City University of New York

Kingsborough Community College
Department of Public Safety

2018 Annual Security Report

Includes crime statistics for 2015, 2016, and 2017

KINGSBOROUGH COMMUNITY COLLEGE
★ DREAMS BEGIN HERE ★

CUNY

October 1st, 2018

James Capozzi, Director of Public Safety

2001 Oriental Boulevard Brooklyn, NY 11235

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Kingsborough Community College

2001 Oriental Boulevard
Brooklyn, New York 11235
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Annual Security Report
Calendar Year 2017
Crime Statistics 2015-2017

James Capozzi

Director of Public Safety
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College Overview

Kingsborough Community College (KCC), one of 24 schools of The City University of New York (CUNY), was founded in 1963 and has evolved from a primarily liberal arts oriented institution into a comprehensive community college. In addition, Kingsborough Community College houses the Leon M. Goldstein High School for Sciences, a high school adding approximately 1,200 people to the campus community. Other programs offered include College Now Program, Paramedic Program, Culinary Arts and Food Management, Taxi & Limousine Program, and an extensive Continuing Education Program which offers classes seven days a week.
The campus is located at 2001 Oriental Boulevard in Brooklyn, a borough of New York City, whose population is approximately 2,648,771. The campus is situated on a 72-acre site and is comprised of 20 buildings located on the physical campus.

The College enrolls approximately 15,035 full- and part-time degree program students who attend day and evening classes. In addition, the College, through the Office of Continuing Education, serves in excess of 25,000 individuals with widely diverse backgrounds during the academic year. The College employs approximately 938 full-time faculty/staff and 1,670 part-time adjunct/staff members.

Policy Statements

These policy statements provide information regarding **Kingsborough Community College** security and fire safety policies. Campus safety, parking, vehicle regulations, public safety services, and other information on Public Safety can be found on the Kingsborough Community College website
http://www.kbcc.cuny.edu/sub-about/campus_security/Pages/campus_security.aspx

Annual Disclosure of Crime Statistics

Kingsborough Community College's 2018 Annual Security Report includes statistics for the previous three years about reported crimes that occurred on campus, in certain off-campus buildings owned and controlled by Kingsborough 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 the local NYPD precinct. The report also includes institutional policies concerning campus security, alcohol and drug use, crime prevention, the reporting of crimes, including those that involve sexual misconduct, emergency, and evacuation procedures. As required, this report is available to all students, faculty and staff annually. This report is posted on the Kingsborough website under the "Quick links" tab, in the Public Safety and Security section at: https://www.kbcc.cuny.edu/sub-about/campus_security/Documents/clery.pdf

To obtain a written copy of the report, please contact the Public Safety Department at (718) 368-5069.

CRIME REPORTING PROCEDURE

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

1. Calling the Public Safety Department's emergency telephone line by dialing 7777 from any campus telephone or 718-368-4995 from a cell phone.

2. Using one of the Emergency Assistance call boxes located throughout the campus.

3. Reporting the information to any member of the Public Safety Department or in person at the Public Safety Office located in the Library, room L202.

4. Our counselors are strongly encouraged, when they deem it appropriate, to inform the persons they are counseling of all procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

5. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime----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 providing a campus-wide safety alert.

6. The College has established a confidential TIP LINE as an alternate means by which individuals can relay valuable information in an anonymous manner. The College's goal is to provide a method to receive information from those individuals who are reluctant to become involved in reporting criminal activity but who realize that an injustice has occurred. The Anonymous Tip Line Number is 718-368-6500.

7. An Assessment and Care Team (ACT), has been created to identify, investigate, assess, refer, monitor and take action in response to behaviors exhibited by a member of the college community that may pose a threat. The purpose of ACT is to provide for the safety, health, and well-being of all its students, faculty, and staff. You can obtain more information on ACT and make an ACT referral by going to the following web page: ***www.kbcc.cuny.edu/act***

8. In the event you observe or are involved in an extreme or life-threatening situation, call 911, the New York City emergency phone number. A call should also be made to the college Public Safety Department at X7777 or 718-368-4995 to expedite and direct responding emergency personnel to your location.

INVESTIGATION OF VIOLENT FELONY OFFENSES

In accordance with the New York State Education Law, Kingsborough Community College maintains a plan for the investigation of violent felonies, which includes coordination with appropriate law enforcement agents. In addition, in compliance with New York State Law and subject to applicable federal law, including, but not limited to, the Federal Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code 1092 (f) which gives the victim of a sexual offense the right –to-decide whether or not to report, the College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a violent felony.

The Public Safety Department conducts investigations involving CUNY rules and policies. These investigations may involve students, staff or visitors of the college. If necessary, further review and action may be referred to the Office of the Vice President for Student Affairs, Human Resources or other administrative staff.

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 crimes can also avail themselves of counseling and support services through the Office of Student Services.

There were no reported Hate Crimes for the years 2015, 2017, however, there was one hate crime reported for 2016.

Confidential Reporting Options

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a Public Safety officer can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, Kingsborough Community College can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. Pastoral and professional counselors are encouraged to refer persons they are counseling to report crimes to Public Safety on a voluntary, confidential basis for inclusion in the annual security report by following this procedure.

Any on-campus crime witnessed by a College student or employee must be reported to the Department of Public Safety as soon as possible. The Department of Public Safety is responsible for reporting and follow-up investigation when an incident is reported. All College students, employees, and visitors should exercise responsibility for their own safety while on campus.

Civilian Complaints

Complaints regarding security personnel should be forwarded to the Director of Public Safety. All such complaints will be fully investigated and appropriate corrective action taken.

Daily Crime Log

All crimes that are reported to the Kingsborough Public Safety Department are annotated in the Public Safety Crime Log. All reportable criminal incidents are logged into the book provided that they occurred in the reportable geographic area of the college campus (on campus and public property), whether or not they are Clery-classified. It includes the following information: 1) date crime was reported, 2) date and time of the incident, 3) the nature of the crime, 4) the general location of the crime, 5) the disposition, if known and 6), special notes. The Clery Compliance Officer maintains the crime log and updates it on a daily basis. Any faculty, staff, student, visitor or vendor can view the crime log which is kept in the Public Safety Office (L202), during normal business hours. The log is in hardcopy format. The log is updated less than two business days after

the latest report comes in. If no reports are made during 30 calendar days, it is automatically updated. The log contains incidents for the past 2 calendar years. If you wish to review entries as far back as 7 calendar years, please make this request in person or call the office at 718-368-5069. Your request will be granted within two regular business days.

Note: *Any media requests specifically regarding the Clery Report should be referred to the Office of Communications & Government Relations (718-368-6760) for appropriate handling.*

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.

CAMPUS SECURITY AUTHORITIES INCLUDE:

VP of Enrollment Management Thomas Friebel, A217A	(718)368-6646
VP for Academic Affairs & Provost, Joanne Russell, A218	(718)368-5661
Dean of Curriculum Instruction & Assessment Sharon Warren-Cook, A228E	(718)368-6510
VP for Student Affairs Peter Cohen, A216	(718)368 -4517
Dean of Student Affairs Brian Mitra, A216	(718)368-5563
Director of Student Life Maria Patestas, C123	(718)368 -5597
Director of Athletics Damani Thomas, G110	(718)368-5703
Health Services College Nurse Dorothy Gale, A108	(718)368-5864
Director of Public Safety James Capozzi, L202	(718)368-5069
Title IX Coordinator Roxanna Thomas, E116	(718)368-6889
Office of International Students & Scholar Service Director, Gavin Ireland, V114	(718)368-6802
Director of Community Standards & Student Engagement Damali Dublin, A216	(718)368-5348
Dean of Faculty Catherine Leaker, A218C	(718)368-6511

REPORTING INCIDENTS OF SEXUAL HARASSMENT, INCLUDING SEXUAL ASSAULT AND SEXUAL MISCONDUCT, STALKING AND DATING/INTIMATE PARTNER/DOMESTIC VIOLENCE

A copy of the City University of New York Policy on Sexual Misconduct is attached to this report and can be viewed by clicking the link below:
http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/ovsa/policies/Sexual-misconduct-8.30.18-PSM-2018-005.pdf

Allegations of sexual harassment including sexual assault, stalking, or intimate partner violence should be reported to one of the individuals listed below:

- Title IX Coordinator Roxanna Thomas Room E116, 718-368-6889 Roxanna.Thomas@kbcc.cuny.edu
- Directors of Public Safety James Capozzi, Room L202, 718-368-5069, James.capozzi@kbcc.cuny.edu
- Dean of Student Affairs Brian Mitra, Room A216, 718-368-5563, Brian.Mitra@kbcc.cuny.edu

- Executive Director of Human Resources Mickie Driscoll, Room A201, 718-368-5436, Mickie.Driscoll@kbcc.cuny.edu

For more information, please see section *"Reporting and Prevention of Sexual Assault and Misconduct Offenses, Stalking and Dating/Intimate Partner/Domestic Violence"* later in this document.

For more detailed information on Title IX including community resources, please also see CUNY policies, and campus-specific Title IX information at: http://www1.cuny.edu/sites/title-ix/campus/kingsborough-community-college/

PUBLIC SAFETY AND SECURITY SERVICES

Kingsborough 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. At Kingsborough Community College, incidents of a criminal nature that are reported to a Peace Officer are referred, with the complainant's consent, to the New York City Police Department.

The Department consists of 1 Director, 2 Lieutenants, 10 Sergeants, 2 Specialists, 2 Corporals and 18 Peace Officers assigned to patrol the campus. Additionally, the college employs 9 Security Officers and 12 Campus Security Assistants who are assigned to parking lots and other fixed posts. These Officers 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 and monitors approximately 212 security surveillance cameras to ensure the safety of the college community. Supplementing these campus security systems are Emergency Pull Boxes that have been installed in hallways, stairways, restrooms and Emergency Assistance Call Boxes that are conspicuously located on campus grounds.

Campus Security Escort

Public Safety escorts are available daily, 24 hours a day, 7 days a week to all students, faculty, and staff on campus. If you are working late on campus, or at any time call Public Safety (Ext 5069) for an escort to the parking lot 15 minutes before you need to leave.

Working Relationship with Other Law Enforcement Agencies

The Kingsborough Public Safety Department maintains a cooperative relationship with local, state and federal law enforcement agencies. A written Memorandum of Understanding exists between CUNY colleges and the New York City Police Department in compliance with New York State Law. The NYPD provides the college with crime statistics for incidents that occurred within the geographical area of the campus in compliance with the Department of Education's Students Right to Know Act.

OFF-CAMPUS ORGANIZATIONS CRIMES AND SAFETY HAZARD MONITORING

RESIDENCE HALLS/OFF CAMPUS STUDENT ORGANIZATIONS

Kingsborough Community College does not have facilities for housing or sleeping. The College does not maintain any off-campus buildings or property. The College does not have any recognized off-campus student organizations, buildings or property.

Disclosure of Hearing Outcomes

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non- forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Emergency Notification & Response

The purpose of this policy is to establish emergency response and evacuation procedures for Kingsborough Community College, as required by the Higher Education Opportunity Act of 2008. This policy applies to all students and employees of Kingsborough Community College.

The Emergency Response Team is comprised of representatives from the following Kingsborough Community College Departments: Information Technology, Student Development, facilities Management, Finance, Auxiliary Services, Human Resources, Legal Counsel, Student Health Center, University Communications and Marketing, Purchasing, Risk Management, and Public Safety.

For the purposes of this policy, a significant emergency or dangerous situation involves an immediate threat to the health or safety of students or employees occurring on campus. In the event of an emergency, Kingsborough will initiate and provide, without delay, immediate nonfictions to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors.

CUNY Alert

The college participates in the University-wide CUNYALERT System. On activation by the college, this system sends messages during emergency events via email, text message and telephone (land-line/cellular). This system is tested monthly. New students and employees are also provided with information about signing up for CUNYALERT at orientations. You can sign up for CUNY Alert at: www.cuny.edu/alert and follow the instructions. Contact information for all registered students and employees is included in the CUNY Alert except for the contact information for those students who affirmatively choose to opt out of receiving CUNY Alert messages. If you have trouble accessing or modifying your contact information in CUNY Alert, please come to the IT help desk located in room L100.

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 bythe 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://www2.cuny.edu/website/privacy-policy/ 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.

Emergency Notification Procedures

Any individual on campus who has information about an emergency or dangerous situation that may affect the Kingsborough campus must notify the Department of Public Safety as soon as possible.

Kingsborough Community College will initiate and provide, without delay, emergency notifications to the Kingsborough community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors occurring on the campus.

The Kingsborough Community College Department of Public Safety is responsible for confirming emergencies in conjunction with Kingsborough administrators, local first responders, and/or the National Weather Service that may warrant the distribution of an emergency notification to the Kingsborough community.

Emergency notification for incidents that may pose an immediate threat to health and safety will be made, without delay, unless issuing a notification will, in the professional judgment of responsible authorities and taking into account the safety of the Kingsborough community, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency

Timely Warnings to Members of the Community

The decision to issue **Timely Warnings is made by the Public Safety Director in consultation**

with the President, Vice President of Finance and Administration and the Vice President of Student Affairs (Public Safety Review 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 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 Director. 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, Kingsborough Community 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: http://www2.cuny.edu/cuny-alert/

Note: In circumstances where necessary, and which may be determined based on the sensitivity of the particular incident, the Assistant Vice President of Communication & Government Relations should be alerted in the event of possible media inquiries.

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/or (4) School web-site notice.

The following personnel are authorized to make such announcements; President or his/her designee, Public Safety Director or his/her designee, KCC Dean or his/her Designee, Chief Student Affairs Officer or his/her designee and office of Public Relations. 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.

