College Overview

Kingsborough Community College’s 2015 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, such as policies concerning 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 “About” tab, in the Policies & Reports section http://www.kbcc.cuny.edu/sub-about/campus_security/Documents/clery.pdf.

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 1,400 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 citywide population is approximately 8,405,837. The campus is situated on a 72-acre site and is comprised of 20 buildings located on the physical campus.

The College enrolls approximately 14,000 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 19,000 individuals with widely diverse backgrounds during the academic year.

The College employs approximately 889 full-time faculty/staff and 1,629 part-time adjunct/staff members.

CRIME REPORTING PROCEDURE

Faculty, staff, students, and others who may be on campus or on the contiguous geographic perimeter of the campus are encouraged to promptly report any past crime, attempted crime, or actual criminal activity to the Public Safety Department (the 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 any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

5. Victims or witnesses may report crimes to persons designated as Campus Security Authorities, who will then forward only the report of the crime—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 Campus Security Act in the College’s annual crime report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim’s identity and will be done only for providing a campus-wide safety alert.

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

7. 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 the Assessment and Care Team (ACT) is to provide safety, health, and well-being of all of 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.

**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.

**INVESTIGATION OF VIOLENT FELONY OFFENSES**

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

**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. 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 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 (X6760) 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:

Interim Provost Richard Fox, Room U212  (718) 368-5661
Human Resources Director Mickie Driscoll, Room A201  718) 368-5436
VP for Administration & Finance Edwaro Rios, Room A209  (718) 368-5028
VP for Student Affairs Peter Cohen, Room A216  (718) 368-5563
Director of Student Life Tasheka Sutton-Young, Room C123  (718)-368-5597
Director of Athletics Damani Thomas, Room G110  (718) 368-5703
Health Services College Nurse Dorothy Gale, Room A108  (718) 368-5864
Director of Counseling Dasha Gorenshteyn, Room D102  (718) 368-5975
Public Safety Director Tyrone Forte, Room L202  (718) 368-5069
Title IX Coordinator & Chief Diversity Officer Victoria Ajibade, Room V125  (718) 368-6896

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

To directly view a copy of the City University of New York Policy on Sexual Misconduct to follow this report or click on the link below:

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/Chief Diversity Officer Victoria Ajibade, Room V125, 718-368-5026, Victoria.Ajibade@kbcc.cuny.edu
- Director of Public Safety Tyrone Forte, Room L202, 718-368-5069, Tyrone.Forte@kbcc.cuny.edu
- Vice President for Student Affairs Peter Cohen, Room A216, 718-368-5563, Peter.Cohen@kbcc.cuny.edu
- 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. At Kingsborough Community College, incidents of a criminal nature that are reported to a Peace Officer are referred via the complainant to the New York Police Department.

The Department consists of 22 Peace Officers assigned to patrol the campus. Additionally, the college employs 12 security officers and 24 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 130 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, call Public Safety (X5069) 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.

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.

Emergency Notification & Response

CUNY Alert System

All students, as well as faculty and staff are strongly encouraged to participate in the CUNY Alert system.
The CUNY Alert system is designed to provide immediate and up-to-date information regarding weather, utility and emergency situations. The system can contact individuals, designated family members or friends via text message, cell phone, landline and/or e-mail. The system offers all methods of notice, a single method, or any combination thereof. It is user-friendly and invaluable before, during and after an emergency.

Notifications are issued when campus operations are adversely affected by man-made or natural incidents. Simply log onto [www.cuny.edu/alert](http://www.cuny.edu/alert) and follow the instructions. If you have trouble signing up for CUNY Alert, the IT Help Desk located in Room L100 can provide assistance. The system is activated via a web-based system controlled by the New York State Office of Emergency Management.

**Timely Warnings to Members of the Community**

The issuance of Timely Warnings is made by the Public Safety Director in consultation with the VP of Finance and Administration and VP of Student Affairs (Public Safety Review Committee). When it is appropriate, the College will issue immediate notification of security issues via the public address system, electronic mail and, if necessary will place notices in staff and student mailboxes. The issuing of a timely warning is ultimately the decision of the Public Safety Department. Depending on the time sensitivity of the incident, the issuance of the Timely Warning may be made outside of the Committee framework.

As noted above, 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 the campus operations are adversely affected by man-made or natural incidents. Access the University website at [www.cuny.edu/alert](http://www.cuny.edu/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; Peace Officers, Dean, Administrative Dean, Academic Dean, VP of Finance and Administration, VP for Student Affairs and Clinic Director. 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 Fire Drill Tests
During an emergency, the College may use the Public Announcement system to advise the college community of procedures to be followed. The Public Safety Department is authorized to make such announcements. Public Safety personnel will also assist in directing building occupants to a safe location. The building will remain unoccupied until deemed safe to re-enter by emergency personnel.

Kingsborough Community College conducts (3) fire drills per year. 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.

Publication of Procedures
Emergency response and evacuation procedures are published annually via the Annual Security Report. This report is updated as needed throughout the year. Hard copies are available 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 & Crime Prevention Programs
The Public Safety Department issues safety alert bulletins when deemed necessary and provides Timely Warning Notices (paper/electronic form) to the campus community when serious crimes occur in areas on or near the campus. The Department maintains a relationship with the New York City police precincts that are responsible for the public safety of the campus and its surrounding areas. All persons reporting crimes to the 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.

All members of the college community are encouraged to attend crime prevention seminars conducted by the New York City Police Department and the Public Safety Department. 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 during initial orientation. The Public Safety Department also provides students, faculty, and staff with crime prevention information, along with other safety related material in its office, and at scheduled events on campus.

Please visit our website at www.kbcc.cuny.edu/publicsafety for more information. To request an officer to speak at your event, contact us in advance at 718-368-5069.

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.

