareness and prevention of sexual harassment, gender-based harassment and sexual

violence among all students and employees. Specific required trainings include the following:

**i. Training For Responsible and Confidential Employees**

The college shall provide training to all employees who are required to report incidents of sexual harassment, gender-based harassment or sexual violence under this policy, as well as those employees who have been designated as confidential employees.

**ii. Student Onboarding and Ongoing Education**

Each college shall adopt a comprehensive student onboarding and ongoing education campaign to educate students about sexual misconduct, including domestic violence, dating violence, stalking, and sexual assault. During the student onboarding process, all new first-year and transfer students shall receive training on this policy and on a variety of topics relating to sexual misconduct. In addition, each college shall offer and administer appropriate educational programming to residence hall students, athletes, and student leaders. Each college shall also provide such educational programming to any other student groups which the college determines could benefit from education in the area of sexual harassment, gender-based harassment and sexual violence. The college shall also share information on domestic violence, dating violence, stalking and sexual assault prevention with parents of enrolling students.

**C. Campus Climate Assessments**

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

**X. Rules Regarding Intimate Relationships**

**A. Relationships between Faculty or Employees and Students**

Amorous, dating or sexual activity or relationships (“intimate relationships”), even when apparently consensual, are inappropriate when they occur between a faculty member or employee and any student for whom he or she has a professional responsibility. Those relationships are inappropriate because of the unequal power dynamic between students and faculty members and between students and employees who advise or evaluate them, such as athletic coaches or workplace supervisors. Such relationships necessarily involve issues of student vulnerability and have the potential for coercion. In addition, conflicts of interest or perceived conflicts of interest may arise when a faculty member or employee is required to evaluate the work or make personnel or academic decisions with respect to a student with whom he or she is having an intimate relationship. Finally, if the relationship ends in a way that is not amicable, the relationship may lead to charges of and possible liability for sexual harassment.

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

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

#### **B. Relationships between Supervisors and Employees**

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

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

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

- A. **Affirmative Consent** is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity.

Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

Consent may be initially given but withdrawn at any time. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

In order to give consent, one must be of legal age (17 years or older). Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if the individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

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

- B. **Complainant** refers to the individual who alleges that she/he has been the subject of sexual harassment, gender-based harassment or sexual violence, and can be a CUNY student, employee (including all full-time and part-time faculty and staff), or visitor. Under this policy, the alleged incident(s) may have been brought to the college's attention by someone other than the complainant.
  
- C. **Complaint** is an allegation of sexual harassment, gender-based harassment or sexual violence made under this policy.
  
- D. **Dating, Domestic and Intimate Partner Violence** is a pattern of coercive behavior that can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an intimate partner. Such violence may occur in all kinds of intimate relationships, including married couples, people who are dating, couples who live together, people with children in common, same-sex partners, and people who were formerly in a relationship with the person abusing them.
  
- E. **Forcible Touching/Fondling** is intentionally touching the sexual or other intimate parts of another person without the latter's consent for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire.
  
- F. **Gender-Based Harassment** is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious to adversely affect an individual's participation in employment, education or other CUNY activities. The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.



- G. **Managers** are employees who have the authority to either (a) make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities; or (b) make recommendations on tangible employment decisions that are given particular weight. Managers include vice presidents, deans, directors, or other persons with managerial responsibility, including, for purposes of this policy, department chairpersons and executive officers.
- H. **Rape and Attempted Rape** is the penetration or attempted penetration, no matter how slight, of any body part by a sex organ of another person, without the consent of that person.
- I. **Respondent** refers to the individual who is alleged to have committed sexual harassment, gender-based harassment or sexual violence against a CUNY student, employee, or visitor.
- J. **Retaliation** is adverse treatment of an individual as a result of that individual's reporting sexual harassment, gender-based harassment or sexual violence, assisting someone with a report of sexual harassment, gender-based harassment or sexual violence, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence report. Adverse treatment includes threats, intimidation and reprisals by either a complainant or respondent or by others such as friends or relatives of either a complainant or respondent.
- K. **Sexual Activity** is
- penetration, however slight, of the vulva or the anus by the penis, hand/fingers or other object;
  - contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
  - intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person; or
  - intentional touching, either directly or through the clothing of any other body part, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.
- L. **Sexual Assault** is any form of sexual activity that occurs without consent.
- M. **Sexual Harassment** is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct of a sexual nature when:
- i. submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo);
- or
- ii. such conduct is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with, an individual's educational or work experience by

creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

Conduct is considered “unwelcome” if the individual did not request or invite it and considered the conduct to be undesirable or offensive.

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

- i. Inappropriate or unwelcome physical contact or suggestive body language, such as touching, groping, patting, pinching, hugging, kissing, or brushing against an individual’s body;
- ii. Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;
- iii. Visual displays or distribution of sexually explicit drawings, pictures, or written materials; or
- iv. Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures.

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

- i. Recording images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;
- ii. Disseminating images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure;
- iii. Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent.

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

O. **Sexual Violence** is an umbrella term that includes: (1) sexual activity without affirmative consent, such as sexual assault rape/attempted rape, and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking as defined below.

P. **Stalking** is intentionally engaging in a course of conduct directed at a specific person with whom the perpetrator currently has, previously has had, or desires to have, some form of sexual or romantic relationship, that:

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.

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

The City University of New York

### Students' Bill of Rights

CUNY students who experience campus-related sexual or gender-based harassment or sexual violence, including sexual assault, stalking, domestic violence, intimate partner violence or dating violence, are entitled to the following rights:

- To report the incident to your campus.
- To report the incident to the University or campus public safety department and/or to file a criminal complaint with the NYPD, or to choose not to report.
- To receive assistance from your campus or others in filing a criminal complaint, which may include seeking an Order of Protection.
- To describe the incident only to those campus officials who need the information in order to properly respond and to repeat the description as few times as practicable.
- To request that the campus file conduct charges against the respondent(s). The decision on whether to bring charges rests with the campus.
- To be protected by your campus from retaliation for reporting the incident, and to have any allegations of retaliation addressed by the campus.
- To receive assistance and resources from your campus, including confidential and free on-campus counseling, and to be notified of other available services on- and off-campus, including, among other resources, the New York State Office of Victim Services.
- To receive assistance in seeking necessary medical services or treatment, including a Sexual Assault Forensic Examination (SAFE exam), on or off campus.
- To obtain, where appropriate, changes with respect to campus academic and living arrangements, no-contact orders, and other interim remedial measures to enable you to continue your education without undue stress or trauma.
- To have your complaints handled respectfully by the campus, and to be informed about how the campus will protect your privacy and confidentiality.

- To have your complaint investigated in a prompt, impartial and thorough manner by individuals who have received appropriate training in conducting investigations and the issues related to sexual harassment and sexual violence, and to be accompanied by a person of your choice at all meetings or hearings related to the process.
- To have your complaint against a student adjudicated by individuals who have received appropriate training on issues related to sexual harassment and sexual violence.
- To report incidents of sexual harassment or sexual violence that you experience while under the influence of alcohol or drugs without receiving discipline for your alcohol or drug use.
- To have the same opportunity as the respondent(s) to participate in a student disciplinary hearing before a faculty-student disciplinary committee, including the right to be present, to be assisted by a person of your choice, including an attorney, to present evidence, call witnesses, cross-examine witnesses, have your prior sexual history with persons other than the respondent(s) excluded from the hearing, have your prior mental health diagnosis and/or treatment excluded from the hearing, receive written notice of the outcome of the hearing, and to appeal from the decision.

To participate in the investigative and disciplinary processes of the campus without interference with your civil rights or practice of religion.

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

Information on resources and the process for filing a complaint is available on [CUNY's Title IX web page](#).

Policy adopted by the Board of Trustees on 12/1/2014 Cal. 4.C., with effective date of 1/1/2015. Amended by the Board of Trustees on 10/1/2015. Cal. 6.B.