Note: In circumstances where necessary, and which may be determined based on the sensitivity of the particular incident, the Assistant Vice President of Communication & Government Relations should be alerted in the event of possible media inquiries

Emergency Response and Evacuation Procedures

Kingsborough Community College maintains an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities,

campus organization and specific responsibilities of particular units or positions.

The main goal of Kingsborough Emergency Operations Plan is the preservation of life, protection of property, and the continuity of campus operations. Other objectives include but are not limited to:

- Delegation of responsibility to emergency personnel.
- Coordination of emergency operations with external agencies such as the NYPD, FDNY, NYC Emergency Management, etc.

Students and employees are given information about the locations of the emergency exits in the buildings and are provided with the designated assembly areas for each facility for a short-term building evacuation. The Department of Public Safety does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, the location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Public Safety staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

Testing of the Emergency Response and Evacuation Procedures

Kingsborough Community College conducts three (3) fire drills per year, one of which must be conducted during the first week of the summer session to ensure compliance with NY Education Law 807. During these drills, building occupants are familiarized with campus evacuation procedures. Each building has assigned fire/evacuation floor wardens who provide training and direction to the college community during drills and actual emergency events.

Fire Emergency

Floor wardens and searchers are designated to serve specific areas of the building. When appropriate, they will be activated. They are trained to assist with the evacuation process throughout the campus. Their job is to facilitate evacuations and common space assembly of all kinds and to pass information to the fire safety command station. Please comply with their directions.

When fire alarms ring, please make note of the announcement that immediately follows. It will provide you with instructions on where to assemble. If a false alarm occurs, an "all clear" announcement will follow via the fire command response system. Treat all fire alarms as real unless otherwise directed by the floor wardens or members of the public safety staff. Below are general guidelines for dealing with a fire. But remember, WHEN IN DOUBT CALL 911 OR ACTIVATE A FIRE PULL STATION.

1. Be familiar with the location of stairways, fire extinguishers, fire exits, and pull boxes in the buildings.
2. If a minor fire appears controllable, immediately contact (personally or preferably have someone else call) the Department of Public Safety at extension 4995. Locate a portable fire extinguisher. Then promptly direct the discharge of the fire extinguisher toward the base of the flame by squeezing the trigger and moving the hose in a side- to-side motion. Do not use water extinguishers on electrical fires.
3. In the case of large fires that do not appear controllable, immediately activate a fire pull

station and, if time permits, call extension 4995 to report the exact location of the fire. If time permits, close the door of the room where the fire exists.

4. When the building evacuation alarm is sounded, always assume that an emergency exists. Touch closed doors; do not open them if they are hot. If the door is cool, brace yourself behind the door and open it slowly. Bracing yourself behind the door prevents the door from being blown open due to the pressure created bythe fire. Walk quickly to the nearest exit and alert others to do the same. Do not use the elevators during a fire.
5. Smoke is the greatest danger in a fire, so stay near the floor where the air will be less toxic.
6. Once outside, move to a clear area at least 100 feet away from the affected building. Keep streets, fire lanes, hydrants and walkways clear for emergency vehicles and crews. These essential personnel must be allowed to do their jobs.
7. Do not return to an evacuated building unless told to do so by a College official.
8. If you become trapped in a building during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews. If possible, place a wet cloth at the base of doors to keep smoke from entering. Shout at regular intervals to alert emergency crews of your location. Dampen a cloth with water, place it over your nose, and breathe lightly through it. It is understood that these items may not be available to you—hence the importance of moving quickly and knowing your escape routes.
9. Should your clothing catch fire, stop, drop and roll. Rolling on the ground will help smother the fire; this is in fact very effective.

Hostile Intruder

When an intruder in a campus building is actively causing deadly harm or presents the threat of imminent deadly harm to people, immediately seek cover and contact 911 and the Public Safety Department, if at all possible. Remember to only call 911 when it is safe to do so, give as many details as possible regarding location, number of assailants, means of aggression and other pertinent information. When a hostile intruder is actively causing deadly harm or the threat of imminent deadly harm to people on the campus grounds, US Department of Homeland Security recommends the following course of action:

1. **EVACUATE** – if you can safely do so, run as fast as you can. Have an escape route and plan in mind. If outside, use buildings, trees, shrubs, and cars as cover. Leave your belongings behind. If you can get away from the immediate area of danger, summon help and warn others.
2. **HIDE OUT -** If you decide to hide, take into consideration the area in which you are hiding. Hide where you are out of the aggressor's view. Stay as quiet and calm as possible. Block entry to your hiding place and lock the doors (if possible). Silence all electronic devices.
3. **TAKE ACTION** – Only do this as a last resort and only when your life is in imminent danger. If you choose to confront the aggressor, use all manner of materials at hand as weapons, including books, chairs, or any object near at hand. Act with physical aggression and throw items at the aggressor. You can 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.

Bomb Threat Response 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 must be taken seriously. Each threat will be thoroughly

investigated and will be considered suspect until all avenues of investigation have been explored. ***Note: Any media requests should be referred to the Office of Communications & Government Relations (X6760) for appropriate handling.***

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 extension 7777 or 718-368-4995. 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, use only the stairs. Do not use elevators. Move well away from the building and follow the instructions of floor coordinators and emergency personnel on-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

All medical emergencies should be reported immediately to Public Safety at extension 7777, or 718-368-4995 from your cell phone. Public Safety personnel are trained first responders and will render aid until emergency personnel arrives.

1. If the medical emergency is life threatening, Public Safety will respond with emergency equipment. Public Safety will notify 911. When available, a Public Safety EMT will be dispatched to the scene to provide patient assessment and care under NYC Basic Life

Support treatment protocols. A Public Safety Officer will then escort arriving emergency personnel to the scene.

2. If a medical problem is non-life threatening, responding Public Safety officer will assess the victim and will escort/transport the victim to Health Services if they can safely be moved.
3. Aid will not be given to a patient who knowingly and willingly refuses it. If the victim refuses medical aid, the Public Safety Officer will document the victim's refusal of care and have the victim sign the written record. Any refusal to sign will be documented.

Mental Health Medical Emergencies

The balance of the demands of school and personal life can be challenging. Counseling Services provides individual, group, and ESL support services to students currently enrolled at Kingsborough. Counseling sessions are confidential. Sessions generally last 45 minutes and are usually held once a week. The Counseling office is located in D102 and their telephone number is 718-368-5975.

1. If there is no imminent physical danger, you can speak to a counselor in Room D102. If a Counselor is not available, please contact Public Safety for additional resources.
2. Whenever an individual demonstrates or reports a risk of self-destructive or suicidal behavior, immediate assistance is needed and Public Safety should be notified ***immediately at extension 7777 or 718-368-4995 via cell phone***. Public Safety will take necessary measures to ensure their safety and refer them to appropriate resources.

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 extension 7777 or 718-368-4995 via cell phone. In the event of a building wide power failure, phones may not function. The office can be reached at Emergency Telephone line 718-368-0033 (only works if power is shut down). If no other emergency situation exists, you can come to the front Security Desk.
2. **In the event of loss of power in any building, an emergency generator will supply low-level light until power is restored.**
3. Having a flashlight attached to a key chain, belt clip or in a bag may be helpful even when not in the school. Never use candles.
4. During daylight, add as much natural lighting as possible by raising blinds.
5. Faculty with classes should remain where they are until notified otherwise.
6. 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 Public Safety. Wait for assistance. Don't panic.
7. Once power is restored, Public Safety will make an announcement using the College's public address system. Evacuation may not be necessary during a power failure.

Note: ***Any media requests should be referred to the Office of Communications & Government Relations (X6760) for appropriate handling.***

Plumbing Problem/Flooding

Cease using all electrical equipment. Notify Public Safety immediately. If necessary, vacate the area and prevent anyone else from entering. If a toilet overflows or water is accumulating in a given area, contact Buildings and Grounds at extension 5124.

Gas Leaks

Gas leaks are very rare but can be very serious. **If you smell gas, go to a safe area and contact Public Safety at extension 7777. Do not use a mobile phone near a gas leak whether here or at home. Gas vapors can be ignited by static electricity.**

Biological, Chemical Spill Response or Nuclear Attack Procedures

1. In the event of a biological chemical spill, Kingsborough Environmental Health and Safety Officer Celeste Creegan will be contacted at 718-368-4778. Buildings and Grounds and Public Safety will respond along with the EHS Officer who will determine the actions to follow.
2. Upon receiving confirmation of an imminent or ongoing biological or chemical spill that poses great risk to life at the College, the President or her designee shall declare a campus-wide emergency. This state of emergency mayinitiate a lockdown of the building and/or its total evacuation. Note: Notification will be made via college website, voicemail, emergency communication response system and/or CUNY-ALERT if at all possible.
3. Building occupants will be kept informed of changes as they develop by college officials. The following actions will be taken if necessary: (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 the most insulation and (d) updates on emergency will be given, if practicable, by the same methodologies as indicated above.

Note: ***Any media requests should be referred to the Office of Communications & Government Relations (X6760) for appropriate handling.***

Publication of Emergency Procedures

Emergency response and evacuation procedures are published annually via the Annual Security Report. The Public Safety Department encourages members of the college community to use this report as a guide for safe practices both on and off campus. Paper copies are available by calling 718-368-5069 or in the Public Safety Department, located in Room L202.

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

PUBLIC SAFETY AWARENESS AND CRIME PREVENTION PROGRAMS

The Public Safety Department issues safety alert bulletins (paper/email) when deemed necessary to the campus community when serious crimes occur in areas on or near the campus. The Department maintains a relationship with the New York City police precincts that are responsible for the surrounding areas of the campus perimeter and providing additional response

assistance. All persons reporting crimes to the Public Safety Department are encouraged to promptly report the incident to the local police precinct concerned. A record of each report made to the local precincts is maintained as part of the Public Safety Department's annual statistical report.

Crime prevention is a high priority for the Public Safety Department and the college community. The department encourages community members to be vigilant and aware of their surroundings, both on and off campus, and to take responsibility for their own safety and security and that of others. Crime prevention seminars are scheduled each semester and members of the college community are encouraged to actively participate.

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.

Along with the office of the Vice President of Finance and Administration, Campus Facilities, and Campus Planning, 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. Building engineers and cleaners report health and safety issues during the course of normal work assignments.

The Public Safety Department also provides students, faculty, and staff with crime prevention information, along with other safety related material, during scheduled events on campus as well as via email safety bulletins. Some of the education programs offered include:

1. ***Crime Prevention Brochures***: Brochures are available from the PSD to the college community in the Public Safety office as well as tabling events in the Breezeway throughout the semester. Topics include: personal safety, crime prevention tips, and ID theft prevention.
2. ***New Student/Employee Orientation***: Public Safety officers meet with new students/employees during their orientation to provide them with an overview of the programs and services offered by the Department.
3. ***Emergency Preparedness Training:*** The Public Safety Department has NYS Division of Criminal Justice certified general topics instructors with special training and provides training to the college community for active shoo ter incidents, emergency evacuations, basic fire safety, medical emergencies, etc.
4. ***Domestic Violence and Sexual Assault Awareness Workshops:*** The Public Safety Department hosts various domestic violence workshops with the Office of the Mayor's Office to Combat Domestic Violence, the Brooklyn District Attorney's office, the NYPD Domestic Violence Unit and the Urban Justice Center.
5. ***Fire Safety Prevention Training:*** Fire safety training is provided to designated fire wardens on campus. In addition, the PSD will provide fire safety training to faculty/staff upon request.
6. ***Child Safety Workshops:*** The PSD provides training to the children in the Child Care Center on stranger danger, when to call 911 and emergency planning. The

children are provided with safety coloring books and material to review with their parents.

7. ***Security surveys and vulnerability assessments:*** The PSD conducts security surveys and vulnerability assessments to identify areas of the campus that present vulnerabilities to the safety of the college community. Public Safety personnel report potential safety and security hazards, and non-operational conditions (elevator, doors, lighting, etc.) for appropriate remediation.
8. ***Operation Identification***: The PSD, along with the 61st Precinct NYPD Crime Prevention Officer, will obtain identifying information to register portable valuables so that they can be returned to their rightful owner in the event they are recovered after being lost or stolen.
9. ***Escort Service***: The Public Safety Department provides 24 hours a day, 365 days a year escorts to all students, faculty, and staff on campus. If you are working late on campus and would like an escort to the parking lot or bus stop, please call Public Safety at 718-368-4800 or 718-368-4995 15 minutes prior to your departure time.
10. ***Other Educational Programs***: The PSD can provide staffing for your educational programs free of charge on other topics not listed above. We offer a variety of programming on sexual assault prevention and awareness, what is consent, Rape Aggression Defense (RAD), Workplace Violence and bystander intervention to name a few.

Please visit our website: https://www.kbcc.cuny.edu/sub-about/campus_security/Pages/Personal-Emergency-Preparedness.aspx

ACCESS TO COLLEGE FACILITES

Campus Facilities

Kingsborough Community College is a commuter school; there are no residences or dormitories on campus. To date, there are no off-campus student organizations. The College opens at 7:15 am and closes for business at 10:30 pm, seven days a week. Access to campus buildings is limited to faculty, staff, students, guests and visitors who are conducting official college business.

All students, faculty and staff should possess a Kingsborough Community College ID card which must be presented to a College official or Public Safety personnel upon request. The Library is open to students, faculty, staff, as well as other CUNY students. Library hours are posted in the calendar/hours tab on the web at www.kbcc.cuny.edu/kcclibrary. During midterms and finals, the Library may have extended hours to accommodate students. The College reserves the right to refuse entry or remove anyone regardless of status for rule infractions or safety reasons.