Fire Emergency Plan
Floor wardens and searchers are designated to serve specific areas of the building. When appropriate, they
will be activated. They are trained 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 heed their directions.

When fire alarms ring, please make note of the announcement that immediately follows. It will provide you with instructions on where to assemble. If a false alarm occurs, an “all clear” announcement will follow via the fire command response system. Treat all fire alarms as real unless otherwise directed by the floor wardens or members of the public safety staff. Below are general guidelines for dealing with a fire. But remember, WHEN IN DOUBT CALL 911 OR ACTIVATE A 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 X7777. 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 X7777 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 by the 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 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 X7777 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 X7777, 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 X7777 or 718-368-4995 via cell phone. Public Safety will take necessary measures to ensure their safety and refer them to appropriate resources.

Utility Failure
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 X7777 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 718-891-5732 (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 flashing 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.

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 X5124.
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 Desk at X7777 or 718-368-4995 via cell phone. 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 may initiate 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 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.

ACCESS TO COLLEGE FACILITIES

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 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. 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 weeks, with Department Central Operations located in L202 where Public Safety Officers monitor approximately 130 interior/exterior surveillance cameras, a security alarm system, a key control system, the emergency phone line, and maintains 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 keeps 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.

**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 vigilanty. 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 in the attached Appendix: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsions, ejection, and/or arrest by the civil authorities.

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

3. Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under the Bylaws, including the Henderson Rules 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

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.

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

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.

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.

**Medical Amnesty Policy**

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

If you are the victim of or observe sexual harassment or violence while under the influence of drugs or alcohol, you should report the incident and seek medical help. You will not be disciplined for your drug or alcohol use. However, if you are involved in repeated incidents of drug or alcohol use, medical amnesty may not apply.

This policy does not protect you from discipline for other misconduct such as sexual assault, drug sales, causing or threatening physical harm, damaging property or hazing.

**Employees**

Any employee found to have violated this CUNY policy may be subject to disciplinary action, in accordance with the procedures set forth in applicable CUNY policies, rules, regulations, and collective bargaining agreements. Sanctions may include a reprimand, suspension without pay, or termination of employment. In lieu of formal disciplinary action, CUNY may, in appropriate cases, seek to resolve the matter through an agreement pursuant to which the employee must successfully participate in a drug or alcohol treatment program.

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

**Background**

The City University of New York’s Policy on Drugs and Alcohol, adopted by the Board of Trustees on June 22, 2009, prohibits the unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol by employees, students or visitors, on CUNY property, in CUNY buses or vans, or at CUNY-sponsored activities. It prohibits all students (regardless of their age) from possessing or consuming alcoholic beverages in CUNY residence halls. It also prohibits CUNY employees from illegally providing drugs or alcohol to CUNY students.

As the Policy states, sanctions for violation of the Policy, following appropriate disciplinary proceedings, may include, in the case of students, expulsion from the university, and in the case of employees, termination of employment. This document sets forth additional information required to be provided under federal law, including the legal sanctions for drug and alcohol use, health risks of such use, and information regarding available counseling, treatment, or rehabilitation programs.

**Legal Sanctions**

Federal and New York State laws make it a criminal offense to manufacture, distribute, dispense, possess with intent to distribute, or simply possess a controlled substance. Such substances include heroin, cocaine, methamphetamine, ecstasy, LSD, PCP, marijuana, and a number of common pharmaceutical drugs if unlawfully obtained. The sanctions for violation of these laws, ranging from community service and monetary fines to life imprisonment, depend upon the particular offense, the drug type, and the drug quantity. Students convicted under these statutes may also forfeit federal financial aid eligibility.
Note that an individual need not be in actual physical possession of a controlled substance to be guilty of a crime. The unlawful presence of a controlled substance in an automobile is presumptive evidence of knowing possession of such substance by each passenger unless the substance is concealed on the person of one of the occupants. Similarly, the presence of certain substances in plain view in a room can sometimes be presumptive evidence of knowing possession of such substance by anyone in close proximity.

Further, pursuant to New York State law:

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.

On-campus Alcohol and Substance Abuse Program
The College Alcohol/Substance Abuse Program (The Light House Program); located in room U228, is a part of the Department of Student Development/Student Affairs. The purpose of this program is to:

1. Educate students about alcohol and substance abuse.
2. Identify students with problems related to alcohol and substance abuse.
3. Intervene in the lives of students who are affected by such abuse.
4. Provide counseling, positive alternatives and/or referral for students.

For more information please contact the program director at (718)368-6566.
Director: Michael Geller /Assistant Director: Pearl Siegelman

Strategies for Education and Prevention of Alcohol and Substance Abuse
1. College-wide workshops on substance abuse that focus on drugs, alcohol, cigarettes, and food.
2. Ongoing availability of pamphlets, books, videos, and audios designed to heighten awareness and provide information on the subject.
3. Individual and group counseling and referral.

College Counseling Resources
Full-time counselors are available to students in the locations that follow. The Wellness & Counseling Center offers workshops and facilitates support groups throughout the year in a number of topics including stress management, stress, anxiety, and smoking cessation programs.