Identification Cards

New students, faculty and staff can obtain an identification card inside the Public Safety office (Room L202). While on campus students, faculty, and staff must possess a Kingsborough ID Card. The ID card is the property of the College and must be presented upon request of a College official. If your card is lost/stolen please go to the Bursar office (Room A205) to pay a replacement fee of $10.00. Upon payment, bring your receipt to the Public Safety office (Room L202). If you are no longer a student/faculty/staff, your ID card must be returned to the Public Safety Department.

College Issued Keys
Administrators, faculty, and staff are issued keys to their respective offices and/or buildings. It is your responsibility to safeguard the keys issued to you. If you lose College keys it must be reported to Public Safety so an incident report can be filed. 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 prior written authorization and approval by Department Chairperson.

Guests
All visitors are expected to comport themselves in a manner consistent with an academic environment. Guests must identify themselves to Public Safety at the entry gate upon arrival. Public Safety will require a valid identification and the guests will be signed in. Guests will only be allowed in if they have official business. Guests are subject to the instruction of Public Safety personnel as well as Administrative staff. A guest attending an event will be asked to leave if they appear to be intoxicated or refuse to follow directives given by Public Safety or Administrative staff. Permission to enter onto the college property is revocable at any time. Persons not having a legitimate purpose to be on campus may be asked to leave by Public Safety personnel. Trespass warnings are posted at all common entrances. All vehicles parking on campus must display a valid parking permit. Vehicles without permits should stop at one of the entrance gates to be granted permission on campus. We ask for your cooperation in promoting a safe and secure college environment. If you see something unusual or someone acting suspiciously, please report it to Public Safety immediately.

Security Considerations used in the maintenance of campus facilities
The Public Safety Department is open 24 hours a day, 7 days a week. Central operations are located in L202 where Public Safety Officers monitor approximately 212 interior/exterior surveillance cameras, a security alarm system, a key control system, the emergency phone line, and maintain a log book of all the reported incidents, events and campus conditions. While conducting patrols, officers must report potential safety and security hazards as well as entry door problems, elevator malfunctions and Automated External Defibrillator (AED) operating conditions to the central operator.

The central operator maintains accountability of the officers/supervisors that are on duty and dispatches them as needed to different areas of the campus. The central operator is responsible for contacting appropriate personnel if a campus condition is reported (i.e. Buildings and Grounds, Environmental Health and Safety, Information Technology, etc.). Any conditions which appear unsafe should be directly reported to any Public Safety Officer as soon as possible. All Public Safety personnel carry two-way mobile radios programmed through a repeater to enhance effectiveness. A special two-way radio is also located at Central Operations that can communicate with other CUNY campuses. All Public Safety supervisors' radios can communicate with the local precinct during emergency situations. In addition, the campus has a public address system with a total of 366 interior/exterior building speakers to communicate with the College. These speakers are tested weekly by the Office of Information Technology.

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

all Public Safety personnel report potential safety and security hazards as well as entry door problems, elevator malfunctions and Automated External Defibrillator (AED) operating conditions while on patrol.

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, damage to a building, or campus.

COLLEGE REGULATIONS/CODE OF CONDUCT

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

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

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

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

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

The President, with respect to his/her education unit, shall:

a. Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his/her jurisdiction;
b. Be the advisor and executive agent of the Board and of his/her respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the Bylaws, resolutions, and policies of the Board, the lawful resolutions of the several faculties;
c. Exercise general superintendence over the concerns, officers, employees, and students of his/her educational unit.

A. 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 s/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/her position without having to fear abuse, physical, verbal, or otherwise, from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators.
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.

B. 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: 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.

ADDITIONAL CAMPUS RULES

1. Any student violating any law or regulation established by the College, University, City, State, or Federal Government (including the use of drugs), shall be subject to the formal disciplinary procedures as outlined in Articles 15.3 to 15.5 of the Board of Higher Education Bylaws and Sanctions as listed in the Board of Higher Education Bylaws and Article 129A of the Education Law (CUNY Henderson Rules). The initiation of disciplinary procedures requires notice to the student pursuant to 15.3 of the Board of Higher Education Bylaws. In emergency or extraordinary circumstances, immediate suspension can be effectuated pending a hearing within seven (7) school days.

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

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 a 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.

WHO NEEDS TO KNOW THIS POLICY

All CUNY senior management, students, prospective students, employees, and prospective employees.

CUNY Standards of Conduct

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

Standards that clearly prohibit the unlawful possession, use, sale or distribution of illicit drugs and alcohol on college property or as part of any school activities can be found in the student handbook.

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.

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. Additional information can be found at:

https://www.kbcc.cuny.edu/studentaffairs/student_conduct/pages/aod.aspx#med

https://www.kbcc.cuny.edu/stud_cons_info/Documents/PolicyAlcoholDrugsJan2015.pdf

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:

1. 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.
2. 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
3. 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
4. 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.
5. Appearing in public under the influence of narcotics or a drug other than alcohol to the degree that a person may endanger him or herself or other persons or property, or annoy persons in his vicinity, is a violation, punishable by a fine and imprisonment up to 15 days. Penal Law § 240.40

Health Risks

The following is a brief summary of some of the health risks and symptoms associated with use of many of the most-publicized drugs, including alcohol and tobacco. This information was obtained from the National Institute on Drug Abuse (part of the National Institutes of Health of the U.S. Department of Health and Human Services), and the Mayo Clinic. Please note that individuals experience such substances in different ways based on a variety of physical and psychological factors and circumstances.

LSD (Acid)

LSD is one of the strongest mood-changing drugs, and has unpredictable psychological effects. With large enough doses, users experience delusions and visual hallucinations. Physical effects include increased body temperature, heart rate, and blood pressure; sleeplessness; and loss of appetite.

Cocaine
Cocaine is a powerfully addictive drug. Common health effects include heart attacks, respiratory failure, strokes, and seizures. Large amounts can cause bizarre and violent behavior. In rare cases, sudden death can occur on the first use of cocaine or unexpectedly thereafter.

MDMA (Ecstasy)
Ecstasy is a drug that has both stimulant and psychedelic properties. Adverse health effects can include nausea, chills, sweating, teeth clenching, muscle cramping, and blurred vision.

Heroin
Heroin is an addictive drug. An overdose of heroin can be fatal, and use is associated – particularly for users who inject the drug – with infectious diseases such as HIV/AIDS and hepatitis.

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

Methamphetamine
Methamphetamine is an addictive stimulant that is closely related to amphetamine but has long lasting and more toxic effects on the central nervous system. It has a high potential for abuse and addiction. Methamphetamine increases wakefulness and physical activity and decreases appetite. Chronic, long-term use can lead to psychotic behavior, hallucinations, and stroke.

PCP/Phencyclidine
PCP causes intensely negative psychological effects in the user. People high on PCP often become violent or suicidal.

Prescription Medications
Prescription drugs that are abused or used for non-medical reasons can alter brain activity and lead to dependence. Commonly abused classes of prescription drugs include opioids (often prescribed to treat pain), central nervous system depressants (often prescribed to treat anxiety and sleep disorders), and stimulants (prescribed to treat narcolepsy, ADHD, and obesity). Long-term use of opioids or central service system depressants can lead to physical dependence and addiction. Taken in high does, stimulants can lead to compulsive use, paranoia, dangerously high body temperatures and irregular

Tobacco/Nicotine
Tobacco contains nicotine, which is highly addictive. The tar in cigarettes increases a smoker's risk of lung cancer, emphysema, and bronchial disorders. The carbon monoxide in smoke increases the chance of cardiovascular diseases. Secondhand smoke causes lung cancer in adults and greatly increases the risk of respiratory illnesses in children.

Steroids
Adverse effects of steroid use in males may include shrinking of the testicles and breast development. In females, adverse effects may include growth of facial hair, menstrual changes, and deepened voice. Other adverse effects can include severe acne, high blood pressure, and jaundice. In some rare cases liver and kidney tumors or even cancer may develop

Alcohol

Excessive alcohol consumption can lead to serious health problems, including cancer of the pancreas, mouth, pharynx, larynx, esophagus and liver, as well as breast cancer, pancreatitis, sudden death in people with cardiovascular disease, heart muscle damage leading to heart failure, stroke, high blood pressure, cirrhosis of the liver, miscarriage, fetal alcohol syndrome in an unborn child, injuries due to impaired motor skills, and suicide.

Substance Abuse

You or someone you know may have a problem with drugs and alcohol if you/they are:

- Using drugs and/or alcohol on a regular basis.
- Losing control of the amount of drugs and/or alcohol used after being high or drunk.
- Constantly talking about using drugs and/or alcohol.
- Believing that drugs and/or alcohol are necessary in order to have fun.
- Using more drugs and/or alcohol to get the same effects as in the past.
- Avoiding people in order to get high or drunk.
- Pressuring others to use drugs and/or alcohol.
- Foregoing activities that were once priorities (i.e. work, sports, spending time with family and sober friends).
- Getting into trouble at school, at work, or with the law.
- Taking risks, including sexual promiscuity and driving while intoxicated.
- Lying about things, including the amount of drugs and/or alcohol used.
- Feeling hopeless, depressed, or even suicidal.

If you suspect that you or someone you know has a problem with drugs and/or alcohol, please utilize the resources listed below.

DRUG AND ALCOHOL PREVENTION PROGRAMS (DAAPP)

On-Campus Alcohol and Substance Abuse Resources

Kingsborough Community College's Office of Student Development/Student Affairs has several services to help students in need of assistance for alcohol and substance use/abuse. They are the Student Wellness Center, Counseling Services and Health Services. These programs have information on alcohol & substance abuse and make referrals to outside mental health, health, and substance abuse treatment programs. In addition, counselors are available in the Student Wellness Center and Counseling Services to assist students.
The Student Wellness Center (SWC) in particular is a great resource to obtain educational material designed to heighten awareness about alcohol & substance use/abuse, tobacco addiction, and many other health related topics. In addition, the Student Wellness Center offers alcohol screenings and year round activities focusing on wellness.

Appointments for the Student Wellness Center or the Counseling Services offices can be made by calling 718-368-5975. Both offices welcome walk-ins (no appointment needed).

Student Wellness Center	A-Building	108	718-368-5975
Health Services	A-Building	108E	718-368-5685

Drug and Alcohol Programs	D- Building	109	718-368-5289

CUNY Employees can seek assistance through the CUNY Work Life Program at (800) 833-8707 or the following website:
http://www.cuny.edu/about/administration/offices/ohrm/university-benefits.html

Off-Campus Alcohol and Substance Abuse Resources

Bridge Back to Life	3044 Coney Island Avenue, 3rd Fl Brooklyn, NY 11235	(718) 616-5500
Coney Island Hospital Acute Care Addictions Program (ACAP)	2601 Ocean Parkway Brooklyn, NY 11235	(718)616-5500
New Directions Substance Abuse Program	500 Atlantic Avenue Brooklyn, NY 11217	(718)398-0800

12 Step Recovery Programs Hotline

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

Detoxification and Outpatient/Inpatient Rehabilitation Facilities

KINGS		
Bridge Back to Life Center, Inc.	175 Remsen St., 10th Floor Brooklyn, NY 11201	(718) 852-5552
Kings County Hospital Center	606 Winthrop St. Brooklyn, NY 11203	(718) 245-2630
Interfaith Medical Center	1545 Atlantic Avenue Brooklyn, NY 11213	(718) 613-4330
NEW YORK		
Bellevue Hospital Center	462 First Ave. New York, NY 10016	(212) 562-4141
Greenwich House, Inc	50B Cooper Square New York, NY 10003	(212) 677-3400

St. Luke's-Roosevelt Hospital Center.	1000 Tenth Ave New York, NY 10019	(212) 523-6491
QUEENS		
Flushing Hospital Medical Center	4500 Parsons Boulevard Flushing, NY 11355	(718) 670-5078
Samaritan Village, Inc.	144-10 Jamaica Ave. Jamaica, NY 11435	(718) 206-1990
Daytop Village, Inc.	316 Beach 65th St. Far Rockaway, NY 11692	(718) 474-3800
BRONX		
St. Barnabas Hospital	4535 East 183rdSt. Bronx, NY 10457	(718) 960-6636
Montefiore Medical Center	3550 Jerome Ave., 1 stFl Bronx, NY 10467	(718) 920-4067
Bronx-Lebanon Hospital Center	1276 Fulton Ave, 7th Fl Bronx, NY 10456	(718) 466-6095
RICHMOND COUNTY		
Staten Island University Hospital	Center 375 Seguine Ave. Staten Island, NY 10309	(718) 226-2790
Richmond University Medical Center	427 Forest Ave. Staten Island, NY 10301	(718) 818-5375
Camelot of Staten Island, Inc.	263 Port Richmond Ave. Staten Island, NY 10302	(718) 981-8117
NASSAU COUNTY		
Long Beach Medical	455 East Bay Dr. Long Beach, NY 11561	(516) 897-1250
North Shore University Hospital	400 Community Dr. Manhasset, NY 11030	(516) 562-3010
Nassau Health Care Corporation	2201 Hempstead Tpke East Meadow, NY 11554	(516) 572-9400

SEXUAL MISCONDUCT

Reporting and Prevention of Sexual Misconduct including Sexual Assault, Harassment, Stalking and Dating/Intimate Partner and Domestic Violence

Under the provisions of Title IX of the Education Amendments of 1972 (Title IX), 20 USC §§ 1681 et seq., and its implementing regulations, 34 CFR Part 106, discrimination on the basis of

sex in education programs or activities operated by recipients of federal financial assistance is prohibited. Sexual harassment of students, which includes acts of sexual violence, cyber stalking and unwanted physical contact of a sexual nature, is a form of discrimination prohibited by Title IX.