Student Wellness Center Room A108 (718) 368-5975
Coordinator: Ilona Fridson, LCSW
Student Counseling /Services Room D102 (718) 368-5975

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

Self-Help and Treatment Programs
Bridge Back to Life
3044 Coney Island Avenue Brooklyn,
NY 11235
(718) 265-4200
Coney Island Hospital
Acute Care Addictions Program (ACAP) 2601
Ocean Parkway
Brooklyn, NY
(718) 616-5500

New Directions Alcoholism & Substance Abuse
Treatment Program 202-206 Flatbush Avenue
Brooklyn, NY
(718)398-0800

**12 Step Recovery Programs**


Alcoholics’ Anonymous (212) 647-1680  [http://www.nyintergroup.org/](http://www.nyintergroup.org/)


Al-Anon/Alateen (888) 425-2666  [http://www.al-anonny.org](http://www.al-anonny.org)

**Detoxification and Outpatient/Inpatient Rehabilitation**

<table>
<thead>
<tr>
<th>Facilities New York County</th>
<th></th>
<th>Facilities Kings County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellevue Hospital Center</td>
<td></td>
<td>Kings County Hospital Center</td>
</tr>
<tr>
<td>462 First Ave.</td>
<td></td>
<td>606 Winthrop St.</td>
</tr>
<tr>
<td>New York, NY 10016</td>
<td></td>
<td>Brooklyn, NY 11203</td>
</tr>
<tr>
<td>(212) 562-4141</td>
<td></td>
<td>(718) 245-2630</td>
</tr>
</tbody>
</table>

| St. Luke’s-Roosevelt Hospital Center Ave. |                  | Interfaith Medical Center 1000 Tenth Avenue |
| New York, NY 10019                  |                  | 1545 Atlantic Avenue       |
| (212) 523-6491                     |                  | Brooklyn, NY 11213         |
|                                  |                  | (718) 613-4330            |

<p>| Greenwich House, Inc. 50B Cooper Square |                  | Bridge Back to Life Center, Inc. |
| New York, NY 10003                  |                  | 175 Remsen St., 10th Floor    |
| (212) 677-3400                     |                  | Brooklyn, NY 11201          |
|                                   |                  | (718) 852-5552             |</p>
<table>
<thead>
<tr>
<th>Queens County</th>
<th>Bronx County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flushing Hospital Medical Center</td>
<td>St. Barnabas Hospital</td>
</tr>
<tr>
<td>4500 Parsons Boulevard</td>
<td>4535 East 183rd St.</td>
</tr>
<tr>
<td>Flushing, NY 11355</td>
<td>Bronx, NY 10457</td>
</tr>
<tr>
<td>(718) 670-5078</td>
<td>(718) 960-6636</td>
</tr>
<tr>
<td>Samaritan Village, Inc.</td>
<td>Montefiore Medical Center</td>
</tr>
<tr>
<td>144-10 Jamaica Avenue</td>
<td>3550 Jerome Ave., 1st Floor</td>
</tr>
<tr>
<td>Jamaica, NY 11435</td>
<td>Bronx, NY 10467</td>
</tr>
<tr>
<td>(718) 206-1990</td>
<td>(718) 920-4067</td>
</tr>
<tr>
<td>Daytop Village, Inc.</td>
<td>Bronx-Lebanon Hospital Center</td>
</tr>
<tr>
<td>316 Beach 65th St.</td>
<td>1276 Fulton Ave., 7th Floor</td>
</tr>
<tr>
<td>Far Rockaway, NY 11692</td>
<td>Bronx, NY 10456</td>
</tr>
<tr>
<td>(718) 474-3800</td>
<td>(718) 466-6095</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Richmond County</th>
<th>Nassau County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staten Island University Hospital</td>
<td>Long Beach Medical Center</td>
</tr>
<tr>
<td>375 Seguine Ave.</td>
<td>455 East Bay Dr.</td>
</tr>
<tr>
<td>Staten Island, NY 10309</td>
<td>Long Beach, NY 11561</td>
</tr>
<tr>
<td>(718) 226-2790</td>
<td>(516) 897-1250</td>
</tr>
<tr>
<td>Richmond University Medical Center</td>
<td>North Shore University Hospital</td>
</tr>
<tr>
<td>427 Forest Ave.</td>
<td>400 Community Dr.</td>
</tr>
<tr>
<td>Staten Island, NY 10301</td>
<td>Manhasset, NY 11030</td>
</tr>
<tr>
<td>(718) 818-5375</td>
<td>(516) 562-3010</td>
</tr>
<tr>
<td>Camelot of Staten Island, Inc.</td>
<td>Nassau Health Care Corporation</td>
</tr>
<tr>
<td>263 Port Richmond Ave.</td>
<td>2201 Hempstead Tpke.</td>
</tr>
<tr>
<td>Staten Island, NY 10302</td>
<td>East Meadow, NY 11554</td>
</tr>
<tr>
<td>(718) 981-8117</td>
<td>(516) 572-9400</td>
</tr>
</tbody>
</table>

**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.
**The City University of New York Policy on Sexual Misconduct**

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

- Title IX Coordinator/Chief Diversity Officer Victoria Ajibade, Room V125, 718-368-5026, Victoria.Ajibade@kbcc.cuny.edu
- Director of Public Safety Tyrone Forte, Room L202, 718-368-5069, Tyrone.Forte@kbcc.cuny.edu
- Vice President for Student Affairs Peter Cohen, Room A216, 718-368-5563, Peter.Cohen@kbcc.cuny.edu
- 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 3rd page of this report. The College recognizes the importance of confidentiality to victims and witnesses of crimes. For the purposes of providing crime statistics pursuant to the Campus Security Act in the College’s Annual Security Report, victim and witness information will remain anonymous. However, complete confidentiality cannot be guaranteed in all other contexts. The College reserves the right to notify the police when it believes that such reporting is necessary for the protection of the College community. In many cases, however, that notification will be done without divulging the victim’s identity and will be done only for the purpose of providing a campus-wide safety alert.
4. In the event that the situation you observe or are involved in is of an extreme or life-threatening nature, call 911, the New York City Police Department’s emergency phone number. If you make a 911 call also notify the Department of Public Safety. They will assist and direct the police along with other responding emergency personnel.

**Definitions of Crimes that must be reported pursuant to Violence Against Women’s Act (VAWA)**

The Violence Against Women Reauthorization Act of 2013 (“VAWA”) added additional categories of crimes to the Clery Act that CUNY schools are now required to report.
Domestic Violence

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

Dating Violence

According to federal statute, “dating violence” means violence committed by a person—
(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
   (i) The length of the relationship
   (ii) The type of relationship
   (iii) The frequency of interaction between the persons involved in the relationship 42 U.S.C. § 13925(a).