Sexual Harassment is unwelcome conduct of a sexual nature that is sufficiently serious to adversely affect your ability to participate in or benefit from an educational program. It includes unwelcome sexual advances, request for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature on or off campus.

CUNY prohibits domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, Kingsborough Community College issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a college official.

A copy of the City University of New York Policy on Sexual Misconduct is attached to this report and can be viewed by clicking the link below: http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/policies-procedures/Sexual-Misconduct.pdf

The City University of New York Policy on Sexual Misconduct

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 the individuals listed below:

- Title IX Coordinator Roxanna Thomas Room E116, 718-368-6889 Roxanna.Thomas@kbcc.cuny.edu
- Directors of Public Safety James Capozzi Room L202, 718-368-5069, James.Capozzi@kbcc.cuny.edu
- Dean of Student Affairs Brian Mitra, Room A216, 718-368-5563, Brian.Mitra@kbcc.cuny.edu
- Executive Director of Human Resources Mickie Driscoll, Room A201, 718-368-5436, Mickie.Driscoll@kbcc.cuny.edu

Reporting methods other than listed above

1. Calling the Department of Public Safety's emergency telephone line Extension 7777 or 718-368-4995 from your cell phone. Or report the information to any member of the Department of Public Safety or in person at the Public Safety Office located in Room L202.

2. Using one of the 39 Emergency Assistance call boxes located throughout the building.
3. 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 on the 5th page of this report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Campus Security Act in the College's Annual Security Report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College Community. In many cases however, that notification will be done without divulging the victim's identity and will be done only for the purpose of providing a campus-wide alert.
4. In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911. However, if you make a 911 call, also notify the Department of Public Safety. They will assist and direct the police along with other responding emergency personnel.

Bystander Intervention

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

Prevention and Risk Reduction

1. Convey strongly that you expect your rights to be respected.
2. Meet new acquaintances in public places. Always have your own transportation or travel with trusted friends.
3. Keep money in your pocket or purse for phone calls, or pay for transportation if you must leave a situation abruptly.
4. 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.
5. Do not accept a drink from someone you do not know or trust. Do not drink from bowls or large common open containers.
6. Do not continue to drink from a beverage you left unattended.
7. Clearly define your sexual limit. If someone starts to offend you, be direct. Say no clearly when you mean no.
8. If you feel that you are being pressured into unwanted sex, say something as soon as you can, before the behavior goes any further.
9. 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.
10. Watch out for your friends and fellow students/employees. If you can do so safely, ask if

they need help.

11. Speak up if you hear someone discuss plans to take sexual advantage of another person.
12. Offer to help a friend or fellow/student or employee make a report and seek assistance and support.
13. Avoid isolated areas.
14. Attend parties with friends. Arrange to leave with your friend.

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 NYPD 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, 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.
    1. New York State Department of Health has designated sexual assault forensic examiner ("SAFE") programs in hospital 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.

2. As time passes, evidence may dissipate or become lost or unavailable, making investigation, possible prosecution or disciplinary proceedings or obtaining order of protection more difficult. Even if a victim of sexual assault choose 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 bylaw 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?

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 an act is an invitation for sexual advances. A person may welcome some forms of sexual contact and be opposed to others. The more impaired a person is from alcohol or drugs, the less likely she/he can give consent; having sex with someone who is "passed out" or sleeping is rape. In addition, 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.

College Support Services

On- Campus Resources

Roxanna Thomas, Title IX Coordinator Room E116 (718) 368-6889
Roxanna.Thomas@kbcc.cuny.edu

Sergeant Veronica Rodriguez, Sergeant Irene Szczesny and Specialist Delise Chung
Public Safety Department Public_Safety1@kbcc.cuny.edu
Room L202 (718) 368-5069

Counseling Services Room D102 (718) 368-5975
Student Wellness Center Room A108E (718) 368-5975
Frances Robinson - Women's Center Room M382 (718) 368-4700
Michael Rodriguez – Men's Resource Center Room U218 (718) 368-5339

Counseling for Employees

CUNY Work Life Program (800) 833-8707

Contacting outside agencies

The College will assist any student requesting to contact outside agencies, including local police, regarding charges and complaints of sexual assault.

Off-Campus Resources
- For immediate help, call 911
- The New York City Police Department Sex Crimes Report Line 212-COP-RAPE 24 hour

hotline, all female detectives, give advice about what can be done, information on the legal process, initiate investigations or provide referrals for counseling.

- National Sexual Assault Hotline 800-656-HOPE (4673) Free, confidential, 24 hour hotline.
- New York State Coalition against Sexual Assault 800-942-6906 or 800-818-0656 New York State Hotline for victims of Sexual Assault and domesticviolence.
- http://www.nyscadv.org/
- NYC Victims Services Agency: open 24 hours, seven days a week 212-577-7777 Provides crisis intervention for crime victims.
- The New York City Anti Violence Project empowers gay, lesbian, bisexual, transgender, queer and HIV affected communities to end all forms of violence through organizing and education. The Anti-Violence Project provides support, counseling and advocacy. The 24-hour hotline is 212-714-1141.
- The following New York State Department of Criminal Justice website offers links to many additional resources at www.criminaljustice.ny.gov/pio/crimevictims.html
- New York State Office of Victim's Services www.ovs.ny.gov
- NYC Mayor's Office to Combat Domestic Violence/Family Justice Centers www.nyc.gov/html/ocdv/html/help/fjc.shtml

Prevention Education Programs

Kingsborough Community College has developed materials and programs to educate its students, faculty and staff on the nature, dynamics, common circumstances and effects of sexual assault, domestic/intimate partner violence and stalking, and the means to reduce their occurrence and prevent them. These programs are offered to incoming freshmen and transfer students during fall and spring orientation sessions. The Title IX Coordinator and the Vice President for Student Affairs offices provide this training to student activity groups, clubs, and athletic teams. Prevention education materials are distributed to all students during campus orientation activities.

Kingsborough provides workshops throughout the year related to the prevention and handling of sexual assaults, stalking and domestic/intimate partner violence. All relevant Departments participate including the Department of Public Safety, Counseling, Student Affairs, Urban Justice Center and Kings County District Attorney Victim Services Unit.

Faculty and staff are all welcome to attend the workshops as well. The Public Safety Department has a number of NYS Certified General Topics Instructors which are the designated liaison for additional trainings on campus. The Public Safety Department is available to provide with such education programs upon request. The Public Safety Department conducts prevention education training on domestic violence, dating violence awareness, bullying, active shooter response, emergency preparedness, stranger danger for children in the Day Care Center and other general crime prevention topics. If you would like to schedule an education program for a specific group, please contact Public Safety at 718-368-5069 in advance.

More information and resources about campus safety, sexual assault and harassment, domestic/intimate partner violence, stalking and dating violence can be found at
http://www1.cuny.edu/sites/title-ix/campus/kingsborough-community-college/
http://www.kbcc.cuny.edu/publicsafety

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 purpose 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 statue, "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 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 act 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 purpose 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 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 purpose of this definition:

1. 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:

   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. Cause 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, telephone 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.

Disciplinary Procedure

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

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, criminal sexual act or sexual abuse by contact without the consent of the victim or where the victim is incapable of giving consent. Criminal sex offenses are classified in degree according to the seriousness of sexual activity, the degree of force used, the age of the victim and the physical and mental capacity of the offender and victim

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

Sexual assault is a crime of power, aggression and violence. Terms such as "date rape" and "acquaintance rape" tend to minimize the fact that the 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.

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

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

Aggravated sexual abuse in the third degree (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 years old.	Is a class D felony, with penalties up to 7 years in prison.
Facilitating a sex offense with a controlled substance (PL § 130.90)	A person is guilty when he or she knowingly and unlawfully possesses a controlled substance or any substance that requires a prescription to obtain to another person, without such person's consent and with intent to commit against such person conduct constituting a felony, and commits or attempts to commit such conduct constituting a felony defined in Article 30.	Is a class D felony, with penalties up to 7 years in prison.

MISSING PERSONS

In accordance with state and federal law, the College maintains procedures for the investigation of reports of missing persons. In addition, in compliance with state and federal law, the College will notify the appropriate law enforcement agency within 24 hours of receiving a report of a missing student who resides in campus housing. The City University of New York Missing Person Policy is available at: http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/student-affairs/policies/MissingPersonswithoutmemo.pdf

Admission of Sex Offenders

(As provided by the Vice Chancellor's Office of Legal Affairs)

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

Campus Sex Crimes Prevention Act

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

1. Contact the police department in the jurisdiction in which the offender resides and/or in which the college is located
2. Contact Public Safety at (718)368-5069
3. Contact the Division's sex offender registry web site – www.criminaljustice.ny.gov/nsor/index.htm and then click on "Search the Sex Offender Registry" or by dialing 800-262-3257

Searching for Level 1 sex offenders (or those with a pending risk level):

1. Call the Division's sex offender registry at (800) 262-3257 with the name and at least one other identifier (an exact address, date of birth, driver's license number, or a social security number) and DCJS will tell you if that individual is a registered sex offender in New York.

ADDITIONAL LINKS TO CUNY POLICIES AND PROCEDURES

Sexual Misconduct Policy (see attached):

http://www2.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/policies-procedures/Sexual-Misconduct.pdf

Equal Opportunity and Non-Discrimination Policy:
http://www2.cuny.edu/about/administration/offices/legal-affairs/policies-procedures/equal-opportunity-and-non-discrimination-policy/

Student Bill of Rights: https://www1.cuny.edu/sites/title-ix/campus-websites/student-sexual-misconduct-complaints-bill-of-rights/

Workplace Violence: http://www.kbcc.cuny.edu/humanresources/Documents/KBCC_WVPP.pdf

Domestic Violence in the Workplace: http://policy.cuny.edu/general-policy/article-v/#policy_5.061

Sexual Assault, Stalking and Domestic Intimate Partner Violence:
http://www.cuny.edu/about/administration/offices/la/CUNYSexualAssaultPolicy.pdf

Hardcopies of these policies are also included in the Kingsborough Community College Student Handbook 2018 - 2019 available at: http://www.kbcc.cuny.edu/hb

The City University of New York Medical Amnesty/Good Samaritan Policy encourages students to seek medical assistance related to drug and alcohol use without fear of being disciplined for such use. For more information on this policy go to the following webpage:
https://www.cuny.edu/about/administration/offices/la/MedicalAmnesty-GoodSamaritanPolicy072814.pdf

To follow are the KINGSBOROUGH COMMUNITY COLLEGE crime statistics for the 2015-2017 calendar year. 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. 61st Precinct (Local Precinct)

Unfounded Statistics

There were no unfounded crimes for the years 2015, 2016, & 2017

Definitions of Clery Geography

On-Campus

Any building or property owned or controlled by an institution within one mile of the core campus and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Note: *Statistics for university student housing facilities are recorded and included in both the all on-campus category and the on-campus residential category*

On-Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Note: *Statistics for university student housing facilities are recorded and included in both the all on-campus category and the on-campus residential only category.*

Non-Campus Building or Property

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The Kingsborough Community College crime statistics do not include crimes that occur in privately owned homes or businesses adjacent to the campus buildings.

The City University of New York (CUNY)

Kingsborough Community College - Department of Public Safety (DPS)

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
Negligent Manslaughter	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
Aggravated Assault	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0
Motor Vehicle Theft	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
Burglary	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
Fondling	2	0	0	2	0	1	0	1	0	0	0	0	3	0	0	0	0
Incest	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
Liquor Law Arrests	0	1	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0
Liquor Law Violation Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests	0	0	0	0	0	1	0	1	0	1	0	1	2	0	0	0	0
Drug Abuse Violations Referrals	14	0	0	14	0	0	0	0	0	0	0	0	14	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals	0	0	0	0	0	1	0	1	0	0	0	0	1	0	0	0	0
Domestic Violence	1	1	0	2	0	0	0	0	1	4	0	5	7	0	0	0	0
Dating Violence	1	1	0	2	0	0	0	0	0	3	0	3	5	0	0	0	0
Stalking	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 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
Negligent Manslaughter	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
Aggravated Assault	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
Arson	0	0	0	0	1	0	0	1	0	0	0	0	1	0	0	0	0
Burglary	0	2	0	2	0	0	0	0	0	0	0	0	2	0	0	0	0
Sex Offenses																	
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	1	1	0	2	0	0	0	0	0	0	0	0	2	0	0	0	0
Incest	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
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations Arrests	1	0	0	1	1	0	0	1	0	8	0	8	10	0	0	0	0
Drug Abuse Violations Referrals	7	0	0	7	1	0	0	1	0	0	0	0	8	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests	2	0	0	2	0	1	0	1	0	1	0	1	4	0	0	0	0
Weapons: Carrying/Possessing/Etc. Referrals	0	0	0	0	0	1	0	1	0	0	0	0	1	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	0	0
Stalking	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: 1

Unfounded Crimes Reported: None

Crime Statistics 2017

	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
Negligent Manslaughter	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
Aggravated Assault	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
Arson	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
Sex Offenses																	
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0
Incest	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
Liquor Law Arrests	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
Drug Abuse Violations Arrests	3	0	0	3	0	0	0	0	0	4	0	4	7	0	0	0	0
Drug Abuse Violations Referrals	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	0	0
Weapons: Carrying/Possessing/Etc. Arrests	1	0	0	1	0	0	0	0	0	0	0	0	1	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
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	4	0	0	4	1	0	0	1	0	0	0	0	5	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* Denotes Report to other campus authorities