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

Stalking

According to federal statute, stalking is “engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
   (i) fear for his or her safety or the safety of others; or
   (ii) suffer substantial emotional distress.” 42 U.S.C. § 13925(a).

CUNY’s Sexual Misconduct Policy further defines Stalking as:
Intentionally engaging in a course of conduct directed at a specific person that:
1. Is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or
2. Causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or
3. Is likely to cause such person to reasonable fear that her/his employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person’s place of employment or business, and the actor was previously clearly informed to cease that conduct.
**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.

**Preventing Date or Acquaintance Rape**

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. Clearly define your sexual limit. If someone starts to offend you, be direct.
6. If you feel that you are being pressured into unwanted sex, say something as soon as you can, before the behavior goes any further.
7. Embarrassment should not keep you from doing what is right for you. Do not hesitate to raise your voice, stand up abruptly, or scream if the situation warrants it.

**What to do if you are attacked**

- After an attack, try to be as calm as possible in order to think clearly. Get to a safe place and call for help immediately. If you are in the building, contact security immediately; anywhere else call 911, call a relative or a friend or a rape crisis center. The 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 must collect semen smears as evidence.
- Show police any bruises or injuries, however minor, resulting from the attack. Also show injuries, however minor, resulting from the attack. Also show injuries to a friend or relative who might be available as a corroborative witness at the trial. If possible, photograph bruises.
- Leave the crime scene exactly as it is. Do not touch, clean up, or throw anything away.
- Give any clothing that was stained or torn (including undergarments) during the crime to the police.
- When calm, write down every detail about the incident, including: who, what, where, when, and how; what the attacker looked like (height, weight, clothing, type of build, color of skin, hair, eyes, facial oddities, scars jewelry, tattoos etc.); description of any vehicle used or the direction you last saw the attacker running; what kind of force or coercion was used; any
objects touched, taken, or left by the attacker; if the attacker said anything, try to remember the words, the grammar, any accents or speech defects; and if there were witnesses, list who and where they might be.

✔ Seek psychological support as well as medical attention. Even though the actual incident is over, you may suffer from rape trauma syndrome, which includes a variety of difficulties commonly experienced after a sexual assault

✔ A student can call the New York City Police Department or 911, or go directly to a hospital. If the student wishes, Public Safety will 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.

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

Who is a perpetrator?
Many people think that sexual assaults are only perpetrated by vicious strangers on dark, deserted streets. In fact, studies indicate that between 80 and 90 percent of all people who have been raped know their perpetrator(s). This is called “date rape” or “acquaintance rape.” “Date rape” is not a legally distinct or lesser category of rape. It refers to a relationship and situational context in which rape occurs on a date. Rape or any sexual offense, whether on a date or not, is the same criminal offense involving the same elements of force, exploited helplessness or underage participation. With sexual assaults where the victim knows the perpetrator, alcohol use is often involved on the part of either the victim or the perpetrator. However, a sexual assault is still a crime regardless of the intoxication of the perpetrator or the victim.

Who is a victim?
Anyone can be a victim, regardless of gender, age, race, sexual orientation, gender identity, religion, ethnicity, class or national origin. Regardless of whether the victim was abusing alcohol and/or underage, she or he is still the victim of the sex offense.

When is there lack of consent?
Under New York law, lack of consent to a sexual contact may be demonstrated in the following ways: (1) forcible compulsion including the use of physical force or threat (express or implied) which places the person in fear of physical injury to self or another; (2) incapacity to consent on the part of the victim; (3) circumstances in which the victim does not expressly or impliedly consent in the actor’s conduct; or (4) circumstances in which the victim clearly expressed by words or actions that he or she did not consent to engage in such sexual act and a reasonable person would have understood such person’s words or actions as an expression of lack of consent to such conduct.

A person is deemed incapable of giving consent if she/he is (a) under the age of 17, (b) mentally incapacitated (which may include incapacity due to the victim’s ingestion of alcohol or drugs), (c) physically disabled or (d) physically helpless (asleep, unconscious or for any other reason
physically unable to communicate unwillingness to act, which may also include incapacity due to the victim’s ingestion of alcohol or drugs).

Who is responsible for a sexual attack?
In the absence of consent, the attacker is always responsible for having committed the sexual assault regardless of the victim’s appearance, behavior, or conduct on previous occasions. An attacker cannot assume that the way a person dresses or 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 Vice President for Student Affairs 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 Vice President for Student Affairs throughout the disciplinary process. The Public Safety Department 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 Title IX Coordinator Victoria Ajibade, Vice President of Student Affairs and/or the Department of Public Safety.

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

College Support Services

On-Campus Resources
Victoria Ajibade – Chief Diversity Officer/EEO and Sexual Harassment Coordinator/Title IX Coordinator Room V125 (718) 368-5026, Veronica Rodriguez/Francis Vargas - Public Safety Department Room L202 (718) 368-5069.

Counseling Services
Room D102 (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, info on law 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 domestic violence 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 provided support, counseling and advocacy. 24-hour hotline 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

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.