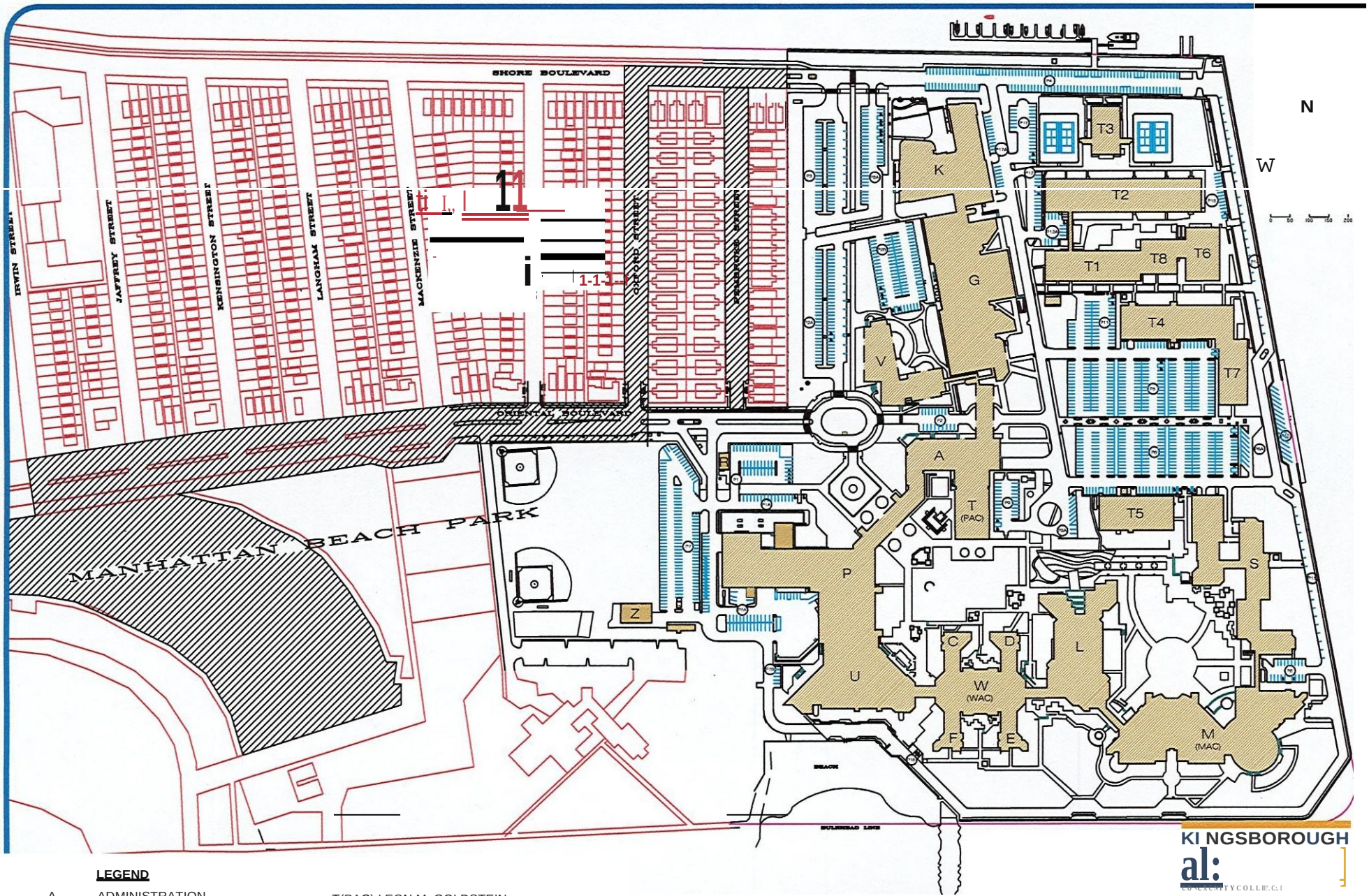
Hate Crimes Reported: None

Unfounded Crimes Reported: None

The City University of New York (CUNY)

Reported Hate Crimes

Year	Location	Reported to	Incident Type	Bias Classification
2016	On-Campus Property	Department of Public Safety	Destruction/Damage/Vandalism	Race



LEGEND

A	ADMINISTRATION
G	PHYSICAL EDUCATION CENTER
K	LEON **M.** GOLDSTEIN HIGH SCHOOL FOR THE SCIENCES
L	ROBERT **J.** KIBBEE LIBRARY
M(MAC)	MARINE & ACADEMIC CENTER
P	CENTRAL SERVICES
R	SECURITY BUNKER
S	ARTS & SCIENCES
T(PAC)	LEON M. GOLDSTEIN PERFORMING ARTS CENTER
T1/T8	TEMPORARY BUILDINGS
U	COLLEGE CENTER
V	ACADEMIC VILLAGE
'f(WAC	Efrfi°btif c'.5m.i LUSTER

I

IN ADDITION TO THE KCC CAMPUS, S);'ADED AREAS DENOTES STREETS AND PARKING AREAS INCLUDED IN THE "CRIME STATISTICS REPORTING RESPONSIBILITIES"

ORIENTAL BOULEVARD
OXFORD SIREET
PEMBROKE STREET
MANHATTAN BEACH PARK SITE

KI NGSBOROUGH
al:
COMMUNITY COLLEGE

CAMPUS SECURITY AND PUBLIC SAFETY

2001 Orlontal Boulovard
Brooklyn, NY 11235
Surre L""202
Te l: 718-3 68-5069
Fax:718-,368.,,6301

THE CITY UNIVERSITY OF NEW YORK

POLICY ON SEXUAL MISCONDUCT INCLUDING

THE CITY UNIVERSITY OF NEW YORK

STUDENT BILL OF RIGHTS

THE CITY UNIVERSITY OF NEW YORK

POLICY ON SEXUAL MISCONDUCT

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I. POLICY STATEMENT

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

1) Defining conduct that constitutes prohibited Sexual Misconduct;
2) Providing clear guidelines for students, employees and visitors on how to report incidents of Sexual Misconduct and a commitment that any complaints will be handled respectfully;
3) Promptly responding to and investigating allegations of Sexual Misconduct, 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 Misconduct;
5) Providing awareness and prevention information on Sexual Misconduct, including widely disseminating this policy, as well as a "students' bill of rights" and implementing training and educational programs on Sexual Misconduct 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 Misconduct and is applicable at all college and units at the University. It will be interpreted in accordance with the principles of academic freedom adopted by CUNY's Board of Trustees.

The CUNY community should also be aware of the following CUNY policies:

- 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 Misconduct covered by this policy.

- The CUNY Campus and Workplace Violence Prevention Policy addresses workplace violence.

- The CUNY Domestic Violence and the Workplace Policy addresses domestic violence in or affecting employees in the workplace.

- The CUNY Procedures for Implementing Reasonable Accommodations and Academic Adjustments addresses the procedures CUNY will follow when there is a request for a reasonable accommodation and or academic adjustment.

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. SCOPE OF THIS POLICY

This policy governs the conduct of (i) all the members of CUNY's community, including employees and students, and (ii) non-members of CUNY's community who interact with members of the CUNY community (hereinafter "visitors'). Visitors are both protected by and subject to this policy. A non-member may make a complaint of or report a violation of this policy committed by a member of CUNY's community. A non-member may also be subject to restrictions for failing to comply with this policy. This policy applies to conduct that occurs on and off CUNY property.

III. DEFINITIONS

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 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.

   Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

   Consent may be initially given but withdrawn at any time. When consent is withdrawn or no can longer be given, sexual activity must stop.

b. **Complainant** refers to the individual who alleges that she/he has been the subject of Sexual Misconduct, 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 Misconduct made under this policy.

d. **Confidentiality** is the commitment not to share any identifying information with others, except as required by law in emergency circumstances (such as risk of death or serious bodily harm). Confidentiality may only be offered by individuals who are not legally required to report known incidents of Sexual Misconduct to college officials. Licensed mental health counselors, medical providers & pastoral counselors may offer confidentiality.

e. **Dating Violence** is violence or sexual assault committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on the reporting party's statement and with consideration of the length of the relationship and the frequency of the interaction between the persons involved in the relationship. Dating violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct. A relationship may be romantic or intimate regardless of whether the relationship was sexual in nature. Dating violence includes the threat of sexual or physical abuse.

f. **Domestic Violence** is any violence or sexual assault committed by (i) a current or former spouse or intimate partner of the victim; (ii) a person with whom the victim shares a child; (iii) a person who cohabits or cohabited with the victim as a spouse or intimate partner; or (iv) anyone else covered by applicable domestic violence laws. Domestic violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct.

g. **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.

h. **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.

i. **Intimate Partner Violence ("IPV")** includes both Domestic Violence and Dating Violence.

j. **Managers** are employees who have authority to make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities.

k. **Pastoral counselor**. A person who is associated with a religious order or denomination, recognized by that order or denomination as someone who provides confidential counseling, and functioning within the scope of that recognition.

l. **Privacy** is the assurance that the college will only reveal information about a report of Sexual Misconduct to those who need to know the information in order to carry out their duties or responsibilities or as otherwise required by law. Individuals who are unable to offer the higher standard of confidentiality under law, but who are still committed to not disclose information more than necessary, may offer privacy.

m. **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.

n. **Respondent** refers to the individual who is alleged to have committed Sexual Misconduct against a CUNY student, employee, or visitor.

o. **Retaliation** is adverse treatment of an individual as a result of that individual's reporting Sexual Misconduct, assisting someone with a report of Sexual Misconduct, opposing in a reasonable manner an act or policy believed to constitute Sexual Misconduct, or participating in any manner in an investigation or resolution of a Sexual Misconduct 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.

p. **Sexual Activity** is:

- contact between the penis and the vulva or the penis and the anus;
- contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

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

r. **Sex Discrimination** is treating an individual differently or less favorably because of sex, including sexual orientation, gender or gender identity (including transgender status), as well as pregnancy, childbirth and related medical conditions. Examples of sex discrimination include giving a student a lower grade, or failing to hire or promote an employee, based on their sex.

s. **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.

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

u. **Sexual Violence** 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; and (4) voyeurism, as defined below.

v. **Stalking** is intentionally engaging in a course of conduct directed at a specific person that:

1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or 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

2. 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.

Where stalking is directed at an individual with whom the perpetrator has, had, or sought some form of sexual or romantic relationship, it will be addressed under this Policy. Stalking that lacks a sexual or gender-based nexus may be addressed under the Code of Conduct.

w. **Supervisors** are employees who are not managers, but have a sufficient degree of control over the working conditions of one or more employees, which might include evaluating their performance and making recommendations for changes in employment status that are given particular weight.

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

y. **Voyeurism** is unlawful surveillance and includes acts that violate an individual's right to privacy in connection with her/his body and/or sexual activity such as:

i. 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.
ii. Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
iii. 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;
iv. Using or installing, or permitting the use or installation of a device for the purpose of recording another person's sexual activity, intimate body parts or nakedness in a place where the person would have a reasonable expectation of privacy without that person's consent.

z. **Writing.** Whenever this policy requires in "writing," electronic mail satisfies the writing requirement.

IV. 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.

Sexual harassment is considered a form of employee misconduct and an employee who engages in such conduct, or, managerial and supervisory personnel who knowingly allow such behavior to continue, shall be subject to discipline in accordance with applicable rules, policies and collective bargaining agreements.

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, sexual assault, rape/attempted rape, and forcible touching/fondling; (2) dating, domestic and intimate partner violence; (3) stalking/cyberstalking ("stalking"), and (4) voyeurism.

The complete definitions of these terms, as well as other key terms used in this policy, are in Section III above.

B. Retaliation

This policy prohibits retaliation against any person who reports Sexual Misconduct, assists someone making such a report, participates in any manner in an investigation or resolution of a Sexual Misconduct complaint, including testifying or assisting in a legal proceeding, or opposes in a reasonable manner an act or policy believed to constitute Sexual Misconduct. Federal, state, and local laws also prohibit retaliation.

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 XII below.

V. 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 Misconduct, in education programs, and with New York State Law Article 129B, commonly referred to as Enough is Enough, Combating Sexual Assault and Domestic Violence on College Campuses (hereafter "Enough is Enough"). 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 Misconduct as required by Title IX, the Clery Act, Enough is

Enough, and other civil rights law. The name and contact information for all Title IX Coordinators at CUNY can be found on the university's dedicated Title IX website.

VI. ASSISTANCE IN CASES OF SEXUAL VIOLENCE

A. Reporting to Law Enforcement

Students, employees and other community members 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 may, but are not required to, report to local law enforcement, and/or state police. CUNY does not require a complainant to report sexual misconduct to law enforcement; however, if a student, employee, or other community member does wish to report to law enforcement, CUNY will provide assistance. 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.

Additional information is available on the university's Title IX website.

B. 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.

Students, employees and other community members should be aware that CUNY procedures and standards differ from those of criminal procedures. When CUNY investigates allegations of sexual misconduct or brings disciplinary proceedings for violations of this policy, the issue is whether the respondent violated CUNY policy. The standard applied in making this determination is whether the preponderance of the evidence substantiates the complaint, or, stated another way, whether it is more likely than not that the alleged conduct occurred. An individual found to have violated this policy may be sanctioned by the college and CUNY. In the criminal justice system, on the other hand, the issue is whether the accused violated state criminal law. The standard applied is proof beyond a reasonable doubt and an individual found *guilty* of a crime is subject to *criminal penalties,* such as incarceration, probation and fines. More information about relevant criminal laws is available in 'A Plain Language Explanation of Distinction Between the New York Penal Law and the College Disciplinary Processes'.

C. Obtaining Immediate Medical Attention and Emotional Support

CUNY encourages anyone who has experienced sexual assault or domestic, dating or intimate partner violence to seek medical attention as soon as possible. Medical resources can provide treatment for injuries, preventative treatment for sexually transmitted diseases, emergency contraception, and other health services. They can also assist in preserving evidence or documenting any injuries. Taking these steps promptly after an incident can be very helpful if an individual later decides to seek criminal proceedings or a protective order.

Individuals who have experienced or witnessed sexual violence are also encouraged to seek emotional support, either on or off-campus.

D. On-campus resources

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.

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

VII. IMPORTANT INFORMATION ABOUT CONFIDENTIALTY, PRIVACY and REQUIRED REFERRALS

CUNY values the privacy of its students, employees, and visitors. They should be able to seek the assistance they need without fear that the information they provide will be shared more broadly. Some individuals who serve as resources on campus are **confidential** resources and will not share any identifying information with others, except as required by law in emergency circumstances. Other individuals are not permitted to maintain confidentiality but will protect **privacy** to the greatest extent possible and share information with other staff only on a need-to-know basis.

Confidential resources. Individuals considered confidential resources include counselors and health care providers at the college counseling centers and health offices, pastoral counselors, and designated staff members at women's or men's centers, if they exist on campus. *Students may use these resources even if they decide not to make a report or participate in University disciplinary proceedings or the criminal justice process*.

Private but non-confidential resources. Many college employees are required by federal and state law to provide information about possible sexual misconduct to the Title IX Coordinator. Individuals designated as non-confidential but private resources will protect **privacy** to the greatest extent possible, but must share relevant information about sexual misconduct with the Title IX Coordinator.

More information about confidential and private but non-confidential resources is provided in Section IX, below.

Under the Clery Act, the College is required to maintain records, advise the government about reports of certain crimes, and issue timely warnings when there is a serious, continuing threat to the community. Such reports and warnings do *not* disclose the names of reporting individuals.

VIII. REPORTING SEXUAL MISCONDUCT TO THE COLLEGE

In order for the University to address allegations of sexual misconduct, it has to learn about them. Accordingly, CUNY strongly encourages individuals who have experienced sexual misconduct to file a complaint with a designated campus official, as outlined below. The designated officials are trained to accept complaints, to ensure they are investigated in accordance with this policy, and to help complainants get necessary assistance.

Students, faculty, staff and visitors are encouraged to report incidents of sexual misconduct to campus officials, 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.

A. Complainant's Rights

Individuals who have experienced sexual misconduct have the right to file a complaint with the college or to decide not to do so. (The decision on whether to bring disciplinary charges, however, rests with the campus.) Students who report sexual misconduct have all of the rights contained in the Students Bill of Rights (copy attached).

Complainants also have these rights:

- To notify campus public safety, local law enforcement, and/or the state police; or to choose not to report.
- To have emergency access to a college official trained to interview victims of sexual assault and able to provide certain information, including reporting options and information about confidentiality and privacy. The official will, where appropriate, advise the reporting individual about the importance of preserving evidence and obtaining a sexual assault forensic examination ("SAFE") as soon as possible. The official will also explain that the criminal process uses different standards of proof, evidence, and that any questions about whether an incident violated criminal law should be addressed to a law enforcement official or a district attorney's office.
- To disclose the incident to a college representative who can offer confidentiality or privacy and assist in obtaining services for reporting individuals. See Section IX, below.
- 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 have complaints investigated in accordance with CUNY policy.
- To have privacy preserved to the extent possible.
- To receive assistance and resources on campus, including confidential and free on-campus counseling, and to be notified of other services available on- and off-campus, including the New York State Office of Victim Services.

- To disclose the incident to the college's Human Resources Director or designee (if the accused is a college employee) or request that a confidential or private resource assist in doing so.
- To disclose the incident confidentially and obtain services from state and local governments.
- To receive assistance from the campus or others in filing a criminal complaint, initiating legal proceedings in family court or civil court, and /or seeking an Order of Protection or the equivalent. In New York City, this assistance is provided by Family Justice Centers located in each borough:
- http://www1.nyc.gov/site/ocdv/programs/family-justice- centers.page.
- To receive assistance with effecting an arrest when an individual violates an Order of Protection, which may be provided by assisting local law enforcement in effecting such an arrest.
- To withdraw a complaint or involvement from the process at any time.

Students can speak with confidential resources on a strictly confidential basis before determining whether to make a report to college authorities. See Section IX, below. Students also have the right to consult confidentially with state, local and private resources who can provide other assistance.

B. Where to File a Complaint on Campus

Students, employees and visitors who experience sexual misconduct should bring their complaints to one of these campus officials/offices:

- Title IX Coordinator;
- Office of Public Safety;
- Office of Vice President for Student Affairs or Dean of Students (students only);
- Residence Life staff in CUNY owned or operated housing (students and residence visitors only); and
- Human Resources Director (employees only).

Contact information for these officials can be found at: http://www1.cuny.edu/sites/title-ix/campus-websites/

There is no prescribed method for filing a complaint of sexual misconduct and the college will respond to complaints whether they are oral or written. Complainants may, but are not required to, fill out the CUNY Sexual Misconduct Complaint form (see page 38). After the form is filled out, it should be brought to one of the offices listed above.

Once any of the officials or offices above is notified of an incident of sexual misconduct, she/he will provide a copy of this Policy to the Complainant and coordinate with appropriate college offices to address the matter in accordance with this policy, including taking appropriate interim and supportive measures. These officials and offices 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.

Visitors: CUNY strongly encourages visitors to report all incidents of sexual misconduct that they observe or experience while on a CUNY campus or at a CUNY sponsored event to the Office of Public Safety, Residence Life staff, or other appropriate college officials listed above. In certain instances, CUNY may be able to offer those visitors who have experienced sexual misconduct with resources and assistance. For more information on such assistance, please visit http://www1.cuny.edu/sites/title-ix/.

C. Request that the College Maintain a Complainant's Confidentiality or Not Conduct an Investigation

After a report of an alleged incident of sexual misconduct is made to the Title IX Coordinator, a complainant may request (a) that the matter be investigated only to the extent possible without further revealing her/his identity or any details regarding the incident being divulged further (b) that no investigation into a particular incident be conducted, or (c) 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. Factors used to determine whether to honor such a request include, but are not limited to: (a) whether the respondent has a history of violent behavior or is a repeat offender; (b) whether the incident represents escalation of unlawful conduct by the accused from previously noted behavior; (c) any increased risk that the accused will commit additional acts of violence, (d) whether the accused used a weapon or force; (e) whether the complainant is a minor; (f) whether the college possesses other means to obtain evidence such as security footage; and (g) whether available information reveals pattern of misconduct at a given location or by particular group.

A decision to maintain confidentiality does not mean that confidentiality can be absolutely guaranteed in all circumstances, but that reasonable efforts will be made 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 the college may maintain confidentiality as requested by the complainant, the college will, if possible, take 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 for confidentiality.

D. Filing External Complaints

Complainants who feel that they have been subjected to unlawful sexual harassment and/or violence have the right to avail themselves of any and all of their rights under law, including but not limited to filing complaints with one or more of the outside agencies listed below.

- U.S. Department of Education, Office for Civil Rights
  http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html

- U.S. Equal Employment Opportunity Commission https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm

- New York State Division of Human Rights
- https://dhr.ny.gov/complaint

- New York City Commission on Human Rights http://www1.nyc.gov/site/cchr/about/resources.page

E. Action by Bystanders and Other Community Members

While only employees designated as "responsible" employees are required reporters as set forth in Section IX 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 misconduct that they may witness. Although these actions will depend on the circumstances, they may include direct intervention, calling law enforcement, or seeking assistance from a person in authority.

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

F. Amnesty for Drug and Alcohol Use

The health and safety of every student at CUNY is of the utmost importance. CUNY recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at a time that violence (including but not limited to sexual violence) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. CUNY strongly encourages students to report sexual violence to college officials. A bystander or complainant acting in good faith who discloses any incident of sexual violence to college officials or law enforcement will not be subject to discipline under CUNY's Policy Against Drugs and Alcohol for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the sexual violence.

This policy does not provide amnesty for drug dealers or those who use drugs or alcohol as a weapon or to facilitate assault. Under CUNY's Amnesty for Drug and Alcohol Policy, personal drug use and possession, whether it is intentional or accidental, will not form the basis of faculty student disciplinary charges.

G. 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.

H. Reporting Retaliation

An individual may file a complaint with the Title IX Coordinator if the individual has been retaliated against for reporting sexual misconduct, opposing in a reasonable manner an act or policy believed to constitute sexual misconduct, assisting someone making such a report, or participating in any manner in an investigation or resolution of a sexual misconduct complaint. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in Section XI of this policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

IX. REPORTING/CONFIDENTIALITY OBLIGATIONS OF COLLEGE AND UNIVERSITY EMPLOYEES

An individual who speaks to a college or CUNY employee about sexual misconduct should be aware that employees fall into three categories:

- "confidential" employees, who have an obligation to maintain a complainant's confidentiality regarding the incident(s);
- "responsible" employees, who are required to report the incident(s) to the Title IX Coordinator
- 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 confidential should speak to one of the following:
   - Counselor or other staff member at their college counseling center;
   - Nurse, nurse practitioner or other college health office staff member;
   - Pastoral counselor, if available at the college; or
   - Designated staff member in a women's or men's center, if one exists at their college.

These individuals will not report 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 of serious harm to the complainant or any other person.

If a student speaks solely to a "confidential" employee, the college will rarely be able to conduct an investigation into the particular incident or pursue disciplinary action against

the alleged perpetrator. Confidential employees will assist students in obtaining other necessary support. A student who first requests confidentiality may later decide to file a complaint with the college or with local law enforcement.

ii. **For Employees.** Although CUNY does not directly employ individuals to whom CUNY employees can speak on a confidential basis regarding sexual misconduct, 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 – Private, but not confidential.

"Responsible" employees have a duty to report incidents of sexual misconduct, including all relevant details, to the Title IX Coordinator. Such employees are not permitted to maintain a complainant's confidentiality, except that the Title IX Coordinator may honor a request for confidentiality under the circumstances described in Section VII 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 and other people responsible for handling the college's response to the report.

To the extent possible, 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 identified above.

CUNY has designated the following individuals as "responsible" employees. Complainants who wish to report sexual violence are encouraged to speak with one of the responsible employees marked: *

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

xiii. International Education Liaisons/Study Abroad Campus Directors and Field Directors

xiv. Faculty and staff members at times when they are leading or supervising student on off-campus trips

xv. Faculty or staff advisors to student groups

xvi. Employees who are Managers or Supervisors (all)

xvii. SEEK/College Discovery staff (all)

xviii. College Childcare Center staff (all)

xix. Directors of "Educational Opportunity Centers" affiliated with CUNY colleges

xx. Faculty or staff academic advisors

C. All Other Employees

Employees other than those identified in subsections "A" and "B" above are strongly encouraged but not required to report any possible sexual misconduct to the Title IX Coordinator. They are also strongly encouraged to maintain individual privacy to the greatest extent possible by sharing information, including the identities of the complainant and the respondent, only with the Title IX coordinator.

It is important to emphasize that faculty members other than those specifically identified in sub-Section "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. An individual who wishes to ensure that the Title IX Coordinator is notified of an incident is strongly encouraged to speak with the Title IX Coordinator or one of the other individuals identified in Section IX, above.

D. Special Rules Concerning Public Awareness and Advocacy Events

CUNY supports public awareness events that help provide its community with information about sexual misconduct and how it can be addressed and prevented. In order to preserve the ability to participate freely in public awareness and advocacy events, if an individual discloses information about sexual misconduct at such event (for example, Take Back the Night gatherings, candlelight vigils, or protests) the college will not treat the disclosure as triggering an obligation to commence an investigation based on that information. Such individuals are encouraged to report sexual misconduct to college officials so that the college can provide resources and assistance.

X. NO CONTACT ORDERS AND OTHER INTERIM AND SUPPORTIVE MEASURES

When a college becomes aware of an allegation of sexual misconduct and the complainant or other affected parties request interim or supportive measures, the college will take appropriate interim and supportive measures to protect the complainant and other affected parties, to assist the parties, and to protect against retaliation. Appropriate interim and supportive measures may also be available to respondents. The college may also take interim measures to protect the college community at large.

The college's Title IX Coordinator is responsible for coordinating interim and supportive measures, which are available even if the complainant chooses not to file or continue to pursue a complaint. Requests for interim and supportive measures should be made to the Title IX Coordinator.

The Title IX Coordinator will work with the Chief Student Affairs Officer to identify a trained staff member to assist students to obtain interim and supporting measures. The Title IX Coordinator will work with the Human Resources Director to assist employee complainants to obtain interim and supporting measures.

A. No Contact Orders

When respondent is a student, the complainant has the right to a college-issued "no contact order" under which continued intentional contact with the complainant would violate this policy. No contact orders may be issued for both the complainant and the respondent, as well as other individuals as appropriate.

B. Types of Interim and Supportive Measures

Possible interim and supportive measures include:

i. Making appropriate changes to academic programs, including changes in class schedule, accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting complainant or respondent to attend a class via skype or other alternative means, providing an academic tutor, or extending deadlines for assignments;
ii. Making appropriate 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. Offering counseling services through the college Counseling Center or other appropriate office, or referral to an off-campus agency;
vii. Assisting the complainant in obtaining medical and other services, including access to rape crisis centers;
viii. Assisting the complainant with filing a criminal complaint and/or seeking an order of protection;
ix. Enforcing an order of protection;
x. Obtaining a copy and/or explaining the terms of an order of protection and the consequences of violating it;
xi. Addressing situations in which it appears that a complainant's academic progress is affected by the alleged incident;
xii. In exceptional circumstances, where a respondent is determined to present a continuing threat to the health and safety of the community, the college may seek an emergency interim suspension of a student or take similar emergency measures against an employee, consistent with applicable CUNY Bylaws, rules, policies and collective bargaining agreements. The Office of Public Safety will, in cooperation with the Title IX Coordinator

and appropriate other campus officials, determine whether a respondent presents a continuing threat to the health and safety of the campus, including (a) whether the respondent has a history of violent behavior or is a repeat offender; (b) whether the incident represents escalation in unlawful conduct by the accused; and (c) any increased risk that the accused will commit additional acts of violence.