In addition, Kingsborough provides workshops throughout the year related to the prevention and handling of sexual assaults, stalking and domestic/intimate partner violence for all relevant personnel, including public safety officers, counselors, student affairs staff by Safe Horizon, the 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 for 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 to 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

**Definitions of Sex Offenses**

Sexual assault is a crime. Under Article 130 of the New York State Penal Law, it is a sex offense to engage in sexual contact or to engage in sexual intercourse, 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

<table>
<thead>
<tr>
<th>Crime</th>
<th>Illegal Conduct</th>
<th>Criminal Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rape in the first degree</strong> (PL § 130.35)</td>
<td>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.</td>
<td>Is a class B felony, with penalties up to 25 years in prison.</td>
</tr>
<tr>
<td><strong>Rape in the second degree</strong> (PL § 130.30)</td>
<td>A person is guilty when being 18 years old or more, he or she engages in sexual intercourse with another person less than 15, or with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated</td>
<td>Is a class D felony, with penalties up to 7 years in prison.</td>
</tr>
<tr>
<td><strong>Criminal sexual act in the first degree</strong> (PL § 130.50)</td>
<td>A person is guilty when he or she engages in oral sexual contact or anal sexual contact with another person by forcible compulsion, or with someone who is incapable of consent by reason of being physically helpless, or with someone less than 11 or with someone less than 13 and the actor is 18 or older.</td>
<td>Is a class B felony, with penalties up to 25 years in prison.</td>
</tr>
<tr>
<td><strong>Forcible touching</strong> (PL § 130.52)</td>
<td>A person is guilty when he or she intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire</td>
<td>Is a class A misdemeanor, with penalties up to 1 year in jail.</td>
</tr>
<tr>
<td><strong>Sexual abuse in the first degree</strong> (PL § 130.65)</td>
<td>A person is guilty when he or she subjects another person to sexual contact: by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.</td>
<td>Is a class D felony, with penalties up to 7 years in prison.</td>
</tr>
<tr>
<td><strong>Aggravated sexual abuse in the first degree</strong> (PL § 130.70)</td>
<td>A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11.</td>
<td>Is a class B felony, with penalties up to 25 years in prison.</td>
</tr>
<tr>
<td><strong>Aggravated sexual abuse in the third degree</strong> (PL § 130.66)</td>
<td>A person is guilty when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the person is incapable of consent by reason of being physically helpless, or when the person is less than 11 years old.</td>
<td>Is a class D felony, with penalties up to 7 years in prison.</td>
</tr>
<tr>
<td><strong>Facilitating a sex offense with a controlled substance</strong> (PL § 130.90)</td>
<td>A person is guilty when he or she knowingly and unlawfully possesses a controlled substance or any substance that requires a prescription to obtain to another person, without such person’s consent and with intent to commit against such person conduct constituting a felony, and commits or attempts to commit such conduct constituting a felony defined in Article 30.</td>
<td>Is a class D felony, with penalties up to 7 years in prison.</td>
</tr>
</tbody>
</table>

## 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 [www.cuny.edu/about/administration/offices/sa/policies/MissingPersonswithoutmemo.pdf](http://www.cuny.edu/about/administration/offices/sa/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 Chief Tyrone Forte 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 for Level 2 & 3” 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://www.cuny.edu/about/administration/offices/la/Policy-on-Sexual-Misconduct-12-1-14-with-links.pdf

Equal Opportunity and Non-discrimination policy:
http://www.cuny.edu/about/administration/offices/la/Policy-on-Equal-Opportunity-and-Non-Discrimination-December42014with-procedures.pdf

Student Sexual Misconduct Complainants’ Bill of Rights:
http://www.cuny.edu/about/administration/offices/la/CUNYStudentSexualMisconductComplainantsBillOfRights120214.pdf

Workplace Violence:
http://www.cuny.edu/about/administration/offices/ohrm/pdlm/programs/workplace-violence-prevent.html

Domestic Violence in the Workplace:
Equal Opportunity, Non-Discrimination and against Sexual Harassment [http://www.kbcc.cuny.edu/EEO](http://www.kbcc.cuny.edu/EEO)


Hardcopies of these policies are also included in the Kingsborough Community College Student Handbook 2014-2015 available at [http://www.kbcc.cuny.edu/hb](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: [http://www.cuny.edu/about/administration/offices/sa/policies/MedicalAmnestyPolicy7814.pdf](http://www.cuny.edu/about/administration/offices/sa/policies/MedicalAmnestyPolicy7814.pdf)

TO FOLLOW ARE THE KINGSBOROUGH COMMUNITY COLLEGE CRIME STATISTICS FOR THE 2012-2014 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)
### Crime Statistics 2012

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>All On-Campus Property</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
<th>On Campus Residential Only</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reported to DPS</td>
<td><em>Non</em> DSNYD</td>
<td>SUB Total</td>
<td>Reported to DSNYD</td>
</tr>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sex Offenses, Forcible</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Liquor Law Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Liquor Law Violation Referrals</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Abuse Violations Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Abuse Violations Referrals</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Weapons Carrying Possessing Etc. Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dating Violence</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Stalking</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

* Denotes Report to other campus authorities

### Crime Statistics 2013

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>All On-Campus Property</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
<th>On Campus Residential Only</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reported to DPS</td>
<td><em>Non</em> DSNYD</td>
<td>SUB Total</td>
<td>Reported to DSNYD</td>
</tr>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sex Offenses, Forcible</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Liquor Law Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Liquor Law Violation Referrals</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Abuse Violations Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Abuse Violations Referrals</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Weapons Carrying Possessing Etc. Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dating Violence</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Stalking</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

* Denotes Report to other campus authorities

### Crime Statistics 2014

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>All On-Campus Property</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
<th>On Campus Residential Only</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reported to DPS</td>
<td><em>Non</em> DSNYD</td>
<td>SUB Total</td>
<td>Reported to DSNYD</td>
</tr>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sex Offenses, Forcible</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fondling</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Incest</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Liquor Law Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Liquor Law Violation Referrals</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Abuse Violations Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drug Abuse Violations Referrals</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Weapons Carrying Possessing Etc. Arrests</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dating Violence</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Stalking</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

* Denotes Report to other campus authorities

Prior to calendar year 2013, Colleges were not required to report statistics for Domestic Violence, Dating Violence and Stalking.

Prior to calendar year 2014, Sex Offenses were categorized as Forcible and Non-Forcible.

No unfounded crimes have been reported for calendar year 2014.

Revision: 09/20/2015
# Reported Hate Crimes

<table>
<thead>
<tr>
<th>Year</th>
<th>Location</th>
<th>Reported to</th>
<th>Incident Type</th>
<th>Bias Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>On Campus Property</td>
<td>Department of Public Safety</td>
<td>Vandalism</td>
<td>Race</td>
</tr>
</tbody>
</table>


THE CITY UNIVERSITY OF NEW YORK POLICY ON SEXUAL MISCONDUCT
# TABLE OF CONTENTS

I. **Policy Statement** ............................................................................................................................... 1

II. **Prohibited Conduct** ........................................................................................................................ 2
   A. Sexual Harassment, Gender-Based Harassment and Sexual Violence ........................................ 2
   B. Retaliation ......................................................................................................................................... 2
   C. Certain Intimate Relationships ........................................................................................................ 2

III. **Title IX Coordinator** ..................................................................................................................... 3

IV. **Immediate Assistance in Cases of Sexual Violence** ....................................................................... 3
   A. Reporting to Law Enforcement ....................................................................................................... 3
   B. Obtaining Immediate Medical Attention and Emotional Support .............................................. 3

V. **Reporting Sexual Harassment, Gender-Based Harassment or Sexual Violence to the College** ................................................................. 4
   A. Filing a Complaint with Campus Authorities .................................................................................. 4
      (i) Students ..................................................................................................................................... 4
      (ii) Employees ............................................................................................................................... 4
      (iii) Visitors ................................................................................................................................... 4
   B. Support Assistance for Complainants ............................................................................................ 5
   C. Request that the College Maintain a Complainant’s Confidentiality, Not Conduct an Investigation, or Not Report an Incident to Outside Law Enforcement ........................................ 5
   D. Action by Bystanders and Other Community Members ............................................................... 6
   E. Amnesty for Drug and Alcohol Use ............................................................................................... 6
   F. Reporting Suspected Child Abuse .................................................................................................. 6
   G. Reporting Retaliation ...................................................................................................................... 7

VI. **Reporting/Confidentiality Obligations of College and University Employees** ................................. 7
   A. Confidential Employees .................................................................................................................. 7
      (i) For Students ............................................................................................................................ 7
      (ii) For Employees ......................................................................................................................... 8
   B. “Responsible” Employees ............................................................................................................. 8
   C. All Other Employees ..................................................................................................................... 9

VII. **Interim and Supportive Measures** ................................................................................................... 9

VIII. **Investigating Complaints of Sexual Harassment, Gender-Based Harassment or Sexual Violence** ................................................................................................................................. 10
A. The Investigation ................................................................................................... 10
B. Conflicts ................................................................................................................ 10
C. Mediation ............................................................................................................... 11
D. Timing ................................................................................................................... 11
E. Report of Findings ................................................................................................. 11
F. Disciplinary Action .............................................................................................. 11
   (i) Discipline against students ............................................................................... 11
   (ii) Discipline against employees ........................................................................... 12
   (iii) Action against visitors .................................................................................... 12
   (iv) No disciplinary action .................................................................................... 12
G. False and Malicious Allegations............................................................................ 12
H. Relationship of CUNY’s Investigation to the Actions of Outside Law Enforcement 12
I. Filing External Complaints .................................................................................... 13

IX. College Obligations under this Policy ................................................................. 13
   A. Dissemination of Policies, Procedures and Notices .............................................. 13
   B. Training and Educational Programming. .......................................................... 13
   C. Assessing Campus Attitudes ............................................................................. 14
   D. Dating, Domestic and Intimate Partner Violence ............................................... 14

X. Rules Regarding Intimate Relationships .............................................................. 14
   A. Relationships between Faculty or Employees and Students............................. 14
   B. Relationships between Supervisors and Employees .......................................... 15

XI. Definitions of Terms in this Policy .................................................................... 15
   A. Sexual harassment ............................................................................................... 15
   B. Gender-based harassment .................................................................................. 16
   C. Sexual violence ................................................................................................ 17
      (i) Sexual assault ................................................................................................ 17
         (a) Rape and attempted rape ........................................................................... 17
         (b) Criminal sexual act .................................................................................. 17
         (c) Forcible touching .................................................................................... 17
         (d) Sexual abuse ............................................................................................ 17
      (ii) Stalking ........................................................................................................ 17
      (iii) Dating, domestic and intimate partner violence ........................................... 18
   D. Consent ............................................................................................................... 18
   E. Complainant ....................................................................................................... 18
F. Visitor............................................................................................................................. 19
G. Respondent.................................................................................................................. 19
H. Complaint..................................................................................................................... 19
I Retaliation....................................................................................................................... 19
J. Managers....................................................................................................................... 19
I. Policy Statement

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

1) Defining conduct that constitutes prohibited sexual harassment, gender-based harassment and sexual violence;

2) Providing clear guidelines for students, employees and visitors on how to report incidents of sexual harassment, gender-based harassment and sexual violence and a commitment that any complaints will be handled respectfully;

3) Promptly responding to and investigating allegations of sexual harassment, gender-based harassment and sexual violence, pursuing disciplinary action when appropriate, referring the incident to local law enforcement when appropriate, and taking action to investigate and address any allegations of retaliation;

4) Providing ongoing assistance and support to students and employees who make allegations of sexual harassment, gender-based harassment and sexual violence;

5) Providing awareness and prevention information on sexual harassment, gender-based harassment and sexual violence, including widely disseminating this policy, and implementing training and educational programs on sexual harassment, gender-based harassment and sexual violence to college constituencies; and

6) Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents.

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

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

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

II. Prohibited Conduct

A. Sexual Harassment, Gender-Based Harassment and Sexual Violence. This policy prohibits sexual harassment, gender-based harassment and sexual violence against any CUNY student, employee or visitor.