C. Interim Emergency Student Suspensions

The president or her/his designee may in emergency or extraordinary circumstances, temporarily suspend a student pending an early hearing for not more than twelve (12) calendar days, unless the student requests an adjournment. See Section B above.

Prior to the commencement of a temporary suspension of a student, the college shall give the student respondent oral notice (which shall be confirmed via email to the address appearing on the records of the college) or written notice of the charges. If the respondent denies them, the college shall forthwith give the respondent an informal oral explanation of the evidence supporting the charges and the student may present informally her/his explanation or theory of the matter.

Both complainant and the respondent will be notified of the suspension and if or when it the suspension is lifted at the same time and in the same manner.

D. Process for Review of Interim Measures, including "No Contact" Orders and Interim Suspensions.

Upon request, the complainant and the respondent shall each be afforded a prompt review of the need for and terms of restrictive interim measures, including "no contact" orders and interim suspensions. Issues that may be raised include possible modification or discontinuance of a "no contact" order. Complainants and respondents shall be allowed to submit evidence to support their request. The request 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 Human Resources Director, if neither the complainant nor the respondent are students. If a request is made in a case involving both a student and an employee, the Chief Student Affairs Officer shall consult with the Human Resources Director. The Chief Student Affairs Officer or Human Resources Director may consult with the Title IX Coordinator and other relevant officials regarding the request. If appropriate and possible, the college may 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.

Requests for accommodations that were made under CUNY's Procedures for Implementing Reasonable Accommodations and Academic Adjustments and do not directly affect the other party are governed by the appeals provisions set forth in those Procedures.

XI. INVESTIGATING COMPLAINTS OF SEXUAL MISCONDUCT

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 misconduct may have been committed against a student, employee or visitor, unless the information provided is insufficient to permit an investigation or the complainant has requested that the college refrain from such an investigation and the college has determined that refraining from an investigation will not result in a continuing threat to the college community. See Section VIII, above.

A. Rights of the Complainant and Respondent.

Whenever an investigation takes place, the complainant and respondent shall have these rights:

- to an investigation and process that is fair, impartial, timely and thorough and provides a meaningful opportunity to be heard;
- to have the complaint investigated and/or adjudicated by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, and the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until any finding of responsibility;
- to have the college's judicial or conduct process run concurrently with any criminal justice investigation and proceeding, except for temporary delays requested by external municipal entities while law enforcement gathers evidence;
- to receive reasonable advance written or electronic notice of any meeting they are required to or eligible to attend, of the specific rule or law alleged to have been violated and in what manner;
- to exclude their own prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis and/or treatment from admittance in the stage that determines responsibility. (Past findings of sexual misconduct may be admissible in the stage that determines sanction.)
- to offer evidence during the investigation;
- to review documents and tangible evidence, consistent with FERPA and other law;
- to be accompanied by an attorney or other advisor of their choice, who may assist and advise the complainant or respondent throughout the process including during all related meetings and hearings. Such attorneys or advisors must comply with the CUNY policies and procedures; and
- to simultaneous notice of the outcome of proceedings.

B. The Investigation

The college Title IX Coordinator is responsible for conducting any investigation in a prompt, thorough, and impartial manner and may designate another appropriately trained administrator to conduct all or part of the investigation. Whenever an investigation is conducted, the Title IX Coordinator shall

- coordinate investigative efforts with other appropriate offices;
- inform the complainant that an investigation is being commenced and that the respondent will receive a written summary of the allegations;
- inform the respondent that an investigation is being commenced and provide the respondent with a written summary of the allegations of the complaint. 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;
- interview witnesses who might reasonably be expected to provide information relevant to the allegations, and review relevant documents and evidence. Both the complainant and respondent shall be informed that they have the right to provide relevant documents and to propose for interview witnesses whom they reasonably believe can provide relevant information.

Neither the complainant nor the respondent is restricted from discussing and sharing information related to the complaint with others who may support or assist them. This does not, however, permit unreasonable sharing of private information in a manner intended to harm or embarrass another, or in a manner that would recklessly do so regardless of intention. Such unreasonable sharing may constitute retaliation under this Policy.

The college Title IX Coordinator shall maintain all documents of the investigation in accordance with the CUNY Records Retention and Disposition Policy.

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

i. Role of the Advisor

In cases involving this Policy, both the complainant and respondent may be accompanied by an advisor of their choice (including an attorney) who may advise throughout the entire process, including all meetings and hearings. While advisors may represent a party and fully participate at a hearing, they may not speak during the meetings that proceed the hearing nor give testimony as a witness at the hearing.

C. Conflicts

If a complainant or respondent believes that any individual involved in the investigatory or adjudication process has a conflict of interest, he or she may make a request to the Chief Student Affairs Officer (or, if no students are involved, to the Legal or Labor Designee) to have that conflicted individual removed from the process. The request for removal must be in writing within five days of the complaint or respondent's notification that the individual is to be involved and include a detailed description of the conflict. If the Chief Student Affairs Officer (or Legal or Labor Designee) determines that a conflict does exist, he or she will take immediate steps to address the conflict in order to ensure an impartial and fair process.

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.

D. Informal Resolution

Except in instances involving sexual assault, the Title IX Coordinator, in his or her discretion, may offer the respondent and the complainant the opportunity to participate in the informal resolution process. Informal resolution may take place after the Title IX Coordinator has completed the investigation, but before the Title IX report has been completed, in an effort to resolve the matter by mutual agreement. The informal resolution process shall be conducted by the Title IX Coordinator, or by a qualified staff or faculty member designated by Title IX Coordinator, in coordination with the Chief Student Affairs Officer.

Both the complainant and the respondent have the right to end the informal resolution process at any time. Any informal resolution must be acceptable to the complainant, the respondent, and the Title IX Coordinator. Even if both the respondent and complainant agree to a resolution, the Title IX Coordinator must also agree with the resolution for it to be final.

If a resolution is reached, the complainant and the respondent shall be notified in writing, and the Title IX Coordinator will confer with the Chief Student Affairs Officer when creating a written memorandum memorializing the agreed upon resolution and consequences for non-compliance. This memorandum will be included in the respondent's student record.

If no agreement is reached within a reasonable time, the Title IX Coordinator shall complete the Title IX report and take action in accordance with subsection E below. Information learned during and directly from the informal resolution process will not be documented in the Title IX report.

E. Action Following the Investigation or Closure of a Complaint.

i. Within 30 days following the completion of an investigation, the Title IX Coordinator shall report her/his findings to the College President in writing ("Report of 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.

ii. In making findings regarding the allegations, the Title IX Coordinator shall use the "preponderance of the evidence" standard.

iii. Following receipt of the Report of Findings, the College President shall, when warranted by the facts, authorize such action as she/he deems necessary to address the issues raised in the Report of Findings, including action to correct the effects of the conduct investigated or prevent further harm to an affected party or others similarly situated. This may include a recommendation that disciplinary action be commenced against a respondent, as set forth in Section XII below.

iv. Within 30 calendar days following the termination of an investigation that has not been completed (for example, because it was resolved by informal resolution or the complainant withdrew cooperation); the Title IX Coordinator will summarize for the file the actions taken in response to the complaint and the basis on which the investigation was closed.

F. Malicious Allegations

Members of the CUNY community who make false and malicious complaints of violations of this policy of as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action.

XII. DISCIPLINARY PROCESS AND PROCEDURES

A. Disciplinary Action

If the College President recommends that disciplinary action be commenced against a respondent student or employee for violations of this Policy, the following procedures shall apply:

Discipline Against Students:

a. In cases where a College President recommends discipline against a student for violations of this Policy, the matter shall be referred to the college's Office of Student Affairs and action shall be taken in accordance with Section 11.A-C of this Policy, below. This Section provides for, among other things, a University-Wide Faculty-Student Disciplinary Committee consisting of faculty members, students and in some cases staff members to hear and decide charges of violation of this Policy.

b. As described in Sections XI above, complainants have the same rights as respondents:

- to receive notice of the charges, including the date, time, location and factual allegations, concerning alleged violation of this Policy;
- to receive notice of the specific provisions alleged to have been violated and possible sanctions;
- to present evidence and testimony at any hearing, where appropriate;
- to be represented by an attorney or advisor of their choice;
- to receive access to a full and fair record of any hearing;

- to receive written notice of the decision of the faculty-student disciplinary committee, specifically whether the allegations were substantiated and what, if any, penalty was imposed;

- to make an impact statement at the point when the decision maker is deliberating on appropriate sanctions;

- To written notice of findings of fact, decisions and sanctions if any, as well as the rationale for the decision and any sanction;

- to choose whether to or discuss the outcome of a conduct or judicial process;

- to appeal to a decision maker that is fair and impartial and does not include individuals with conflicts of interest;

- to have all information obtained during the conduct process protected from public release until a decision maker on appeal makes a final determination, unless otherwise required by law.

c. Penalties for students instituted after a hearing before the faculty-student disciplinary committee range from a warning to suspension or expulsion from the University. Students accused of crimes of violence are also subject to the university's policy on transcript notations which is discussed in this Section below.

Discipline against Employees

In cases where the college President recommends discipline against an employee, the matter shall be referred for disciplinary action in accordance with the applicable CUNY policies, rules and collective bargaining agreements. Penalties for employees include, depending on the employee's title, reprimand, suspension, demotion, fine, 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 the particular collective bargaining agreement.

For additional information on the disciplinary process in specific cases, complainants should consult their campus Title IX Coordinator, who will work with campus Human Resources Director to provide information. Respondents should consult their union representative, if any, or campus Human Resources Director.

Action against Visitors

In cases where the person accused of sexual misconduct is not a CUNY student or employee, the college's ability to take action against the accused is usually extremely limited. However, the college shall take all appropriate actions within its control, such as restricting the visitor's access to campus. In addition, subject to Section VI, above, the matter may be referred to local law enforcement for legal action, including seeking Orders of Protection and/or reporting to local law enforcement, where appropriate. College Public Safety will assist both students and employees in enforcing Orders of Protection on the campus.

No Disciplinary Action

In cases where a determination is made not to bring disciplinary action, the Title IX Coordinator shall inform the complainant and respondent of that decision at the same time, in writing, and shall offer any appropriate support services, including counseling, to both.

B. Student Disciplinary Procedures

Referral of Violation for Disciplinary Action

If the President decides that discipline is warranted, the President will refer the matter to the Chief Student Affairs Officer for further action. The chief student affairs officer may rely on the investigation and determination of the Title IX Coordinator and prefer disciplinary charges.

In instances where a respondent is alleged to have violated this Policy as well as other CUNY policies, rules or bylaws, the entire matter will be heard before the University-Wide Faculty Student Disciplinary Committee and will follow the rules and procedures outlined in Section XI of this Policy.

Respondent Withdrawal before Completion of the Process

In the event that a respondent withdraws from the college before a decision is rendered on the charges, the respondent is required to participate in the disciplinary hearing or otherwise to resolve the pending charges and shall be barred from attending any other unit of the university until a decision on the charges is made, or the charges are otherwise resolved.

Immediately following such withdrawal, the college shall place a notation on the respondent's transcript that the respondent "withdrew with conduct charges pending." If the respondent failsto appear, the college may proceed with the disciplinary hearing in absentia, and any decision and sanction shall be binding, and the transcript notation, if any, resulting from that decision and penalty shall replace the notation.

Issuance of Charges & Notice of Hearing

Notice of the charge(s) and of the time and place of the hearing shall be sent to the respondent by both first-class mail and email to the address appearing on the records of the college. Notice shall also be sent in a similar manner to the complainant to the extent that charges relate to the complainant. The Chief Student Affairs Officer is also encouraged to send the notice of charges to any other e-mail address that he or she may have for the respondent and the complainant.

The hearing shall be scheduled within a reasonable time following the filing of the charges or the mediation conference. Notice of at least seven (7) calendar days shall be given to the respondent in advance of the hearing unless the respondent consents to an earlier hearing. The respondent is permitted one (1) adjournment, for a reasonable amount of time under the circumstances, without specifying a reason. Additional requests for an adjournment must be made at least five (5) calendar days prior to the hearing date, and shall be granted or denied at the discretion of the chairperson of the Faculty Student Disciplinary Committee. If the respondent fails to respond to the notice,

appear on the adjourned date, or request an extension, the college may proceed without the respondent present, and any decision and sanction shall be binding.

Content of Notice of Charges and Hearing

The notice shall contain the following:

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

B. A statement that the respondent and the complainant have the right to attend and participate fully in the hearing including the right:

i. to present their side of the story;
ii. to present witnesses and evidence on their behalf;
iii. to cross-examine witnesses presenting evidence, the exception being that the complainant and respondent may not cross-examine each other as discussed below;
iv. for the respondent to remain silent without assumption of guilt; and
v. to be represented by an advisor or legal counsel at their expense; if the respondent or the complainant requests it, the college shall assist in finding a legal counsel or advisor.
vi. A warning that anything the respondent says may be used against the respondent at a non-college hearing.