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

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

Sexual violence is an umbrella term that includes sexual assault, such as rape/attempted rape, criminal sexual act, forcible touching, and sexual abuse. If of a sexual nature, stalking/cyberstalking (hereinafter “stalking”) and dating, domestic and intimate partner violence may also constitute sexual harassment, gender-based harassment or sexual violence.

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

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

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

Each college or unit of CUNY has an employee who has been designated as the Title IX Coordinator. This employee is responsible for compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination, including sexual harassment, gender-based harassment and sexual violence, in education programs. The Title IX Coordinator has overall responsibility for implementing this policy, including overseeing the investigation of complaints at her/his college or unit and carrying out the other functions of that position set forth in this policy. The name and contact information for all Title IX Coordinators at CUNY can be found on the university’s dedicated Title IX website at Campus Title IX Webpages.

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

   A. **Reporting to Law Enforcement**

Students or employees who experience any form of sexual violence on or off-campus (including CUNY-sponsored trips and events) and visitors who experience sexual violence on a CUNY campus are strongly encouraged to immediately report the incident by calling 911, contacting their local police precinct, or contacting their college public safety office, which is available 24 hours a day, 7 days a week. Campus public safety officers can also assist the complainant with filing a complaint both on and off-campus, and in obtaining immediate medical attention, counseling and other services.

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

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

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

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

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

A. Filing a Complaint with Campus Authorities

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

• Title IX Coordinator;
• Office of Public Safety;
• Office of the Vice President for Student Affairs and/or Dean of Students;
• Residence Life staff in CUNY owned or operated housing, including Resident Assistants.

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

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

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

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

Once any of the individuals or offices above is notified of an incident of sexual harassment, gender-based harassment or sexual violence, she/he will coordinate with the appropriate college offices to address the matter in accordance with this policy, including taking appropriate interim and supportive measures. All information in connection with the complaint, including the identities of the complainant and the respondent, will be kept as confidential as possible and will only be shared with those who have a legitimate need.
for the information.

**B. Support Assistance for Complainants**

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

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

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

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

If the Title IX Coordinator determines that she/he will maintain confidentiality as requested by the complainant, the college will take all reasonable steps to investigate the incident consistent with the request for confidentiality. However, a college’s ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request.

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

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

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

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

E. Amnesty for Drug and Alcohol Use

CUNY strongly encourages students to report instances of sexual harassment, gender-based harassment or sexual violence as soon as possible, even if those reporting or the alleged victim may have engaged in the inappropriate or unlawful use of alcohol or drugs. Therefore, a student who reports or experiences sexual harassment, gender-based harassment or sexual violence will not be disciplined by the college for any violation of CUNY’s Policy Against Drugs and Alcohol in connection with the reported incident, subject to the conditions in CUNY’s Medical Amnesty/Good Samaritan policy.

F. Reporting Suspected Child Abuse

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

G. Reporting Retaliation

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

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

A. Confidential Employees

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

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

The above individuals will not report any information about an incident to the college’s Title IX Coordinator or other college employees without the student’s permission. The only exception is in the case where there is an imminent threat to the complainant or any other person.

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

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

B. “Responsible” Employees

“Responsible” employees have a duty to report incidents of sexual harassment, gender-based harassment or sexual violence, including all relevant details, to the Title IX Coordinator. Such employees are not permitted under any circumstances to maintain a complainant’s confidentiality. To the extent possible, information reported to responsible employees will be shared only with the Title IX Coordinator, the “responsible” employee’s supervisor, and other people responsible for handling the college’s response to the report.

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

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

(i) Title IX Coordinator and her/his staff
(ii) Office of Public Safety employees (all)
(iii) Vice President for Student Affairs and Dean of Students and all staff housed in those offices
(iv) Residence Life staff in CUNY owned or operated housing, including Resident Assistants (all)
(v) College President, Vice Presidents and Deans
(vi) Athletics Staff (all)
(vii) Department Chairpersons/Executive Officers
(viii) Human Resources staff (all)
(ix) University Office of the General Counsel employees (all)
(x) College/unit attorney and her/his staff
(xi) College/unit labor designee and her/his staff
(xii) Faculty members at times when they are leading off-campus trips
Faculty or staff advisors to student groups
Employees who are Managers (all)
SEEK/College Discovery staff (all)

C. All Other Employees

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

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

VII. Interim and Supportive Measures

The college will take immediate steps to protect the complainant and other affected parties, as well as the college community at large, following an allegation of sexual harassment, gender-based harassment or sexual violence. In general, when taking such interim and supportive measures, the college will seek to minimize the burden on the complainant.

Interim and supportive measures may include, among other things:

(i) Making necessary changes to academic programs, including a change in class schedule, making appropriate accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting the complainant to attend a class via Skype or other alternative means where appropriate, providing an academic tutor, or extending deadlines for assignments;
(ii) Making necessary changes to residential housing situations or providing assistance in finding alternate housing;
8. Changing an employee’s work assignment or schedule;
(iv) Providing the complainant with an escort to and from class or campus work location;
(v) Arranging appropriate transportation services to ensure safety;
(vi) Prohibiting contact between the complainant and the respondent (“no contact” orders);
(vii) Offering counseling services to the complainant, to the respondent, and, where appropriate, to witnesses, through the college Counseling Center or other appropriate college office, or a referral to an off-campus agency;
(viii) Providing the complainant assistance in obtaining medical and other services, including access to rape crisis centers;
(ix) Providing the complainant assistance with filing a criminal complaint and seeking an order of protection;
(x) Enforcing an order of protection;
(xi) Addressing situations in which it appears that a complainant’s academic progress is affected by the alleged incident;
(xii) In exceptional circumstances, seeking an emergency suspension of a student or an employee under applicable CUNY Bylaws, rules, policies and collective bargaining agreements.

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

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

A. The Investigation

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

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

B. Conflicts

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

C. **Mediation**

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

D. **Timing**

The college shall make every reasonable effort to ensure that the investigation and resolution of a complaint are carried out as timely and efficiently as possible. However, the college may need to delay the fact-finding portion of its investigation during the evidence-gathering phase of a law enforcement investigation. While some complaints may require extensive investigation, whenever possible, the investigation of complaints should be completed within sixty (60) calendar days of the receipt of the complaint. If there is a delay in completing the investigation, the Title IX Coordinator shall notify the complainant and the respondent in writing.

E. **Report of Findings**

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

F. **Disciplinary Action**

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

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

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

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

(iv) **No disciplinary action.** In cases where a determination is made not to bring disciplinary action, the Title IX Coordinator shall inform the complainant and the respondent of that decision contemporaneously, in writing, and shall offer counseling or other support services to both the complainant and the respondent.

**G. False and Malicious Allegations**

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

**H. Relationship of CUNY’s Investigation to the Actions of Outside Law Enforcement**
In cases where the complainant files a complaint with outside law enforcement authorities as well as with the college, the college shall determine what actions to take based on its own investigation. The college may coordinate with outside law enforcement authorities in order to avoid interfering with their activities and, where possible, to obtain information regarding their investigation. Neither a law enforcement determination whether to prosecute a respondent, nor the outcome of any criminal prosecution, is dispositive of whether the respondent has committed a violation of this policy.

I. Filing External Complaints

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

IX. College Obligations under this Policy

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

A. Dissemination of Policies, Procedures and Notices

The college Title IX Coordinator, in coordination with the Office of Student Affairs, Office of Public Safety, Human Resources Department and other appropriate offices, is responsible for the wide dissemination of the following on her/his campus: (i) this Policy; (ii) CUNY’s Notice of Non-Discrimination; (iii) the Title IX Coordinator’s name, phone number, office location, and email address; and (iv) contact information for the campus Public Safety Office. Such dissemination shall include posting the documents and information on the college website and including it in any student or faculty handbooks and in residence life materials. The CUNY offices of Student Affairs, Human Resources Management and Legal Affairs shall assist in such training and educational programming.

B. Training and Educational Programming

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

C. Assessing Campus Attitudes

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

D. Dating, Domestic and Intimate Partner Violence

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

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

X. Rules Regarding Intimate Relationships

A. Relationships between Faculty or Employees and Students

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

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

B. Relationships between Supervisors and Employees

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

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

XI. Definitions of Terms in this Policy

A. Sexual harassment is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct of a sexual nature when:

(i) submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual’s employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo);

or

(ii) such conduct is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with, an individual’s educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.
Conduct is considered “unwelcome” if the individual did not request or invite it and considered the conduct to be undesirable or offensive.

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

(i) Inappropriate or unwelcome physical contact or suggestive body language, such as touching, groping, patting, pinching, hugging, kissing, or brushing against an individual’s body;

(ii) Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;

(iii) Visual displays or distribution of sexually explicit drawings, pictures, or written materials; or

(iv) Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures.

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

(i) Recording images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;

(ii) Disseminating images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure;

(iii) Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent.

B. Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with an individual’s educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.
C. **Sexual violence** is an umbrella term that includes: sexual assault, such as rape/attempted rape, criminal sexual act, forcible touching and sexual abuse, as well as dating, domestic and intimate partner violence. Stalking, while not necessarily sexual in nature, can be a form of sexual violence depending upon the circumstances.

(i) **Sexual assault** is any form of sexual contact (i.e., any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party) that occurs without consent and/or through the use of force, threat of force, intimidation, or coercion. Examples of sexual assault include:

(a) **Rape and attempted rape** is engaging or attempting to engage in sexual intercourse with another person: (a) without such person’s consent; (b) where such person is incapable of giving consent by reason of being mentally disabled, mentally incapacitated or physically helpless; or (c) where such person is less than seventeen years old. Sexual intercourse includes vaginal or anal penetration, however slight.

(b) **Criminal sexual act** is engaging in oral or anal sexual conduct with another person without such person’s consent.

(c) **Forcible touching** is intentionally touching the sexual or other intimate parts of another person without the latter’s consent for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire.

(d) **Sexual abuse** is subjecting another person to sexual contact without the latter’s consent.

(ii) **Stalking** is intentionally engaging in a course of conduct directed at a specific person that:

1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
2. causes material harm to the mental or emotional health of such person, where such conduct consists of the following
telephoning or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or

(3) is likely to cause such person to reasonably fear that her/his employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

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

**D. Consent** is a knowing, informed, voluntary and mutual decision to engage in agreed upon sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or failure to resist does not, in and of itself, demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.

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

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

**E. Complainant** refers to the individual who alleges that she/he has been the subject of sexual harassment, gender-based harassment or sexual violence, and can be a CUNY student, employee (including all full-time and part-time faculty and staff), or visitor. Under this policy, the alleged incident(s) may have been brought to the college’s attention by someone other than the complainant.
F. **Visitor** is an individual who is present at a CUNY campus or unit but is not a student or an employee.

G. **Respondent** refers to the individual who is alleged to have committed sexual harassment, gender-based harassment or sexual violence against a CUNY student, employee, or visitor.

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

I. **Retaliation** is adverse treatment of an individual as a result of that individual’s reporting sexual harassment, gender-based harassment or sexual violence, assisting someone with a report of sexual harassment, gender-based harassment or sexual violence, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence report. Adverse treatment includes threats, intimidation and reprisals by either a complainant or respondent or by others such as friends or relatives of either a complainant or respondent.

J. **Managers** are employees who have the authority to either (a) make tangible employment decisions with regard to other employees, including the authority to hire, fire, promote, compensate or assign significantly different responsibilities; or (b) make recommendations on tangible employment decisions that are given particular weight. Managers include vice presidents, deans, directors, or other persons with managerial responsibility, including, for purposes of this policy, department chairpersons and executive officers.