Review of Evidence before Hearing:

At least five (5) calendar days prior to the commencement of a student disciplinary hearing, the college shall provide the respondent and the complainant and/or their designated representative, with similar and timely access to review documents or other tangible evidence that the college intends to use at the disciplinary hearing, consistent with the restrictions imposed by the Family Educational Rights and Privacy Act ("FERPA"). Should the college seek to introduce additional documents or other tangible evidence during the disciplinary hearing, the respondent and the complainant shall be afforded the opportunity to review the additional documents or tangible evidence. If during the hearing the complainant or the respondent submits documentary evidence, the chairperson may, at the request of any other party grant, adjournment of the hearing as necessary in the interest of fairness, to permit the requesting party time to review the newly produced evidence.

Admission & Acceptance of Penalty

After the charges have been preferred by the chief student affairs officer, but prior to the commencement of a disciplinary hearing, the respondent may admit to the charges and accept the penalty that the chief student affairs officer or designee determines to be appropriate to address the misconduct. If required by this Policy, the agreed-upon penalty shall be placed on the respondent's transcript consistent with CUNY's policy on Transcript

Notations (see below). Before resolving a complaint in this manner, the chief student affairs officer or designee shall first consult with the complainant and provide the complainant with an opportunity to object to the proposed resolution, orally and/or in writing. If a resolution is reached over the complainant's objection, the chief student affairs officer or designee shall provide the complainant with a statement of the reasons supporting such resolution, and the complainant may appeal the resolution to the college President.

C. Faculty Student Disciplinary Committee Structure:

Each faculty-student disciplinary committee shall consist of two (2) faculty members or one (1) faculty member and one (1) member of the Higher Education Officer series (HEO), and two (2) student members and a chairperson, who shall be a faculty member. A quorum shall consist of the chairperson and any two (2) members, one of whom must be a student. Hearings shall be scheduled promptly (including during the summers) at a convenient time and efforts shall be made to insure full student and faculty representation.

The president shall select in consultation with the head of the appropriate campus governance body or where the president is the head of the governance body, its executive committee, three (3) members of the faculty of that college to receive training upon appointment and to serve in rotation as chairperson of the disciplinary committee. The following schools shall be required to select two (2) chairpersons:, CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism. If none of the chairpersons appointed from the campus can serve, the president, at her/his discretion, may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges. The chairperson shall preside at all meetings of the faculty-student disciplinary committee and decide and make all rulings for the committee. She/he shall not be a voting member of the committee but shall vote in the event of a tie.

The faculty members shall be selected by lot from a panel of six (6) elected biennially by the appropriate faculty body from among the persons having faculty rank or faculty status. Members of the panel shall be trained on an annual basis in compliance with the law and this Policy. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) faculty members. The HEO members shall be selected by lot from a panel of six (6) HEO appointed biennially by the president. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) HEO's. The student members shall be selected by lot from a panel of six (6) elected annually in an election in which all students registered at the college shall be eligible to vote. CUNY School of Law, Guttman Community College, CUNY School of Professional Studies, and the CUNY School of Journalism shall be required to select four (4) students. In the event that the student or faculty panel or both are not elected, or if more panel members are needed, the president shall have the duty to select the panel or panels which have not been elected.

In the event that the chairperson cannot continue, the president shall appoint another chairperson. In the event that a seat becomes vacant and it is necessary to fill the seat to

continue the hearing, the seat shall be filled from the respective faculty, HEO, or student panel by lottery

Each academic year, the chief student affairs officer, and her or his designee, shall appoint/identify one or more college employees to serve as presenters for the hearings. This list shall be forwarded to the Office of the Vice Chancellor for Student Affairs, and the Office of the General Counsel and Sr. Vice Chancellor for Legal Affairs prior to the first day of the academic year

Persons who are to be participants in the hearings as witnesses or have been involved in preferring the charges or who may participate in the appeals procedures or any other person having a direct interest in the outcome of the hearing shall be disqualified from serving on the committee

Roles and Responsibilities of Individuals during the Hearing

a. Role and Responsibilities of Panel Chairperson:

The chairperson shall preside at the hearing. The parties to the hearing are the college, the respondent, and if the complainant chooses to participate, the complainant. At the commencement of the hearing, the chairperson shall inform the respondent of the charges, the hearing procedures, and her or his rights. After informing the respondent of the charges, the hearing procedures, and respondent's rights, the chairperson shall ask the respondent to state whether he or she is responsible or not responsible for the conduct. Prior to accepting testimony at the hearing, the chairperson shall rule on any motions questioning the impartiality of any committee member or the adequacy of the notice of the charge(s). Subsequent thereto, the chairperson shall rule on any motions regarding the admissibility of evidence and may exclude irrelevant, unreliable or unduly repetitive evidence. The chairperson shall exclude from the hearing room all persons who are to appear as witnesses, except the respondent and the complainant.

The chairperson shall preside at all hearing sessions and meetings and make all rulings for the panel. The chairperson has discretion to limit the number of witnesses and the length of testimony for the presentations by any party and/or their representative. All hearings pursuant to this Policy shall be closed hearings. The chairperson shall not be a voting member of the panel but shall vote in the event of a tie. In the event that the chairperson cannot continue, the Vice Chancellor for Student Affairs, or his or his designee, shall appoint another chairperson from the University-wide committee. In the event that a seat on the panel becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the respective faculty, HEO, or student committee members by lot.

b. Presenters:

Each academic year, the chief student affairs officer at each College or designee shall identify one or more college employees to serve as presenters for the hearings. This list will be forwarded to the Offices of the Vice Chancellor for Student Affairs and General Counsel and Vice Chancellor

for Legal Affairs prior to the first day of the academic year. The employee who serves as presenter during the hearing shall be from the same institution as the respondent.

c. Recording of Proceeding

The college shall make a recording of each fact-finding hearing by some means such as a stenographic transcript, an audio recording or the equivalent. No other recording of the proceedings shall be permitted. A respondent who has been found to have committed the conduct charged after a hearing is entitled upon request to a copy of such a record without cost upon the condition that it is not to be disseminated except to the respondent's advisor. In the event of an appeal, both the respondent and the complainant are entitled upon request to a copy of such a record without cost, upon the condition that it is not to be disseminated except to their advisors.

Basic Hearing Rules:

If, at the commencement of the hearing, the respondent admits the conduct charged, the respondent shall be given an opportunity to explain her/his actions before the hearing panel and the college shall be given an opportunity to respond and present evidence regarding the appropriate penalty. If the respondent denies the conduct charged, the college shall present its evidence. At the conclusion of the college's presentation, the respondent may move to dismiss the charges. If the motion is denied by the committee, the complainant, if the complainant choses to participate, shall be given an opportunity to make a presentation. After the college's, and, if complainant choses to participate, complainant's presentation, the Respondent shall be given an opportunity to make a presentation.

The college bears the burden of proving the charge(s) by a preponderance of the evidence. The role of the hearing panel is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the parties and make a decision as to responsibility. In the event the respondent is found responsible for the conduct, the committee shall then determine the penalty to be imposed.

The college, the respondent and the complainant are permitted to have advisors act on their behalf during the pendency of a hearing, which shall include the calling and examining of witnesses, and presenting evidence. Any party intending to appear with an attorney shall give the other party five (5) calendar days' notice of such representation.

Neither the respondent nor the complainant shall be permitted to cross-examine the other directly. Rather, if they choose to, the respondent and the complainant shall cross-examine each other only through an advisor. If either or both of them do not have an advisor, the college shall assist them to find an advisor to conduct such cross-examination. In the alternative, the complainant and respondent may provide written questions to the chairperson to be posed to the witness, in the chairperson's discretion.

Responsibility Phase

The following rules apply to the introduction of evidence at the hearing: Evidence of the mental health diagnosis and/or treatment of a complainant, respondent, or witness may not be introduced; and b) Evidence of either party's prior sexual history may not

be introduced except that (i) evidence of prior sexual history between complainant and respondent is admissible at any stage of the hearing, and (ii) past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the stage of that hearing related to penalty.

Penalty Phase

If the panel has found the Respondent responsible for the conduct, then the complainant, respondent, and college, will have the opportunity to introduce evidence and make arguments related what the appropriate penalty should be. The complainant, respondent and college will also have the opportunity to introduce evidence of and comment on the respondent's character, including any past findings of a respondent's responsibility for domestic violence, stalking, or sexual assault or any other sexual misconduct, and submit a statement regarding the impact of the conduct.

The College may also introduce a copy of the respondent's previous disciplinary records, if any, from any CUNY institution the respondent has attended, provided the respondent was shown a copy of the records prior to the commencement of the hearing. The previous disciplinary record shall be submitted to the panel in a sealed envelope, bearing the respondent's signature across the seal, and shall only be opened if the respondent has been found responsible for the conduct charged. The hearing panel, to determine an appropriate penalty, shall use the disciplinary records, as well as any documents or character evidence introduced by the respondent, the complainant, or the college.

If either the complainant or the respondent chose not to participate in the hearing, they still have the opportunity to introduce evidence and make arguments related what the appropriate penalty should be and to provide or make an impact statement.

ii. Decision

The panel shall issue a written decision, which shall be based solely on the testimony and evidence presented at the hearing, including the penalty phase. The college shall send to the respondent a copy of the panel's decision within seven (7) calendar days of the conclusion of the hearing, by regular mail and e-mail to the address appearing on the records of the college. In cases involving two or more complainants or respondents, the college has fourteen (14) calendar days of the conclusion of the hearing to send the panel's decision. The college is also encouraged to send the decision to any other e-mail address that it may have for the respondent. The decision shall be final subject to any appeal.

In cases involving a crime of violence or a non-forcible sex offense, the complainant shall simultaneously receive notice of the outcome of the faculty-student disciplinary committee's decision as it relates to the offense(s) committed against the complainant, in the same manner as notice is given to the respondent.

When a disciplinary hearing results in a penalty of dismissal or suspension for one term or more, the decision is a university-wide penalty and the respondent shall be barred from

admission to, or attendance at, any other unit of the university while the penalty is being served.

iii. Appeals/Review

A respondent or a complainant may appeal a decision of the faculty-student disciplinary committee to the president on the following grounds: (i) procedural error, (ii) newly discovered evidence that was not reasonably available at the time of the hearing, or (iii) the disproportionate nature of the penalty. The president may remand for a new hearing or may modify the penalty either by decreasing it (on an appeal by the respondent) or increasing it (on an appeal by the complainant). If the president is a party to the dispute, her/his functions with respect to an appeal shall be discharged by an official of the university to be appointed by the chancellor or her or his designee.

If the penalty after appeal to the president is one of dismissal or suspension for one term or more, a respondent or a complainant may appeal to the board committee on student affairs and special programs. The board may dispose of the appeal in the same manner as the president

An appeal under this section shall be made in writing within fifteen (15) calendar days after the delivery of the decision appealed from. This requirement may be waived in a particular case for good cause by the president or the board committee as the case may be. Within three (3) calendar days of the receipt of any appeal, either to the president or the board committee on student affairs and special programs, the non-appealing party shall be sent a written notice of the other party's appeal. In addition, the respondent and/or the complainant shall have the opportunity to submit a written opposition to the other party's appeal within fifteen (15) calendar days of the delivery of the notice of receipt of such appeal

The president shall decide and issue a decision within fifteen (15) calendar days of receiving the appeal or within fifteen (15) calendar days of receiving papers in opposition to the appeal, whichever is longer. The board committee shall decide and issue a decision within five (5) calendar days of the meeting at which it hears the appeal.

iv. Transcript Notation(s)

In cases in which the panel finds the respondent responsible and the penalty is either suspension or expulsion, the college shall place a notation on the respondent's transcript stating that respondent was suspended or expelled after a finding of responsibility for a code of conduct violation. In cases where a student has been expelled as a result of a Clery Act crime of violence, the notation will not be removed.

For all other cases, after four years from the date of the conclusion of the disciplinary proceeding, or one year after the conclusion of any suspension, whichever is later, the Respondent has the right to request that a transcript notation from a finding of responsibility be removed. If a finding of responsibility for any violation is vacated for any reason, the notation shall be removed.

XIII. 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 residence life materials and training and educational 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

CUNY is responsible for providing training to college Title IX Coordinators and others who may serve as investigators. 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 misconduct 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 misconduct under this policy, as well as those employees who have been designated as confidential employees.

ii. Training For Title IX Coordinator and other investigators

CUNY shall provide at least annual training to Title IX Coordinators and other investigators in conducting investigations of sexual misconduct, including

- the effects of trauma;
- impartiality;
- the rights of the respondent, include the right to a presumption that the respondent is "not responsible" until any finding of responsibility is made;

- relevant CUNY policies and procedures; and
- other issues including what constitutes crimes of sexual misconduct.

iii. 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 misconduct. The college shall also share information on domestic violence, dating violence, stalking and sexual assault prevention with parents of enrolling students. This may be done by linking to http://www1.cuny.edu/sites/title-ix/information-for-parents-and-families/campus/university/

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.

XIV. Rules Regarding Intimate Relationships

d. 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 misconduct.

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 any 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.

e. 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.

The City University of New York
Students' Bill of Rights

For CUNY students who experience Sexual Violence, including sexual assault; domestic, dating or, intimate partner violence, stalking or voyeurism

All students have the right to

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Have access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

This *Student Bill of Rights* was established by the "Enough is Enough" Law, New York State Education Law Article 129-B, effective October 7, 2015.

For more information about preventing and addressing Sexual Violence at CUNY see http://www1.cuny.edu/sites/title-ix/campus-websites.

Information about filing a report, seeking a response, and options for confidential disclosure is available also available CUNY's Title IX web page.

Questions about CUNY's Sexual Misconduct policy and procedures may be directed to your campus Title IX Coordinator.

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. Adopted as revised by BOT on 6/25/2018. Cal.9.A.